



An
Bord
Pleanála

S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-312652-22

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|--------------------------------------|---|
| Strategic Housing Development | Construct 219 residential units, a crèche/childcare facility and associated development |
| Location | Kilgarron Hill, Parknasilloge townland, Enniskerry, County Wicklow |
| Planning Authority | Wicklow County Council |
| Applicant | Capami Limited |
| Prescribed Bodies | Department of Housing, Local Government and Planning Irish Water Transport Infrastructure Ireland National Transport Authority |
| Observers | Aidan Booth and Paula Cantillon; Auroraville Limited; |

Breda Maguire;
Carl Strickland;
Catherine O'Connor and others;
Dennis F. Aylmer;
Domhnall Finch;
James Maguire;
John Conway and the Louth
Environmental Group;
Julia Strickland;
Leesha O'Driscoll;
Margaret Price and Roderick
O'Mahony;
Oliver, Megan and Dolores Errity;
Save Enniskerry and Protect
Knocksink Group;
Yanny Peters.

Date of Site Inspection

29th August 2022

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Situated on elevated ground on the western side of Enniskerry town in north county Wicklow, the application site measures a stated 8.3 hectares and primarily comprises agricultural fields lined by mature hedgerows on the gradually rising slopes of Kilgarron Hill, approximately 900m to the east of the town centre. The site is situated in the townland of Parknasilloge, along the northern side of a local road (L1101) that some refer to as Glenree Road, which connects Enniskerry to Glencullen village approximately 3km to the northwest of the application site. It is divided by an unsurfaced road leading north from Glenree Road to a property known as Parknasilloge house. Park na Sillogue Court, a residential estate, and several houses, are situated centrally within the application lands off Glenree Road. There are electrical powerlines running across the site in an east-west direction and based on survey levels, there is a 21m gradual fall from the western boundary to the northeast corner of the site.
- 2.2. The immediate area to the north of the site is generally characterised by undeveloped agricultural fields, while the lands to the west in the Kilmolin area features a large cluster of detached houses. Residential estates, including the recently constructed Sika Woods development and the much longer established Kilgarron Park, are located to the south of the site. There are also recreational lands in the area, including Powerscourt golf course to the southwest of the application site and St. Mary’s GAA club grounds adjacent to the east. Knocksink Wood is situated 200m to the north of the site with a formal access off the R117 regional road. The site includes a stretch of the Glenree Road leading east to a point approximately 300m from the town centre.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

- construction of 219 residential units, comprising a mixture of 16 one-bedroom apartments, 34 two-bedroom apartments, 34 three-bedroom duplex apartments, three one-bedroom terraced houses, 8 two-bedroom terraced houses, 38 three-bedroom terraced houses, 36 three-bedroom semi-detached houses, 48 four-bedroom semi-detached houses and two five-bedroom detached houses;
- construction of a single-storey crèche/childcare facility measuring a stated gross floor area of 373sq.m;
- provision of landscaping and amenity areas and all associated infrastructure and services, including vehicular and pedestrian accesses off Glenree Road (L-1011) to the south and improvements to the existing roadway along Glenree Road, including new sections of footpaths and upgraded drainage infrastructure;
- all associated ancillary development, including parking, lighting, drainage services and electricity substations.

3.2. The following tables set out the key standards for the proposed strategic housing development:

Table 1. Development Standards

| | |
|--|------------------|
| Site Area – gross / net | 8.3ha / 7.2ha |
| No. of units | 219 |
| Part V units (%) | 34 (20%) |
| Residential Gross Floor Area (GFA) | 25,311sq.m |
| Non-residential GFA (% total GFA) | 373sq.m (1.5%) |
| Total GFA | 25,684sq.m |
| Residential Density (net) | 36 units per ha |
| Public Open Space (% of net site area) | 10,926sq.m (15%) |
| Plot Ratio (net) | 0.35 |
| Site Coverage (net) | 23% |

Table 2. Unit Mix

| | 1-bed | 2-bed | 3-bed | 4-bed | 5-bed | Total |
|----------------|---------|----------|-----------|----------|--------|------------|
| Apartments (%) | 16 (7%) | 34 (16%) | 34 (16%) | 0 (0%) | 0 (0%) | 84 (38%) |
| Houses (%) | 3 (1%) | 8 (4%) | 74 (34%) | 48 (22%) | 2 (1%) | 135 (62%) |
| Total Units | 19 (8%) | 42 (20%) | 108 (50%) | 48 (22%) | 2 (1%) | 219 (100%) |
| Bed spaces | 19 | 126 | 324 | 192 | 10 | 671 |

Table 3. Parking Spaces

| | |
|--------------------------------------|-----|
| Car parking – off-street (houses) | 267 |
| Car parking – on-street (apartments) | 102 |
| Car parking – on-street (visitors) | 6 |
| Car parking – crèche | 14 |
| Total car parking | 389 |
| Cycle parking (apartments) | 96 |

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Part V Proposal;
- Planning Report and Statement of Consistency with Planning Policy;
- Statement of Material Contravention;
- Statement of Response to ABP’s Opinion;
- Photomontage and Computer-Generated Images (CGIs) booklet;
- Information for Stage 1 Screening and Stage 2 Appropriate Assessments (AA), including Natura Impact Statement (NIS);
- Hydrological and Hydrogeological Assessment Report;
- Social Infrastructure Audit;
- Action Area Plan;
- Architectural Design Statement;
- Housing Quality Assessments and Schedules of Accommodation;
- Building Lifecycle Report;
- Engineering Assessment Report;

- Construction and Environmental Management Plan;
- Site Specific Flood Risk Assessment;
- Traffic and Transport Assessment;
- Mobility Management Plan;
- Road Safety Audit;
- Landscape Report and Outline Landscape Specification;
- Landscape and Visual Impact Assessment;
- Arboricultural Report;
- Archaeological Assessment;
- Environmental Impact Assessment (EIA) Screening Report;
- Ecological Impact Assessment;
- Operational Waste Management Plan;
- Relevant Assessments Regulation 299B Statement.

4.0 Planning History

4.1. Application Site

4.1.1. The Planning Authority, the applicant and the observers refer to the following strategic housing development planning applications as relating to this site:

- ABP ref. 312217-21 - in January 2022 the applicant withdraw an application for a strategic housing development comprising 219 residential units, including 135 houses and 84 duplex / apartments units, along with a crèche facility;
- ABP ref. 307211-20 - in September 2020 the Board refused to grant permission for a strategic housing development comprising 219 residential units, including 135 houses and 84 duplex / apartment units and a crèche facility, due to deficiencies in the information provided in the applicant's Natura Impact Statement (NIS);

- ABP ref. 304037-19 - in July 2019 the Board refused to grant permission for a strategic housing development comprising 218 residential units, comprising 134 houses and 84 duplex / apartment units, and a crèche facility, as the information provided with the application, including the NIS and engineering and hydrogeology reports, did not establish beyond scientific doubt that the proposed development would not adversely affect the integrity of the Knocksink Wood Special Area of Conservation (SAC).

4.1.2. The following planning application recently lodged with Wicklow County Council (WCC) relates to the majority of the application site:

- WCC ref. 22/789 - in July 2022 an application for an enterprise and employment hub, community building, childcare facility and 98 residential units and associated development was lodged with the Planning Authority and a decision on this application is due on the 8th day of September, 2022.

4.2. **Surrounding Area**

4.2.1. The following is currently the closest strategic housing development application to the application site:

- ABP ref. 310078-21 - in August 2021 the Board granted permission for a strategic housing development comprising 165 residential units, including 105 houses and 60 apartments, approximately 1.3km to the southeast of the application site on the Cookstown Road in Enniskerry. In July 2022 the Board received a revised proposal for these lands comprising 84 houses (under ABP ref. 314244-22).

4.2.2. The following planning application relates to the Sika Woods development constructed immediately to the south of the site along Glenree Road:

- WCC ref. 17/1300 - in August 2018 the Planning Authority granted permission for development comprising 47 houses and associated development on a site measuring 2.2ha.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 15th day of November, 2019, in respect of a proposed development comprising 219 residential units, a crèche and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- natural heritage and hydrological assessment;
- character areas within the proposed development.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 305558-19) dated the 4th day of December, 2019, An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application under section 4 of the Act of 2016. In the opinion of An Bord Pleanála, the following specific information, in addition to the standard strategic housing development application requirements, should be submitted with any application for permission arising:

- an updated Hydrological Assessment Report;
- an updated NIS;
- an updated Engineering Report;
- proposals for the long-term management and maintenance of drainage provisions, to include the taking-in-charge of services in the development;
- an updated architectural design statement addressing the creation of character areas within the scheme.

5.2.2. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- the Department of Culture, Heritage and the Gaeltacht (Development Applications Unit);
- Irish Water;
- The Heritage Council;
- An Chomhairle Ealaíon,
- An Taisce;
- Fáilte Ireland;
- Inland Fisheries Ireland;
- Wicklow County Childcare Committee.

5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a report titled 'Statement of Response to ABP's Opinion'. Section 2 of the report outlines the specific information that has been submitted with the application to address the opinion of An Bord Pleanála, while also detailing how the development is considered to comply with the respective requirements listed in the opinion of An Bord Pleanála. The applicant also notified the National Transport Authority and Transport Infrastructure Ireland of the application.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)' in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable, well-designed urban places) and 13 (development standards).

Ministerial Guidelines

6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Housing for All – A New Housing Plan for Ireland (2021);
- Climate Action Plan (2021);
- Draft Water Services – Guidelines for Planning Authorities 2018;

- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003);
- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.2. Regional Planning Policy

- 6.2.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.
- 6.2.2. Enniskerry is situated in the ‘core region’ as defined in the RSES for the eastern and midland regional authority (EMRA) area. Within the RSES-EMRA this is described as being home to over 550,000 people and includes the peri-urban hinterlands within the

commuter catchment of the Dublin metropolitan area. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas;
- RPO 4.1 – settlement hierarchies to be determined by Local Authorities;
- RPO 4.2 – infrastructure investment and priorities to be aligned with the spatial strategy in the RSES.

6.3. Local Planning Policy

Wicklow County Development Plan 2016-2022

- 6.3.1. Enniskerry is identified as a small growth town in the fifth tier of the county settlement strategy as contained in the Wicklow County Development Plan. The population targets for Enniskerry provided for 2,302 persons in 2022, 2,401 in 2025 and 2,500 in 2028, with the housing stock estimated to require 375 additional units by 2022 with provision for an additional headroom of 95 units.
- 6.3.2. The Development Plan refers to previous deficits in zoned land to cater for anticipated population increases in Enniskerry. Chapter 4 of the Development Plan sets out provisions and policies with respect to housing developments, chapter 9 addresses infrastructure, including transport, roads, water services and waste and chapter 10 addresses heritage, including archaeology, natural heritage and green infrastructure. The view north from the Glenree Road towards Carrigollogan is included as protected prospect 5 in the Development Plan.
- 6.3.3. The Development Plan includes the Enniskerry Town Plan, however, following variation 1 of the Development Plan the provisions of this Plan have been superseded by the provisions of the Bray Municipal District Plan 2018.

Bray Municipal District Local Area Plan 2018

- 6.3.4. The Local Area Plan identifies housing growth of 472 units from the 2016 housing stock to 2025. Chapter 3 of the Plan addresses residential development, including policy R1 requiring all housing development to accord with County Development

Plan requirements. Specific housing objectives for the Enniskerry area include objectives R6 and R7, which state that the maximum size of any single housing estate should be 60 units and a full range of units sizes, including one and two-bedroom units, should be provided in all new housing areas, with no more than half of the units in any development featuring more than three bedrooms or 125sq.m of floor area.

- 6.3.5. The Local Area Plan identifies the constraints to development in the wider town area, including topography, recreational lands and SACs. The subject lands are identified as primarily featuring an 'R20' residential zoning with 'E1' employment-zoned lands on the eastern side of Park na Sillogue estate and 'CE' community-zoned lands adjoining this to the east of this. The application site, as well as lands to the northwest, north and east, are included within the Parknasilloge 'action area 2', where it is stated that there would be scope for 156 residential units. This action area is identified to be developed as a residential, open space, employment and community zone, in accordance with various criteria, including the allocation of areas for recreational, community, education and enterprise uses, the phasing of development, the restriction of accesses onto Glencree Road, the provision of distinct housing estates, and the undertaking of full geotechnical and archaeological assessments. The Local Area Plan also sets out that development proposals within action area 2 should take cognisance of the requirement to maintain the rate, quality and general areas where groundwater recharge occurs in order to maintain or enhance the recharge supplying the groundwater-dependent habitats of Knocksink Wood SAC. This shall be achieved through the review of existing hydrogeological assessment(s) and the carrying out of new hydrogeological assessment as necessary to inform the development of an appropriate Sustainable Urban Drainage System (SuDS) throughout any development site and taking into account the cumulative in-combination impact of other development.

Draft Wicklow County Development Plan 2022-2028

- 6.3.6. Wicklow County Council has prepared amendments to the draft Wicklow County Development Plan for the period 2022 to 2028, which will replace the current County Development Plan. It is understood that this new Plan would not replace the existing Bray Municipal District Local Area Plan and it is expected to come into effect on the 14th day of September, 2022.

7.0 Statement of Consistency

- 7.1.1. The applicant has submitted a Planning Report and Statement of Consistency with Planning Policy, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 5 of the Statement refers to the provisions of 'Project Ireland 2040', 'Housing for All, A New Housing Plan for Ireland', 'Rebuilding Ireland – Action Plan for Housing and Homelessness' and the RSES for the EMRA, as well as Ministerial guidelines, including those referenced in section 6.1 above. Section 6 of the Statement addresses local planning policy comprising the Bray Municipal District Local Area Plan 2018 and the Wicklow County Development Plan 2016-2022. The statement asserts that the proposed development would be consistent with national and regional planning policy, as well as the policies and provisions of the Local Area Plan and the Development Plan.

8.0 Material Contravention Statement

- 8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this statement is submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene the Bray Municipal District Local Area Plan 2018 with respect to unit provision (objective R2), core strategy, phasing (action area 2 objectives / policy EE2), absence of a community centre (action area 2 objectives), hedgerow loss (objective B4) and impacts on views and prospects (objective NH52). The applicant states that An Bord Pleanála may consider the proposed development to materially contravene the Wicklow County Development Plan 2016-2022 with respect to the proposed residential density (policy HD5), plot ratio, units types (objective HD15), unit numbers, core strategy (objective HD6), community centre (objective HD8), view of special amenity value or special interest and development standards (appendix 1), including private open space, boundary treatments and minimum separation distances.
- 8.2. Within this statement the applicant sets out their rationale to justify granting permission, including:
- the development is of national importance based on the scale of housing proposed, including social housing, and an identified housing need in the

country within strategic national planning plans, including 'Housing for All', 'Rebuilding Ireland' and NPOs of the NPF;

- the development is of strategic importance as it falls within the legislative definition of a strategic housing development;
- proposals are in compliance with the private amenity space provisions of the Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007) (hereinafter the 'Quality Housing Guidelines'), Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) (hereinafter the 'Sustainable Residential Development Guidelines'), the Urban Design Manual – A Best Practice Guide (2009) and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (hereinafter the 'New Apartment Guidelines');
- proposals are in compliance with the density calculation provisions of the Sustainable Residential Development Guidelines and the density proposed is appropriate for the site.

8.3. In conclusion, the applicant asserts that the Board may grant permission for the strategic housing development having regard to the provisions under subsection 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

9.0 Observers' Submissions

9.1. A total of 15 submissions were received within the statutory period from local representative groups, residents and landowners. These submissions include a Traffic Report, a technical note on transport, an Ecological Review document, legal commentary, comments on hydrology and hydrogeology, extracts from the subject application, biodiversity details, land ownership and legal agreement documents, various correspondence, planning documents, such as those relating to action area plans, the Local Area Plan, the Development Plan, extracts from previous planning applications, extracts from social and mainstream media, various correspondence, as well as photographs relating to the area, and these submissions can be summarised as follows:

Principle of Development

- excessive quantum of development proposed relative to Local Area Plan provisions, which would set a precedent for similar housing, and with more appropriate locations available for housing, as opposed to greenfield development;
- material contravention of E1 employment zoning in the Local Area Plan and an absence of legislative provisions to allow zonings to be amended by way of an action area plan;
- proposed residential density, unit numbers (core strategy/Local Area Plan policy R6), impact on a protected view, housing mix, public open space, car parking, childcare provision, impact on an architectural conservation area (ACA), building height, loss of hedgerows, impact on R20 zoning objective and visual impact would materially contravene the provisions of the Development Plan and the Local Area Plan and cannot be justified under section 37(2) of the Act of 2000 or section 28 guidelines;
- phasing would not be achievable due to constraints with the community and commercial lands;
- Enniskerry has not been designated as a growth town in the draft County Development Plan and the town features limited capacity to serve the existing and the potential increase in population;
- the proposed development is not of strategic or national importance;

Density and Height

- the Building Heights Guidelines and the New Apartment Guidelines, including their respective SPPRs, would not be complied with and are unconstitutional;
- there is confusion with respect to the categorisation of the site for density purposes and it would not conform to 'an edge of centre site', as previously considered to be the case (ABP ref. 307211-20);
- the site conforms to an 'edge of small town/village' where 15 to 20 units per hectare would be appropriate based on guidelines, including a Government circular;

- the density of units proposed would not be appropriate having regard to the provisions of the Sustainable Urban Housing Guidelines;
- the increased density proposed should not be at the expense of developing future zoned lands in the village, including lower densities on adjoining lands;

Urban Design and Visual Impact

- three-storey building heights proposed would be more appropriate in an urban context and are not in character with the immediate area of outstanding natural beauty;
- open space should be repositioned and the building line should be realigned along Glencree Road;
- lack of assessment and reasonable consideration of the impact on a protected view;
- inappropriate boundary treatments, including impacts on trees;
- car-centric and poor quality design failing to integrate with the wider area and the criteria within the Urban Design Manual;

Impacts on Neighbouring Amenities

- poor outlook for existing residents;
- nuisance arising from increased noise from traffic and construction works;
- impact on lighting and loss of privacy for existing residents from overlooking and the proximity of windows to boundaries;
- potential for anti-social behaviour;

Traffic, Access and Parking

- the increased traffic volumes, including cumulative impact with other developments in the town, would have implications for road safety;
- inadequate existing and proposed roads infrastructure to serve the development, including pedestrian paths, parking, public transport and cycle paths;

- failure to account for restrictive gradients, heavy-goods vehicles (HGVs), agricultural traffic and other vehicles in the applicant's Traffic and Transport Assessment report and Road Safety Audit;
- incomplete Road Safety Audit;
- the 2018 traffic survey within the Traffic and Transport Assessment is out of date;
- the main spine road (street 1) should be 7.3m in width to accommodate the traffic to the waste management facility and farmlands, with measures to address road safety and on-street parking;
- roads and footpaths need to facilitate additional traffic associated with adjoining residential-zoned lands and independent access would be necessary for some lands;
- sightlines and turning radii would be inadequate;
- street 6 carriageway width should be increased;
- a footpath fronting existing houses on the local road would not be achievable;
- excessive access points to the local road;

Environmental Services

- foul drainage and water supply infrastructure should be provided to facilitate connections and the capacity of adjoining development lands;
- all surface water should be directed to the public network to avoid potential flood risks to other downgradient lands;
- inadequate capacity of drainage and water services to cater for the development and other developments;
- the application fails to prove that the subject proposed development would be sufficiently served with respect to public transport, drainage, water services and flood risk;
- increased flood risk to neighbouring lands;

Environmental Impact

- a Strategic Environmental Assessment (SEA) of action area plan 2 was not undertaken;
- mitigation measures cannot be considered in the EIA screening process;
- the application, including documentation, does not comply with regulatory planning requirements, including the EIA Directive;
- if the proposed development is considered to not comply with objectives of the Development Plan, the Local Area Plan, the Masterplan and / or Urban Design Framework, it would be in unlawful breach of the Strategic Environmental Assessment (SEA) Directive;
- an EIA report and more up-to-date surveys, as well as off-site surveys, are required;
- insufficient details with respect to the risk to human health, pollution, nuisances, collision-risk for birds and bats and the general impacts arising from the proposed development;
- the EIA Screening Report does not comply with statutory requirements and is inadequate along with the Ecological Impact Assessment;
- updated bat surveys and a revised methodology for same would be necessary;
- the EIA screening report submitted fails to provide a comprehensive cumulative impact assessment of the proposed development, including services upgrades/extensions;
- dumping previously took place on site;
- no breeding bird surveys were undertaken or consideration for climate change or the biodiversity crises;
- need for a project specific Water Framework Directive assessment;

AA

- the information submitted by the applicant contains lacunae and is not based on appropriate scientific expertise and the AA Screening Report does not

have sufficient or adequate information for a complete AA screening to be carried out or a stage 2 AA;

- conservation objectives for Knocksink Wood SAC cannot be met and the applicant has not provided a means to assess success or failure;
- need to conserve the status of Knocksink Wood, including the associated annex 1 habitats and priority habitats, with insufficient mitigation measures to address same, including SUDS and anthropogenic mitigation;
- effect of the development on groundwater would impact on SAC habitats;
- significant in combination effects alongside other developments in the wider action area plan lands cannot be ruled out on Knocksink Wood SAC;
- zone of contribution to the SAC springs is likely to extend below the subject development;

Other Matters

- impacts on the tourism amenities of Enniskerry;
- lack of consultation and engagement;
- limited justification based on Social Infrastructure Audit;
- consent of affected landowners with respect to the second iteration of the action area plan should have been sought but was not;
- proposals fail to comply with legal agreements and phasing would not be possible without third-party consents;
- incorrect land ownership details, topography details, boundary details and absence of details relating to wayleaves.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. The

views of the Chief Executive of the Planning Authority can be summarised as follows:

Core Strategy, Phasing and Density

- the proposals represent 46% of the required housing stock for the settlement to 2022, as envisaged in the Local Area Plan;
- the applicant has failed to adequately demonstrate how the development of this site would impact on the development potential of the remaining zoned lands within the settlement;
- an action area approval document for this area has been submitted with the application having been agreed with the Planning Authority in March 2019;
- the proposed development fails to take cognisance of the agreed action area plan by exceeding the housing unit allocation, by failing to adequately demonstrate that the development would be linked to the provision of physical, social and employment infrastructures and by failing to comply with phasing proposals;
- proposals would be contrary to the land-use zoning objectives for these lands as contained in the Local Area Plan, as the proposals fail to meet various requirements of the action area plan;
- the proposed density far exceeds the maximum permissible and the proposals would materially contravene objectives for this area and would be out of character with the pattern of development in Enniskerry;
- the proposed development would result in a significant increase in population and the proposed phasing arrangements have not been shown to be in accordance with the action area plan, which would be contrary to the Local Area Plan, as well as proper planning and sustainable development;
- a Part V agreement should be entered into for the development;

Urban Design and Layout

- the layout and materials, avoiding the use of brick, are acceptable, as are the individual character areas in creating a sense of identity and place;

- the proposed development should have regard to the traditional rural character of the settlement of Enniskerry and its proximity to a designated area of outstanding natural beauty;
- the three-storey residential block onto Glencree Road is not appropriate as it would be out of character and would result in the formation of an incongruous feature on the streetscape;
- the development would have a significant impact on the view from Glencree Road towards Carrigollogan, however this impact would be unavoidable consequent to the envisaged development of these lands in the Local Area Plan;
- the public open space provision amounting to 15% of the site area would be consistent with the Development Plan open space and development standards;

Residential Amenities

- the unit mix would be broadly acceptable, although larger circa three-bedroom bungalows should be provided in order to accommodate members of the community who may wish to downsize in later life;
- private open space generally exceeds the minimum standards for houses and these spaces should be designed to feature suitable gradients and access, as well as featuring boundary treatments providing adequate levels of privacy and residential amenity;
- an area amounting to approximately 603sq.m located adjoining to the north of the childcare facility should be allocated as open space to serve this facility, in line with 'We Like this Space – Guidelines in Best Practice in the Design of Childcare Facilities' (Department of Children and Youth Affairs, 2018);
- proposals would not appear to impact on existing housing and a construction management plan should be put in place;

Access, Traffic and Parking

- the items raised in the applicant's stage 1 Road Safety Audit should be addressed in full and a stage 2 Road Safety Audit should be submitted prior to

commencing the development and a stage 3 Road Safety Audit should be submitted prior to opening the scheme;

- further details of signage, markings, pedestrian paths and crossings, footpaths to address bus stop facilities on Glencree Road, public lighting shall be provided;
- a shortfall of 14 car parking spaces would arise for the housing element of the proposed development based on minimum Development Plan standards and the fact that the development would be heavily car dependent;
- marking and provision for car parking allocation for houses, visitors and the childcare facility, as well as accessible and electric-vehicle spaces should be provided;
- proposals should not impede access to adjoining lands during or post construction;

Surface Water Drainage

- surface water drainage proposals would accord with the requirements of the Greater Dublin Strategic Drainage Study and final details should be submitted prior to commencement of the development;

Appropriate Assessment

- the Board is the competent authority in this case.

Conclusion, Recommendation and Statement

10.1.1. The Planning Authority recommend a refusal to grant planning permission for the strategic housing development, for one reason that can be summarised as follows:

Reason 1 – material contravention of the Local Area Plan by failure of the proposals to comply with the objectives of the agreed action area 2 plan for Parknasilloge, including objectives relating to maximum densities, phasing with respect to social and community infrastructure, as well as employment, and land-use zonings within an agreed Action Area plan;

- contrary to the proper planning and sustainable development of the area, as the proposed development would not be in keeping with the character and patten of development in the area, would result in a significant population

increase lacking necessary infrastructure and services and as it would result in an excessively car-dependent development.

10.1.2. Should the Board decide to grant planning permission for the strategic housing development, 11 conditions of a standard nature are stated, including specific phasing requirements, and further conditions of a standard nature are also recommended.

10.2. Inter-Department Reports

- Bray Area Engineer – no recommendation made. Requirements are listed with respect to segregated farm/soil recovery site access, a special contribution to address inadequacies in footpaths linking to the rest of the town, an off-road cycle and pedestrian path on the applicant's lands parallel to the local road, a map to differentiate public, communal and private spaces on site, hedgerow boundary treatments, increased SUDS measures, road, footpath and crossing gradients, services and footpath details, and access visibility requirements;
- Transport, Water and Emergency Services – conditions recommended relating to the proposed provision of footpaths and crossings, road safety audits 1, 2 and 3, road markings and signage, and public lighting;
- Housing and Corporate Estate – specific requirements for Part V housing are outlined and the dispersal of Part V units was considered acceptable.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the Bray Municipal District of the Local Authority on the 1st day of March, 2022. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these can be summarised as follows:

- proposals would result in overdevelopment of the site and piecemeal form of development relative to Local Area Plan phasing requirements;

- housing applications in the area need to be considered in a cumulative manner;
- cumulative impact of additional housing in the area on existing services and infrastructure, including roads, water supply, wastewater, open space and schools;
- lack of cycle infrastructure and concerns regarding the Traffic and Transport Assessment not examining cumulative figures;
- the lack of public transport needs to be addressed;
- further consideration of the impacts on biodiversity, Knocksink Wood, archaeology, future pedestrian access through Park na Sillogue estate, environmental impact, Part V housing cluster and the timing of bat surveys
- units should only be for individual sale.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Irish Water

- wastewater – a network extension comprising approximately 200m of 225mm-diameter foul sewer would be required, which Irish Water do not currently have plans for and the developer would be required to contribute costs towards;
- water supply – network upgrade works are required comprising approximately 500m of pipe upgrade to provide capacity, which Irish Water do not currently have plans for and the developer would be required to contribute costs towards;
- the developer would be responsible for the design and construction of infrastructure within the site;
- conditions are recommended, including those relating to connections and agreements, and compliance with Irish Water's standards, codes and practices.

Department of Housing, Local Government and Heritage (Archaeology)

- previous comments regarding applications on this site are noted;
- the site is in a landscape with a reasonably high distribution of recorded monuments, including a megalithic tomb and barrow site;
- archaeological monitoring and excavation is required and all archaeological features identified should be fully archaeologically excavated by hand in advance of site preparation and/or construction works;

Department of Housing, Local Government and Heritage (Nature Conservation)

- the Hydrological & Hydrogeological Assessment Report has addressed the technical comments raised by the Department in previous submissions. Further investigation has been carried out to gain additional understanding and to conceptualise the hydrogeology in the area. The conceptual site model presented is clear and based on site information and expert judgement. The updated catchment maps are more realistic and the main footprint of development area now avoids the extended Zone of Contribution;
- it has not been shown beyond reasonable scientific doubt that this development will not have adverse effects on Knocksink Wood SAC, in light of the site's conservation objectives, in particular Petrifying Spring Conservation Objective attribute 'Hydrological regime: height of water table; water flow' and target 'Maintain appropriate hydrological regimes'.
- groundwater protection measures must be strictly adhered to and implemented in full and should be included in full in the Construction and Environmental Management Plan (CEMP) to avoid confusion and to facilitate their implementation;
- a project ecohydrologist or a suitably qualified environmental scientist should be engaged to monitor impacts on annex 1 habitats;
- maintenance measures for SUDS need to be inspected and maintained to ensure that they remain functional for the lifespan of the proposed development with responsibilities for various parties;
- there is reduced potential for impacts via surface water pathways;

- details of SUDS, including operation and maintenance details should be provided by the developer to the Planning Authority;
- the Planning Authority must ensure that sufficient and adequate recreational provision has been included within the proposed development site (including dog-friendly areas) in order to reduce the recreational pressure on the nearby SAC;
- an invasive species management plan should be prepared;
- adequate assessment of new lighting along the roadside footpath have not been adequately assessed in the Ecological Impact Assessment (EclA);
- a condition should be attached to assess the ecological impact of the filling of a ditch and any lost habitat, to ensure no net loss of biodiversity;
- all trees, scrub and hedgerows should be removed outside of the bird-nesting season.

Transport Infrastructure Ireland

- no observations to make.

National Transport Authority

- the area features an infrequent local bus service with no specific plans to enhance such services;
- specific objectives set out in the Local Area Plan for the action area plan 2 lands should be complied with;
- proposed measures to address deficiencies in the pedestrian and cycling environment are welcomed, however, these measures may not fully address requirements;
- sufficient cycle parking to serve the duplexes and apartments would not be provided and the applicant should be required to address the potential for a link into Parc na Sillogue Court estate from the proposed development;
- 10% of the parking spaces for the apartments should feature electric-vehicle charging points and appropriate ducting should be provided for the remainder of the spaces.

11.1.1. In addition to the above prescribed bodies, the applicant states that they notified the An Taisce, The Heritage Council, Inland Fisheries Ireland and the Wicklow County Childcare Committee. An Bord Pleanála did not receive a response from these bodies within the prescribed period. I note that Fáilte Ireland and Comhairle Ealaíon do not appear to have been notified of the application by the applicant, despite being prescribed bodies that the prospective applicant was requested to notify of the application under the relevant pre-application consultation opinion (ABP ref. 305558-19).

12.0 Assessment

12.1. Introduction

12.1.1. This assessment considers the proposed development in the context of the statutory plans for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density;
- Urban Design;
- Visual Impact Assessment;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Built and Natural Heritage;
- Material Contravention.

12.2. Development Principles

Land-Use Zoning and Specific Objectives

- 12.2.1. Based on 'Map 3 – Enniskerry' of the Bray Municipal District Local Area Plan 2018-2024, the site is primarily located on lands with an 'R20 – new residential' zoning, with the eastern side of the site featuring lands with an 'E1 - employment' and 'CE - community/education' zoning. The application site and adjoining lands, including two portions adjoining to the north, as well as the GAA grounds and adjoining lands to the east have been assigned a specific 'action area 2 (AA2) – Parknasilloge' objective with potential for 156 residential units. The Local Area Plan outlines a number of strategic objectives for the AA2 area, based upon the division of land-use zonings, phasing, the quantum of development and environmental considerations, having particular regard to the groundwater-dependant habitats in the neighbouring Knocksink Wood SAC, a matter that is considered below in section 14 of this report.
- 12.2.2. Chapter 10 of the Local Area Plan states that the position, location and size of the land-use zonings shown on the Plan maps are indicative only and that the land-use zonings may be altered in light of eventual road and service layouts, detailed design and topography, and subject to compliance with the criteria set out for the Action Area Plan lands. According to the Local Area Plan, separate planning applications for sections of the AA2 lands will not be considered until an overall action area plan has been agreed in writing with the Planning Authority. As acknowledged by the Planning Authority in their Chief Executive's report a revised Action Area Plan for the subject Parknasilloge was agreed in March 2019. A copy of this plan and correspondence confirming agreement with the Planning Authority is included with the application and this provides for revised land-use zonings with the vast majority of the subject lands now situated within an area identified for residential development and an area assigned for a crèche adjoining community use lands in the northeast corner of the application site.
- 12.2.3. The Planning Authority do not consider the proposed development to be sufficiently cognisant of the agreed action area plan, particularly as the proposed 219 housing units would be substantially in excess of the housing units envisaged for these lands and as the phasing proposals fail to demonstrate that the residential development could be undertaken in line with the supporting infrastructure, including employment

development. As a consequence, the Planning Authority consider the proposed development to be contrary to the zoning objectives of the Local Area Plan, as was their stance for previous applications refused permission on the application lands (ABP refs. 304037-19 and 307211-20). Observations assert that the proposals represent a material contravention of the land-use zoning objectives of the Local Area Plan, as there are no legislative provisions to allow for the amending of land-use zoning objectives by way of the preparation of a non-statutory action area plan.

- 12.2.4. Within their Planning Report and Statement of Consistency the applicant sets out how they consider the proposals to comply with the land-use zonings for the application lands, including the allocation of lands for the school, community and employment uses. Legal opinion appended to the applicant's Planning Report and Statement of Consistency concludes that the indicative zoning for the 'AA2' area identified in the Local Area Plan, is akin to a single mixed-use zoning objective, which primarily allows for residential, as well as other uses.
- 12.2.5. The Planning Authority accept that the land-use zonings are indicative only and they also accept the principle of a residential development on the site, albeit subject to compliance with objectives related to AA2. Recent applications (ABP refs. 304037-19 and 307211-20) for similar development proposals on the application lands were not refused permission on the basis of non-compliance with the zoning objectives for the site. Based on the stated provisions of the Local Area Plan, in particular the clear stipulations provided for by reference to the indicative land-use zonings, I am satisfied that the principle of a residential development and crèche facility on the application site is acceptable.
- 12.2.6. Observations to the application have raised concerns in relation to the absence of third-party involvement in the preparation of the action area plan and the consequential implications of the revised action area plan for the planning and development of the area, including impacts on services, as well as traffic and access. Matters relating to the action area plan process, including public participation, are not matters that can be addressed as part of the consideration of this application and I address the potential substantive issues impacting on the area arising from the proposed development, including matters raised by observers, further below.

12.2.7. In conclusion, having regard to the scale and nature of the development proposed and the current statutory plans for this area, the residential and crèche uses proposed on this site are currently acceptable, and I am satisfied that the proposed development would not materially contravene the Local Area Plan in relation to land-use zoning objectives for the site.

Core Strategy

12.2.8. The Planning Authority consider the proposals to represent a significant portion of the houses envisaged for Enniskerry and observers assert that the subject proposals would result in excessive additional housing being introduced into the settlement.

12.2.9. Within the County Development Plan, Enniskerry is designated as a 'Level 5 small growth town', with a population target of 2,302 persons by 2022, to be facilitated by a housing stock increase of 375 units from the 2011 housing figures with headroom for an additional 95 housing units (i.e. 470 unit total allowable increase). While there is an extant permission dating from August 2021 for 165 residential units on the southeast side of Enniskerry (ABP ref. 310078-21), this would not be constructed by the end of 2022 and the only other substantive housing developments permitted in the settlement area appears to be the Sika Woods development featuring 47 completed houses (WCC 17/1300) and another development for 27 detached houses on Cookstown Road (WCC ref. 19/871). The figures available, including census data, planning register information, constructed developments and the timeline for completion of the subject and recently permitted developments, would suggest that the total allowable housing target envisaged for 2022 in Enniskerry would not be exceeded should permission be granted for the proposed development.

12.2.10. The Local Area Plan allows for the development of a maximum of 156 houses on the lands identified to be within the 'AA2' catchment, based on assigned residential densities. According to the Planning Authority based on a proportionate allocation of housing stock within the 'AA2' lands, the application site would be envisaged to accommodate a maximum of 127 units. The subject proposed 219 units would clearly exceed the allocation of housing envisaged for these lands in the Local Area Plan and the proposed development could be considered to materially contravene the unit numbers aspect of the Local Area Plan. In section 12.2 below, I consider the

acceptability of the proposed development with respect to residential density parameters.

Phasing

- 12.2.11. The Local Area Plan envisages the sustainable, phased and managed development of the action area plan lands during the plan period, requiring development to be delivered in phases such that adequate education, community and employment facilities are provided for each phase. Under the terms of the Local Area Plan, the school site is required to be provided in phase 1 accompanied by no more than 50% of the residential development, while the employment facilities shall be provided no later than phase 2 accompanied by no more than an additional 75% of the residential units. The agreed action area plan appears to follow this approach. With respect to zoning and land use, chapter 11 of the Local Area Plan stipulates that phasing should generally be undertaken in an orderly and sustainable manner and that in certain situations development can be phased to promote an appropriate balance of employment, residential and service facilities.
- 12.2.12. The Planning Authority, Elected Members and observers raise concerns with respect to the extent of residential units proposed, which they consider not be suitably linked with the provision of social and physical infrastructure, as well as employment uses, envisaged in the action area plan. The proposed development does not feature the provision of a school or employment uses and it would be reasonable to state that the proposed development would materially contravene the stated Local Area Plan phasing requirements for these lands. The applicant addresses the issue of phasing in their Statement of Material Contravention and they refer to correspondence submitted with the application, which they assert to confirm that the other action area plan lands would be made available for residential, school, employment and other development to meet phasing requirements when it is considered viable to do so.
- 12.2.13. I am satisfied that in this situation the phasing proposals presented by the applicant would appear reasonable, as the necessity for additional supporting infrastructure and employment uses in this area would be best achieved via increased critical mass to support such infrastructures and uses. Phasing of the proposed development, including the early provision of the crèche / childcare facility, can be achieved by way of condition in the event of a grant of permission, which would

ensure the initial additional supporting social infrastructure can be delivered to support the development. I address the issue of supporting services for the development further below in section 12.7.

Strategic Housing Definition

12.2.14. The proposed buildings would comprise a stated 25,311sq.m of residential floor space. A total of 373sq.m of non-residential floor space is proposed in the form of a crèche / childcare facility and this would amount to 1.5% of the overall development gross floor area. Accordingly, this would not exceed the 4,500sq.m or 15% area limitations, and I am satisfied that the proposed development would come within the statutory definition of a 'strategic housing development', as set out in section 3 of the Act of 2016.

Housing Tenure

12.2.15. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department should be notified of the application.

12.2.16. Social and affordable housing policy CPO 6.9 of the Wicklow County Development Plan requires 10% of new residential developments to be made available for social housing. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, amending provisions with respect to the Part V percentage housing allocation, dependent on the date of purchase of a site. The applicant's Part V Proposal report sets out that there would be a 20% Part V housing requirement arising from the amendment to the Act of 2000, which would be complied with via the provision of 43 units distributed throughout the development in a mix of one, two and three-bedroom units. The Elected Members of the Local Authority assert that clustering of Part V units should be avoided, while the Housing and Corporate Estate section of the Planning Authority have no objection to the proposals, including the distribution of units.

12.2.17. I am satisfied that Part V requirements, including the distribution of units, are matters that can be finalised with the Planning Authority by way of a condition, should the

Board decide to grant permission for the proposed development. The details provided accord with the requirements set out within the relevant Guidelines and the proposed Part V provision can be finalised at compliance stage. The overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

12.2.18. Based on the Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021), there is only a requirement to regulate investment in the proposed houses, as apartments are exempt from a restrictive ownership condition. In the event of permission being granted, a condition should be attached to this effect to ensure an adequate choice and supply of housing within the development, including affordable housing.

12.3. **Density**

12.3.1. Observations assert that the proposed density of the scheme would exceed and materially contravene the density parameters set out in the Local Area Plan for this site. The Planning Authority refer to the density exceeding the established character and they also consider the proposals to exceed the density standards for the application lands, as set out within the Local Area Plan. The applicant considers the proposed density to be consistent with the provisions of the Sustainable Residential Development Guidelines.

12.3.2. Comprising 219 units on a net site area of 7.2ha, which excludes the infrastructure and road upgrade area along the Glenree Road and includes the proposed open spaces, the proposed development would feature a density of 30 units per hectare. When compared with residential densities in the immediate environment, such densities would appear to be on the higher side, including the density of one-off housing within Kilmolin to the west, the established Park na Sillogue Court and Kilgarron Park estates, and the recently-constructed Sika Woods estate, which features a density of approximately 22 units per hectare.

Local Policy

12.3.3. The Development Plan includes policy HD5 requiring new residential development to aim for the highest density indicated for the lands. The applicant considers the

proposed density of the development to materially contravene the provisions of policy HD5 and they have addressed this issue in their Statement of Material Contravention. Policy HD10 of the Development Plan requires development to respect the established character of an area, with scope for densities greater than those prevailing where previously unserved, low-density housing areas become served by mains water services. The Development Plan sets out densities achievable based on the floor area of a house, while noting that local plans may set out the minimum or maximum densities permissible for areas. Based on a dwelling equivalent standard in the Development Plan, the Planning Authority assert that 28 units per hectare would be applicable.

12.3.4. The residential use (R20 – New Residential) zoning objective identified in the Local Area Plan for the majority of the subject lands is stated as being to protect, provide and improve residential amenities at a density up to 20 units per hectare. The action area plan identifies medium and lower density residential character areas, generally supportive of a reduction in densities, moving furthest from the town core.

12.3.5. The proposed density of the development would contravene the density provisions contained within the Local Area Plan. The density provisions for this site are drawn specifically from the Local Area Plan and the proposed development would appear to attempt to make best use of the available zoned land resources and services. Consequently, I am satisfied that the proposed development would not materially contravene the provisions set out under Development Plan policy HD5. The applicant addresses non-compliance of the proposals with residential density parameters of the Local Area Plan in their Statement of Material Contravention. In such a situation it is open to the Board to consider the proposal in terms of material contravention procedures, a matter that I address in section 12.11 below.

National and Regional Policy

12.3.6. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that

a significant and sustained increase in housing output is necessary. The RSES for the region require increased densities, as also set out in the Sustainable Residential Development Guidelines, the Building Heights Guidelines and the New Apartment Guidelines. All national planning policy indicates that increased densities and more compact urban forms are required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.

- 12.3.7. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but should be actively sought out and brought forward by planning processes, in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.
- 12.3.8. The New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household sizes, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable to achieve housing objectives, with a focus on the accessibility of a site by public transport and its proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include 'central and/or accessible urban locations', 'intermediate urban locations' and 'peripheral and/or less accessible urban locations'. The Guidelines also state that the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.
- 12.3.9. Larger towns feature a population of 5,000 based on the definition provided in the Sustainable Residential Development Guidelines. The most recent published census results (2016) recorded a population of 1,889 persons for the settlement of Enniskerry, therefore the density standards for small towns would be most applicable in this case. The Sustainable Residential Development Guidelines identify appropriate densities for centrally-located sites, edge of centre sites and edge of

small town / village sites. The site is not centrally-located, nor is it brownfield. The Sustainable Residential Development Guidelines encourage higher densities in specific locations, including existing or planned high-quality public transport services.

Access to Public Transport

12.3.10. In considering the general provision of public transport available in this area, I would note that the nearest public bus stops to the application site are located on Glencree Road (L1011 local road), fronting the northwestern and eastern ends of the site, providing access to GoAhead bus route 185, which connects with Bray town centre and Dart rail station, over 6km from the application site. The applicant refers to the upgrade of the local road infrastructure as part of the proposed development, including additional and upgraded footpaths and kerbing for the bus stops. Dublin bus route 44 is serviced from a stop 900m to the east of the site in the centre of Enniskerry, while rail services are available in Bray. The route up from Enniskerry town centre features a steady and often steep incline.

12.3.11. The Guidelines refer to the capacity of public transport services as requiring consideration with respect to appropriate densities. The capacity of services is intrinsically linked to frequency, as inferred in section 5.8 of the Sustainable Residential Development Guidelines. In their submission the National Transport Authority state that the site is directly served by an infrequent local bus service. A review of current timetables for GoAhead route 185 indicates that a service is provided every hour between 06:00 and 23:00 hours, Monday to Friday, while Dublin Bus route 44 provides a connection every 45 minutes towards Dublin city centre. I am satisfied that based on bus timetables and guidance within the New Apartment Guidelines defining 'high-frequency' bus services as those operating at a minimum of every ten-minutes during peak hours, the bus stops closest to the application site do not feature 'high-frequency' bus services. This assessment suggests that the area features limited access to public transport.

Location Category

12.3.12. The applicant refers to the site as being greenfield. While the site can be considered to be within walking distance of public bus stops, given the greenfield nature of the site, the location of site relative to developed, zoned lands to the west in Kilmolin and the quality of public transport services available fronting the site and in Enniskerry, I

am satisfied that the site most appropriately falls into the category of an 'edge of centre' site, as defined in section 6 of the Sustainable Residential Development Guidelines. Furthermore, based on the above information and a review of the location categories in the New Apartment Guidelines relative to the provision of public transport services proximate to the site, this would suggest that the site would best fall into the category of a 'less accessible urban location'.

Plot Ratio

12.3.13. The Development Plan also sets out maximum applicable plot ratios for development, dependent upon the location of a site. For housing only on the edge of a centre a plot ratio of 0.5 is stated to be the maximum plot ratio allowed. The applicant addresses non-compliance of the proposals with plot ratio standards in the Local Area Plan in their Statement of Material Contravention. The proposed plot ratio is stated as being 0.352, therefore this would be below the maximum allowed and would not materially contravene the provisions of the Development Plan.

Density Conclusion

12.3.14. Edge of centre sites are stated in the Sustainable Residential Development Guidelines to generally be suitable for net residential densities in the range of 20 to 35 units per hectare, and, as clarified in Circular Letter NRUP 02/2021, densities below 35 units per hectare would also be acceptable in this edge of small town context. The proposed development is therefore within the acceptable density range allowed for in the Sustainable Residential Development Guidelines. While there is a certain level of ambiguity in terms of the densities allowed for in the Guidelines based on the definition of location categories, it cannot be reasonably considered that the development proposed on this site would fail to comply with the density provisions in the Sustainable Residential Development Guidelines. Furthermore, the New Apartment Guidelines recommend densities of less than 45 dwellings per hectare in less accessible urban locations such as the application site area and this is also complied with as part of the proposals.

12.3.15. Having regard to national, regional and local planning policy, I am satisfied that the site, which is within the edge of the Dublin metropolitan area, as defined in the RSES, is well placed to accommodate growth at the net density proposed of 30 units per hectare. In conclusion, the proposed density for the application site complies

with Government policy seeking to increase densities in appropriate locations and thereby deliver compact urban growth. Notwithstanding this, certain criteria and safeguards must be met to ensure a high standard of design and I address these issues in my assessments below.

12.4. Urban Design

- 12.4.1. The layout, massing, design and building heights are considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on visual and residential amenities primarily considered separately below.

Design

- 12.4.2. As part of the site analysis in their Architectural Design Statement, the key opportunities and constraints in developing the site are indicated, including matters to be addressed in the action area plan and Local Area Plan, as well as the key principles of the Urban Design Manual.
- 12.4.3. The scheme is to be split into four character areas in order to address the 'smaller estates' approach envisaged within Enniskerry specific housing objective R6 of the Local Area Plan, although a detailed phased arrangement for constructing these areas does not appear to have been set out. Character area 1 features rows of own-door apartments and duplex apartments set out in a rectilinear pattern; a number of which would overlook a village green space and Glenree Road. Character area 2 to the northeast side would feature a central pocket park flanked by two and three storey rows of terraced and semi-detached houses. The main semi-circular open space situated in the northwest corner of the site would be overlooked by two-storey semi-detached housing set out in a curvilinear arrangement, while also addressing topographical change. Character area 4 along the southwestern frontage to Glenree Road would feature two-storey housing stepped onto home zones. The Planning Authority are broadly supportive of the design for the proposed development, including the materials which they consider to appropriately omit the use of brick, which is not typical of the materials used historically within the town. I am satisfied that the distinct character areas that are proposed would aid in creating a sense of place and provide for a suitable transition in scale leading away from the town centre and Glenree Road.

12.4.4. In relation to the proposed buildings, I note that they would feature regular rhythm and proportions, with a consistent architectural language used throughout the scheme based on a limited palette of contemporary materials. Final materials can be addressed via condition in the event of a permission for the development according to the Planning Authority.

Layout

12.4.5. Housing along the eastern boundary would generally back onto and would largely maintain reasonable separation distances from the existing housing along Glencree Road and within Park na Sillogue Court estate. The proposed crèche / childcare facility would be positioned off the main access road and on the lands identified in the action area plan for other community and education uses. This would allow the facility to be accessed through a network of paths and streets within the development. The roads hierarchy features secondary estate access roads and home zones serving housing areas off the local road and the main access road separating the subject residential lands and the non-residential lands to the east. The internal street layout is logical and connections between character areas are reinforced by pedestrian paths adjacent to, connecting and off the main streets. I address the issue of permeability further below with respect to traffic and transportation (section 12.8).

12.4.6. The development provides for extensive passive surveillance of the public realm within the development with ample opportunity for a variety of street planting. Roads are stated to cater for cyclists, as opposed to separate routes. Proposed housing bounding Parc na Sillogue Court estate and the adjoining existing houses, would be setback from these housing areas and the proposed housing fronting onto Glencree Road would be staggered and would not be sited directly onto the footpath and would largely feature a green strip buffer featuring trees. The Planning Authority are broadly supportive of the layout and I am satisfied that it suitably addresses the established grain and character of the immediate areas.

Public Open Space

12.4.7. Open spaces are distributed in a rationale manner throughout the scheme, including a park, a village green and a pocket park, with each space having satisfactory proportions so as to encourage use and help provide for passive supervision. A

playground is proposed within the village green space. The Development Plan generally requires 15% provision of public open space in residential developments and this is complied with as the proposed 10,926sq.m of public open space, would amount to 15.3% of the net site area. The Planning Authority are satisfied with the hierarchy and distribution of public open space within the scheme and I am satisfied that the public open space proposals would be acceptable relative to the Development Plan standards and would not reasonably be considered to materially contravene the provisions of the Development Plan, as asserted by observers to the application.

Public Lighting

- 12.4.8. Public lighting details, including lighting columns intended by the applicant to be removed, upgraded and installed along Glencree Road, are identified on the applicant's engineering drawings (nos.17-060 P338, 339 and 340). As required by the Planning Authority, I am satisfied that further details of public lighting within the development should be provided in the event of a grant of planning permission and this should account for the proposals within the applicant's Ecological Impact Assessment referring to the need for sensitive lighting, as part of the protection of impacts on bats.

Buildings Heights

- 12.4.9. The Local Area Plan and Development Plan do not place any specific height limitations on buildings in this location. The proposed development primarily features two and three-storey buildings with the three-storey blocks situated on the lower lands to the east, primarily addressing the Glencree Road and the proposed village green open space. Building heights would be similar in height and scale to the existing two and three-storey building heights characteristic of the immediate area. Observations assert that the three-storey duplex blocks would be excessive for the site and more appropriate in an urban context, while the Planning Authority consider the three-storey duplex block 6 (units 147 to 158) fronting on Glencree Road to be inappropriate for this location, as it would be out of character with the area and would form an incongruous feature along the streetscape. I note that this duplex block 6 would feature a 25m minimum separation distance from existing

neighbouring residential properties to the south and a 7m setback from Glencree Road.

12.4.10. The heights of the proposed buildings would not appear excessive in principle, particularly when noting the three-storey houses adjacent to the Glencree Road within the Sika Woods development directly to the south, and given the overall scale of the site within an edge of town context. The height of the proposed duplex blocks provides some transition and variety in the buildings, as required in SPPR4 of the Building Heights Guidelines and referenced in the Development Plan. Excessively tall buildings are not proposed in the development relative to the scale of the site and its context and the proposed building heights do not materially contravene the building heights provisions of the Development Plan or the Local Area Plan. I have had regard to section 3.2 Development Management Criteria of the Building Heights Guidelines and I am satisfied that at the varying scales of the town, neighbourhood, street and site, the predominance of two and three-storey buildings in the subject development would be acceptable and would be appropriate for the site. Further consideration with respect to the building height impacts on the visual and residential amenities of the area is undertaken below.

Conclusion

12.4.11. The proposed character areas containing a range of house designs and typologies would provide for diverse visuals within the development, albeit with a unified theme primarily supported by the limited materials and similarity in building proportions, and this would create a sense of place in line with the requirements of the Local Area Plan. I am satisfied that the overall layout, massing, building height and design of the scheme would provide a reasonable response in developing this site from an urban design perspective, in accordance with the provisions set out in the Development Plan and the Local Area Plan.

12.5. **Visual Impact Assessment**

12.5.1. The observers assert that the proposed development would be out of character with surrounding area and would have a negative visual impact on the amenities of the area, with insufficient consideration of the impact of the development on a protected view identified in the Development Plan. The Planning Authority recognise that the

development would have a significant impact upon a listed view from the Glencree Road towards Carrigollogan, however they acknowledge that this impact would be unavoidable given the fact that the lands are identified for development in the Local Area Plan.

- 12.5.2. Chapter 10 of the Development Plan addresses landscapes, views and prospects. The site and the settlement of Enniskerry are identified as being within an urban landscape, while the immediate surrounding areas are within an area of outstanding natural beauty, which the Development Plan states to feature mountainous topography. The application site adjoins a 'view of special amenity value or special interest', which is identified in Map H6 of the Local Area Plan and requires special protection under the terms of objective NH52 of the Development Plan. The applicant refers to this 'protected view' in their Statement of Material Contravention. The section of local road skirting the site is not identified as a prospect of special amenity value or special interest, with the nearest assigned prospect route (no.1) to the application site located over 1.2km to the southwest. The action area plan refers to the proposed building heights on the subject site, as needing to have regard and retain views of the Great Sugarloaf and adjoining hills beyond the site boundary.
- 12.5.3. A Landscape and Visual Impact Assessment and a booklet of photomontages, as well as contextual elevations and sections, accompanied the application. Additional material to aid in visualising the development are provided as part of the applicant's Architectural Design Statement. A total of 15 short, medium and long-range viewpoints are assessed within the submitted Landscape and Visual Impact Assessment.
- 12.5.4. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles that provide a reasonably comprehensive representation of the likely visual impacts from key reference points, including the most sensitive visual receptors. The photomontages submitted with the application include visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in a late summer / autumn setting and considerate of Development Plan NH52 objective. The following table 4 provides a summary assessment of the likely visual change from the applicant's 15 selected viewpoints with the completed proposed development in place.

Table 4. Viewpoint Changes

| No. | Location | Description of Change |
|------------|---|---|
| 1 | Glencree Road (L1011), Kilgarron Park – 20m south | Two blocks of three-storey buildings would be visible looking up Glencree Road towards the application site. The development would generally follow the ridge line of the hillside and would read as part of the immediate edge of town landscape with partial screening of elements offered by existing buildings and mature trees. I consider the magnitude of visual change from this long-range viewpoint to be slight in the context of the receiving environment. |
| 2 | Parc na Sillogue – 50m south | The new housing would be partially visible to the rear of housing within the existing Parc na Sillogue development. The development would read as part of the immediate cluster of residential buildings and would fit into the immediate edge of town landscape. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment. |
| 3 | Glencree Road (L1011) – 20m southwest | The proposed two-storey housing and a secondary access route would be visible at this location. The development would be of a suitable scale for an edge of town development, setback from the roadside and would read as part of the immediate suburban landscape with landscaping to be introduced to soften the visual impact. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment. |
| 4 | Glencree Road (L1011), Kilmolin – 20m west | The proposed two-storey housing and an access road into the western end of the development would be visible at this location. The development would be of a suitable scale for an edge of town development, setback from the roadside and would read as part of the immediate suburban landscape with landscaping to be introduced to soften the visual impact. I consider the magnitude of |

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| | | visual change from this short-range viewpoint to be moderate in the context of the receiving environment. |
| 5 | Glen View – 330m southeast | The mature estate planting would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this medium-range viewpoint location to be negligible. |
| 6 | Powerscourt car park – 925m southeast | The drop in ground levels, mature trees and car park boundaries would serve to visually screen the development from this viewpoint. I consider the magnitude of visual change from this long-range viewpoint location to be negligible. |
| 7 | Glencree Road (L1011), Kilgarron Park – 160m southeast | The rising ground, mature trees and roadside boundaries would serve to visually screen the development from this viewpoint. I consider the magnitude of visual change from this medium-range viewpoint location to be negligible. |
| 8 | Glencree Road (L1011), Kilgarron Park – 50m southeast | The mature roadside boundary planting and drop in ground levels would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this short-range viewpoint location to be negligible. |
| 9 | Glencree Road (L1011), Kilgarron Park – 20m southeast | The mature roadside boundary planting and drop in ground level would largely serve to screen the development from this viewpoint. I consider the magnitude of visual change from this short-range viewpoint location to be negligible. |
| 10 | Glencree Road (L1011), Kilgarron Park – 20m south | The three-storey duplex block 6 and main access road leading into the action area plan lands would be visible at this location. The development would be of a suitable scale for an edge of town development and would read as part of the immediate suburban landscape with landscaping to be introduced to soften the visual impact. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment. |
| 11 | Glencree Road (L1011), Sika Woods – 40m south | The mature roadside boundary planting, existing buildings and drop in ground level would serve to screen much of the development from this viewpoint with some visibility of |

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|-----|---|---|
| | | housing on lower ground to the rear. I consider the magnitude of visual change from this short-range viewpoint location to be negligible. |
| 12 | Glencree Road (L1011), Sika Woods – 40m south | The mature roadside boundary planting and drop in ground levels would serve to screen much of the development from this viewpoint, although the roofscape of many buildings would be partially visible. Notwithstanding this, I consider the magnitude of visual change from this short-range viewpoint location to be negligible. |
| 13. | Glencree Road (L1011), Kilmolin – 20m west | The proposed two-storey housing and an access route into the development would be visible at this location. The development would be of a suitable scale for an edge of town development, setback from the roadside and would read as part of the immediate suburban landscape with landscaping to be introduced to soften the visual impact. I consider the magnitude of visual change from this short-range viewpoint to be moderate in the context of the receiving environment. |
| 14. | Glencree Road (L1011), Kilmolin – 20m west | The vegetation adjacent to the roadside area would serve to screen much of the development from this viewpoint, although new buildings would be partially visible. I consider the magnitude of visual change from this short-range viewpoint location to be negligible. |
| 15. | Glencree Road (L1011), Kilmolin – 20m west | The mature garden planting and drop in ground level would serve to screen the development from this viewpoint. I consider the magnitude of visual change from this short-range viewpoint to be negligible. |

12.5.5. In the immediate area the development would be most visible from the approaches along Glencree Road to the northwest and east, and from the houses bordering the site, with only intermittent views of the main structural elements from local vantage points in the adjoining areas due to mature trees and the drop in ground levels moving northeast. The applicant considers the development in overall terms to have a slight to moderate effect on the landscape on the western side of Enniskerry. Mitigation measures to address the visual impacts would generally comprise those

embedded elements of the design that respond to its immediate setting, in combination with various planting proposals and landscaping measures.

- 12.5.6. The development would be viewed as a modest insertion into this edge of town setting and as a substantive new element where visible from the neighbouring properties, particularly from the adjoining housing along Glencree Road and within the Parc na Sillogue Court estate. The immediate context of the area appears to have undergone a similar level of change in recent years with the completion of the Sika Woods development, and the subject site is earmarked for residential development in the Local Area Plan.
- 12.5.7. The development would not be visible from the scenic prospect (route no.1) to the southwest of the site and screening offered by existing buildings and mature tree planting would largely negate the visual impact of the development from medium and long-range locations. The subject site does not feature notable characteristics of a mountainous topography, and the Development Plan stipulates that development in urban landscapes such as this has been deemed suitable from a visual perspective, as it would not impact on surrounding landscapes.
- 12.5.8. Observations assert that the applicant's photomontage viewpoint locations failed to assess the impact from the protected view identified in the Development Plan. This protected view (5) of special amenity value or special interest refers to the view from Glencree Road towards Carrigollogan, a hill featuring an exposed rock summit and flanked by woodland, located approximately 3km to the northeast of the application site in the foothills to the Dublin Mountains. Photomontage viewpoint 3 is taken from the approximate identified location of this protected view and, as stated above, I consider the visual impact of the development from this viewpoint to be moderate. Potential to view the hill from this viewpoint is restricted in locations by an existing mature hedgerow and limited as at present there are no footpaths or suitable set down areas for vehicles in the vicinity of the location identified for the protected view. Consequently, the proposed development would have moderate impact on this protected view and it would not be reasonable to conclude that the proposed development would result in a material contravention of the Local Area Plan and the Development Plan with respect to this 'protected view'.

12.5.9. Observers refer to the proposed development impacting on an ACA, however, I am now aware of any ACA in the immediate area of the application site. Observers also refer to the potential impact of the proposed development on the tourism amenities of Enniskerry. I am satisfied that the scale and nature of the proposed development, as well as the location of site relative to tourism amenities in the area, is not one that might obstruct or detract from the value of any tourist amenity in Enniskerry.

12.5.10. I am satisfied that the broad visual changes that would arise from the proposed development, would largely have limited imperceptible to moderate effects on the landscape based on the information available, the existing site context, as well as the objectives and policies of the statutory plans for this area. I am therefore satisfied that the proposed development would have acceptable impacts on the landscape and the visual amenities of the area. The impact on the outlook from neighbouring residences is considered separately in section 12.6 directly below.

12.6. Impacts on Neighbouring Amenities

12.6.1. The observations assert that the proposals would have undue impacts on the amenities of neighbouring properties as a result of overlooking and overshadowing impacts, as well as the loss of light and privacy for neighbouring residents. The Planning Authority do not consider the proposed development to have substantive impacts on the amenities enjoyed by residents of neighbouring houses.

Context

12.6.2. The nearest existing residential properties to the proposed development are those located adjoining to the south along Glenree Road and in Parc na Sillogue, comprising single and two-storey houses. There are also single, two and three-storey houses located proximate to the site on the opposite side of the local road to the south in Sika Woods, Kilgarron Hill and Kilmolin. The locations of these neighbouring houses relative to the proposed houses and apartments are identified on the proposed site layout plan drawing (no. 17023_PL02) and height differences are illustrated on the specific site sections with adjoining houses (drawing no 17023_PL64) and contextual elevation drawings (section C-C).

12.6.3. The closest proposed house in character area 4 would be 21.5m from the nearest house on Glenree Road, which is a two-storey house situated 2m below the

finished-floor level of the nearest houses (C70, C71 and C72). The three-storey duplex units (blocks 1 and 2) in character area 1 along street 2 would be a minimum of 15m from the boundary with housing along Glenree Road and within Parc na Sillogue estate, and these proposed blocks would be on average sited 2m lower than the existing closest housing. The proposed three-storey duplex blocks (3 and 4) along street 5 within character area 1 of the proposed development would be a minimum of 12m from the nearest houses within Parc na Sillogue and on a ground level approximately 4 to 5m below these existing houses. The single-storey housing (units 144, 145 and 146) proposed in character area 1 along Glenree Road would be a minimum of 3.5m from the side elevation of an existing single-storey house in Parc na Sillogue and on a similar level.

Overlooking and Loss of Privacy

- 12.6.4. The Development Plan refers to the Sustainable Residential Development Guidelines as an effective guide for new housing developments in urban areas. These Guidelines and the Development Plan refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, reduced separation distances may be acceptable based on the Guidelines and the Development Plan, which refers to this rule being applied flexibly.
- 12.6.5. This existing house closest to proposed houses C70, C71 and C72 features windows on the side west-facing elevation overlooking the application site. These windows are approximately 0.5m from the application site boundary and would be 21.5m from the nearest windows in the proposed houses. I am satisfied that excessive loss of privacy or direct overlooking would not arise as a result of the proposed development for neighbouring properties, given the predominant achievement of separation distances in excess of the minimum traditional distance required where existing and proposed windows directly oppose each other. Where directly opposing windows to existing houses would be within this 22m separation distance from proposed housing, only a minor shortfall (0.5m) would arise or the existing houses feature gable elevations facing directly towards the proposed housing and there would be boundary treatments and differences in ground levels to alleviate the potential for direct overlooking between existing and proposed housing. The applicant has addressed non-conformity of the proposed development with respect to this

separation distance standard, however, given the flexibility provided for in the Development Plan and the design of the proposed development, I fail to see how this could reasonably be considered to result in the proposed development materially contravening the provisions of the Development Plan.

- 12.6.6. I consider that the separation distances that would be achieved from neighbouring residences would be typical for an edge of town setting that is primarily zoned for residential development and the design measures, including the provision of windows, boundary treatments and landscaping, would sufficiently address the potential for excessive direct overlooking between neighbouring residences and the proposed development. Furthermore, the proposed development would not substantially inhibit the future development potential of neighbouring lands, given the setback provided for the proposed buildings from the site boundaries. I consider the impacts on the privacy for residents of the proposed houses and apartments separately under section 12.7 below.

Outlook and Overbearing Impacts

- 12.6.7. The proposed development would be visible from the private amenity areas and internal areas of housing neighbouring the site. Consequently, it would change the outlook from these neighbouring properties. Having visited the area and reviewed the application documentation, including the photomontages, I consider that the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the separation distances to housing, as referred to above, and as a contemporary development of this nature would not be unexpected in this area owing to the residential development objectives for the site, as contained in the current statutory plan for this area.
- 12.6.8. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. As noted above, the proposed development features buildings similar to the prevailing building heights of the area. Viewpoints 2 and 11 in the applicant's Photomontage booklet best illustrate the appearance of the development closest to existing housing areas. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest houses, with an open outlook and sky view maintained for

neighbouring residences. There would be sufficient intervening space between the existing houses and the proposed buildings to ensure that the proposed development would not be excessively overbearing when viewed from neighbouring houses. The drop in ground level to the northeast direction from the existing housing and the limited height of the proposed buildings, coupled with the separation distances from the existing housing, is such that where visible from neighbouring properties the majority of the proposed development would not be excessively overbearing.

Impacts on Lighting - Daylight and Sunlight

- 12.6.9. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has not provided a report assessing the effect of the proposed development on lighting to neighbouring houses.
- 12.6.10. The Sustainable Residential Development Guidelines refer to the standards in BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The BRE 209 guidance outlines a series of tests to identify whether or not rooms where daylight is required in adjoining dwellings, would receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be necessary. Based on section drawings and levels stated in the application, the proposed buildings would not appear to be located a distance of less than three times the height of these buildings to the centre of the main window in any existing neighbouring houses. Furthermore and according with the BRE 209 guidance, daylighting may not be an issue if development is less than 25° to the horizontal when measured from the centre of the lowest window to a main living room. When taking into account the differences in ground levels, the building heights and the separation distances, the proposed development would not subtend below an angle

of less than 25° to the horizontal when measured from the centre of the lowest windows to the main living rooms of neighbouring properties. Accordingly, daylighting is unlikely to be significantly affected and no further tests are required to assess the potential for loss of daylight to neighbouring houses, and in this case it can be concluded that the loss of daylight would at worst be negligible.

12.6.11. Section 3.2.2 of the BRE 209 guidance states that 'obstruction to sunlight' to existing dwellings may become an issue if –

(i) some part of a new development is situated within 90° of due south of a main window wall of an existing building;

(ii) the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

12.6.12. To this end, the majority of houses potentially effected within Parc na Sillogue estate, Kilmolin and along Glencree Road are south of the proposed new buildings, therefore, it can be confirmed that the development is situated outside of 90° of due south of these residences and obstruction of sunlight would not arise. As stated, the proposed development would not subtend below an angle of less than 25° to the horizontal when measured from the centre of the lowest window to a main living room of the nearest properties. The proposed development is therefore not considered to cause an obstruction to sunlight to these properties either, and as such no further tests in respect of access to lighting to these properties is necessary.

12.6.13. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to lighting impacts to neighbouring properties would not be warranted.

Overshadowing

12.6.14. The BRE 209 guidance require greater than half of neighbouring garden areas to receive at least two hours of sunlight on the 21st day of March (the spring equinox). The scale, height, siting and orientation of the proposed buildings are such that it is clear that neighbouring gardens would not be unduly impacted by overshadowing from the proposed development and the proposed development would not result in less than half the area of neighbouring gardens receiving at least two hours of sunlight.

Boundary Treatments

12.6.15. Boundary treatments for gardens are generally intended to feature 1.8m-high concrete post and timber panel fences to the rear and hedge planting onto the public realm, as per the submitted boundary treatments drawing (no. 293 105). The Development Plan requires 2m-high boundary walls to the rear gardens of proposed housing, and notwithstanding the approach undertaken by the applicant, I do not see failure to meet such a standard as conforming to a material contravention of the Development Plan, particularly given the minor shortfall in proposed boundary height (0.2m) and as this standard is not directly referenced within policies or objectives of the Development Plan. Observers raise concerns regarding boundary treatments onto existing residences. I note that it is proposed either to provide a 1.8m-high blockwork wall matching the existing wall and to feature smooth render finish or to maintain a 1.8m-high blockwork wall on all the boundaries with the existing houses. I am satisfied that the boundary treatments set out would be appropriate for the proposed development.

Construction Impacts

12.6.16. Observers assert that the proposed development would result in nuisance for neighbouring residents as a result of noise and traffic during the construction phase. The applicant's Construction and Environmental Management Plan (CEMP) assumes a three-year construction period. Phasing proposals will be required to set out how this would be undertaken. The CEMP sets out the intended measures to address construction waste, traffic, dust, dirt and noise emissions during the construction phase, as well as measures to control emissions to groundwater and surface water. Any construction phase impacts, including those closest to neighbouring properties, would only be of a temporary nature and would also be subject of a finalised project CEMP, as required by the Planning Authority. Standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission.

Anti-Social Behaviour

12.6.17. The observations assert that the completed development would lead to an increased potential for anti-social behaviour, particularly along the boundaries with Parc na Sillogue estate and within the communal space bounding the duplex apartments (1,

3 and 4). The communal space and pedestrian routes between Park na Sillogue and the proposed duplex apartment blocks would comprise straight routes, which could be provided with public lighting, and would also feature visibility directly from the proposed duplex apartments. Matters relating to anti-social behaviour are dealt with under differing legal codes and I am satisfied that there is no reason to suggest that the layout and design of the proposed development could reasonably be considered to support anti-social behaviour in this area, particularly as the design of the scheme provides for extensive passive surveillance of all open spaces, new routes and existing roads.

Conclusions

12.6.18. In conclusion, sufficient information has been provided with the application and is available to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing, overbearing or overlooking impacts for residents of neighbouring properties. Accordingly, subject to conditions, the proposed development should not be refused permission for reasons relating to the likely resultant impacts on neighbouring amenities.

12.7. Residential Amenities and Development Standards

12.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the Quality Housing for Sustainable Communities Guidelines and the New Apartment Guidelines, as well as the Development Plan and the Building Heights Guidelines, which refer to documents providing guidance for daylight / sunlight assessments within new developments. The subject development would not come within a category of development that would be open to relaxed development standards. The applicant has submitted a Housing Quality Assessment comprising a schedule of accommodation, which provides details of apartment and house sizes, aspect, room sizes, storage space and private amenity space.

Houses – Mix and Standards

- 12.7.2. For edge of town centre sites, the Sustainable Residential Development Guidelines advocate the provision of a wide variety of housing types comprising detached dwellings and terraced houses, as well as apartment-style accommodation. The Development Plan outlines that large-scale housing developments shall include a range of house types and sizes, including detached, semi-detached and terraced houses, as well as townhouses, duplexes and bungalows, and new apartment developments will be required to include a range of unit sizes to cater for different housing needs. The Planning Authority consider the proposed development to be broadly consistent with these housing mix requirements, although they consider that a number of larger three-bedroom bungalow type units should be provided in order to accommodate members of the community who may wish to downsize in later life. Bungalow-type units are not specifically provided as part of the subject development and the applicant, as well as observers, consider this to result in the proposed development materially contravening objective HD15 of the Development Plan, which require bungalows to be provided in medium to large-scale housing developments. Non-compliance with objective HD15 of the Development Plan is addressed in the applicant's Statement of Material Contravention and I address this matter further below in section 12.11.
- 12.7.3. The mix of semi-detached and terraced houses, as well as apartments, would comply with the requirements outlined above and the provisions of SPPR 4 of the Building Heights Guidelines requiring the avoidance of mono-type building typologies in locations such as this and at the scale proposed. Given the variety of housing proposed, including two to five-bedroom housing, as well as single-storey housing, I fail to see the necessity for the development to feature three-bedroom bungalow units on site.
- 12.7.4. The floor areas for each of the proposed houses would be in compliance with the minimum standards set out within the Quality Housing for Sustainable Communities Guidelines. The proposed houses also meet the relevant 'Quality Housing' guidance with respect to layouts, storage space, room sizes and widths, as well as aggregate living room and bedroom sizes. I am satisfied that the house sizes comply with the relevant assessment criteria referred to in the Development Plan.

12.7.5. The Development Plan requires a minimum of 50sq.m private open space for one and two-bedroom houses and 60sq.m to 75sq.m private open space for houses with three bedrooms or more, or 0.64sq.m per square metre of a house. The Sustainable Residential Development Guidelines require private open space for houses to be provided in the form of rear gardens. The proposed houses would feature rear gardens ranging in size from 44sq.m (unit 145– two-bedroom terrace) to 190sq.m (unit type H – five-bedroom detached). The applicant refers to a number of houses failing to strictly meet the Development Plan standards with respect to private open space, and as a consequence they address this within their Statement of Material Contravention. Two houses (units 144 and 145) fail to meet the appropriate minimum private open space required based on the number of bedrooms, however, no houses fall short of the minimum requirement based on the square meterage of the respective house. I am satisfied that the areas provided would be of a sufficient standard for housing in this location and that a material contravention of the Development Plan would not arise in this case, given the overall compliance with the minimum private open space requirement based on the square meterage of a house, and as marginal non-compliance by 5sq.m to 6sq.m for two of the 135 proposed houses with minimum private open space standards based on the number of bedrooms would not reasonably have substantive material planning implications.

Apartment Mix and Standards

12.7.6. SPPR1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. I am satisfied that the proposed development featuring 16 one-bedroom, 34 two-bedroom and 34 three-bedroom apartments would be compliant with SPPR1 of the New Apartment Guidelines.

12.7.7. The applicant asserts that the proposed apartments have been designed to fully accord with the apartment sizes within the New Apartment Guidelines. The one-bedroom units measuring between 54sq.m, the two-bedroom (four-person) units measuring 89sq.m to 91sq.m and the three-bedroom units measuring 132sq.m would meet the minimum 45sq.m, 73sq.m and 90sq.m unit size requirements respectively required for these units in the New Apartment Guidelines. The internal design, layout, block configuration, room sizes and storage space for each of the

apartments and blocks, as identified in the applicant's drawings and Housing Quality Assessment, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the appendix 1 standards. Floor to ceiling heights of 2.7m are illustrated for ground and first-floor levels in the section plans for all of the duplex apartments blocks, in compliance with SPPR5 of the New Apartment Guidelines.

- 12.7.8. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines would be achieved in all of the proposed apartments. Private amenity space for each of the apartments, including balcony or terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines. In compliance with SPPR 4 of the New Apartment Guidelines, all apartments proposed would feature dual aspect.
- 12.7.9. Section 6.6 of the New Apartment Guidelines also states that Planning Authority's should have regard to BRE 209 and BS 8206-2: 2008 standards. The Planning Authority do not raise concerns with respect to the provision of daylighting to the proposed apartments and the location of the site and the nature of the development, including layout, building heights and separation distances, is such that lighting to the proposed development would adequately meet the residential amenity levels for future residents.

Privacy and Overlooking

- 12.7.10. As mentioned above the Sustainable Residential Development Guidelines generally require a minimum separation distance of approximately 22m between directly opposing first-floor windows to maintain privacy and this would be achieved in the development. I am satisfied that the design measures such as separation distances, intervening public realm and open spaces, as well as building orientation would be appropriate and would address the potential for excessive direct overlooking between the proposed residences within the development. Where first-floor west-facing windows in an existing house off Glenree Road would overlook the rear gardens of proposed houses C70, C71 and C72, I am satisfied that there would be sufficient scope within the respective 20m-long proposed gardens to address the potential for loss of privacy, including via landscaping. Sufficient area for defensible

space fronting the proposed apartments to suitably address the privacy of ground-floor rooms is provided for in the proposed layout.

Childcare Facility

- 12.7.11. The Planning Authority welcome the provision of the applicant's crèche / childcare facility amounting to 373sq.m in floor area, and they request that a condition should be attached in the event of a permission requiring this to be provided as part of the initial phase of the development. Section 6 of the Development Plan addresses the provision of crèche / childcare facilities with reference to the standards in the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), as well as population targets for an area. A total of 67 childcare spaces would be facilitated in the proposed crèche / childcare facility based on the floor area and layout of the development. Wicklow County Childcare Committee has not responded to consultation regarding the application. I am satisfied that the level of crèche / childcare provision that would be provided would be acceptable to serve the development and the wider action area plan lands based on the relevant standards, the site context and the proposed unit types. Accordingly, the proposed development would comply with the provisions of the Childcare Facilities Guidelines and would not materially contravene the provisions of the Development Plan, as referred to by observers, which require the sustainable provision of crèche / childcare facilities.
- 12.7.12. The Planning Authority require an additional provision of 603sq.m of ground directly adjoining to the north of the crèche / childcare facility to be allocated as open space to serve this facility based on best practice guidelines. The applicant's site layout plan identifies external play areas directly adjoining the crèche facility amounting to approximately 180sq.m. Adjoining to the north of the crèche / childcare facility there would be open ground and a note on the applicant's site layout plan states that this area could provide 'proposed access point to serve adjoining development lands'. This subject area is the lowest part of the development site and is intended to feature an extensive underground soakaway feature as part of the applicant's strategic drainage proposals. Given the proposed provision of open space to serve the crèche / childcare facility, which would be similar to that provided for facilities of a similar scale and would be adequate and suitable to allow to facilitate differing childcare requirements, and given the necessity for a soakaway in this location, as

referenced below in section 14, I am satisfied that it would not be necessary or reasonable to require that this area be provided as additional open space to serve the crèche / childcare facility.

Support Facilities

- 12.7.13. The observations assert that the town of Enniskerry does not have sufficient capacity to serve the existing population or the proposed increase in population and that the applicant's Social Infrastructure Audit features limited justification for the proposals. The Planning Authority raises concerns with respect to the phasing arrangements for the proposed development relative to the wider action area plan objectives, as they consider the proposed development would not be provided in tandem with the necessary physical and social infrastructure and services to ensure the settlement of Enniskerry can develop in a sustainable manner. The action area plan lands feature lands that would be available for schools, community use and employment use and I am not aware of proposals for development on the lands specifically assigned for these uses. The applicant has addressed the provision of school places and open space, as well as recreation, cultural, religious, community, social and retail facilities, within a Social Infrastructure Audit accompanying their application, within which they have listed and mapped various facilities within the town.
- 12.7.14. The Local Area Plan requires 0.4 hectares of the AA2 lands to be provided for community uses, including a community centre of not less than 500sq.m and an equipped playground of not less than 400sq.m. As the 0.4 hectares for community use and the playground would be provided for, the applicant asserts that the non-provision of a community centre would represent a material contravention of the phasing requirements set out in the Local Area Plan. This issue is addressed by the applicant in their Statement of Material Contravention and I address the matter directly below and in section 12.11 of this report.
- 12.7.15. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services in a formal manner, including schools and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to remain viable. In the immediate and wider environs of the site there are schools, shops and medical facilities, all of which would benefit from the development.

12.7.16. In conclusion, supporting infrastructure and services required by the development would be largely available in the immediate area, the proposed development would support maintaining these services and as demand increases other additional supports to serve the development would become viable. The proposed development would not contradict the provisions set out under objective HD8 of the Development Plan, requiring the managed and phased provision of infrastructure and permission for the development should not be refused for this reason.

Waste and Recycling Management

12.7.17. The applicant has submitted an Operational Waste Management Plan identifying the likely volumes and types of waste and recycling that would need to be managed on site based on the nature and scale of the proposed development. Drawings identifying the locations of the bin stores to serve residents of the apartments and patrons of the crèche / childcare facility have also been submitted, while residents of the houses would store their bins to the rear of their respective houses. I am satisfied that sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and in line with the Sustainable Residential Development Guidelines. Further details relating to waste and recycling management can be provided as a condition in the event of a grant of planning permission.

Building Lifecycle and Management

12.7.18. As required within the New Apartment Guidelines, a Building Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the apartments, has been included with the planning application. Prior to the lease of individual apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Conclusion

12.7.19. In conclusion, subject to conditions, I am satisfied that the proposed development would provide a quality and attractive mix of housing and apartments, meeting the relevant design standards and providing a suitable level of amenity for future residents.

12.8. Traffic and Transportation

- 12.8.1. Based on previous Board decisions, access arrangements, parking proposals and traffic impact were not considered to impede the capacity to grant planning permission for previous developments of a similar nature and scale on the subject lands.

Access Arrangements

- 12.8.2. The site features approximately 440m frontage onto Glencree Road. Observers and the Elected Members of the Planning Authority assert that existing and future transport infrastructures would not provide sufficient services to the area based on the extent of proposed housing, including the cumulative increase with neighbouring areas. I have addressed the provision of public transport services in this area in section 12.3 of this report when addressing the appropriate density of the development, which indicated only limited infrequent public transport provision within walking distance of the site. The observations submitted assert that the proposed local road network accessing the site is of limited capacity owing to the terrain, carriageway widths and the absence and narrowness of footpaths. Two priority-junction vehicular access points into the subject development are proposed in compliance with the action area plan objectives, as well as numerous locations that would allow pedestrians to access the proposed residential streets. The Area Engineer requires sightline visibility distances of 65m over the full width of the road from a setback of 2.5m. Visibility splays for 49m in length from a point 2.4m setback from the edge of the carriageway are proposed given the 50km/hr speed limit restriction at both access points, and this would conform to DMURS requirements.
- 12.8.3. To address the shortcomings with respect to pedestrian paths leading from the site to the town centre and at bus stop locations, the applicant has proposed the provision of new sections of footpaths measuring 850m in length, as well as an uncontrolled pedestrian crossing point traversing Glencree Road (see drawing nos.17-060-P338, P339 and P340). It is also proposed to upgrade approximately 590m of existing footpaths, public lighting, bus stops and drainage infrastructure. These upgrade works would be welcome in improving connectivity of the site and the surrounding area with the town centre and other facilities, while also improving road safety and services to the area.

- 12.8.4. The layout for the housing scheme would incorporate a main spine road (street 1) leading northwards from Glenree Road with a network of local streets off this. The spine road would also serve the crèche / childcare facility and the future development lands to the north and east. The spine road would also serve as an alternative access to the lands to the north, including Parknasilloge House. Given the facilities and lands this road would serve, it would be necessary for the spine road to form part of the initial phase of the development. The spine road and network of local roads would also provide access to adjoining development lands to the north, thereby restricting the number of vehicular access points onto the Glenree Road. The NTA refer to the absence of a pedestrian or cycle access into Parc na Sillogue Court estate, however, the application site layout plan identifies a 'possible future pedestrian access to adjoining development' between the application site and this estate.
- 12.8.5. To address matters raised by observers, where future road/pedestrian connections to adjoining lands are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges and a condition to this effect should be attached in the event of a grant of planning permission. The applicant's Engineering Assessment Report asserts that the roads have been designed to accord with the parameters of the DMURS primarily on the basis of creating people-friendly streets and I am satisfied that this would be the case and that alterations with respect to turning radii and carriageway widths would not be necessary.
- 12.8.6. The Area Engineer in the Planning Authority refers to the need for further details of the roads infrastructure proposals, as well as the need for follow-up road safety audits, which I am satisfied can be addressed as conditions in the event of a grant of planning permission for the proposed development.

Parking Standards

- 12.8.7. The applicant is proposing a total of 389 car parking spaces all at surface level to serve the development, 14 of which would serve the crèche / childcare facility. The Development Plan sets out a requirement for two car parking spaces for a dwelling unit with three or more bedrooms and a visitor space where five residential units are each provided with only one parking space. For a crèche / childcare facility one

space per two staff and one space per ten children is required. The proposed crèche / childcare facility serving 67 children and with an approximate staff of 14 would attract a requirement for 14 car parking spaces based on the Development Plan minimum standards. The 158 units with three or more bedrooms and the 61 units with one or two bedrooms would attract a requirement for 389 car parking spaces. Consequently, a shortfall of 14 car parking spaces arises for the residential element, which the Planning Authority also acknowledge. The Development Plan does not set minimum or maximum car parking standards for residential developments, therefore, notwithstanding the assertions of observers in this regard, I am satisfied that it would be unreasonable to conclude that the shortfall in car parking relative to the stated standards would comprise a material contravention of the provisions of the Development Plan.

12.8.8. National policy objective 13 of the NPF advocates car parking standards in urban areas based on performance criteria. A Mobility Management Plan is provided with the application, and this outlines various measures to influence use of more sustainable modes of transport as part of the construction and operation phases of the development. The area does have access, albeit of limited extent, to public transport services, and as noted above, proposals would feature improvements to pedestrian infrastructure in the area. The Sustainable Residential Development Guidelines advocate use of maximum car parking standards in statutory plans and I am satisfied that car parking standards marginally below the Development Plan standards for the housing element of the proposed development would be reasonable in this situation. Based on the information submitted with the application, I am satisfied that sufficient car parking would be provided to serve the proposed development and conditions can be attached to address the need for electric-vehicle charging points, as referred to by the NTA.

12.8.9. A total of 96 cycle parking stands are proposed to serve the apartment and duplex units. The NTA assert that this represents a shortfall in cycle parking relative to the Development Plan standards requiring one cycle parking space per bedroom within residential developments, as well as an additional space for visitors with every two units proposed. I note that there would be scope for cycle parking within the curtilage of each of the proposed apartment and duplex residences and I am

satisfied that the general provision of cycle parking would be appropriate given the layout, nature and context of the proposed development.

Traffic

- 12.8.10. The observers refer to an array of concerns regarding the potential for the development to increase traffic congestion already experienced in the area, which would impact on road safety, particularly along Glenree Road. The applicant submitted a Traffic and Transport Assessment as part of their application and the observations assert that the 2018 traffic surveys require updating, as well as consideration for other forms of traffic generation in the area.
- 12.8.11. The applicant's modelling suggested the number of additional vehicular trips associated with the proposed development and the adjoining development lands exiting onto the Glenree Road from the site during the morning peak hour would comprise 141 outward trips, with 131 returning trips along Glenree Road during the evening peak hour. The applicant's assessment of the critical junctions onto the Glenree Road did not highlight extensive delays for traffic arising. A Transport Report appended to observers' submission refers to the subject development and the recently-constructed Sika Woods development as potentially resulting in greater than 1,000 additional daily car trips along Glenree Road. This third-party report also asserts that the subject development, the Sika Woods development and a permitted development on Cookstown Road (ABP. ref. 310078-21) would potentially result in 1,500 additional trips on the local roads with limited capacity to cater for this additional traffic. A Traffic and Transport Considerations Report appended to an observer groups submission also refers to the increased traffic that would arise along Glenree Road and on the approaches to the N11/M11. Based on the figures presented by the applicant in their Traffic and Transport Assessment and the scale of other developments in the vicinity the increased number of trips on local roads suggested in the third-party reports would not appear improbable.
- 12.8.12. I am satisfied that based on the information provided in the Traffic and Transport Assessment, a reasonable approach to modelling future vehicular traffic scenarios on the local road network with the development in place has been set out and this does not reveal substantive inconvenience for road users with adequate capacity for the additional traffic movements onto Glenree Road. The assessment broadly

follows the Transport Infrastructure Ireland guidance on this matter. Furthermore, the Planning Authority has not objected to the findings of the applicant's Traffic and Transport Assessment.

- 12.8.13. The site is located on zoned lands with reasonable access to an array of services. While the proposed development would provide for a reasonable scale of development, it would also improve pedestrian infrastructure serving the site and surrounding area. There would undoubtedly be some increase in traffic as a result of the proposed development, which would invariably add to any existing congestion in the area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently and temporarily and various measures and design features have been set out within the application and as part of the proposed development to support the use of public transport, cycling and walking, as an alternative to the use of private vehicles.
- 12.8.14. All road networks feature limited capacity in terms of the accommodation of private cars and increased population in locations such as the application site area, which are served to an extent by public transport and have the capability for additional public transport services as demand requires, should be developed in the interest of providing for sustainable communities.

Conclusion

- 12.8.15. In conclusion, the proposed development would feature appropriate access arrangements, it would not reasonably result in significant additional traffic congestion in the area and it would feature an appropriate provision of car parking.

12.9. **Services and Drainage**

- 12.9.1. The observations assert that the proposed development would be incapable of being served by existing drainage and water supply services. As referred to above, the application was accompanied by an Engineering Assessment Report and this highlights that the services and drainage proposals remain very similar to those that were proposed as part of previous development proposals considered by the Board for these lands.

Water Supply

12.9.2. Enniskerry water supply is stated to have an existing capacity for 3,200 persons, which is substantially greater than the population envisaged for Enniskerry in statutory plans. There is an existing 200mm-diameter watermain running along Glencree Road. Irish Water who maintain and manage this infrastructure has confirmed in their submission that network upgrade works are required comprising approximately 500m of pipe upgrade works to provide additional capacity. The applicant has outlined the various upgrades, as well as testing, that would be undertaken to the existing water supply infrastructure, while also providing details of a 100mm and 150mm-diameter piped water supply network intended to serve the proposed development and connect with adjoining action area plan lands. The water demand calculations informing the design of the applicant's water supply network is based on the need to cater for the subject development, as well as the adjoining future development lands. Irish Water has confirmed that connection to their water supply can be made based on the details of the proposed development and subject to standard connection agreements.

Wastewater Services

12.9.3. The existing Enniskerry Wastewater Treatment Plant is stated to have capacity to cater for a population equivalent of 6,000 persons with an operational loading catering for 3,800 persons estimated in 2012. Development in the subject and surrounding area in the interim would not suggest that the capacity of the plant has been exceeded. The applicant has proposed to drain foul sewage via gravity through a network of 150mm and 225mm-diameter pipes within the development. It is then proposed to discharge foul wastewater from the development to a new 225mm-diameter foul sewer draining southeast along Glencree Road for a distance of approximately 200m before connecting to the existing 225mm-diameter combined sewer that drains to Enniskerry Wastewater Treatment Plant. The network is designed to cater for the subject development featuring an estimated population equivalent (p.e.) of 672, as well as the adjoining development lands (p.e. 478), including the residential lands to the north.

12.9.4. In their submission, Irish Water acknowledge that a network extension comprising approximately 200m of 225mm-diameter foul sewer would be required and they

confirm that a connection to their wastewater infrastructure can be made based on the details of the proposed development and subject to standard connection agreements.

Water Drainage and Flood Risk

12.9.5. Within their Engineering Assessment Report the applicant highlights that at present there is an existing combined sewer running along Glencree Road, and the storm and surface waters collected on site would not drain to this combined sewer. The approach in addressing surface and storm water is stated by the applicant to follow the approach required within the Development Plan. Three catchments for drainage purposes have been identified by the applicant, including the area covered by the Parc na Sillogue estate, and it is proposed to construct a local drainage network on site to cater for the existing and new road network, while rainwater from the roofs of the new houses is proposed to be drained to individual soakaways. Surface waters would be managed through a series of SUDS measures, including water butts, filter drains and soakaways. The applicant states that additional site investigations were undertaken in April 2021 to confirm the original calculations used in the surface water design strategy. Fuel interceptors would be installed upstream of each soakaway and each soakaway has been sized to cater for 1 in 100-year storm events, as well as a 20% climate change factor. A series of maintenance and management measures are set out by the applicant for the proposed SUDS measures. While not objecting to the development, the Area Engineer from the Planning Authority state that more natural SUDS such as swales, water gardens and naturally irrigated tree pits would better serve the drainage proposals.

12.9.6. According to the Greater Dublin Regional Code of Practice for Drainage Works (Version Draft 6.0) soakaways and similar infiltration systems may be used for the disposal of surface water from buildings and paved areas, and they must comply with the relevant documents. Following a review of the site constraints, infiltration tests and SUDS Manual CIRIA C753, the waters from the roofs in the development could be managed on site and would not add to the local stormwater network. Each soakaway would allow water to soak into the ground within private gardens and open spaces based on calculated requirements. The SUDS measures has been designed to ensure runoff is treated to the standards outlined in the Greater Dublin Strategic Drainage Study – Regional Drainage Policies Technical Document - Volume 2 New

Development (March, 2005). Notwithstanding this, standard stormwater audits can be requested via condition to ensure the satisfactory undertaken and operation of the installed system.

- 12.9.7. Observers assert that all surface water should be directed to the public network to avoid potential flood risks to other downgradient lands. The applicant has set out in detail the rationale for not diverting surface waters to the public network, including the potential ecological implications with respect to neighbouring springs and groundwater-dependent habitats. The applicant has submitted a Site Specific Flood Risk Assessment, which identifies the potential flood risks arising from the proposed development, as well as the measures that would be implemented to address risk of flooding, including the sizing and design of the on-site drainage systems, the provision of appropriate finished-floor levels, flood routing, the provision of soakaways, and the implementation and maintaining of SuDS measures. Only a low residual risk of flooding would be expected to arise according to the applicant, with potential flooding of internal roads only via the intended strategic flood routing measures. Surface water runoff from the site would discharge via a series of soakaways and would not impact on developments upstream or downstream of the subject site. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed development is 'less vulnerable' and therefore appropriate for the site.

Conclusion

- 12.9.8. In conclusion, I consider the water supply, wastewater and surface water drainage proposals to serve the subject development to be satisfactory, subject to appropriate conditions. Furthermore, the proposed development would not be at substantive risk of flooding and would not present a substantive risk of flooding to other lands.

12.10. Built and Natural Heritage

Local Ecological Impacts

- 12.10.1. This site lies on the edge of an urban area and the current land uses in the vicinity are detailed in section 2 above. Observers assert that consideration must be given to the impact of the development on biodiversity and wildlife, including the

neighbouring Knocksink Wood Nature Reserve featuring woodland habitat and petrifying springs with tufa formation that are listed as priority habitat in the EU Habitats Directive.

- 12.10.2. An Ecological Impact Assessment was submitted with this application drawing from ten field surveys between April 2014 and August 2021, as well as an additional survey in 2022. This Assessment outlines the habitats and species identified on site during surveys, as well as referring to designated sites for nature conservation in the immediate area, including Powerscourt Woodland proposed Natural Heritage Area (pNHA) and Knocksink Wood pNHA, as well as other pNHAs and a Ramsar site in the wider area.
- 12.10.3. The site is stated by the applicant to be dominated by habitats categorised into improved agricultural grassland (GA1), dry calcareous grassland – improved (GSi1), hedgerows (WL1) of moderate and poor value, and scrub (WS1). It features numerous trees and hedgerows, a number of which would be removed as part of the project and these are primarily located on the field boundaries, including those along the periphery of the site. The Department of Housing, Local Government and Heritage submission refers to the potential loss of biodiversity as a result of the infilling of a ditch along the local road, however, this does not appear to have been identified as a key or sensitive ecological feature in the application ecological investigations and my visit to the area only revealed a very limited narrow and shallow stretch of ditch on the western end of the site approaching Kilmolin. A detailed list of tree species and their conditions is provided in the applicant's Arboricultural Assessment. There has not been substantive change in the character or nature of the application site since the initial surveys in 2014 according to the applicant, which they assert to be confirmed via surveys and aerial images.
- 12.10.4. Limited evidence of species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the development site. Evidence of badger activity on the housing site was identified in 2016, however the 2022 survey did not reveal substantive evidence of any mammals of conservation importance using the site. The development would potentially reduce foraging area for buzzard and sparrow hawk recorded as using the area. There is reference to invasive species (Cherry Laurel, Three-cornered leek and Montbretia) being identified on site during surveys. Potential to impact on the aquatic biodiversity of marsh habitat, Knocksink

Wood and Glencullen River downstream of the site is acknowledged in the Ecological Impact Assessment. Potential impacts on bats are considered further below.

- 12.10.5. Based on the information available, the application site, including housing area and approach roads, is of negligible to low ecological value. To address potential impacts of the project on local ecology, the applicant sets out various measures to address this, including ecological monitoring and the control of surface water runoff during the construction phase. Landscaping would be undertaken to address the loss of trees and hedgerows, as well as to increase flora diversity. Collision risk for birds would not arise given the primarily solid exterior proposed for buildings and the removal of potential nesting habitats for birds would be overseen by a qualified ecologist and during the appropriate periods. There would only be limited displacement of foraging area for birds of prey given the extensive foraging areas utilised by these birds and the nature of the wider area, including extensive open lands to the west.
- 12.10.6. A robust and comprehensive series of mitigation measures is outlined in the Ecological Impact Assessment and after alleviation the applicant asserts that no significant adverse effects or significant adverse cumulative effects are likely to arise for biodiversity from this project and other identified projects. With the implementation of the identified measures, I am satisfied that the residual impact on local ecology would be no more than moderate-negative.
- 12.10.7. Observers state that an assessment with respect to the Water Framework Directive needs to be undertaken. The applicant has addressed the implications of the proposed project and the project design measures with respect to the Water Framework Directive in their 'Relevant Assessments Regulation 299b Statement', as well as within their Ecological Impact Assessment and Hydrological and Hydrogeological Assessment Report. I am satisfied that based on the information available and provided, and that with the successful implementation of the stated measures referred to by the applicant in their application documentation, it is not likely that the project would cause any significant deterioration in water entering neighbouring watercourses or a change in downstream waterbody status, including groundwater. Impacts on receiving surface water and groundwater bodies are considered further in section 14 below. Accordingly, the project would not prevent

attainment, or potential to achieve, future 'good' status of relevant waters in downstream waterbodies.

Bats

- 12.10.8. A bat survey of the area, including additional lands accommodating a derelict cottage that are not within the application site, was undertaken in July 2014 during peak season for bat activity. A report appended to observers' submissions raises a number of concerns with regard to the extent of time that has elapsed since the previous bat surveys, potential impacts on bats, including their habitat and the proposed mitigation measures set out to address impacts on bats.
- 12.10.9. The applicant's initial survey in 2014 identified Common Pipistrelle and Leisler's bats on site, and potential for bat roosts within mature trees, as well as the derelict cottage off the application site. The most recent bat survey in January 2022 was undertaken outside of the peak season for bat activity, and this is stated to have been undertaken to identify the potential for the site to accommodate bat roosts. The level of bat activity on site is considered to be low based on the nature of the site and information available. Some potential for bat roosting in trees on site was identified, however, no bats were actually observed emerging from trees and the applicant states that the trees of highest potential to accommodate bat roosts are to be maintained. I am satisfied that given the nature of the site and the findings of previous surveys, identifying limited use of the site by bats, as well as limited change in the site over the intervening period of surveys and the limited roosting opportunities, the potential impact of the proposed development on bats should not preclude the granting of permission for the proposed development.
- 12.10.10. Bat-sensitive lighting is proposed for the housing area and the Planning Authority has requested that this lighting also be used as part of the public lighting proposed along the Glenree Road. I am satisfied that this can be requested as part of the finalised lighting proposals. To address impacts on bats and the fact that their roosts are not fixed, the applicant has set out that a project ecologist would be engaged to undertake pre-construction inspections in advance of works involving the felling of mature trees that may have potential for bat roosts, and to address matters raised by the Department of Housing, Local Government and Heritage, I am satisfied that these inspections should also occur along the length of the local road that is

intended to feature upgrade works. Accordingly, I am satisfied that, subject to conditions and the stated measures being implemented in full to address potential impacts on bats, there would not be a significant adverse impact on bat populations as a result of the proposed development.

Trees and Hedgerows

12.10.11. The observations submitted object to the extent of tree and hedgerow removal proposed as part of the development. Following a tree survey, proposals were set out for 35 trees and 9 hedgerows. The trees identified include ash, sycamore, oak and Lawson cypress. The majority of the trees to be removed are either in roadside locations along Glencree Road or on field boundaries. The hedgerow along the northern boundary of the site with the semi-circular open space is proposed to be maintained according to the details in the applicant's Ecological Impact Assessment.

12.10.12. I am not aware of an objective to preserve trees and woodlands on these lands and there are more impressive stands of trees within the neighbouring Knocksink Wood and Powerscourt Wood complexes. The extent of tree removal would only have minor implications along the roadside areas and with the maturation of compensatory replacement planting this would allow for softening of the appearance of the development, which would generally be in line with the existing and emerging character of the area.

12.10.13. The applicant addresses the loss of hedgerows and trees within their Statement of Material Contravention, where they consider the removal of hedgerows to potentially materially contravene objective B4 of the Local Area Plan. Objective B4 of the Local Area Plan refers to the measures intended to support the protection and enhancement of biodiversity and ecological connectivity within the Local Area Plan lands. It does not restrict the removal of trees and hedgerows regardless of their ecological merit and I fail to see how the proposed removal of the subject hedgerows and trees could reasonably be considered to materially contravene such an objective of the Local Area Plan.

12.10.14. I am satisfied that given the extent of trees to be maintained on site and the trees to be protected, the stated condition of the trees on site and the proposed provision of replacement tree planting, a sustainable approach to redeveloping the site has been set out in this regard. In the event that permission is granted for the

proposed development, I recommend the attachment of conditions with respect to the engagement of an arborist as part of the landscape works to best provide for the protection of any trees to be maintained on site.

Archaeology

12.10.15. An Archaeological Impact Assessment was submitted as part of the application with details of a geophysical survey and testing of 29 trenches undertaken. The extent of surveying and testing was stated to reflect the location of the development immediately south of a recorded monument (ref. WI007-021), which is an unclassified megalithic tomb, and the location of an enclosure on site scheduled for inclusion in the Record of Monuments and Places (ref. WI007-087). Other sites in the wider area are also referenced by the applicant. In total, 22 archaeological features were in evidence during testing, including pits, postholes, a charcoal-rich spread and linear features.

12.10.16. The Planning Authority has requested that a condition be attached in the event of a permission with regard to archaeology. The applicant has proposed full archaeological excavation of the potential archaeological sites in advance of construction, in order to preserve the features by record, as well as archaeological monitoring, which is agreeable to the Department of Housing, Local Government and Heritage.

12.10.17. I am satisfied that the results of the applicant's initial archaeological assessments and testing would not give rise to a situation that would preclude the granting of permission or the construction of the proposed development. Notwithstanding this, given the known archaeological features on site and the potential for unknown archaeological features to survive on site, a condition would appear reasonable and necessary to attach in the event of a grant of permission for the proposed development and this should be based upon the detailed requirements set out by the Department in their submission.

12.11. Material Contravention

12.11.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan

or a Local Area Plan relating to the area concerned, albeit with exception to a material contravention of zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below.

- 12.11.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Development Plan and the Local Area Plan with regard to specific statutory planning requirements, other than in relation to the zoning of the land.
- 12.11.3. Observers and the Planning Authority assert that a material contravention would arise consequent to non-compliance of the proposals with the land-use zoning objective for the site, however, for reasons outlined above in section 12.2, I am satisfied that a material contravention with respect to current land-use zoning objectives would not arise in the case.
- 12.11.4. The applicant addresses the potential for material contraventions to arise with respect to the proposed development and the plot ratio standards, policy HD5, private open space, boundary treatments and the minimum separation distances contained in the Development Plan, as well as hedgerow protection (objective B4) provisions in the Local Area Plan and a protected view identified in both the Development Plan and the Local Area Plan. For reasons outlined above, I am satisfied that a material contravention would not arise regarding these matters.
- 12.11.5. The observers also refer to potential for material contraventions to arise with respect to the proposed development and the public open space, car parking standards, childcare provision, ACA provisions and building height standards in statutory plans for this area. For reasons outlined above, I am satisfied that a material contravention would not arise regarding these matters.
- 12.11.6. The proposed density of the development would contravene the density, unit number and phasing provisions contained within the Local Area Plan, as well as the unit mix provisions within the Development Plan. The applicant addresses non-compliance of the proposals with each of these matters in their Statement of Material Contravention and in such a situation it is open to the Board to consider the proposal in terms of material contravention procedures.

12.11.7. Section 37 of the Act of 2000 provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in circumstances where at least one of the following applies:

- (i) the proposed development is of strategic or national importance;
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned;
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government;
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Residential Density and Unit Numbers

12.11.8. As noted above, I am satisfied that a material contravention of the Local Area Plan would arise with respect to the proposed residential density of 30 units per hectare, as this density would exceed the 20 units per hectare limitation for the subject 'AA2' lands.

12.11.9. On the basis of my assessment above, I am satisfied that the proposed development is of strategic and national importance by reason of its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply within the Dublin metropolitan area, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland – Action Plan for Housing and Homelessness' (2016). Accordingly, I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the residential density and unit number provisions of the Local Area Plan.

12.11.10. In relation to the matter of conflicting objectives in the Development Plan or objectives that are not clearly stated, which is addressed in section 37(2)(b)(ii) of the Act of 2000, I am satisfied that this would not apply in this case as the objectives in

the Local Area Plan and in the Development Plan with respect to density are reasonably well stated.

12.11.11. With regard to section 37(2)(b)(iii), as considered in detail above in section 12.3, I am satisfied that the residential densities for the proposed development in this location are in accordance with national policy, as set out in the NPF, specifically NPOs 13 and 35, and regional policy for the Dublin metropolitan area, as set out in the RSES. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a material contravention with respect to residential densities and unit numbers is justified in this case.

12.11.12. In relation to section 37(2)(b)(iv) of the Act of 2000, I note that the current Development Plan was adopted in 2016. The recently constructed Sika Woods development to the south of the application site permitted in 2018 (WCC ref. 17/1300) was constructed at a density of 22 units per hectare, which would be more in keeping with the lower density of more historical residential estates in the area, while the strategic housing development permitted on Cookstown Road (ABP ref. 310078-21) would provide for a residential density of 32 units per hectare on other action area plans in a similar context within Enniskerry. Accordingly, I am satisfied that the provisions of section 37(2)(b)(iv) of the Act of 2000 would be applicable when considering the densities recently permitted on the neighbouring Cookstown Road site.

Unit Mix

12.11.13. Above I have concluded that the proposed housing unit mix would not feature bungalow units, and as such, the proposals would materially contravene objective HD15 of the Development Plan, which requires bungalows to be provided in medium to large-scale housing developments.

12.11.14. I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable in this case given the identified strategic importance of the development from a housing provision perspective, as discussed further above. Conflicting objectives in the Development Plan do not arise in this matter, therefore, the provisions under section 37(2)(b)(ii) of the Act of 2000 do not apply in this case.

12.11.15. The proposed mix would comply with the requirements under SPPR 1 of the New Apartment Guidelines and the housing mix provisions advocated for edge of

centre locations in the Sustainable Residential Development Guidelines, while also contributing to the expanding housing sector in this area. Consequently, I am satisfied that the provisions of section 37(2)(b)(iii) of the Act of 2000 would apply in this case.

12.11.16. In relation to section 37(2)(b)(iv) of the Act of 2000, I note that for sites subject of similar Development Plan unit mix provisions, the Board has recently permitted a strategic housing development permitted on Cookstown Road in Enniskerry (ABP ref. 310078-21) which did not feature bungalow units, and the proposed development is to an extent, continuing on that pattern of development.

12.11.17. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan objectives pertaining to unit mix, I consider that the provisions of sections 37(2)(b)(i), (iii) and (iv) and have been met. In this regard I am satisfied that the Board would not be restricted from granting permission for the proposal.

Phasing

12.11.18. Material contraventions of the phasing objectives of the Local Area Plan, including the provision of a community centre, are stated by the applicant to arise with respect to the proposed provision of residential units on the AA2 lands, the non-provision of employment facilities and the absence of a community centre from the proposed development. Observers to the application and the Planning Authority are in agreement with same.

12.11.19. The application documentation, including the Statement of Material Contravention provides the applicant's justification for the proposed phasing of the development relative to other potentially supporting uses and the wider allocation of uses for the AA2 lands.

12.11.20. With respect to phasing proposals and the absence of a community centre from the development, my conclusions above refer to the proposed development materially contravening the provisions of the Local Area Plan.

12.11.21. Further to my assessments above, I am satisfied that the proposal positively assists in securing NPF objectives to focus development into key urban centres, to contribute to housing supply and to deliver compact growth in urban centres. As with my conclusions regarding material contravention of the proposals with respect to

residential densities and unit numbers, I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the subject proposals with the phasing objectives of the Local Area Plan.

12.11.22. The phasing objectives of the Local Area Plan are set out clearly and they are not in conflict with those of the Development Plan and I am satisfied that the provisions under section 37(2)(b)(ii) of the Act of 2000 would not apply in this case. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a material contravention of the phasing objectives of the Local Area Plan is not strictly justified in this matter based on the RSES, the statutory obligations of the Local Authority, Ministerial guidelines or Government policy. Furthermore, I am not aware that the proposed development is not continuing on the phasing patterns recently permitted for other developments and the provisions under section 37(2)(b)(iv) of the Act of 2000 would not apply.

12.11.23. Should the Board be minded to invoke the material contravention procedure, as relates to Local Area Plan objectives pertaining to phasing and the provision of a community centre, I consider that the provisions of sections 37(2)(b)(i) have been met with respect to the proposed development. In this regard I am satisfied that the Board can grant permission for the proposal.

13.0 Environmental Impact Assessment Screening

13.1.1. The applicant has addressed the issue of EIA within an EIA Screening Report, which contains information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001-2022 (hereinafter 'the Regulations'). I have had regard to same in this screening assessment. The information provided by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

13.1.2. This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class 10(b) of Schedule 5 to Part 2 of the Regulations provides that mandatory EIA is required for the following classes of development:

- (i) construction of more than 500 dwelling units,
- (iv) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

13.1.3. The development would provide for the construction of 219 dwelling units, a crèche / childcare facility and road improvement works, all on a gross site measuring 8.3 hectares in a non-business district on the edge of a built-up urban area. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA.

13.1.4. The criteria within Schedule 7 to the Regulations are relevant in considering whether this proposed subthreshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area to the south and west. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The agricultural use of the site is noted, and significant constraints in developing the site at the scale proposed have not been identified in testing. The development would be served by municipal wastewater drainage and water supplies. The site is not subject to any architectural or nature conservation designation and does not support substantive habitats or species of conservation significance, as highlighted in the applicant's Ecological Impact Assessment and addressed in section 12.10 above. Connectivity of the site with protected habitats is noted and considered further below in section 14 of this report. An archaeological site identified on the site has been subject to preliminary testing and would be subject to further testing to allow for recording should the need arise.

13.1.5. The various reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the impact of the proposed

development, in addition to the cumulative impacts with regard to other permitted and existing developments in proximity to the site. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application, including the following:

- Planning Report and Statement of Consistency with Planning Policy;
- Architectural Design Statement;
- Engineering Assessment Report;
- Construction and Environmental Management Plan;
- Site Specific Flood Risk Assessment;
- Traffic and Transport Assessment;
- Ecological Impact Assessment;
- Landscape and Visual Impact Assessment;
- Archaeological Assessment;
- Information for Stage 1 Screening and Stage 2 Appropriate Assessments (AA);
- Hydrological and Hydrogeological Assessment Report;
- Environmental Impact Assessment (EIA) Screening Report.

13.1.6. In addition, noting the requirements of Section 299B(1)(b)(ii)(II)(C) of the Regulations, the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive have been taken into account. In this regard I note the following EU directives are directly addressed by the applicant in their document titled 'Relevant Assessments Regulation 299B Statement':

- Directive 2001/42/EC; SEA Directive;
- Directive 2000/60/EC; Water Framework Directive;
- Directive 2008/98/EC; Waste Framework Directive;
- Seveso III Directive 2012/18/EU; Risk of Major Accidents;
- Directive 2007/60/EC, Floods Directive.

13.1.7. As part of their ecological assessment the applicant has addressed the Habitats Directive (1992/43/EEC) and Birds Directive (2009/147/EC) and as part of their Hydrological and Hydrogeological Assessment Report they addressed the Groundwater Directive (2006/118/EC). Under the relevant themed headings, the EIA screening information prepared by the applicant addresses the implications and interactions of the proposed development, and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan and the Local Area Plan.

13.1.8. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the proposed development be arrived at. This conclusion is consistent with the EIA screening information submitted with the application. Overall I am satisfied that the information required under article 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination can be issued confirming that there is no requirement for an EIAR to be prepared for the project based on the above considerations.

14.0 Appropriate Assessment

- 14.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are considered in the following section.
- 14.1.2. The most recent strategic housing development application (ABP ref. 307211-20) on this site was refused permission by the Board in September 2020 due to deficiencies in the information provided in the applicant's Natura Impact Statement relating to the 'Old sessile oak woods with Ilex and Blechnum in the British Isles' qualifying interest of the Knocksink Wood SAC (site code 000725). It would appear that the Natura Impact Statement for this previous application failed to address the potential impact of the development on the aforementioned qualifying interest, either alone or in combination with a proposed waste management facility in the vicinity of the site, and as such, the Board was precluded from granting planning permission for the proposed development.

14.2. Compliance with Article 6(3) of the EU Habitats Directive

- 14.2.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given.

14.3. Stage 1 AA Screening

- 14.3.1. The applicant has submitted a document titled 'Information for Stage 1 Screening and Stage 2 Appropriate Assessments' dating from January 2022 prepared by Scott Cawley. This document provides a description of the site, the receiving environment and the proposed development, as well as identifying European Sites within the possible zone of influence of the development and containing a Natura Impact Statement.

Site Location

- 14.3.2. A description of the site is provided in section 1 and throughout the assessments above. The site primarily features greenfield characteristics and is located on the edge of the centre of an urban settlement with the habitats identified on the site outlined in section 12.10 above. No Annex I habitats were recorded within the application site and only limited use of the application site by flora and fauna was identified within the applicant's Ecological Impact Assessment dated January 2022. The site does not feature any substantive surface water bodies, and groundwater from the site would flow northeast in the direction of Glencullen river, which is located 325m from the nearest site boundaries and 30m below the site. Based on current Environmental Protection Agency (EPA) online mapping, the most recent WFD status for this watercourse (2013-2018) identified it as having 'good' status and that it was not at risk of meeting WFD objectives for 2027. The application site is located over the Enniskerry gravels groundwater body and the most recent status (2013-2018) described by the EPA for this groundwater body categorised it as 'good' and that it was not at risk of meeting WFD objectives for 2027. The bedrock aquifer below the site is identified in EPA mapping as a 'Locally-important Aquifer – Bedrock, which is Moderately Productive in Local Zones'.
- 14.3.3. The application documentation, as well as application submissions, note that a cluster of 12 springs lie adjacent to the eastern side of the proposed development site, as well as to the north, featuring a mix of calcareous tufa forming and non-calcareous springs.
- 14.3.4. The applicant states that Cherry Laurel, Montbretia and Three-cornered Leek have previously been recorded within the site. Cherry Laurel is considered a high impact species, although this species and Montbretia are not included as a non-native species in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), while Three-cornered leak is considered a medium impact species, included within the aforementioned schedule.

Proposed Development

- 14.3.5. A detailed description of the proposed development is provided in section 2 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the application documentation, including

the Construction and Environmental Management Plan. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Enniskerry Wastewater Treatment Plant (WWTP). Surface waters from the roofs of buildings would discharge to individual on-site soakaways, where these waters would infiltrate to ground. Following various standard practice construction site environmental management measures, stormwaters from hardstanding areas, including roads, would be drained into a network of piped drains that would discharge into three soakaway features. Standard measures to remove sediment and hydrocarbons would be installed along the stormwater drainage network.

14.3.6. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – water runoff, including alterations in flow and quality, spread of invasive species, disturbance and emissions, including sediment, dust, noise and vibration;
- Operation Phase – disturbance, water runoff and emissions to water.

Submissions and Observations

14.3.7. The submissions and observations from the Planning Authority and prescribed bodies are summarised in sections 10 and 11 of this report. I note the report prepared by Scott Cawley and I have also had regard to other relevant documentation on file, in particular the Hydrological and Hydrogeological Assessment Report prepared by Hydro-Environmental Services (dated January 2022), the Construction and Environmental Management Plan (dated November 2021) and the Engineering Assessment Report (dated January 2022) prepared by Waterman Moylan Consulting Engineers Limited.

14.3.8. I have had regard to the submissions from observers summarised in section 9 above, many of which have raised concerns in relation to the potential impacts of the proposed development individually and in-combination with other plans and projects on Knocksink Wood SAC and associated priority habitats. Observers assert that there are deficiencies in the report submitted with the application prepared by Scott Cawley, as well as the accompanying Hydrology and Hydrogeological Report,

including reference to inadequate mitigation proposals, a lack of consideration of the impacts of construction excavation works on groundwater bodies, limited consideration of anthropogenic impacts and insufficient scientific data to allow for a definitive decision. I note the submission from Dr. Robert Meehan, a soil, subsoil and landscape geologist, and the Ecological Review report prepared by APEM Ltd., with matters raised in these reports addressed in the relevant sections below. The Department of Housing, Local Government and Heritage (National Parks and Wildlife Service - NPWS) has also made a submission with respect to the application, which I discuss further below, and with respect to the potential impact of the development on nature conservation, including reduced groundwater flow to Knocksink Wood SAC, pollutants to groundwater pathways, sedimentation of surface water pathways, water quality impacts and increased anthropogenic pressures.

European Sites

14.3.9. The nearest European sites to the application site, including SACs and Special Protection Areas (SPAs), comprise the following:

Table 5. European Sites

| Site Code | Site Name / Qualifying Interests | Distance | Direction |
|-----------|--|----------|-----------|
| 000725 | Knocksink Wood SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • 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] | 0.2km | northeast |
| 000713 | Ballyman Glen SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] | 1.5km | southeast |
| 002122 | Wicklow Mountains SAC <ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] | 2.2km | west |

| | | | |
|--------|--|--------|-----------|
| | <ul style="list-style-type: none"> • Natural dystrophic lakes and ponds [3160] • Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] • Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] • Blanket bogs (* if active bog) [7130] • Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] • Calcareous rocky slopes with chasmophytic vegetation [8210] • Siliceous rocky slopes with chasmophytic vegetation [8220] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • <i>Lutra lutra</i> (Otter) [1355] | | |
| 004040 | Wicklow Mountains SPA <ul style="list-style-type: none"> • Merlin (<i>Falco columbarius</i>) [A098] • Peregrine (<i>Falco peregrinus</i>) [A103] | 2.6km | west |
| 000714 | Bray Head SAC <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European Dry Heaths [4030] | 6.0km | east |
| 003000 | Rockabill to Dalkey Islands SAC <ul style="list-style-type: none"> • Harbour porpoise [1351] • Reefs [1170] | 8.6km | northeast |
| 004172 | Dalkey Islands SPA <ul style="list-style-type: none"> • Roseate Tern [A192] • Arctic Tern [A194] • Common Tern [A193] | 10.3km | northeast |

14.3.10. In determining the zone of influence for the proposed development, I have had regard to the nature and scale of the project, the distance from the development site

to European sites and any potential pathways that may exist from the development site to a European Site, application documentation and submissions, and my visit to the area. Table 1 of the applicant’s screening information report identifies the potential links to European sites from the application site. The distances and directions from the site to European sites are listed in table 5 above. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the species identified as using the site during ecological surveys, the distance from the development site to European sites, the lack of an obvious pathway to European sites from the development site, local drainage patterns and catchments, and separation across open marine waters.

Table 6. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

| Site Name / Code | Qualifying Interests (QIs) / Special Conservation Interest (SCIs) | Connections | Consider Further |
|-----------------------------|---|---|------------------|
| Knocksink Wood SAC / 000725 | <p>To restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion);</p> <p>To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles;</p> <p>To maintain the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000725.pdf</p> | <p>Yes</p> <p>Hydrological connections exist through:</p> <p>Surface water and groundwater runoff to the SAC and to the catchment zone for the qualifying interest habitats within the SAC during construction and operation phases of the proposed development</p> | Yes |
| Bray Head SAC / 000714 | To maintain the favourable conservation condition of Vegetated | Wastewater from the site would pass and would be treated in Enniskerry WWTP, | No |

| | | | |
|--|--|---|--|
| | <p>sea cliffs of the Atlantic and Baltic coasts;</p> <p>To restore the favourable conservation condition of European dry heaths</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000714.pdf</p> | <p>which is operating within capacity and discharges to the River Dargle, which ultimately discharges to the Irish Sea approximately 1.9km north of this European site.</p> | |
|--|--|---|--|

14.4. Potential Effects

14.4.1. Direct habitat loss and fragmentation would not arise given the location and nature of the site. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- surface water and stormwater drainage from the proposed development site at construction and operation stage;
- alterations to the natural hydrology and hydrogeology at construction and operation stage;
- spread of invasive species at construction stage;
- increased anthropogenic activity at operation stage;
- wastewater drainage at operation stage.

Construction Phase

14.4.2. The proposed construction management measures outlined by the applicant, including the pollution prevention measures outlined in applicant's CEMP, are largely typical and well-proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. However, the mitigation measures recommended by the applicant in their Hydrological and Hydrogeological Assessment and within the application CEMP and Engineering Assessment Report, are clearly measures specifically required to address the potential likely significant

effects of the proposed development on the groundwater-dependent habitats identified as qualifying interests for Knocksink Wood SAC. These mitigation measures are discussed further below.

- 14.4.3. Within their conclusions on information provided for AA screening, the applicant states that alterations to the natural hydrology and hydrogeology arising from the proposed development may have potentially significant effects on the conservation objectives of Knocksink Wood SAC, and this would require mitigation at construction and operation stages. This is not contested by parties to the application.
- 14.4.4. Through surveys, invasive species have been identified as habituating the application site. The habitat within Knocksink Wood SAC, in particular, old-sessile oak woodlands, would be sensitive to the spread of the identified invasive species, which could reasonably spread from the application site to the European site given the relatively short distance between the sites and the known natural mechanisms that may lead to the spread of these species. As such, specific mitigation measures to address the potential likely significant effect would be necessary.

Operational Phase

- 14.4.5. During the operational stage stormwater from the site would drain and be discharged into three soakaways after passing through sedimentation and fuel interceptor traps, while surface waters from roofs and other private property areas would infiltrate to ground within respective individual property soakaways. The application proposals include a series of SUDS maintenance, pollution control and stormwater treatment measures that are over and above that which are normally set out for developments of the nature and scale of the subject proposals, and these measures are clearly intended to address the identified connectivity of the application site with sensitive habitats within Knocksink Wood SAC.
- 14.4.6. The need to safely manage and treat wastewater from the proposed development provides a pathway for potential impacts to downstream European sites, however, as noted above in section 12.9, the Enniskerry WWTP that would treat wastewaters from the proposed development has capacity to serve the development. Consequently, it is considered that the additional loading to the Enniskerry WWTP arising from the proposed development would not be likely to give rise to significant impacts on European sites, including Bray Head SAC.

- 14.4.7. The applicant refers to the potential risk of increased anthropogenic pressures associated with the operation stage of the proposed development on the qualifying interests of Knocksink Wood SAC, including the risk of trampling within the habitats, littering and the spreading of non-native invasive plant species into the woodland, for example, via fly-tipping of garden waste. I recognise the threats and risks posed by increased anthropogenic activities to qualifying interest habitats within Knocksink Wood SAC. There is an existing formal entrance to this SAC and nature reserve along the R117 regional road, approximately a 2km walk from the application site. The applicant and observers refer to an informal undesignated track into the woodland approximately 200m from the application site leading to this SAC. Future residents or visitors to the proposed development would be likely to traverse agricultural fields in private ownership if they were to use this stated informal access.
- 14.4.1. The applicant, observers and the NPWS refer to the footfall arising from the increased population associated with the proposed development on the application site as increasing anthropogenic pressures Knocksink Wood SAC. Alongside the mitigation measures to address the potential spread of invasive species, the applicant states that educational signage would be erected regarding the SAC complex, including in particular encouragement for walkers to access the woods only through the existing official entrance to Knocksink Wood. Observers contest that this would fully address the potential increased anthropogenic pressures on the SAC habitats, including via dog fouling.
- 14.4.2. While I recognise that the applicant has set out mitigation measures to address the potential for increased anthropogenic pressures on Knocksink Wood SAC due to the proximity of an informal walking route, this is most likely undertaken out of abundance of caution. The development is intended to provide housing and a childcare / crèche facility with associated open space areas commensurate with statutory requirements, as well as formal waste and recycling services. Given the nature of the development and the absence of evidence that the informal walking route is impacting on the status of SAC habitats in a significant manner and the absence of a formal direct connection designed as part of the subject proposals between the application site and Knocksink Wood, there is no reasonable scientific basis to assume that the proposed development would result in likely significant

effects on the qualifying interests of Knocksink Wood SAC via increased anthropogenic pressures, in view of the site's conservation objectives.

AA Screening – In combination Impacts

- 14.4.3. This project is taking place within the context of other developments in the Enniskerry area, which can impact in a cumulative manner with the proposed development through drainage and increased volumes to the Enniskerry WWTP. The expansion of the town is catered for through land-use planning by the Planning Authority, including the Wicklow County Development Plan 2016-2022 and the Bray Municipal District Local Area Plan 2018. Both the Development Plan and Local Area Plan have been subject to AA by the Planning Authority, who concluded that their implementation would not result in significant adverse effects on the integrity of any European sites.
- 14.4.4. Section 7 of the applicant's 'Information for Stage 1 Screening and Stage 2 Appropriate Assessments' addresses the potential effects of the proposed development in combination with other potential sources. As noted above, the Enniskerry WWTP has capacity to treat wastewaters from the proposed development, as well as the remaining potential quantum of development identified in the Local Area Plan for the wider adjoining objective 'AA2' lands, with the proposed surface water drainage for the development designed to also cater for run-off from Parc na Sillogue estate and wastewater drainage network designed to cater for the residential lands to the north.
- 14.4.5. Having regard to the foregoing, I consider that there would only be the potential for in-combination effects to arise for European Site No. 000725 (Knocksink Wood SAC).

AA Screening Conclusion

- 14.4.6. I concur with the majority of the conclusions of the applicant, in that the only European site where there is potential for likely significant effects is the Knocksink Wood SAC, and that in the absence of mitigation, potentially significant risks to this European site would arise from accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges and alterations to the natural hydrogeology.

- 14.4.7. The proposed development was considered in light of the requirements of Section 177U of the Act of 2000. Having carried out Stage 1 AA Screening for the project, it has been concluded that the project individually could have a significant effect on European Site No. 000725 (Knocksink Wood SAC), in view of the sites' Conservation Objectives, and an AA is therefore required. The applicant has provided information for an AA of the potential for significant effects of the proposed development on this European site.
- 14.4.8. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, given the absence of a pathway between other European sites and the application site, and the separation distances to other European sites from the application site. In reaching this conclusion, with the exception of European Site No. 000725 (Knocksink Wood SAC), I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on European sites.

Stage 2 - Appropriate Assessment

- 14.4.9. The following is a summary of the objective assessment of the implications of the project on the qualifying interests of European Site No. 000725 (Knocksink Wood SAC) using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are both considered and assessed.

Test of Effects

- 14.4.10. As the site of the proposed development is at a remove from Knocksink Wood, no direct effects would occur. In terms of indirect effects, the key element is the potential effects of surface water and stormwater drainage and the impacts on hydrology and hydrogeology during construction and operation phases, as well as the potential effects of invasive species during the construction phase.
- 14.4.11. The applicant's report states that the old sessile oak wood has no dependency on groundwater, therefore, any potential water-related impacts on this Knocksink Wood SAC qualifying interest habitat can only occur from surface water runoff during either the construction or operational phase of the proposed development. However the

other two qualifying interest habitats (petrifying springs with tufa formation and alluvial woodland) are groundwater-influenced habitats that would be potentially at risk from accidental pollution incidents, silt-laden surface water discharges, contaminated water discharges and alterations to the natural hydrogeology associated with the construction and operation phases of the proposed development, particularly if these effects were of a sufficient magnitude and duration to affect the groundwater or surface water qualities or volumes within Knocksink Wood SAC.

14.4.12. When refusing permission for a previous strategic housing development on this site (ABP ref. 304037-19), the Board concluded that the documentation submitted as part of the application, including the Natural Impact Statement and accompanying engineering and hydrogeology reports, were insufficient to provide a full understanding of the hydrogeology of the lands, and failed to provide a conceptual hydrogeological model that establishes beyond scientific doubt, that the proposed development would not adversely affect the integrity of Knocksink Wood SAC. In this previous decision the Board highlighted concerns regarding the scientific evidence used to identify the catchment zones for springs and the potential impacts of the development arising from alterations to the natural hydrogeology associated with the development proposed at the time and the sensitivities of Knocksink Wood to land modification at the subject site, both through diversion of groundwater from the gravel layers and the gravel layers acting as a hydrological pathway for polluted water.

14.4.13. A subsequent planning application (ABP ref. 307211-20) for a strategic housing development on this site was refused permission solely for reasons related to the omission of consideration in the applicant's NIS of the impacts of the proposed development on the old sessile oak woods qualifying interest habitat within Knocksink Wood SAC. When previously considering the approach undertaken by the applicant to address the need to provide details to sufficiently show an understanding of the hydrogeology of the area, the Inspector for the previous case referred to the Department of Culture, Heritage and the Gaeltacht (NPWS) submission, which stated that the northern group of neighbouring springs was unlikely to be impacted by the development, but that there was uncertainty regarding the catchment area or zone of contribution to the eastern springs, including those within the SAC. The NPWS stated that it was not beyond scientific doubt that the

zone of contribution for the eastern tufa springs extends to within the application site. Notwithstanding this, the Inspector for the previous case noted that the NPWS concluded that the mitigation proposed to ensure the continuity of flow and water quality towards the SAC would be appropriate, and when implemented in full would ensure that the integrity of Knocksink Wood SAC would not be adversely affected by the development subject of the previous application.

14.4.14. Following a review of extensive available data and additional site investigations and analysis, the hydrological and hydrogeological environment has been described by the applicant in their Hydrological and Hydrogeological Assessment Report. This includes mapped data of investigations locations, detailed surface water and groundwater environments, as well as surface water and groundwater zones of contribution/influence for the petrifying springs and alluvial woodland. An updated hydrogeological conceptual site model has been prepared, which is stated to address the advice of the NPWS and this models local geology, groundwater contours, all known and identified springs and the catchment areas for the tufa springs, and the seasonality of groundwater recharge. A total of 12 springs were identified and the three springs to the north are not directly down-gradient of the site and, accordingly, their integrity is not considered to be impacted by the proposed development.

14.4.15. The submission from Dr. Robert Meehan contests the testing used to estimate the zones of contribution for the springs, asserting that this should generally involve detailed flow measurements at each spring outlet often over several years. Dr. Meehan also asserts that the zones of contribution for six of the identified down gradient springs have not been identified and that based on estimated discharges, the potential groundwater contribution zone may extend below the application site. The applicant clarifies that their investigations concluded that four of the springs are ephemeral, they do not contain sufficient calcium carbonate to form tufa springs and they are not critical to the tufa springs forming qualifying interest habitat within Knocksink Wood SAC based on chemical analysis. The NPWS has stated in their submission that the applicant's conceptual site model is clear and based on site information and expert judgement, and that the delineated groundwater catchments for the tufa springs within the applicant's Hydrological and Hydrogeological Assessment Report are likely to be accurate, with the main footprint of the

development area outside of the identified zones of contribution to the eastern springs, including those in the SAC.

14.4.16. The NPWS has referred to the possibility that sand/gravel units identified may act as preferential pathways for groundwater flow to the springs/seepages, and therefore they might contribute some groundwater flow to otherwise small catchments (i.e. distinct and focused pathways). These sand and gravel units have not been delineated, therefore, the NPWS, as well as observers, including Dr. Meehan, consider that it is unclear whether the units would be avoided during construction and operational stages of the proposed development and that this would be necessary to reduce the risk of catchment alteration and to ensure that pathways for groundwater flow are maintained and groundwater continues to flow unimpeded. Dr. Meehan's submission also refers to variable topsoils and their potential contribution towards the calcareous formation of the SAC springs.

14.4.17. A broad overview of the receiving environment confirms the existing variable clay and silt content in subsoils in this area, which the applicant acknowledges would affect subsoil permeability and flows. The applicant has undertaken detailed investigations and utilised a wide array of available sources, as well as expert scientific engineering investigations to model drainage on the site and in the immediate area, including the permeability of soils. Further to this, the applicant states that variability in subsoil conditions has been incorporated into the conceptual site model by taking a conservative approach in identifying the zone of contribution for the relevant petrifying springs with tufa formation in Knocksink Wood SAC. The applicant asserts that they can conclude with certainty that there would be no diversion of groundwater flow from the gravel layers within the updated zone of contribution of the petrifying springs in the SAC and that any minor diversion of groundwater flow (through local diversion of recharge) within the development site would not alter the prevailing groundwater flows within the relevant zones of contribution. Furthermore, the applicant highlights that the coverage of soils and subsoils would not alter as a result of the proposed development and that there would be ample subsoils between the proposed soakaway locations and the springs within the SAC to allow any resultant recharging rainwater and subsequent groundwater flow to dissolve abundantly available calcium carbonate necessary for the petrifying springs with tufa formation.

14.4.18. I am satisfied that the applicant has provided comprehensive scientific evidence to accurately model the drainage regime, which has ultimately been utilised in designing the drainage infrastructure and services for the construction and operation of the development.

14.4.19. The development site is within the surface water catchment of the petrifying springs with tufa formation, alluvial forests and old oak woodlands habitats, however, given the separation of the proposed development site from the SAC habitats in the form of a naturally vegetated valley, the NPWS state that there is reduced potential for impacts from the proposed development via surface water pathways to these habitats.

Mitigation Measures

14.4.20. Within section 6.3 of the applicant's 'Information for Stage 1 Screening and Stage 2 Appropriate Assessments', mitigation measures are set out, including the best practice guidelines referenced for guidance purposes. I also note that other documents including the applicant's Engineering Assessment Report, Hydrology and Hydrogeological Assessment Report and Construction and Environmental Management Plan, supplement these measures in addressing the potential impacts of the proposed development on the environment. An extensive list of measures to address surface water and groundwater during both the construction and operation phases is outlined.

14.4.21. The NPWS require the applicant's mitigation measures to be strictly adhered to and amalgamated into the final project Construction and Environmental Management Plan, and that an appropriate detailed monitoring programme be designed with inspection and maintenance of the drainage system proposed over the functional lifespan of the proposed development, including the SuDS within private properties and within the public areas. Further to this, the NPWS has stated that a Project Ecohydrologist or a suitably qualified environmental scientist carries out Ecohydrological monitoring of priority annex 1 habitats petrifying springs with tufa formation and alluvial Forests within the projects zone of influence prior to construction, during operational and at post-construction stages and that the Project Ecohydrologist should have the authority to halt works should, for example, high levels of silt or other contamination be noted. Given the need for expertise in the

matters raised in this section, I am satisfied that there would be a requirement for an ecohydrologist serving as an Ecological Clerk of Works (ECoW) to oversee and implement the mitigation measures and other ecological and hydrological works listed throughout the submitted documentation, and this can be requested as a condition in the event of a grant of planning permission for the proposed development.

14.4.22. With reference to email correspondence appended to observers' submissions from engineering personnel within the Planning Authority with respect to the subject line 'SuDs system re. Housing development / Knocksink Wood SAC', I note the statutory responsibilities for drainage maintenance are clearly defined for Local Authorities with funding and statutory powers set out by the Minister for Housing, Local Government and Heritage to allow Local Authorities meet their responsibility in relation to the maintenance of such services and infrastructure.

14.4.23. A pre-construction invasive species survey and measures to eradicate and/or remove known invasive species on the site are set out in section 6.3.3 of the applicant's report. I am satisfied that these measures adequately address any potential impacts arising from the potential spread of invasive species from the proposed development site to Knocksink Wood SAC and to adversely affect the integrity of this European site, in particular the site conservation objectives relating to old-sessile oak woodlands.

14.4.24. Section 6.4 of the of the applicant's 'Information for Stage 1 Screening and Stage 2 Appropriate Assessments' addressing the residual impacts of the proposed development, includes three tables summarising the mitigation measures and assessing the impacts of the proposed development against the specific conservation objectives for Knocksink Wood SAC, including measurable impacts and targets. The applicant asserts that all of the mitigation measures set out in the document would ensure that the identified potential impacts would not result in any significant effects on the qualifying interest habitat.

14.4.25. Based on the information provided, I am satisfied that subject to the stated and requested mitigation measures being put in place and implemented, including the proposed SuDS measures, the proposed development would not adversely affect the integrity of qualifying interest habitats in Knocksink Wood SAC.

14.4.26. The evidence available provides certainty that the proposed development would not cause changes to the key indicators of conservation value that would have significant adverse impacts for qualifying interests of Knocksink Wood SAC, and it can be concluded that the proposed development would not be likely to have significant adverse impacts on European Site No. 000725 (Knocksink Wood SAC), in view of the sites' conservation objectives.

In-combination Impacts

14.4.27. In previously refusing planning permission (ABP ref. 307211-20) for a strategic housing development on this site, the Board was not satisfied that significant impacts on the old sessile oak woods with Ilex and Blechnum in the British Isles in Knocksink Wood SAC, would not occur either individually as a result of this development, or in-combination with other developments, including a waste management facility. The NPWS do not address in-combination impacts within their submission to the application and observers to the application highlight the need for consideration of the in-combination impacts, particularly in light of the previous referenced reason for refusal. The subject waste management facility referred to in the Board's decision was granted planning permission by Wicklow County Council in February 2020 under their reference 19/676, providing for the importation of inert greenfield soil and stone (18,576m³) for the improvement of lands located approximately 200m to the north of the application site for agricultural purposes over a period of up to two years. Within their Hydrological and Hydrogeological Assessment Report the applicant provides details of the waste management facility granted planning permission on neighbouring lands to the application site, including plan and cross-section drawings, as well as NIS details. The applicant notes that this infill proposal limits the fill levels below the top of the existing slope, thereby requiring all the fill material to be placed within an enclosed void and all rainwater falling within the infill area would be trapped within that bowl, and it would infiltrate to ground rather than flowing over ground to local drains and ditches that connect to the Knocksink SAC.

14.4.28. The applicant also provides a review of planning register and strategic housing development applications, as well as IPC / waste, wastewater discharge, section 4 discharge and forestry licences within the Glencullen river catchment. Based on the information available, the applicant asserts that it can be concluded beyond reasonable scientific doubt, and based on the design measures and proven

mitigation presented, that in-combination hydrological, hydrogeological or water quality impacts would not occur from the proposed development and the permitted developments and licensed operations.

- 14.4.29. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. Based on the information presented and available, I am satisfied that there are no plans or projects that could act in combination with the proposed development that could give rise to significant effects to European sites within the zone of influence.

Appropriate Assessment – Conclusion

- 14.4.30. The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement contained in the document titled 'Information for Stage 1 Screening and Stage 2 Appropriate Assessments', which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 000725 (Knocksink Wood SAC), or any other European site, in view of the site's Conservation Objectives.

15.0 Conclusion and Recommendation

- 15.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be granted for the proposed development, subject to conditions, for the reasons and considerations set out in the draft Order below.

16.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 4th day of February, 2022, by Capami Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin 2.

Proposed Development:

The development will consist of:

- construction of 219 residential units, comprising a mixture of 16 one-bedroom apartments, 34 two-bedroom apartments, 34 three-bedroom duplex apartments, three one-bedroom terraced houses, 8 two-bedroom terraced houses, 38 three-bedroom terraced houses, 36 three-bedroom semi-detached houses, 48 four-bedroom semi-detached houses and two five-bedroom detached houses;
- construction of a single-storey crèche/childcare facility measuring a stated gross floor area of 373sq.m;
- provision of landscaping and amenity areas and all associated infrastructure and services, including vehicular and pedestrian accesses off Glenree Road (L-1011) to the south and improvements to the existing roadway along Glenree Road, including new sections of footpaths and upgraded drainage infrastructure;
- all associated ancillary development, including parking, lighting, drainage services and electricity substations.

at Kilgarron Hill, Parknasilloge townland, Enniskerry, County Wicklow.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) The policies and objectives of the Wicklow County Development Plan 2016-2022;
- b) The policies and objectives of the Bray Municipal District Local Area Plan 2018;
- c) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness issued by the Department of Housing, Planning, Community and Local Government in July 2016;
- e) The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- f) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- h) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- i) The provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) issued by the Department of Environment, Heritage and Local Government in May 2009;

- j) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- l) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- m) The pattern of existing and permitted development in the area;
- n) The planning history of the site;
- o) The provisions of Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development that materially contravenes a Development Plan or a Local Area Plan;
- p) The submissions and observations received;
- q) The Chief Executive's report from the Planning Authority;
- r) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board considered the Information for Stage 1 Screening and Stage 2 Appropriate Assessments and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that European Site No. 000725 (Knocksink Wood SAC), is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Information for Stage 1 Screening and Stage 2 Appropriate Assessments, including the Natura Impact Statement, and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Site No. 000725 (Knocksink Wood SAC), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (ii) the mitigation measures, which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001-2022, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2021;
- the location of the proposed houses and apartments on lands assigned a specific 'action area 2 (AA2) – Parknasilloge' objective within the Bray Municipal District Local Area Plan 2018 and the results of the Strategic Environmental Assessment of the Local Area Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2022;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2022, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction and Environmental Management Plan, Ecological Impact Assessment, the Hydrological and Hydrogeological Assessment and the Engineering Assessment Report.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic and pedestrian safety and convenience, and would provide an acceptable form of residential amenity for future occupants.

The Board considered that with the exception of residential density and unit numbers, unit mix and phasing, the proposed development would be compliant with Bray Municipal District Local Area Plan 2018 and the Wicklow County Development Plan 2016-2022, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, it would materially contravene objective HD15 of the Wicklow County Development Plan 2016-2022 in relation to unit mix and it would materially contravene the Bray Municipal District Local Area Plan 2018 in relation to residential density and unit numbers, as well as phasing. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission, in material contravention of the Bray Municipal District Local Area Plan 2018 and Wicklow County Development Plan 2016-2022, would be justified for the following reasons and consideration.

- the proposed development is considered to be of strategic and national importance given its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland - Action Plan for Housing and Homelessness' (2016). Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the residential density and unit number, as well as phasing provisions of the Bray Municipal District

Local Area Plan 2018 and the material contravention of the objective HD15 unit mix provisions of the Wicklow County Development Plan 2016-2022;

- it is considered that permission for the proposed development should be granted having regard to Government policies, as set out in the National Planning Framework, in particular national policy objectives 13 and 35, provisions set out in the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, the Sustainable Urban Housing: Design Standards for New Apartments, in particular Specific Planning Policy Requirements 1, and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(iii) are applicable with respect to the material contravention of the residential density and unit number provisions of the Bray Municipal District Local Area Plan 2018 and the material contravention of the objective HD15 unit mix provisions of the Wicklow County Development Plan 2016-2022;
- it is considered that permission for the proposed development should be granted having regard to recent neighbouring permissions in the area, including the pattern of residential density and unit numbers, as well as unit mix granted permission under An Bord Pleanála reference 310078-21. The proposed development is to an extent, continuing on the pattern of development granted in those permissions. Accordingly, the provisions set out under section 37(2)(b)(iv) are applicable with respect to the material contravention of the residential density and unit number provisions of the Bray Municipal District Local Area Plan 2018 and the material contravention of the objective HD15 unit mix provisions of the Wicklow County Development Plan 2016-2022.

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in section 6.3 of the report titled 'Information for Stage 1 Screening & Stage 2 Appropriate Assessments' submitted with this application, and within the application documentation, including the project Construction and Environmental Management Plan, Ecological Impact Assessment, Hydrological and Hydrogeological Assessment and Engineering Assessment Report, shall be collated into the final project Construction and Environmental Management Plan and shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. The applicant shall engage a qualified ecohydrologist as an Ecological Clerk of Works or to work alongside an Ecological Clerk of Works, who shall oversee and implement the mitigation measures and other ecological works listed throughout the submitted documentation.

Reason: To protect the environment.

4. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The first phase of the development shall consist of not more than 75 residential units and the crèche / childcare facilities, as well as the main spine road

(street 1) and upgrade works along Glencree Road (L-1011). The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of parking spaces and open spaces to serve residents, occupants and visitors for each phase of the development, would be provided throughout the construction phases of the development, as well as all services, including drainage and external lighting.

- (b) Work on any subsequent phases shall not commence until substantial completion of Phase 1 or prior phase or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

6. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until

the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban roads and Streets. All findings of the submitted Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority. All roads, paths and services on site, intended to facilitate development of adjoining lands, shall extend to the site boundaries to provide for future potential connections to these adjoining lands

Reason: In the interest of amenity, orderly development and traffic and pedestrian safety.

8. (a) Prior to commencement of development a Stage 2 Road Safety Audit, for the proposed development shall be prepared and submitted to the Planning Authority in accordance with Transport Infrastructure Ireland guidance. Where this Audit identifies the need for design changes, revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out necessary works in accordance with the agreed revised design.

(b) Prior to occupation of development a Stage 3 Road Safety Audit, including a Final Audit Report, for the proposed improvement to Glencree Road, internal access and spine roads and the entrances to the development from the public road, shall be prepared and submitted to the Planning Authority in accordance with Transport Infrastructure Ireland guidance. Where this stage 3 Audit identifies the need for design changes,

revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out necessary works in accordance with the agreed revised design

Reason: In the interest of traffic safety and proper planning and sustainable development.

9. Prior to the commencement of any duplex or apartment unit in the development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority and such agreement must specify the number and location of each duplex and apartment unit, pursuant to Section 47 of the Planning and Development Act 2000, as amended, which restricts the duplex and apartments units 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.

Reason: 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.

10. Prior to the occupation of the development, a Mobility Management Plan (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, as well as staff employed in the development, and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

11. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

13. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage

infrastructure during construction, shall be submitted to the planning authority for written agreement.

- d) A maintenance and monitoring policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

Reason: In the interest of public health, the environment and surface water management.

- 15. Public lighting shall be provided in accordance with a scheme, which shall include lighting for play areas, open spaces and pedestrian / cycle routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the development phasing arrangements and the existing public lighting in the surrounding area, as well as the requirements of the Ecological Impact Assessment submitted with respect to bat species. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

- 16. The landscaping scheme shown on the Landscape Masterplan (drawing no.0293 100) and Landscape Report and Outline Landscape Specification, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- a) The site shall be landscaped, using only indigenous deciduous trees and hedging species and there should be no encroachment during construction on those hedgerows.

- b) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application, unless otherwise agreed in writing with the planning authority.
- c) Details of hard landscaping materials.
- d) All details of the play facilities and passive recreation facilities shall be submitted for the agreement of the planning authority prior to commencement of development.
- e) Compliance with the requirements and standards of the Planning Authority in relation to the lighting and tree planting within the public open space.
- f) The public open spaces areas on residential lands within the development shall be retained for the use of the residents.
- g) A report clarifying the status or absence of invasive species on the site and method to address same should invasive species be found to be present.
- h) Details of landscaping measures to address impacts on foraging / feeding bats.

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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In the interest of residential and visual amenity.

17. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

18. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the duplex/apartment's dwellings. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

19. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To ensure the provision of adequate refuse storage.

- 20.** The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements:-

(a) an archaeological excavation shall be carried out on the site in accordance with the requirements of the National Monuments Service section of the Department of Housing, Local Government and Heritage and agreed with the Planning Authority. The archaeological excavation shall be carried out prior to commencement of development;

(b) satisfactory arrangements for the execution and supervision by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works, shall be agreed with the Planning Authority. The project archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimised. In this regard, the proposed locations of excavations works shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be submitted to and agreed in writing with the planning authority in advance of their incorporation within the development;

(c) satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be agreed with the Planning Authority. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared and submitted to the planning authority within a period of six months or within such extended period as may be agreed with the Planning Authority.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

22. The construction of the development shall be managed in accordance with a final project Construction and Environmental 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 the intended phased construction practice for the development, including:

- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority;
- o) Complete specification of cut and fill works to the site;
- p) Details of pre-construction inspection of the works areas for bat roosts, including along Glenree Road.

Reason: In the interest of amenities, the environment, public health and safety.

- 23.** Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 24.** Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

- 25.** 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

- 26.** 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. 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.

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.

Colm McLoughlin
Senior Planning Inspector

30th August 2022

Appendices

Appendix A: EIA Screening Determination for Strategic Housing Development Applications

| A. CASE DETAILS | | |
|--|---------------------------|--|
| An Bord Pleanála Case Reference | | ABP-312652-22 |
| Development Summary | | Construction of 135 houses and 84 apartments, as well as a crèche / childcare facility, road improvement works and associated development at Parknasilloge townland, Enniskerry, County Wicklow. |
| | Yes / No / N/A | |
| 1. Has an AA screening report or NIS been submitted? | Yes | A report titled 'Information for Stage 1 Screening and Stage 2 Appropriate Assessments was submitted with the application. |
| 2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR? | No | |
| 3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | Yes | SEA and AA were undertaken in respect of the Wicklow County Development Plan 2016-2022 and the Bray Municipal District Local Area Plan 2018. |

| B. EXAMINATION | Yes/ No/ Uncertain | Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect. | Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain |
|--|-------------------------------|--|---|
| 1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning) | | | |
| 1.1 Is the project significantly different in character or scale to the existing surrounding or environment? | No | There is a clear consistency in the nature and scale of development in the surrounding area, comprising low-rise residential buildings on large development plots and housing estates area to the west, south and east. The proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development. | No |
| 1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)? | Yes | The proposed residential development would result in the loss of agricultural lands that have been zoned for development and the development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality, with no substantive waterbodies on site and measures to address potential impacts on surface water and groundwaters in the locality. | No |

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| <p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p> | <p>Yes</p> | <p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.</p> | <p>No</p> |
| <p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p> | <p>Yes</p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in the Construction and Environmental Management Plan (CEMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> | <p>No</p> |
| <p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p> | <p>Yes</p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of the standard measures outlined in the CEMP this would satisfactorily mitigate the potential impacts.</p> <p>Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other</p> | <p>No</p> |

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| | | operational impacts in this regard are not anticipated to be significant. | |
| 1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea? | Yes | <p>Operation of the standard measures outlined in the Engineering Assessment Report and the CEMP will satisfactorily mitigate emissions from spillages during construction and operation.</p> <p>The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and silt traps. Surface water drainage will be separate to foul services within the site.</p> | No |
| 1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation? | Yes | <p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the CEMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.</p> | No |
| 1.8 Will there be any risks to human health, for example due to water contamination or air pollution? | Yes | <p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the CEMP would satisfactorily address potential risks on human health.</p> <p>No significant operational impacts are anticipated for water supplies in the area via piped services.</p> | No |

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| <p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p> | No | No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites. | No |
| <p>1.10 Will the project affect the social environment (population, employment)</p> | Yes | Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area. | No |
| <p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p> | No | | No |
| | | | |
| <p>2. Location of proposed development</p> | | | |
| <p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ cSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna | No | Sensitive ecological sites are not located on site. The nearest European sites are listed in table 5 of this report and other designated sites, including proposed Natural Heritage Areas are referred to in section 12.10. The development would not feature works substantially affecting the contribution of groundwater to neighbouring groundwater-dependent habitats. Protected habitats or habitat suitable for protected species or plants were not found on site during | No |

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| <p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p> | | <p>ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those downstream.</p> | |
| <p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p> | <p>No</p> | <p>The proposed development would not result in significant impacts to protected, important or sensitive species. Biodiversity measures are included as part of the proposals, including landscaping and species-sensitive lighting.</p> | <p>No</p> |
| <p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p> | <p>No</p> | <p>The site and surrounding area does not have a specific conservation status and there would be no significant impacts on the archaeology of the site, which would be subject of further investigations, as well as testing and recording, in the event of a permission.</p> | <p>No</p> |
| <p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p> | <p>No</p> | <p>No such features are in this suburban location with extensive other agricultural lands of comparable characteristics in the immediate area.</p> | <p>No</p> |
| <p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p> | <p>No</p> | <p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.</p> | <p>No</p> |

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| <p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p> | <p>Yes</p> | <p>There is a steady drop in ground levels across the site. Only shallow cut and fill, as well as excavation works for services are proposed and construction measures can be implemented to safeguard risks to any sensitive receptors.</p> | <p>No</p> |
| <p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p> | <p>No</p> | <p>The site is served by a local road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.</p> | <p>No</p> |
| <p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p> | <p>No</p> | <p>No significant construction or operational impacts would be anticipated for other facilities.</p> | <p>No</p> |

| <p>3. Any other factors that should be considered which could lead to environmental impacts</p> | | | |
|--|-----------|--|-----------|
| <p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p> | <p>No</p> | <p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a construction traffic management plan.</p> | <p>No</p> |
| <p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p> | <p>No</p> | <p>No transboundary considerations arise</p> | <p>No</p> |
| <p>3.3 Are there any other relevant considerations?</p> | <p>No</p> | <p>No</p> | <p>No</p> |

| C. CONCLUSION | | | |
|--|-------------------------------------|---|--|
| No real likelihood of significant effects on the environment. | <input checked="" type="checkbox"/> | EIAR Not Required | |
| Real likelihood of significant effects on the environment. | <input type="checkbox"/> | Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) | |

| D. MAIN REASONS AND CONSIDERATIONS |
|--|
| <p>Having regard to</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022; the location of the proposed houses and apartments on lands assigned a specific 'action area 2 (AA2) – Parknasilloge' objective within the Bray Municipal District Local Area Plan 2018 and the results of the Strategic Environmental Assessment of the Local Area Plan; the nature of the existing site and the pattern of development in the surrounding area; |

- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2022;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2022, and;
- the standard features and measures that would be required to avoid or prevent what might otherwise be significant effects on the environment, including measures to be provided as part of the project Construction and Environmental Management Plan, the Ecological Impact Assessment, the Hydrological and Hydrogeological Assessment and the Engineering Assessment Report.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector: _____ **Colm McLoughlin**

Date: **30th August 2022**