



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312420-22

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<b>Development</b>	Construction of 5 houses with new access road to connect to existing estate roadway and connection to existing services and associated works.
<b>Location</b>	Coolattin View, Coolroe, Coolboy, Tinahely, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	211012
<b>Applicant(s)</b>	Padraig Clancy.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sean Redmond & Others / Coolattin View Residents Committee.
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	26 <sup>th</sup> July 2022.

**Inspector**

Elaine Sullivan

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## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.912ha and is located within the settlement boundary of Coolboy village, approximately 6km to the south of Tinahelay, Co. Wicklow. Coolboy has developed in a linear form along the L32174, Coolboy to Coolroe Road, and is bisected by the Coolboy River.
- 1.2. The site forms part of an agricultural field to the north of the Coolattin View housing estate and directly adjoins the internal access road of the estate. The field is at a higher level than the existing estate and also slopes significantly from east to west with a gradient difference of c. 11m from the eastern site boundary to the Coolboy River, which runs along the western side. Along the northern boundary, the site is enclosed by a natural stone wall. The southern boundary to Coolattin View is enclosed with a post and wire fence.
- 1.3. On the occasion of the site inspection, some development was under way on the eastern section of the field. The remaining lands were open in character with with low level grass cover across most of the field with some vegetation on the western side, nearer to the river. There are extant planning permissions for houses on either side of the subject site, (PA Ref. 20/1160 & 21/1044), in the south-eastern and south-western corners of the wider field.
- 1.4. Coolattin View comprises eight houses, four single storey houses to the front of the estate and four two storey houses to the rear of the estate, facing onto the subject site. Access to the estate is from the L32174. Houses on the eastern side of the entrance back onto the Coolboy River. To the west of the site is a bridge over the Coolboy River with a low-level stone wall on either side.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the development of five, single-storey, three-bedroom houses of 120-134 sqm, two of which have detached garages of 40 sqm. Additional works include the provision of a new access road and turning circle to connect with the existing access road to Coolattin View, a new connection to existing water and wastewater services and landscaping treatments.

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was granted by the PA subject to 25 no. conditions, most of which are standard in nature.

Condition No. 4 restricts the use of two of the dwellings to persons who comply with the settlement strategy for Level 7 – Large Villages as set out in the Wicklow County Development Plan 2106-2022.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The decision of the PA was informed by two reports which were prepared during the assessment of the proposed development.

3.2.3. The report of the Planning Officer, (PO), dated the 4<sup>th</sup> October 2021 requested further information with regard to 6 points and the report of the 7<sup>th</sup> December 2021 assessed the response submitted by the applicant.

The report of the PO dated the 4<sup>th</sup> October 2021 includes the following:

- The applicant has indicated that he is willing to accept a condition to restrict occupancy in accordance with Objective HD21.
- The settlement strategy for Coolboy allows for the development of 20 units within the settlement. The proposal would equate to 25% of the houses permissible under this quota.
- The density of the development is 5 units per hectare, which is in proportion to the pattern and grain of the village.
- The design of the dwellings is considered to be acceptable.
- The site layout is generally acceptable and provides c. 0.34ha of public open space which equates to 16% of the site area.

- Under the currently active planning application, 21/1044, the proposed 1244m<sup>2</sup> public open space may become wedged between two developments with no passive surveillance. This would not be acceptable to the PA.
- The visual impact of the development is considered to be acceptable.
- The addition of 5 dwellings is not considered to result in a serious impact on the road safety or service in the area above and beyond the current level.
- Concerns regarding the capacity of the wastewater treatment facility is noted. However, no issues were raised by Irish Water in their response.
- Further information was requested with regard to the following:
  - Boundary treatments and landscaping plan.
  - Proposed soakaways.
  - The provision of a pedestrian footpath and tabletop junction.
  - The feasibility of providing a pedestrian bridge over the Coolboy River.
  - The functionality of the public open space wedged between two developments.
  - Parking areas for the houses.

A response to the further information request was submitted by the applicant on the 18<sup>th</sup> November 2021 and the PA were satisfied that the issues raised has been satisfactorily addressed.

#### 3.2.4. Other Technical Reports

- Area Engineer – The report dated the 28<sup>th</sup> September 2021 states that there are no major roads and transportation issues. It is recommended that further information be requested to provide a footpath along the southern side of the proposed cul-de-sac to connect with the existing footpath, a tabletop ramp at the junction with the existing internal access road and a new pedestrian bridge from the developer's lands to the north of Coolboy Bridge to connect with the existing footpaths to the west of the bridge in the Gorse Haven Estate. The report dated the 6<sup>th</sup> December 2021 states that there are no

further issues. However, in the long term, a pedestrian bridge may be required across the Coolboy River.

- Roads – The report dated the 25<sup>th</sup> August 2021 states that street lighting is to be agreed and the details of footpath connectivity between existing and proposed developments to be outlined fully.
- Planning, Development and Environment – The report dated the 4<sup>th</sup> October 2021 notes that the proposal to discharge surface water directly to the public sewer does not meet the requirements of the GDSDS. Proposals to deal with storm water runoff should be submitted and must show how they accord with the GDSDS and the Ciria SuDS Manual C753. The scope of the proposed works at the bank adjacent to the stream should be clarified and must show how the existing watercourse will be enhanced and protected. Comments dated the 7<sup>th</sup> October state that the issues raised have been covered by the further information submitted or can be covered by condition.

### **3.3. Prescribed Bodies**

3.3.1. Irish Water – No objection.

### **3.4. Third Party Observations**

6 no. third party observations were received during the consultation phase. They included the following concerns,

- Increase in traffic will impact on road safety and pedestrian safety,
- Existing blind spot on Coolboy Bridge,
- Impact on existing residential amenity in terms of overlooking, loss of privacy and loss of light.
- Location of the site will result in car dependency for residents,
- Development of the site will impact on biodiversity and existing wildlife in the area,
- Capacity of the local wastewater treatment plant.
- Loss of existing residential amenity during the construction phase.

An additional 3 no. observations were received in response to the further information submission. No new issues were raised in the submissions.

## 4.0 Planning History

**21/1044** – Planning permission granted by the PA on the 14<sup>th</sup> day of December 2021 for the development of 2 no. detached dwellings with connections to existing services on a site adjoining subject site to the south.

**20/1160** – Planning permission granted by the PA on the 28<sup>th</sup> day of July 2021 for the development of 2 no. detached dwellings on a site adjoining the subject site to the south-east.

**18/376** – Planning permission refused by the PA on the 13<sup>th</sup> day of December 2018 for the development of 4 no. detached dwellings on a site to the south-east of the subject site. In the reason for refusal consideration was given to the; existing pattern of development, the proximity of the site to the open countryside, the topography of the site, the poor ground conditions, the design and layout and the indicated future potential layout of the adjoining lands. The PA considered that: *the proposed development would not be easily assimilated into the area, would represent substandard piecemeal development, would not facilitate the future development of adjoining lands in an acceptable manner and would therefore be contrary to proper planning and sustainable development.*

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative Development Plan is the Wicklow County Council Development Plan 2016-2022, (WCDP).

5.1.2. The subject site is located within the settlement boundary of Coolboy, which is designated as a Level 7 – Large Village settlement. The indicative housing growth target for Coolboy during the life of the Development Plan is 20 housing units.

5.1.3. The settlement strategy for large village settlements states that, in multi-house developments, the occupancy of 50% of the development the applicant/purchaser

must be either a resident for at least 3 years duration in County Wicklow or, in permanent employment for at least 3 years duration in County Wicklow, of within 30km of the large village in question prior to making of application / purchase of new house.

5.1.4. The following sections are relevant to the development proposal:

- Section 4.3 – Key Housing Principles
- Section 4.4 – Housing Objectives –
- Objective HD10 - In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.
- Objective HD21 – Housing Occupancy Controls – Level 7 Villages – Multi-house development 50% no restriction 50% Applicant / purchaser of any new home must be either:
  - a resident for at least 3 years duration in County Wicklow or
  - in permanent employment for at least 3 years duration in County Wicklow, of within 30km of the large village in question prior to making of application / purchase of new house.
- Section 9.1 – Roads and Transportation
- Section 9.2 – Water Infrastructure and Flooding
- Appendix 1 – Development and Design Standards – Section 2 – Rural Towns and Villages. The density of housing in large villages will depend on the location of the site within the settlement and the character and prevailing density of the settlement itself. On greenfield sites a suitable transitional density will be required and will normally be in the order of 10-20 units per hectare. The layout proposed should reflect the character and pattern of the area.

- Appendix 2 – Design Guidelines for New Homes in Rural Wicklow.
- Appendix 3 - Strategic Flood Risk Assessment.

## 5.2. National Planning Policy

### 5.2.1. Project Ireland 2040 - National Planning Framework

- The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside.
- The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

#### Chapter 6 – People Homes & Communities

**Section 6.6** - It is envisaged that Ireland's future homes will;

- be located in places that can support sustainable development - places which support growth, innovation and the efficient provision of infrastructure, are accessible to a range of local services, can encourage the use of public transport, walking and cycling, and help tackle climate change;
- still be located in our smaller towns, villages and rural areas, including the countryside, but at an appropriate scale that does not detract from the capacity of our larger towns and cities to deliver homes more sustainably.

### 5.2.2. Sustainable Residential Development in Urban Areas (Guidelines for Planning Authorities), 2009

- The guidelines set out the key planning principles which should be reflected in development plans and local area plans, and which should guide the preparation and assessment of planning applications for residential development in urban areas.

#### Chapter 6 – Smaller Towns and Villages

Advice contained in this chapter states that;

- Development in smaller towns and villages must be plan led.
- New development should contribute to compact towns and villages,
- Higher densities are appropriate in certain locations,
- Offer alternatives to urban generated housing,
- The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development.

### **Section 6.12 – Density – Edge of small town / village**

It is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question.

#### **5.2.3. Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021).**

- Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), seek to address the regulation of commercial institutional investment in certain housing developments.
- The Guidelines are relevant in this instance as they relate to residential development that includes 5 or more houses or duplexes that are not specified as ‘build to rent’ development at planning stage.
- They require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing.

#### **5.3. Natural Heritage Designations**

5.3.1. No designations apply to the subject site.

## 5.4. EIA Screening

- 5.4.1. Having regard to the limited nature and scale of the proposed development in serviced lands and the absence of any connectivity to any 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

The grounds of appeal include the following;

- The subject site is a marsh and a flood plain to the Coolboy River. Concerns were raised regarding the impact of wildlife and trees on the site as there has been sightings of rare birds and animals on the site, (Red Kite, Siskin, Jay, Woodpecker, Pine Marten, Buzzard, Kestrel and Heron).
- The nature and location of the development will result in car dependency due to the lack of amenities and services. Increased traffic will impact on pedestrian safety. There is also a concern regarding the safety of the access road as there is a blind spot on the bridge over the Coolboy River to the south of the site.
- Existing residents will experience a loss of privacy and views across the site will be blocked. They would also experience disturbance and a loss of amenity during the construction phase.
- The capacity of the existing Coolboy Water Treatment and Sewage Plant is also questioned.
- The proposed houses would look out of place – different design to existing houses.

## 6.2. Applicant Response

A response from the applicant was received on the 1<sup>st</sup> February 2022 and includes the following,

- The proposed development is on land which is currently being farmed and is not a wildlife sanctuary.
- We are currently in the midst of a housing crisis and new housing development in Coolboy has been lacking since the recession in 2008.
- New housing in the area will ensure the survival of shops and services in the area.
- The proposal is for low-level development on lands that have been zoned for development since 2004.
- The design and layout have been carefully considered to ensure that the new houses could assimilate into the existing area. An overall master plan was agreed in principle by Wicklow County Council under planning ref. 20/1160. The subject application has followed this layout.

## 6.3. Planning Authority Response

- No response on file.

## 6.4. Observations

- No observations.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Existing Environment

- Design and Layout
- Access & Traffic
- Appropriate Assessment

## **7.2. Principle of Development**

- 7.2.1. The subject site is located within the settlement boundary of Coolboy, which is designated as a Level 7 – Large Village in the Wicklow County Settlement Strategy. The site is located to the rear of the Coolattin View housing development and could be considered to be an infill site as adjoining sites to the south-east and west have extant permissions for houses, (PA Ref. 20/1160 & 21/1044). The settlement strategy for Coolboy allows for an additional 20 housing units over the lifetime of the Development Plan and the report of the PO states that this has not been achieved. Within the overall context the principle of the development is acceptable.
- 7.2.2. The proposed development would have a low density and would yield just 5 units per hectare. This is not in accordance with national policy to increase density in settlements. However, as the development is located on an infill site which has extant permissions on either side, the layout and design is influenced by the scale of existing and proposed development. This issue is addressed in full in Section 7.3 below.
- 7.2.3. Under Objective HD21 of the WCDP, an occupancy restriction is attached to new housing developments within Level 7 settlements. For multi-house developments in large villages, 50% of the units have no occupancy restrictions and 50% are restricted to persons resident in the county for a minimum of 3 years or in permanent employment within 30km of the village for a minimum of 3 years. The applicant has stated that they are happy to restrict the sales of sites to comply with the Development Plan by providing 3 units without restrictions and 2 units with restrictions to accord with the Objective HD21.

## **7.3. Existing Environment**

- 7.3.1. Concerns were raised in the grounds of appeal regarding the impact of the proposal on the existing wildlife on the site. The site is located in a rural area and within a Rolling Lowlands landscape, as classified under the Landscape Character Assessment in the WCDP. It is not categorised as an Area of High Amenity and does not have any special designations with regard to landscape character or protected views. The site does not form part of any Natura 2000 site, nor is it necessary for the management of any European site.
- 7.3.2. The site forms part of a wider field that is open in character with no significant tree stands or landscape features. There are some trees and hedgerows along the eastern and western field boundaries. On the occasion of the site inspection the majority of the field was under low level grass with most of the vegetation occurring along the western side of the field and in proximity to the Coolboy River. The western portion of the field does not form part of the subject site. Planning permission for two houses has been granted on this part of the field under PA Ref. 21/1044 and a portion of this site will also include some green open space for the development.
- 7.3.3. Whilst some sighting of rare birds and animals may have occurred on the lands, there are no distinctive features or habitats that differentiate them significantly from the adjoining agricultural lands. The existing landscape and wildlife using the site would be permanently displaced by the development. However, as the site adjoins agricultural land of similar characteristics, it is most likely that any wildlife using the site will relocate to the adjoining lands.
- 7.3.4. A third-party submission noted that the site forms part of a flood plain for the Coolboy River. Within the Strategic Flood Risk Assessment for the WCDP, the subject site is located on lands which are designated as 'Flood Zone C', where the probability of flooding from rivers and the sea is low, (less than 0.1% or 1 in 1000). The site is separated from the river by a separate development site and that the subject site is at a higher elevation than the river. Surface water runoff from the development will be attenuated through the use of soakaways on three of the sites but two of the sites are not suitable for soakaways.

7.3.5. I am satisfied that the subject site is of a low flood risk by virtue of its location and character and that it would not present a significant flood risk to adjoining lands by virtue of the drainage proposals included.

#### **7.4. Design & Layout**

7.4.1. I am satisfied that the design and scale of the proposed houses is acceptable within the context of the surrounding area. The grounds of appeal noted that the houses would differ from existing houses and may not integrate well. There are currently two types of housing in the estate, single storey houses to the front and two storey houses to the rear. The proposed houses are of a traditional design, comprising of a single storey with pitched, slate roofs and have a similar form and appearance to those at the front of the development. The houses are modest in size and are generally in accordance with the Rural House Design Guidelines contained in Appendix 2 of the WCDP.

7.4.2. The development would be laid out in a crescent shape around a central turning circle, which results in wedge-shaped sites with a long driveway to the front. This is not the most efficient use of space within a housing development, and the arrangement is more in keeping with that of a traditional one-off rural house instead of a housing development within a village settlement. However, the houses have been laid out in accordance with an overall masterplan for the site, which was submitted by the applicant under PA Ref. 20/1160, and was agreed in principle by the PA. Planning permission for two houses to the south-east of the site was granted by the PA under Ref. 20/1160 and a further two houses was granted to the west of the site under Ref. 21/1044. The subject proposal would complete the development of the site and have been laid out to create a logical response to the site in accordance with the masterplan.

7.4.3. As noted in Section 7.2 above, the proposed density of the development is quite low at just 5 units per hectare. This is not in keeping with national guidance to increase densities in settlements. However, the Sustainable Residential Development, 2009 Guidelines, recognise that it is difficult to be too prescriptive regarding density in smaller villages and towns and that it may be appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings

per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question, (Section 6.12).

- 7.4.4. The WCDP recommends a density in the order of 10-20 units per hectare for large villages. However, Objective HD10 also states that, *'In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserviced, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria'*.
- 7.4.5. Whilst the density proposed is low, the overall development context for the site is acknowledged. Including the extant permissions on either side, the overall development proposal for the wider site would comprise nine houses. This level of development would represent 45% of the housing quota for the village over the lifetime of the Development Plan. The report of the PO notes that the village of Coolboy has not had any housing development during the lifetime of the plan and that the proposal would help to achieve the projected housing quota. The low-level nature of the houses, on large plots, is also reflective of the existing pattern of development in the immediate proximity to the site. Within this overall context, I am satisfied that the design, layout and density of the development is acceptable for the location of the site.
- 7.4.6. I am satisfied that the proposal will not have any impact on existing residential amenity in terms of loss of privacy as none of the proposed houses would face directly on to existing housing or have any windows facing onto existing houses. There are also significant separation distances in excess of 100m between the proposed houses and the existing houses on Coolattin View.

## 7.5. Access and Traffic

- 7.5.1. Access to the development would be via the existing access road to Coolattin View. This road opens onto the L32174 – Coolboy to Coolroe Road. I am satisfied that the

proposed development for five houses will not contribute in any significant manner to the levels of traffic within the area.

- 7.5.2. Pedestrian footpaths would be provided through the development and would connect with the existing footpaths in Coolattin View. A tabletop ramp would be installed at the entrance to the turning circle from Coolattin View in order to reduce traffic hazard.
- 7.5.3. Concerns were raised in the grounds of appeal regarding the proximity of the bridge over the Coolboy River and the poor visibility and pedestrian access. The development would use the existing entrance to Coolattin View, which currently serves the existing eight houses in the estate. The junction with the L32174 is relatively open with the hedge along the east of the entrance being the only visual obstruction to oncoming traffic. Sightlines to the west are unobstructed to the bridge where the road turns southward. The proposed development would not result in any changes to the existing access, and I am satisfied that the proposed development of five houses will not contribute in any meaningful way to the levels of traffic in the surrounding area or result in any additional traffic hazard.
- 7.5.4. There is no pedestrian footpath over the bridge, which results in an unwelcome environment for pedestrians. The PA have acknowledged that a pedestrian bridge over the river at this location may be provided in the future. However, this is outside of the remit of this application.
- 7.5.5. Overall, I am satisfied that the development would have an adequate provision for pedestrian and vehicular access and would provide a connection with existing infrastructure.

## 7.6. **Appropriate Assessment**

- 7.6.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the

Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

- 7.6.2. The proposed development is for five detached houses with associated works and access road on a greenfield site. The development would be connected to the mains water and waste-water infrastructure.
- 7.6.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.6.4. The closest Natura 2000 site is the Slaney River SAC, (Sitecode – 000781), which is approximately 1.8km to the west of the site as-the-crow-flies. The Qualifying Interests of this SAC are;
- Estuaries [1130]
  - Mudflats and sandflats not covered by seawater at low tide [1140]
  - Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
  - Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
  - Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
  - Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
  - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
  - *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
  - *Petromyzon marinus* (Sea Lamprey) [1095]
  - *Lampetra planeri* (Brook Lamprey) [1096]
  - *Lampetra fluviatilis* (River Lamprey) [1099]
  - *Alosa fallax fallax* (Twait Shad) [1103]

- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Phoca vitulina* (Harbour Seal) [1365]

7.6.5. The Conservation Objectives for the SAC are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

7.6.6. There is no direct hydrological connection between the subject site and the nearest designated site, and they are at some remove from each other overland. A section of the site adjoins the Coolboy River which runs to the west of the site. This could result in an indirect connection between the site and the SAC for overland surface water flows. However, the Coolboy River flows overland for a distance of c. 4.5km before it connects the SAC. Given the scale of the proposed development and the separation distance between the sites, I am satisfied that the weak, indirect connection to the SAC would not have an impact on the Conservation Objectives of the SAC.

7.6.7. All of the relevant information has been reviewed and it is evident that the proposed development would not be likely to have significant effects on any European site, either individually or in combination with any other plan or project.

7.6.8. Having reviewed the documents and submissions and having regard to the nature and scale of the proposed development and the location of the site in a greenfield site with no direct or indirect connection via a pathway to a European site, I am satisfied that no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend that planning permission be granted for the development.

## 9.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed residential development, within the settlement boundary of the village of Coolboy, it is considered that, the proposal would be in accordance with the Wicklow County Development Plan 2016-2022, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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 on the 16<sup>th</sup> day of August 2021, as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of November 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates, shall engage with the Planning Authority and comply with their requirements with regard to the restriction of occupancy for new housing in accordance with the Settlement Strategy for Level 7 Settlements as set out in Chapter 4 and Objective HD21 of the Wicklow County Development Plan 2016-2022.</p>

	<p><b>Reason:</b> To ensure that that development in the rural settlement is appropriately restricted and in the interest of proper planning and sustainable development.</p>
3.	<p>The developer shall engage with Irish Water prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p><b>Reason:</b> In order to ensure a proper standard of development.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The areas shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.</p> <p><b>Reason:</b> In the interest of the amenities of the occupants of the proposed housing</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
7.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All</p>

	<p>existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
9.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points.</p> <p>No occupation of the proposed dwellings shall commence until all required works have been completed to the written satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interests of amenity and of pedestrian and traffic safety.</p>
10.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
11.	<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</p>

	<p>and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development 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.</p> <p><b>Reason:</b> 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.</p>
12.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

14.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
15.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

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Elaine Sullivan  
 Planning Inspector

2<sup>nd</sup> day of September 2022