



An
Bord
Pleanála

Inspector's Report

ABP-311747-21

Development	Two-storey administration centre, single storey adult day centre, gym, and respite centre comprising 4 no. accommodation units and a wastewater pumping station and a new access road from the R761, car parking and associated site works.
Location	Lands associated with the Holy Faith Convent, Kilcoole, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21469
Applicant(s)	St. Catherine's Association
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Charles Keddy
Observer(s)	None
Date of Site Inspection	6 th January 2022
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The appeal site is on the western side of the R761 (Regional Road) on the northern edge of Kilcoole town, Co. Wicklow. The main part of the lands is rectangular in shape. However, there is a small spur running along the site's eastern boundary to take account of a proposed footpath upgrade that forms part of the development proposal. The land slopes generally downwards to the west and south and is used for agriculture purposes.
- 1.2. The site is vacant and was previously part of the wider curtilage of the property associated with Darraghville House (former convent and boarding school). It is a Protected Structure under RPS Ref. 13-08 and referred to as Kilcoole Holy Faith Convent. The house is approximately 270m to the south of the appeal site and well setback from the main road at this location. It is situated just north of Kilcoole Primary School and is visually and physically removed from appeal site. The house has most recently been used as a holistic health and wellness facility operated by the Luisne Centre of Wellbeing.
- 1.3. The site is served by an existing narrow footpath. The footpath connects the site to Kilcoole town centre, which is approximately 500m to the south. A Dublin Bus route (No. 84 – Newcastle to Blackrock via Greystones and Bray) runs north and south along the R761. There are bus stops approximately 35m south of the site on either side of the road.
- 1.4. The Kilcoole Community Centre is opposite the site on the southeastern corner of the junction between the R761 and Lott Lane. St. Anthony's Football Club is directly east.
- 1.5. The site has a stated area of approximately 1ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the relocation, consolidation and expansion of healthcare services, provided by St. Catherine's Association, as part of a new purpose-built campus.
- 2.2. St. Catherine's Association (SCA) is a non-profit organisation which provides education, training, healthcare, and residential/respite care to those with intellectual and other disabilities. SCA is partially funded by the HSE. It currently meets the

needs of approximately 250 no. children and families across County Wicklow and has roughly 150 no. staff.

- 2.3. The SCA's administrative and clinical staff are currently based in the Old Nurses Home on the grounds of the National Adult Psychiatric Hospital in Newcastle, Co. Wicklow. The Applicant states that this facility no longer adequately meets the demands of a modern and safe working environment. The HSE has requested that SCA vacate the premises in the next 2-3 years to facilitate the expansion of its existing psychiatric services and move to a new modern campus at Kilcoole, which is the subject site.
- 2.4. The proposed development (3,150sqm GFA approx.) comprises the following:
- I. Administration Centre: Proposed facility to accommodate administrative and clinical services for 50 no. staff who are currently situated in the National Psychiatric Hospital in Newcastle.
 - II. Adult Day Centre: Proposed centre to cater for adults requiring support and care, whereas before services were only provided for children up to the age of 18. The centre will be used to accommodate up to 12 no. young adults who will be brought to the centre daily and will be accommodated from 9am to 4pm, Monday to Friday.
 - III. Respite Centre: At present, respite services are provided in several properties in different locations. The intention for the proposed respite centre is for it to cater for approximately 80 no. people.
 - IV. Gym: To be provided for use by the residents of the adult day centre initially and, ultimately, by the wider local community also.
 - V. Car parking: A total of 71 no. car parking spaces, together with 2 no. coach, 10 no. minibus, and cycle parking.
 - VI. New Link Road: The provision of a new link road is proposed from the R761 intersection with Lott Lane, which is to the east. This would be the first initial phase of the link road to the future Western Distributor Road, which is a future long-term objective.
- 2.5. The Planning Authority requested further information on 10th June 2021, including:
- Item 1: Justification in relation to a material contravention (MC) of the site's applicable zoning objective ('Agricultural Greenbelt') and why the proposed

development could not be facilitated on the adjoining site to the south, which is zoned 'Community and Education'.

- Item 2: Further consideration regarding the proposed layout and design in relation to the retention of existing field boundaries, hedgerows, and enhancement of local biodiversity (as required by Development Plan Objective NH19); including preparation of a detailed survey and plan of existing field boundaries to identify weaker sections of hedge that could be cleared to facilitate pedestrian movement, a detailed landscape plan to enhance existing hedgerows and biodiversity, and methods for protecting existing hedgerows during the construction stage.
- Item 3: Provision of a Road Safety Audit.
- Item 4: Revised road layout and roadside boundary treatments to achieve adequate sightlines.
- Item 5: Revised Site-Specific Flood Risk Assessment.
- Item 6: Provision of a Planning Report identifying and addressing the potential risk of overlooking properties to the north and west.
- Item 7: Justification for the proposed location of the pumping station and details of its long-term care and maintenance.
- Item 8: Details regarding method of surface water disposal and clarification of measures to protect against potential impacts on European Sites.
- Item 9: Updated details in relation to the previously submitted Appropriate Assessment (AA), including concerns that mitigation measures were included as part of the AA Screening Report and a potential failure to consider potential impacts from the proposed pumping station on the nearby SAC and SPA.

2.6. The Applicant responded with further information on 30th July 2021.

3.0 Planning Authority Decision

3.1. Decision

3.2. Notice of Proposed Material Contravention' was published in the Wicklow People newspaper on 25th August 2021. The notice stated that Wicklow County Council intended to consider granting planning permission for the proposed development.

3.3. The Council's Chief Executive prepared a report in accordance with Section 34(6)(a)(iia) of the Planning and Development Act, 2000 (as amended), recommending that permission be granted by the elected members.

3.3.1. The Planning Authority issued a Notification of Decision to Grant Permission on 30th September 2021, subject to 7 no. conditions, which were mainly standard in nature.

3.3.2. Notable conditions included the implementation of a hedgerow protection plan and a landscape/tree planting plan (No. 2), the provision of final design details for the proposed access road and junction with the R761 (Regional Road), including cycle and pedestrian facilities (No. 4), and replacement and redesign of windows on the north and west elevations of the proposed administration building to protect the amenity and privacy of adjoining properties (No. 7).

3.4. Planning Authority Reports

3.4.1. Planning Report

- The proposed development would be contrary to the 'Agricultural / Greenbelt zoning' for the site.
- However, having regard to the nature of the development proposed, the potential for and benefits of co-location with the planned special needs school on the adjoining land, the planning history of the site and the substantial compliance of the proposed development with the requirements of Objective CD19, which allows for such facilities to be located outside of delineated settlement boundaries, in certain circumstances, the proposed development was considered acceptable.
- Recommended that a material contravention process for the proposal should commence.

3.4.2. Other Technical Reports

Transportation Department: Requested further information including in relation to provision of adequate sightlines, reservation required on public road to accommodate future cycle facilities, completion of a Road Safety Audit, and potential need for a signalised junction at the new crossroads.

Water and Environment: Recommended appropriate surface water drainage and foul sewer systems be designed and installed, the preparation of a Construction and Environmental Plan to address potential issues arising during the construction phase, and preparation of a Facilities Management Plan for the operational phase of the proposed development.

Environmental Health Officer: The proposal to construct a pump station and connect to the main drainage is acceptable. No objection subject to approval from Irish Water.

Fire Service: No objection. Conditions recommended in relation to the provision of adequate firefighting water supply, hydrants, vehicular access, etc.

3.5. Prescribed Bodies

Irish Water: No objection. All development shall be carried out in compliance with Irish Water Standards codes and practices.

3.6. Third Party Observations

A total of 3 no. third party submissions were received by the Planning Authority during the five-week consultation period. The submissions were from residents in the area.

A further 2 no. submissions, including from those who made observations previously, were lodged following notice of the proposed material contravention.

The main issues raised can be summarised as follows:

- The proposed development is on a greenbelt of land and would contravene the Greystones – Delgany and Kilcoole Local Area Plan 2013-2019.
- The proposed development would shift the centre of Kilcoole town centre northwards and that it fails to preserve the greenbelt.

- There are more suitable sites elsewhere that could accommodate the development. For example, there is sufficient land available to the south of the proposed link road, which is zoned land, and could accommodate the entire proposed campus.
- Traffic and pedestrian safety concerns, including that there is already a high volume of traffic on the main road, the proposed site entrance situated opposite Lott Lane would be inappropriate, a Traffic Impact Assessment is required, and there would be a negative impact on pedestrian facilities.
- The proposed design, height, and scale of the proposed facility is not reflective of this semi-rural location and would be out of character.
- It is unclear why the pumping station is located so remote from the proposed development, as the wastewater is indicated as being gravity fed to the location of the pumping station and then pumped the entire way back to connect to the sewer on the R751 south of Lott Lane.
- All components of the proposed campus, including the future school facility that is planned for the area, should be included in a single planning application.
- The application is incomplete and a number of documents referred to in the application letter and reports are not available for review.
- There is an absence of required drawings (sections and elevations) and details missing in relation to materials and finishes, plant and equipment that will run the facility, occupancy, and the anticipated hours of operations for each section of the development.
- Details missing in relation to retention and preservation of trees.

4.0 Planning History

Subject Site

ABP Ref. 308754-20 (Reg. Ref. 20/537)

On 4th March 2021, the Board granted permission for temporary adult day care facilities, new access road, temporary wastewater plant, car park and associated site works.

5.0 Policy Context

5.1. Greystones – Delgany & Kilcoole Local Area Plan 2013 – 2019

Zoning

Subject Site

The site is zoned 'AG / GB - Agriculture / Greenbelt' under the Greystones – Delgany & Kilcoole Local Area Plan 2013 – 2019 ('LAP'), which seeks to 'generally protect the open nature and landscape quality of lands, to protect and enhance local biodiversity, and to maintain the primary use of the land for agricultural purposes'¹.

Surrounding Lands

The land to the south is zoned 'CE – Community and Education', which seeks 'to provide for civic, community, institutional, health, educational facilities and burial grounds'.

The land to the east is zoned 'AOS – Active Open Space', which seeks to provide for active recreational open space.

Settlement Boundary

The site is located outside the Settlement Boundary for Kilcoole.

Section 2.1 'Vision'

To build on the dynamism between the settlements of Greystones-Delgany and Kilcoole, so that the area develops in a mutually dependent and complementary manner as a prosperous and growing community. Each settlement shall have a distinct identity and shall perform a function in sustaining its own local community and in providing enhanced opportunities for the creation of new local enterprise. The area shall be a high quality, attractive and sustainable place to live, visit and conduct business. The combined area shall maximise the potential opportunities associated with its strategic location at the edge of the Dublin Metropolitan Area.

The vision can be achieved through the following development strategy:

¹ "For the sake of clarity, GB lands form part of the rural area. Planning applications shall be assessed on the basis of the objectives and standards for the rural area, as set out in the Wicklow County Development Plan."

- *The retention of a suitable agricultural / greenbelt buffer between Greystones-Delgany and Kilcoole.*

Section 8 ‘Transport and Service Infrastructure’

Services

TS2: *All new development shall be required to connect to the public mains systems for water supply and waste water collection and disposal. Permission for the connection of single houses to private waste water systems and water supply systems will only be granted in exceptional circumstances, where there is no adverse effect on the environmental integrity of the area and in accordance with the proper planning and sustainable development of the area.*

Roads and Transportation

TS7: *Promote the development of safe and accessible pedestrian and traffic routes.*

TS8: *To implement the objectives as set out in Table 7.1, for:*

- i. the development of new roads within the lifetime of the plan (indicated in purple on Map A),*
- ii. the development of new roads beyond the lifetime of the plan (indicated in pink on Map A), and*
- iii. the improvement/upgrading of existing roads, including for example new footpaths/cycleways, public lighting, road realignments / widening, re-surfacing etc., within the lifetime of the plan (indicated in peach on Map A)*

Roads Objectives

RO6: *Improvement of the R761 from Burnaby Height to Kilcoole, as appropriate.*

RO8: *To provide for the development of a Western Distributor Road to bypass Kilcoole.*

Section 9 ‘Natural and Built Heritage’

HER10: *Within Agriculture / Greenbelt areas, it is the objective of the Council to generally protect the open nature and landscape quality of lands, to protect and enhance local biodiversity, and to maintain the primary use of the land for agricultural purposes.*

The following objectives shall apply to the agriculture / greenbelt areas:

- *Agriculture / Greenbelt areas form part of the rural area. As such, the rural development objectives and standards of the Wicklow County Development Plan shall apply as appropriate. Rural housing may be permitted subject to compliance with the rural development objectives and standards of the CDP. The Coastal Zone Management Plan objectives, as set out in the CDP shall apply to areas designated a 'coastal cell'.*
- *Protect the integrity of Natura 2000 sites in accordance with objective HER2.*
- *Protect listed views/prospects and other features of natural and built heritage.*
- *Provide for the development of greenroutes in the area. In particular, facilitate the development of (i) a pedestrian/cycling route between Lott Lane, Kilcoole and Shoreline Sports Park, Charlesland, and (ii) a coastal walk, having due regard to environmental designations and compliance with the EU Habitats Directive, and to restrict development that interferes with the achievement of this objective.*

5.2. Wicklow County Development Plan 2016-2022

Section 3.2: County Wicklow Settlement Strategy

- Level 5 – Small Growth Towns: Kilcoole

Chapter 8 'Community Development'

CD18: *To facilitate the development and improvement of new and existing residential and day care facilities throughout the County.*

CD19: *Residential and day care facilities shall in general be required to locate in existing towns or villages and shall be located close to shops and other community facilities required by occupants and shall be easily accessible to visitors, staff and servicing traffic; locations outside of delineated settlement boundaries shall only be considered where: the site is located in close proximity to a settlement and would not comprise an isolated development; there are excellent existing or potential to provide new vehicular and pedestrian linkages to settlement services; and the design and scale of the facility is reflective of the semi-rural location.*

Chapter 10 'Heritage'

- Protected Structure: Kilcoole Holy Faith Convent (RPS Ref: 13.08)

NH19: *To encourage the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).*

5.3. National Planning Policy

- *National Planning Framework: Ireland 2040 Our Plan, 2018*
- *Design Manual for Urban Roads and Streets, 2019*
- *The Planning System and Flood Risk Management: Guidelines for Planning Authorities, 2009*
- *Architectural Heritage Protection; Guidelines for Planning Authorities, 2004*

5.4. Natural Heritage Designations

No natural designations apply to the subject site.

The closest European site is the Murrough Wetlands SAC (Site Code: 002249), which is approximately 1.4km to the east of the site.

The Murrough SPA (Site Code: 004186) and pNHA is approximately 1.8km to the southeast.

The Glen of the Downs SAC (Site Code: 000719) is approximately 3km to the northwest.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development, the location of the site outside of any protected site and the nature of the receiving environment, the availability of public services, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party Appeal has been received from a resident in the area.
- 6.1.2. The main grounds of appeal seek to preserve the existing farmland in its current state. It also references the previous objection made by the Appellant to the Planning Authority (appended to the appeal submission and dated 25th May 2021).

6.2. Applicant Response

- 6.2.1. The Applicant lodged an Appeal Response on the 19th November 2021, which includes the following main points:
- The issues raised by the Appellant were comprehensively dealt with during the planning process by the Planning Authority.
 - Regarding the proposed material contravention, it is imperative that the greenbelt between Kilcoole and Greystones be retained. However, the site was originally part of the settlement boundary of the previous Local Area Plan and it is unclear why it was changed under the subsequent (current) LAP. Furthermore, the proposal was clearly explained to the elected members and County Manager, who supported the proposed development and voted to approve it.
 - The HSE has requested SCA (the Applicant) to vacate their current premises in Newcastle within the next 2-3 years. This is so that the HSE can expand its existing psychiatric services at the Newcastle facility.
 - The Department of Education (DoE) has entered into a contract to purchase the lands in the grounds of Darraghville House to the south and intend to construct a school for 100 students with intellectual difficulties. SCA have taken the option to acquire the adjoining site and see this as an ideal opportunity to co-locate next to the school and to create a world class campus for those with intellectual disabilities in the heart of the local community.
 - The DoE has specifically requested 1ha of land to meet the requirements of the school meaning there is no residual land available to accommodate the 4 no. proposed buildings that comprise the current development proposal.

- A Traffic Impact Assessment was not required by the Planning Authority.
- The proposed development seeks to improve and widen footpaths in the area.
- The completed Site Characterisation Survey and Report demonstrates that the soil filtration capacity of the land is adequate to comply with Irish Water standards.

6.3. **Planning Authority Response**

6.3.1. None received.

6.4. **Observations**

6.4.1. None on file.

7.0 **Assessment**

The main planning considerations relevant to this appeal case are:

- Zoning / Locational Context
- Impact on Protected Structure
- Traffic and Transport
- Appropriate Assessment

7.1. **Zoning / Locational Context**

7.1.1. The site is zoned 'AG / GB - Agriculture / Greenbelt' under the Greystones - Delgany and Kilcoole LAP 2013 - 2019. The zoning seeks to generally protect the open nature and landscape quality of lands, to protect and enhance local biodiversity, and to maintain the primary use of the land for agricultural purposes.

7.1.2. The proposed development is for a new purpose-built campus that will be operated by St. Catherine's Association (SCA), which is a non-profit organisation providing education, training, healthcare, and residential/respite care to those with intellectual, and other, disabilities. SCA is part funded by the HSE.

7.1.3. The existing SCA facility is currently mainly accommodated in the grounds of a psychiatric hospital based in Newcastle, Co. Wicklow ('St. Catherine's Special

School, Newcastle'), which is approximately 4km to the southwest of the appeal site. However, the Applicant has been requested by the HSE to vacate the property / premises, so that the existing hospital can expand to cater for an increasing demand in psychiatric services.

7.1.4. The Applicant submits that the proposed development is part of a long-term plan between SCA and the HSE to develop a 'world class campus for those with intellectual disabilities'. The chosen location is the appeal site and the Applicant states that there are specific reasons that informed the site selection process, including the HSE's plans to develop a school for 100 students with intellectual difficulties within the grounds of Darraghville House, which is the adjacent site to the south. The Applicant states that this would allow for the creation and co-location of both the proposed development and future school development. The new facility would comprise an administration centre to accommodate administrative and clinical services, an adult day centre to cater for adults requiring support and care, a respite care facility, gym, car parking and a new access / link road creating a new intersection with Lott Lane to the east.

7.1.5. The proposed development would contravene the zoning objective for the appeal site, which is 'Agricultural Greenbelt'. I note that Objective CD19 of the Development Plan is relevant in this context. It states that residential and day care facilities are generally required to locate in existing towns or villages and shall be located close to shops and other community facilities required by the occupants and shall be easily accessible to visitors, staff, and servicing traffic. However, locations outside of delineated settlement boundaries can be considered where:

- the site is located in close proximity to a settlement and would not comprise an isolated development,
- there are excellent existing, or potential to provide new, vehicular and pedestrian linkages to settlement services, and
- the design and scale of the facility is reflective of the semi-rural address.

7.1.6. In this regard, I note that whilst the site lies outside the settlement boundary for the town according to the LAP², it is situated on the cusp of the northern extent of the boundary delineation and that directly south there is land zoned 'Community and

² Map A – Land Use Zoning Objectives of the Greystones – Delgany & Kilcoole Local Area Plan 2013 – 2019.

Education’. Furthermore, the land to the east is zoned ‘AOS – Active Open Space’ and there are existing housing estates, zoned ‘Existing Residential’, a short walking distance to the east along Lott Lane, and to the south on the far side of the R761.

- 7.1.7. There is an existing public footpath that connects the site to Kilcoole town centre, thereby, providing ease of access to local services and amenities. The town is approximately 500m to the south, roughly a 6min walk. The site is also located adjacent two local bus stop – one on either side of the road – which would be easily accessible to future residents, employees, and visitors to the campus. The Kilcoole Community Centre is located on the opposite side of the public road on the corner between the R761 and Lott Lane. St. Anthony’s Catholic Church is approximately 400m to the south. The proposed development also seeks to provide improved pedestrian linkages to nearby services in the town by upgrading a stretch of existing footpath at the front (east) part the site, which is one of the key policy considerations pertaining to Objective CD19.
- 7.1.8. In my view, the site can accurately be described as an ‘edge of centre’ location. The development of the site would not involve ‘leapfrogging’ over other vacant parcels of land that are unzoned or undeveloped. As previously referenced, the site directly south is zoned ‘CE – Community and Education’ and potentially earmarked for a future school development by the HSE.
- 7.1.9. Therefore, having regard to the above, I do not consider that the proposed development would shift the focus away from the centre of Kilcoole town northwards, as has been submitted by some third parties. I also note that that the Board previously granted permission for ‘temporary adult day care facilities’ on the appeal site under ABP Ref. 308754-20, which was a precursor to this current application.
- 7.1.10. The Applicant submits that the site was originally part of the settlement boundary for Kilcoole under the previous Local Area Plan and that it is unclear why it was changed under the subsequent (current) LAP. Whilst I acknowledge that the previous LAP did partially include the site within the old settlement boundary, I note that the Board must have regard to the current statutory plan for the area, which in this case is the Greystones – Delgany & Kilcoole Local Area Plan 2013 – 2019.
- 7.1.11. In relation to Objective HER10, which seeks to generally protect the open nature and landscape quality of lands, to protect and enhance local biodiversity, and to maintain

the primary use of the land for agricultural purposes for agriculture and greenbelt areas, I note the following:

- The proposal does not comprise any housing and the site is not situated within a coastal area. Therefore, the first dot point of the objective is not applicable.
- The Applicant has submitted an AA Screening Report (Amended) as part of further information to the Planning Authority (see Section 7.4 below).
- There are no protected or listed views / prospects or features of natural heritage on the site or nearby. There is a Protected Structure approximately 270m to the south, which is Darraghville House, RPS 13-08 (also referred to as Kilcoole Holy Faith Convent). However, given the separation distance that would exist between it and the proposed development, I do not consider there would be any physical or visual impact arising, in my opinion.
- There are no pedestrian, cyclist or 'green routes' identified for the site under the LAP.

7.1.12. I note also that the Applicant states in their appeal response that the Department for Education has a specific requirement for 1ha of land on the site to the south, which is zoned 'CE – Community and Education'. This is to accommodate a future planned special needs school. Therefore, there would be insufficient space in this location to accommodate the proposed development as a result. I note that the Applicant has made provision to allow the proposal to integrate with the future planned school however, and that each development would be situated on either side of the new access road.

7.1.13. In summary, I consider that Objective CD19 of the County Development Plan provides sufficient flexibility to permit the proposed development outside of the settlement boundary for Kilcoole, notwithstanding that the subject site is zoned 'AG / GB - Agriculture / Greenbelt'. I note that the site is not within an isolated setting, is physically linked to the town centre of Kilcoole, is adjacent zoned land on its southern boundary, has convenient access to an adjacent footpath and frequent public bus services, and that the proposed design and scale of the facility is appropriate and reflective of the site's semi-rural context and surroundings. Therefore, I consider that the proposed development would be in accordance with the County Development Plan and that it would be acceptable in principle.

7.2. Impact on Protected Structure

- 7.2.1. The proposed development would not have a negative impact on the Protected Structure, or its curtilage, which is to the south and at some remove from the appeal site (Darraghville House, RPS 13-08). However, I note that the boundary wall along the public road to the east serves both the appeal site and land associated with the Protected Structure. The proposal to remove or alter the boundary wall in this location could potentially adversely impact the character of the Protected Structure; unless it is replaced with a similar wall to match the existing one.
- 7.2.2. I note that this was a condition of the previous permission on the site for the permitted temporary adult day care facilities (ABP Ref. 308754-20).
- 7.2.3. Therefore, I recommend that if the Board are minded to grant permission for the proposed development, a condition should be included requiring that the revised roadside boundary wall should not be a timber post and rail fence and, instead, must match the existing boundary wall at this location. This would be in the interests of visual amenity and of protecting the architectural heritage of the area.

7.3. Traffic and Transport

- 7.3.1. The Planning Authority did not request a Traffic Impact Assessment to be completed by the Applicant. However, I note that Item 3 of the Council's Further Information Request required details in relation to various traffic, transport, and access issues, including the preparation of a Road Safety Audit (RSA).
- 7.3.2. The Applicant responded with further information on 30th July 2021 and confirmed that the proposed design would be revised to address the issues raised by the Council's Transportation Department and within the RSA Report.
- 7.3.3. I note that many of the responses provided by the Applicant were considered acceptable by the Planning Authority, but that some others were not, including how the proposed cycle lane along the R761 would access, or re-join, the road carriageway, and the provision of a raised table at the main campus entrance would be unacceptable, and that a segregated 'Toucan Crossing' would be required instead.
- 7.3.4. In relation to this, I note that the Planner's Report stated that as such issues were of a technical / design nature, they could be addressed by way of condition. I consider

this approach acceptable and would recommend that in the event the Board decide to grant permission for the proposed development that a condition be included requiring final design details of the proposed access road, junction, and pedestrian / cyclist facilities to be submitted to the Planning Authority for their agreement, prior to commencement of development.

- 7.3.5. In my opinion, the proposed improvements and upgrades to the existing road and pedestrian network – including provision of a widened footpath along the eastern boundary of the site along the R761 – would be beneficial for the surrounding environment and make this stretch of road safer and more comfortable for its users, particularly for pedestrians and cyclists. For example, during the site inspection, I noticed that there is a narrow ‘pinch point’ between the site and the bus stop where the width of the existing footpath is very restricted. I note that minimum footpath widths are generally 1.8m, which is based on DMRUS, and which allows for two wheelchairs to pass each other simultaneously. The existing space between the bus stop and stone wall is significantly less than 1.8m and I consider that the proposed development would be able to address such issues were it permitted and allowed to proceed.
- 7.3.6. In summary, having inspected the site, and having regard to the details set out above, I do not consider that the proposed development would give rise to traffic congestion or that it would endanger public safety by reason of presenting as a traffic hazard or obstruction of road users.

7.4. Appropriate Assessment

Compliance with Article 6(3) of the Habitats Directive

- 7.4.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered in this section.

Stage 1 Screening – Introduction

- 7.4.2. The Applicant submitted a screening report for Appropriate Assessment as part of the initial planning application (completed by NM Ecology Ltd, dated 19th April 2021). The report was revised and updated by NM Ecology Ltd as part of the further information submitted to the Planning Authority on 30th July 2021 (Appendix B of

'Response to Request for Further Information' prepared by Muir Associates, dated 28th July 2021.) I have considered the report as part of my assessment below.

- 7.4.3. The AA screening considered that the proposed development (as amended) would be unlikely to give rise to any adverse impacts on the qualifying interests and conservation objectives of any Natura 2000 site and, therefore, the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.
- 7.4.4. I note also that the Planning Authority concluded that that the proposed development (as amended by further information) would be unlikely to give rise to any adverse impacts on the qualifying interests and conservation objectives of any Natura 2000 site and, therefore, would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.

Receiving Environment and Proposed Development

- 7.4.5. The location of the appeal site is described in Section 1.0 of this report above.
- 7.4.6. A description of the proposed development is provided in Section 2.0. This is expanded upon in the assessment above and within the submitted application and further information documents submitted by the Applicant. In summary, however, the key components of the proposal can be described as comprising an administration centre to accommodate clinical services, an adult day centre, a respite care facility, gym, car parking, wastewater pumping station, and a new access / link road.
- 7.4.7. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered relevant in terms of assessing the likely significant effects on European sites:
- discharge of polluted waters from the site during construction works, and
 - discharge of pollution to receiving waters during the operational phase.

European Sites

- 7.4.8. No designations apply to the subject site.
- 7.4.9. The closest European site is the Murrough Wetlands SAC (Site Code: 002249), which is approximately 1.4km to the east of the site, and The Murrough SPA and

pNHA (Site Code: 004186) are approximately 1.8km to the southeast. The Glen of the Downs SAC (Site Code: 000719) is approximately 3km to the northwest.

- 7.4.10. In establishing the likely zone of impact, the examination of each site was based on the 'Source - Pathway – Receptor' conceptual model. The screening report states that indirect impacts can occur if there is a viable pathway between the source and receptor and that the most common pathway for impacts is surface water. I.e. if a pollutant is washed into a river and carried downstream into a Natura 2000 site. The zone of effect for hydrological impacts can be several km, but for air and land it is rarely more than one hundred metres. The screening report includes an appraisal of potential pathways for indirect impacts on Natura 2000 sites and the methodology for screening for Appropriate Assessment is set out under Section 1.4 of the Applicant's AA Screening Report (Amended).
- 7.4.11. A wide potential zone of influence was examined by the report author, which extended to a radius of 5km from the appeal site, and along associated watercourses. A map of nearby Natura 2000 sites is shown in Figure of the screening report and details are included in Table 1.
- 7.4.12. The proposed development is approximately 250m north / northeast of the Kilcoole Stream, which could potentially be a hydrological connection between the subject site and the Murrough Wetlands SAC and The Murrough SPA. However, it was found that considering the construction site would be located more than 200m from the stream, that the proposed development would not involve any discharges to the stream, and that given the dilution capacity of 2.8km of the intervening watercourse, it was not considered that there would be a feasible surface water pathway.
- 7.4.13. Furthermore, groundwater could be ruled out as a pathway as the site generally slopes away from the SAC and because of the distance involved. Land and air pathways could also be ruled out due to the distance involved.
- 7.4.14. The screening report submits that the Glen of the Downs SAC has been designated to protect ancient oak woodlands, which are on a steep-sided valley. It can be therefore ruled out due to the subject site and SAC being within different river catchments and because of the distance involved, which I consider reasonable.

Test of Likely Significant Effects

- 7.4.15. As noted above, the appeal site is not directly connected to, or necessary to the management of any European site, and the proposed development would not result in the direct loss of habitats within any European sites.
- 7.4.16. The construction phase for the proposed development would typically generate fine sediments and there may occasionally be accidental spills of oil or other toxic chemicals, which can be harmful to aquatic / marine habitats and species. However, the construction will be located more than 200m from the Kilcoole stream and is upstream of the Murrough Wetlands SAC and The Murrough SPA and pNHA. The screening report has found that the risk of pollutants from the construction site causing significant negative impacts on any Natura 2000 site would be negligible, even in a worst case scenario, and in the absence of standard site-management measures.
- 7.4.17. In relation to the operational phase, it is noted that foul water from the proposed development would be pumped to a foul sewer and treated in the Kilcoole Waste Water Treatment Works (WWTW). The WWTW has a capacity of 4,000 P.E. and incorporates tertiary treatment. Following a Pre-Connection Enquiry (PCE) to the Irish Water, Irish Water confirmed there is sufficient capacity in their network to accommodate the foul water discharge from the proposed development.
- 7.4.18. Surface water runoff will be attenuated and discharged to ground. It is considered unpolluted and would pose no risk to groundwater. Therefore, both foul water and surface water discharges will not cause significant impacts on water quality to any Natura 2000 site.
- 7.4.19. A flood risk assessment was also completed as part of the application, which found that the proposed development is considered to have the required level of flood protection, would not increase flood risk for other third party lands, and meets the various requirements of the OPW Guidelines in relation to flood risk.

Potential in-combination effects

- 7.4.20. Section 4.3 of the AA Screening Report addresses the potential for 'in combination effects'. I acknowledge that there are plans to submit a future application for a school on the lands to the south of the appeal site. The design of the development has not yet been completed. However, it is understood that it will have similar foul and surface water infrastructure as the proposed development.

7.4.21. I do not consider that there are any specific in-combination effects that arise from the development in conjunction with other plans or projects.

Stage 1 AA Screening – Conclusion

7.4.22. In summary, the applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

7.4.23. Taking into account the nature and scale of the proposed development; which comprises an administration centre, an adult day centre, a respite care facility, gym, car parking, wastewater pumping station, and a new access / link road, at the edge of Kilcoole centre, the nature of the receiving environment, the distance to the nearest European Sites and hydrological pathway considerations, and the information submitted as part of the Applicant's AA screening documentation; it can be concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of its conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

8.0 Recommendation

8.1. I recommend that planning permission should be granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, its location at the edge of Kilcoole town centre, in an area well served by public transport and close to and accessible to services, residential areas, and public amenities, the provisions of *the Wicklow County Development Plan 2016-2022* and the *Greystones - Delgany & Kilcoole Local Area Plan 2013-2019*, including Objectives CD18 and CD19; it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the vicinity, and be acceptable in terms of traffic, pedestrian

safety, and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 30th July 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> a) Final design details for the proposed access road and its junction with the Regional Road - R761, including cycle and pedestrian facilities. b) Proposals to close off the existing field entrance to the site from the R761. c) Details of the roadside boundary set back in accordance with the plans and particulars submitted on the 30th July 2021, in particular Drawing No. D1919-MAL-00-XX-C-01. <p>The above works shall be designed in accordance with the requirements of the Planning Authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
3.	<p>Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority proposals including revised layout plans to comply with the following:</p>

	<p>a) The lands allocated for the provision of a cycle track and footpath on the southern side of the proposed access road shall be retained as a grass verge unless otherwise agreed in writing with the Planning Authority.</p> <p>b) A proposal for the intended boundary treatment to the south of the proposed access road.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
4.	<p>Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority proposals including revised drawings (elevations, sections, plans, etc.) to comply with the following:</p> <p>The administration centre building shall be constructed with the following:</p> <p>a) All first floor windows in the north elevation shall be omitted and replaced with high level windows a minimum of 1.8m above internal floor level.</p> <p>b) The first floor balcony on the west elevation shall be redesigned to incorporate an opaque glazed screen a minimum height of 1.8m.</p> <p>Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority revised drawings (elevations, sections etc.) to demonstrate compliance with the above requirements.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>The revised roadside boundary wall shall match the existing boundary wall at this location.</p> <p>Reason: In the interests of traffic safety and in the interest of protecting the architectural heritage of the area.</p>
6.	<p>a) The landscaping scheme (drg no. PP327-03) and implementation of the hedgerow protection plan (drw no. PP327-02) as submitted as further information to the Planning Authority</p>

	<p>on 30th July 2021 shall be overseen by a qualified Landscape Architect and carried out within the first planting season following substantial completion of external construction works and be in accordance with the Landscape Specifications (drw no. PP327-04) (submitted to the Planning Authority as further information on 30th July 2021).</p> <p>b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.</p> <p>c) When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, a Practical Completion Certificate shall be submitted for the written agreement of the Planning Authority, as verification that the approved landscape plans and specifications have been fully implemented.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>All trees and hedgerow on the site boundaries shall be retained and maintained with the exemption of those strictly required to facilitate the development.</p> <p>Reason: In the interests of visual amenity.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.</p> <p>The contribution shall be paid prior to commencement of development</p>

or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Ian Boyle
Planning Inspector

29th March 2022