



An
Bord
Pleanála

Inspector's Report ABP-312825-22

Development	Construction of 56 dwellings. Vehicular, pedestrian and cycle access via Woodleigh Avenue. Pedestrian & cycle access via the Dublin Road (N81). NIS accompanied the application to Planning Authority.
Location	Santryhill, Blessington, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	211396
Applicant(s)	Kelland Homes Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Kelland Homes Ltd.
Observer(s)	Eoin O Connor.
Date of Site Inspection	29 th of November 2022.
Inspector	Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site includes a greenfield site, to the north of Blessington town, Co. Wicklow. The site fronts onto the N81 which provides a direct vehicular link into Dublin. The site is located to the most northern part of Blessington and there are several one-off rural dwellings, along the N81, south of the site. There is a substantial wooded area to the west of the site and the most western corner adjoins the Woodleigh housing estate. The Woodleigh housing estate is accessed via a mixed-use area and the residential area comprises of a range of apartments and semi-detached dwellings.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
- Permission for 56 no dwellings (36 no 2 storey and 20 no duplex/apartment units),
 - Vehicular, pedestrian and cycle access via Woodleigh Avenue and pedestrian and cycle access via the Dublin Road (N81).
 - Inclusion of a road spur to the northern site boundary to facilitate future vehicular, pedestrian and cycle access via Woodleigh Avenue.
- 2.2. A Natura Impact Statement accompanied the application.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse for 8 no. reasons as set out below:

1. Having regard to the nature of the existing road network in the Woodleigh Estate and the lack of capacity at the existing junction of the N81 and the L4370, it is considered that the existing road network, which would be used to service the proposed development, would not have the ability to cater safely for the traffic generated by the proposed development. Therefore, the proposed development would result in a serious traffic hazard and would be contrary to the proper planning and development of the area.

2. Having regard to the location of the development at an important entry point to Blessington and the layout/configuration of the proposed housing development which includes:

- i) A long stretch of road which would not discourage excessive speeds,
- ii) Poorly located public open space,
- iii) Side facing/end unit which do not address the public road/public open space
- iv) A “left-over’ area (right of ay coloured yellow) to the side rear of the units which would allow for social behaviour/littering;
- v) Duplex units that present a rear elevation to the N81 and have been designed as a dual frontage

It is considered that the development would have a negative visual impact on the N81, would not accord with the provisions of the Design Manual for Urban Roads and Streets, and would result in a substandard development contrary to the provisions of the Wicklow County Development Plan 2016-2022 and the Design Standards for Sustainable Residential Developments in Urban Areas, which seek to ensue that all new housing development achieve the highest quality of layout and design. The development would therefore be contrary to the amenities of the area, and to the proper planning and sustainable development of the area.

3. The proposed development would be premature pending the determination of the road network for the area as the Blessington Inner Relief Road Project is currently at preliminary design stage.

4. Insufficient information has been submitted to show that the Applicant has sufficient interest in the lands to complete the proposed development. In particular, the submitted drawings show that the proposed road link into the Woodleigh Estate is not fully contained within the site or the lands in the ownership of the Applicant outlines in blue on the submitted maps. Furthermore, the proposed road link would impact on the existing Right of Way. To permit the proposed development in the absence of such information would be contrary to the proper planning and sustainable development.

5. The proposed development would endanger public safety by reason of serious traffic hazard because;
 - a) Insufficient information has been provided to show how the proposed footpath/ cycle lane onto the N81 would connect to the existing footpath network which does not appear to extend to the site;
 - b) Insufficient information has been submitted in relation to the design of the “home-zone” areas within the development, in terms of how they would operate and how they would comply with current design standards.
6. The proposed development does not comply with the Design Standards for New Apartments (2020) as,
 - a) The compliance sheet submitted does not match the drawings in all aspects,
 - b) The minimum storage space is not being met in all units;
 - c) The minimum gross floor area for bedroom 1 (13m²) is not being met in the 3-bedroom first floor units;
 - d) It has not been shown that sufficient bin/refuse storage would be provided (2 cubicles per unit) and the bin store for block would be located away from block 8.
7. The proposed development would be prejudicial to public health because insufficient information has been provided to show that the proposed connection to the existing wastewater sewer in Woodleigh estate is feasible.
8. It is considered that the archaeological significance of the site is such that any development of the site in advance of archaeological investigations carried out to the requirements of the appropriate authorities would be premature pending such investigation and would therefore be contrary to the proper planning and sustainable development. To permit the proposed development in the absence of the necessary investigations would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the reasons for refusal as stated above. The issues raised are summarised below:

- The principle of development is acceptable subject to the required infrastructure and design standards.
- The design of the Blessington Inner Relief Road Project (BIRR) is at preliminary stage and the road networks is at capacity.
- The density is acceptable.
- The drawings do not match up with the compliance sheet.
- There are problems with the sightline/visibility splays.
- It is unclear how the right of way will operate.
- Footpath upgrades are needed along the N81.
- The proposal should comply with DMURS, and the use of raised tables is not best practice.
- The applicant needs to submit details of the capacity of the sewer running through Woodleigh Park to deal with the increased flows.
- There are 10 sites listed in the Record of Monuments and Places within 760m of the site, the departments recommended a detailed and field-based archaeological impact assessment.

3.2.2. Other Technical Reports

Housing Department: No objection subject to conditions.

Municipal District Engineer: Objection to the proposed development due to the following issues relating to the roads and surface water:

- Impact on the existing road network.
- Impact on the junction and flow of traffic along the N81.
- The need for the BIRR.
- Impact on the traffic movements within the Woodleigh estate.
- No cycle paths have been provided up to the proposed pedestrian/vehicle path between the site and the N81.

- The connection into the existing storm water network at the manhole in the Woodleigh estate has not been taken in charge by Wicklow County Council.

Water and Environment Services: No objection to proposal.

Roads Engineer: Concern in raised in relation to the following roads issues:

- Connections with the BIRR.
- Landownership and the delivery of the pedestrian/ cycle connection onto the N81.
- Impact of raised tables on the proposed home zone areas.
- Design of the proposed connections with Woodleigh.
- Inclusion of maps of the preliminary design of the BIRR and the potential future connections between the site and the BIRR.

Chief Fire Officer: No objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. Dublin City Council: No objection having regard to the impact on the Paulapouca Reservoir.
- 3.3.2. Department of Housing, Local Government and Heritage: Request for Further Information on the archaeology impact assessment.
- 3.3.3. Transport Infrastructure Ireland (TII): Objection to the overall development, having regard to the impact on a national road.
- 3.3.4. National Transport Authority (NTA): The report from the NTA has raised concern in relation to the following:
 - The treatment of the proposal with the N81,
 - Increased densities to reflect the direct public transport with Dublin,
 - Reduction in the provision of car parking to reflect the public transport availability,
 - Clarity on the future road connection through Woodleigh Estate and removing the potential connection to the BIRR.

- 3.3.5. Irish Water (IW): Request for additional information on the connection to the existing wastewater sewer in Woodleigh Estate.

3.4. Third Party Observations

Nine third party submissions were received from residents of Woodleigh estate and in the vicinity of the site (one was accompanied by a signed petition). The issues raised in the submissions are similar and are summarised as follows:

- Impact of construction traffic through Woodleigh.
- Connection onto the BIRR.
- Impact of the proposal on the Woodleigh residents.
- Loss of green amenity space in Woodleigh estate.
- The proposal would detract from the visual amenity of the surrounding area.
- Health and safety of children playing within the estate.
- Overshadowing on existing dwellings.

4.0 Planning History

There are a number of refused applications on the site dating back to 1995 relating to the following:

- Reg Ref 95/2361: a theme park,
- Reg Ref 97/7384: 35 dwellings,
- Reg Ref 01/4575: 31 dwellings,
- Reg Ref 01/4577: Service Station Development,
- Reg Ref 03/8016: 31 dwellings.

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2040

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites.

Policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Other relevant policies from the NPF include the following:

- NPO 6 – Regenerate/ rejuvenate cities, towns and villages.
- NPO 13 – Relax car parking provision/ building heights to achieve well-designed high-quality outcomes to achieve targeted growth.

5.2. Section 28 Guidance

- Design Standards for New Apartments.
- Design Manual for Urban Street and Roads
- Spatial Planning and National Roads: Guidelines for Planning Authorities

5.3. Wicklow County Development Plan 2022-2028

The Wicklow County Development Plan 2022-2028 was adopted on the 12th of September 2022 and came into effect on the 23rd of October 2022. The Minister of State at the Department of Housing, Local Government and Heritage has issued a **Draft Ministerial Direction** regarding the development plan in relation to specific zoning on lands. The site is not included in any of those recommendations for change.

- Blessington is a Self-Sustaining Town (Level 3).

CPO 4.: To prepare new local plans for the following areas during the lifetime of this development plan: Bray Municipal District, Wicklow-Rathnew, Arklow, Greystones-Delgany and Kilcoole, Blessington

Density

Table 6.1: Density Standards for Blessington

- Public Transport Corridors: Minimum density of 50 units per hectare within 500m walking distance of bus stop or 1km of light rail stop or rail station.
- Outer Suburban / Greenfield Sites: Minimum density of 35 - 50 dwellings per hectare.
- Development at net densities less than 30 dwellings per hectare should generally be discouraged particularly on sites in excess of 0.5 hectares.

Road

Blessington creates a blockage to the free flow of traffic along the N81.

The Blessington Inner Relief Road is a priority.

CPO 12.44: To support and drive the development and completion of the Blessington Inner Relief Road (in consultation with Kildare County Council) and upon completion, to significantly improve pedestrian and cycling infrastructure on Blessington Main Street and surrounding town centre local road network.

5.4. Blessington Local Area Plan 2013-2019

Zoning

The site is zoned as proposed residential where it is an objective “To protect, provide and improve residential amenities”.

Density

- Table 1.1: Proposed density/ ha for lands adjoining Woodleigh is 28 (based on the population targets in the Wicklow County Development Plan 2010-2016).
- Appendix A: The suggested density for greenfield sites in settlements is 28-40 units per ha.

Blessington Inner Relief Road (BIRR)

- Section 7.4: The road is designed so that traffic will bypass the town centre
- Objective S7: To facilitate the completion of the Inner Relief Road.
- An indicative location of the BIRR is illustrated on the Land Use zoning map.

5.5. Natural Heritage Designations

The site is located c. 900m to the west of Pollaphuca Reservoir which is designated SPA (side code 004063) and proposed Natural Heritage Area.

The site is located c. 3km to the west of the Wicklow Mountains SAC (side code 002122) and c.1.km to the south of Red Bog, Kildare SAC (side code 000397).

5.6. EIA Screening

- 5.6.1. The proposed development is for 56 dwellings on a site c. 1.8ha. The proposed development is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).
- 5.6.2. Taking into consideration the characteristics of the proposed housing on a site adjoining the built-up area of Blessington, lack of significant potential impacts on the receiving environment and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the applicant in relation to the PA reason for refusal. The submission is summarised below:

- 6.1.1. Reason for refusal No. 1: Capacity of existing road network
- At pre-planning it was stated that direct access onto the N81 would not be appropriate, provision should be made to the Blessington Inner Relief Road (BIRR) and access through Woodleigh Avenue would be acceptable.
 - The proposed development is not reliant on the BIRR.
 - Pedestrian and cycle connectivity is provided from the site to the N81.
 - The Council's Roads Engineer did not raise any issues rather the Municipal District Engineer requested clarification.

- It is stated that there is an issue with the local network capacity along the N81/L4370 although no evidence is submitted.
- The Traffic and Transport Assessment (TTA) report concludes the existing local road junctions have capacity.
- The Road Safety Audit does not raise any issues with any traffic safety issues.
- An engineer's report accompanied the appeal and confirmed the road network can absorb the capacity.

6.1.2. Reason for refusal No. 2: Design & Layout

- The layout has been designed to comply with DMURS, as per the details in the planning application.
- The proposal includes raised tables to ensure traffic safety.
- The open space has been located within the existing mature trees on the western and northern site boundaries.
- The open space is reasonably overlooked by the front of the buildings on Block 6 and animated by the gables of Blocks 1, 2 and 5.
- A centrally located open space would lead to the houses having their backs to the neighbouring residential lands to the west.
- The location of the open space is necessary to provide for the attenuation area.
- Drwg No 823-PA-1201 includes a revision to the window widths which have been increase to 1.5m. This will give better passive surveillance.
- The left-over area is an existing overgrown, right of way and currently does not suffer any anti-social behaviour.
- The duplex units have been designed to have dual frontage providing an urban edge along the N81. The 3-storey height will provide a presence along the urban area.

6.1.3. Reason for refusal No. 3: Blessington Inner Relief Road

- The BIRR roundabout is being located immediately north of the site.

- In line with the pre application advise a future connection was made in the northwest corner of the site at the planned BIRR
- The proposed development is largely consistent with the BIRR layout.
- There are a number of planning precedent cases which have been granted for significant residential development having regard to the BIRR, Reg Ref 201146, ABP 308578-20 (Reg Ref 20184) and 20362).
- There is sufficient evidence in the application (provided by a suitably qualified expert) to suggest in the absence of the BIRR there is sufficient capacity in the local road network to absorb the additional traffic from the proposed development.

6.1.4. Reason for refusal No. 4: Land Ownership

- All lands within the red line boundary are owned or controlled either by the applicant or Wicklow County Council.
- A letter of Consent issued by Wicklow County Council (Oct 2021) informed the consent.
- A site ownership map (Drwg NO. 823-PA-009, Oct 2019) identifies the extent of lands controlled by Wicklow County Council in the vicinity of Woodleigh Estate (coloured in green).
- Wicklow County Council have confirmed the Woodleigh estate has been taken in charge.
- The northern part of the “right of way” is within the land ownership of the applicant.
- The applicant, and other parties, are entitled to access across the “right of way”.
- The access road does not impinge on any right of way or restrict access.

6.1.5. Reason for refusal No. 5: Traffic Hazard

- The submitted report from the Engineers addressed the concerns in relation to the footpath/cycle path.

- While in poor condition there is an existing footpath, along the N81. This extends up to the site boundary.
- The applicant would accept a reasonable condition to state the footpath should be made good.
- The engineer report clearly indicates that the requirements for DMURS can be met.

6.1.6. Reason for refusal No. 6: Design Standards for New Apartments (2020)

- An updated Housing Quality Assessment has been submitted with the appeal which addresses the anomalies raised in the council planners report.
- The revised floor plans of the proposed development confirm the apartments are fully compliant with the Apartment Design Guidelines (2020).

6.1.7. Reason for refusal No. 7: Wastewater Connection

- The engineers report refers to the pre-connection enquiry submitted with the application and the associated Confirmation of Feasibility CoF (22nd of June 2021).
- It was stated that a connection to the foul network was feasible subject to the completion of the wastewater treatment plant in Blessington (Q2 2022).
- The CoF confirms a connection to the water supply without any infrastructure upgrades.

6.1.8. Reason for refusal No.8: Archaeology

- An archaeological Desktop Assessment was submitted with the application.
- The report noted the presence of a large possible enclosure in the northwest of the study area.
- It was recommended that a programme of archaeological test-trenching should be carried out across the site.
- The recommendations are subject to approval from the National Monuments Service.
- The National Monuments Service were satisfied that further testing could be requested by further information.

- The applicant would accept a condition of permission that a methodology for further appropriate testing could be agreed prior to the commencement of development

6.1.9. Additional Accompanying information

- Engineers Report in relation to Traffic and Transport Concerns.
- Architect response to address the reason for Refusal No. 2 and No.6.
- Housing Quality Assessment Report.
- Land ownership details/ maps etc.

6.2. **Applicant Response**

The appellant is the applicant.

6.3. **Planning Authority Response**

No response was received from the PA.

6.4. **Observations**

One observation was received from a resident of Woodleigh estate and the issues raised are summarised below:

6.4.1. Health and safety concerns for the residents and children in the area

- The construction traffic through Woodleigh Avenue will impact the children who play on the estate every day.
- It would be unfair to keep children in for two years and the N81 should be used for construction.

6.4.2. Estate Road Deterioration

- Woodleigh Avenue is not large enough for haulage, trucks and over 100 cars.
- The existing speed ramps have deteriorated and have been patched up regularly.

6.4.3. Sewage Issue in 2021

- The manhole in Woodleigh Avenue blocked in 2021.
- IW said the roots of the trees had entered the sewerage pipes.
- The roots have caused blockages which have led to overflowing waste matter in private gardens.

6.4.4. Traffic

- Section 2.2 of the traffic report refers to the future entrance up to the future road. This should be the main entrance into the site.

7.0 Assessment

I consider the issues can be addressed under the following headings:

- Principle of Development
- Design and Layout
- Compliance with the Apartment Guidelines
- Traffic and Transport
- Archaeology
- Wastewater
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The proposed development is for the construction of 56 no dwellings, comprising of 36 no houses and 20 no duplex units on a greenfield site located to the north of Blessington on a site c. 1.8ha in size. The site is zoned proposed residential in the Blessington Local Area Plan (LAP). The site adjoins and is located south of the proposed Blessington Inner Relief Road (BIRR) route, where a roundabout is proposed to the north, along the N81.
- 7.1.2. Whilst the principle of residential development on the zoned lands is acceptable, this is subject to compliance with other planning considerations. The Board will note my assessment below in relation to the overall design and layout of the proposal, traffic and transport, archaeology, and services. In this regard there are concerns relating

to the timing of the proposed development and the individual design response to the subject site. These issues are addressed in detail below.

7.2. Design and Layout

Introduction

7.2.1. The proposal comprises 56 no. dwellings and a new vehicular access through the existing Woodleigh estate. The site fronts onto the N81, along the east of the site, and the proposed Blessington Inner Relief Road (BIRR) runs along the north of the site.

7.2.2. The PA refused permission for 8 no. reasons of which the second reason related specifically to the design and layout of the proposal. Other reference to the design and layout is included in the traffic and transport, below. The second reason for refusal relates to the location of the site on an important site for Blessington, negative aspects of the design as detailed below and the overall negative visual impact of the proposed development:

- A long stretch of road which would not discourage excessive speeds,
- Poorly located public open space,
- Side facing/end unit which do not address the public road/public open space,
- A “left-over’ area (right of way coloured yellow) to the side rear of the units which would allow for social behaviour/littering;
- Duplex units that present a rear elevation to the N81 and have been designed as a dual frontage,

7.2.3. The grounds of appeal have submitted justification for the proposed design in addition to alterations to the proposal which include enlarged windows to increase passive surveillance of the open space. I have addressed the issues raised by the grounds of appeal separately below and the proposed density on the site, which I consider is particularly relevant given the location of the site and those issues raised by the PA.

Density

7.2.4. The proposed gross density (site size 1.8ha) is 31 uph. The proposed density was not raised as an issue of concern by the PA. A submission from the NTA refers to

the density on the site which considers to be too low of a site in Blessington. From a transport perspective the NTA note the current regular bus services for the Dublin Metropolitan Bus Network and the proposed future investment in those lines through Bus Connects. They consider increased density necessary to ensure appropriate support for public transport investments.

7.2.5. The Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) seek to increase residential density in settlements to achieve the best use of serviced urban land, to reduce reliance on the private car, to maximise the use of public transport infrastructure and to facilitate sustainable urban development patterns and sustainable neighbourhoods. Section 5.11 of guidelines details the density requirements of “outer suburban/greenfield sites” where 35-50 dwellings per hectare is required for the greatest efficiency of land use where developments of net density less than 30 dwellings per hectare would generally be discouraged on sites in excess of 0.5 hectares. Table 6.1 of the development plan requires densities of between 35-50 on outer suburban/greenfield sites or a minimum of 50 uph for sites within 500m walking distance of a bus stop. Whilst the Blessington LAP refers to densities in the range of 28-40 uph I consider the county development plan which has been recently adopted, reflects national policy on the most efficient use of zoned lands.

7.2.6. I note the location of bus stops located along the N81 (c. 3 stops within 500m of the site), served by Dublin Bus which runs regular services between Dublin and Blessington (Bus No 65 and No 183). As stated in the NTA submission the site is served by the Dublin Metropolitan Bus Network which will be subject to future investment. Having regard to the provision of this public transport network I consider densities of 35-50 may be appropriate, as a minimum, in some circumstances. The provision of densities lower than 35 uph would represent an inefficient use of residential zoned lands. Therefore, I consider the proposal should be refused having regard to an inadequate density proposed.

Location of Open Space

7.2.7. The main public open space is located to the northwest of the site, in front of Block 6 (a row of terraced dwellings). The open space is located beside a primary access road designed to provide future access onto the BIRR. The site is also located

directly south along the indicative route for the BIRR. The open space includes a designated play area and visitor parking along the edge of the open space.

- 7.2.8. The PA reason for refusal refers to the poorly located public open space. The grounds of appeal consider the location of this open space makes a positive contribution to the overall design as it will be available for the wider community. In addition, the open space integrates the attenuation area, therefore the location is appropriate. The side/end units which face the public open space have been redesigned to include larger side windows and gable windows to ensure greater surveillance on the smaller open space areas.
- 7.2.9. I note the location of the main open space area is surrounded by roads. Two internal roads are located to the south and east whilst a main access road is located to the west and the proposed BIRR along the north of the site. The location of this public open space adjacent to a vehicular entrance and along a proposed inner relief road would not, in my opinion, provide an attractive a safe environment for future residents or the wider community to play or utilise the open space.
- 7.2.10. The second reason for refusal also refers to other incidental open space area, which the PA consider are poorly located and would lead to anti-social behaviour. I note these additional open space areas are to the east of the site and are associated with the pedestrian access onto the N81, areas around the duplex units and to the rear/adjoining end of terraces dwellings. It is my opinion these open space areas are poorly located in so far as they provide little value to the recreation of the residents, have limited surveillance and could attract anti-social behaviour. I do not consider the reorientation/ redesign of windows along the gable walls of adjoining dwelling would overcome these concerns. I also have concerns in relation to the design treatment long the N81 and as such I do not consider the open space design would ensure a strong urban treatment along the main road.

Urban Design

- 7.2.11. Chapter 5 of the county development plan provides a strategy for the development of town and village centres in Wicklow. Section 5.3 details the need for placemaking and the need to include a quality-built environment and vibrant spaces. In addition, I note CPO 5.6 of the county development plan refers to the need for regeneration and renewal of towns and villages. The priorities for Blessington include public realm proposals, addressing derelict, and improved permeability and sustainable mobility.

The delivery of the inner relief road will revitalise the town by removing excessive volumes of traffic. The principles of good urban design can also be found in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as context, connections, inclusivity, variety, efficiency, layout etc. where it is a requirement for the design of new development to improve and enhance the existing situation to make a positive contribution to the neighbourhood as assessed below.

- 7.2.12. The second reason for refusal refers to the location of the duplex units and the dual frontage design. The three duplex blocks are located along the east of the site, adjoining the N81. The grounds of appeal include GCIs from the northeast of the site illustrating the duplex units from along the N81. The appellant considers the design of the duplex, use of external materials and architectural treatment provides a positive urban relationship along the site frontage. It is considered the proposal accords with the national design guidance and the county development plan.
- 7.2.13. The site at the north of Blessington, which I consider is an important entry point and a dominant site for development. The design and layout of this site, particularly along the N81, will have a significant visual impact on the village. The duplex units along the east of the site are set back some distance from the edge of the N81, separated by private and public open space. Whilst I consider the increased height can promote an urban edge, I consider the location of the duplex units, away from the road and the design of the ground floor and associated amenity space would prevent a strong urban edge. The delivery of a strong urban edge would provide compliance with the national policy and development plan by ensuring that the placemaking details are associated with an urban environment. The creation of this boundary would further assist the delivery of an urban street, necessary once the BIRR is delivered in its entirety.
- 7.2.14. Therefore, having regard to the significant setback of the duplex units from the public road, the significant amount of open space along this section of the road and the absence of a footpath along the edge of the N81 I do not consider the proposal represents a high-quality design response to the site. In this regard, I do not consider

the proposed development can comply with the requirements of the national guidance or the development plan.

Conclusion

7.2.15. Having regard to the overall design and layout of the proposed development including an inappropriate density, poorly located open space and absence of a strong urban edge along the N81, I do not consider the proposal represents an optimum design nor the efficient use of residential zoned lands on a site which is strategically importance for the settlement of Blessington. In this regard, I consider the proposed development should be refused for non-compliance with the national guidance for sustainable residential development and the policies and objectives of the Wicklow County development plan.

7.3. Compliance with the Apartment Guidelines

7.3.1. The proposal includes 56 no. dwelling of which three duplex blocks are proposed along the east of the site, backing onto the N81. The duplex units include 10 ground floor apartments. The 6th reason for refusal relates to the non-compliance of the proposed apartments with the Design Standards for New Apartments (2020). The reason for refusal noted the minimum storage space could not be met, the minimum gross floor area for bedroom 1 (13m²) is not being met in the 3-bedroom first floor units and insufficient bin/refuse storage provided.

7.3.2. The grounds of appeal were accompanied by an amended design and updated Housing Quality Assessment Report. The updated plans and particulars indicate an alteration to the design of the apartments to include:

- Compliance sheet showing compliance with the design standards,
- Revision to the minimum storage space,
- Provision of the minimum gross floor area for bedroom 1 (13m²),
- Provision of 2 cubicles for waste under the stairs of each duplex block.

7.3.3. I note those amendments submitted to the design of the 10 no apartments and the requirements of the apartment guidelines (Appendix 1) and I consider the alterations submitted with the grounds of appeal indicate compliance with those national

guidelines. In this regard, I do not consider the 6th reason for refusal is applicable to the proposed development.

7.4. Traffic and Transport

Introduction

7.4.1. The proposed vehicular access into the site is through the existing Woodleigh estate. Four of the PA reasons for refusal relate to the traffic and transport and relate to the following:

- Lack of capacity of the existing road network to accommodate the proposed increase in traffic,
- Premature pending the design of the Blessington Inner Relief Road (BIRR),
- Insufficient information on the land ownership for the proposed access between Woodleigh and the subject site,
- Insufficient information on the footpath along the N81 and the proposed homezones.

7.4.2. Reference to the length of the road design was also noted in the design reason for refusal, which I have addressed under DMURS below.

Vehicular Connection into Woodleigh Estate and Land Ownership

7.4.3. There is currently a turning head at Woodleigh Avenue which is surrounded by open space. The proposal includes a connection from Woodleigh Avenue into the subject site. The vehicular site access drawings (DWG 21109-LDE-ZZ-ZZ-DR-SC-5C08) and sightlines from future Entry/Exit Point (DWG 21109-LDE-ZZ-ZZ-DR-SC-5C10) illustrate the proposed new access. The drawings illustrate an overlap between part of the existing road in Woodleigh Avenue and the new road. The Roads section of Wicklow County Council (WCC) have raised concern in relation to the link between Woodleigh estate and the proposed development, and those pedestrian routes. The PA also raised concern in relation to the land ownership of this section of the connection and the fourth reason for refusal relates to the same.

7.4.4. The grounds of appeal do not include any additional design details of the proposed connection between Woodleigh Avenue and the proposed development although

there is additional information in relation to the land ownership and applicants right to access through Woodleigh Estate.

- 7.4.5. I note the additional land ownership submitted with the grounds of appeal which indicate control over the subject site and a right to cross the right of way between Woodleigh Avenue and the subject site. A letter and folio map from Wicklow County Council indicates the road has been taken in charge, this ownership is reinforced in a site layout map (DRWG No PA-0009) which indicate the WCC has taken in charge in green and illustrates a connection between the existing road in Woodleigh and the subject site.
- 7.4.6. Whilst I consider there is sufficient correspondence between the applicant and WCC to indicate the applicant can connect through the Woodleigh estate I am concerned the documentation submitted with both the application and the grounds of appeal do not correspond. The Board will note the detailed vehicular access drawings submitted by the Engineer (detailed above) do not align with the existing road access through Woodleigh Avenue nor correspond with the architects drawing (Site layout- LOC Map). In this regard I consider the applicant has not submitted sufficient information to clearly demonstrate the delivery of this access route and any associated pedestrian/cyclist connectivity.

Local Road Network Capacity

- 7.4.7. The proposed access is through the Woodleigh residential estate which radiates from a mixed use/ commercial centre at the north of Blessington. Woodleigh is a large residential estate with a range of terrace and duplex units. The primary access into both the commercial area and the Woodleigh estate is by a junction from the N81.
- 7.4.8. The Roads Department have raised concern with the use of this access and the impact on the local road network. The impact on the junction between the N81/L4370 is of the greatest concern as there is potential for queues along the N81. The first reason for refusal relates to the impact on the existing road network, the lack of capacity at the junction and the safe movement of traffic.
- 7.4.9. The grounds of appeal include an engineer's response to the first reason for refusal which refers to a Traffic and Transport Assessment. This assessment is based on a traffic survey in September 2021 which states that there is capacity at both the junction at the N81/L4370 and where the Woodleigh estate joins the L4370.

- 7.4.10. The TTA has been submitted by a Transport Planning Profession and assesses the impact of approximately 110 cars and 60 bicycles and a growth of network traffic of 1.6% over a period of 2021- 2030. The traffic analysis of both junctions indicate that they are operating within capacity at present and will do so within the design year 2024 and 2029. With the development in place, it is not envisaged that the degree of saturation at either junction will increase significantly and the queuing levels at both junctions in both 2024 and 2029 will remain the same as if no development had taken place.
- 7.4.11. The Transport Infrastructure Ireland (TII) submission also notes Section 2.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities, Development at National Road Interchanges or Junctions. I note this section relates to capacity enhancements along national roads. Any new development is required to demonstrate that the additional traffic loading can be satisfactorily accommodated at the junction concerns and on the national road network.
- 7.4.12. The guidance on national roads emphasises the need to protect the national road network as a strategic transport link. The TII response considered that insufficient evidence has been submitted to demonstrate the proposed development would not have a detrimental impact on the capacity, safety, or operational efficiency of the national road network. I note the report of the Municipal District Engineer also notes the impact on the local road network, although neither submission has raised any specific concerns in relation to the information presented in the submitted TTA. This aside, the Board will note my assessment in relation to the BIRR, and the need to deliver this infrastructure, which I consider will support the national road network, in line with the national guidance. I consider any reason for refusal relating to the impact on the traffic and transport should address the delivery of the BIRR aside from any impacts on the local network.

Blessington Inner Relief Road (BIRR)

- 7.4.13. The Blessington Inner Relief Road (BIRR) is a proposed relief road that connections to the north and south of Blessington (bypassing around the west) at the N81. The rationale for the delivery of this road is to remove national traffic from the N81, the centre of Blessington, and deliver a high quality public realm in the existing centre. The BIRR route is located north, directly adjacent to the site. The route is not within

the applicant's control or ownership and a future access onto the BIRR is included in the proposed development.

7.4.14. The third reason for refusal refers to the BIRR as stated below:

The proposed development would be premature pending the determination of the road network for the area as the Blessington Inner Relief Road Project is currently at preliminary design stage.

7.4.15. The grounds of appeal note the reason for refusal and the indicative design for the BIRR and whilst they note the route may change it is considered the proposal has been designed to allow the integration of the BIRR. It is considered that even should the design be altered, the entrance can still be delivered.

7.4.16. I note both the recently adopted Wicklow County development plan and the Blessington LAP emphasise the importance of the delivery of the BIRR. The county plan acknowledges the impact of the N81 on the movement of traffic in Blessington and considers the BIRR is a priority. COP 12.44 supports the development and completion of the BIRR.

7.4.17. That section of the BIRR, which adjoins the applicant's site, includes a roundabout from the N81 and a section of the road. The subject site will be the most northern entry point from the proposed BIRR, into Blessington. The grounds of appeal have overlapped the proposed route (indicative route from WCC Feb 2022) with the proposed development, and I note a separate entrance into lands to the west of the site. Having regard to this illustration submitted with the grounds of appeal, I would have some concerns the proposal would not align with that final preferred route.

7.4.18. Whilst I note the policies objectives of either the County development plan or the Blessington LAP preclude the development of these lands before the final design of the BIRR, I note the illustrations submitted with the applicant's engineer's submission to the appeal. In this regard I would have some concerns the applicants proposed access onto the BIRR does not align with the preliminary design by WCC. In addition, having regard to the dominant location of the site at the north of Blessington, adjoining the BIRR, I have some concerns in relation to the orientation of the proposed dwellings (which back onto the existing and proposed roads), the associated boundary treatment, and the location of the public open space in the proposed development. In the absence of a final design, which I consider is nearing completion, I do not consider a high-quality design, with an appropriate orientation

and boundary treatment onto the BIRR and the N81 would contribute to the public realm.

- 7.4.19. Therefore, having regard to the design and layout of proposed development, the timescales involved in the final design of the BIRR, it is considered that the development of the site is premature pending a final design which is necessary to ensure a high-quality public realm for Blessington settlement. I consider the proposed development should be refused for reasons of prematurity.

Design Manual for Urban Roads and Streets (DMURS)

- 7.4.20. The layout and configuration of the road network has been raised in two of the reasons for refusal. In the first instance the PA consider the long stretch of internal road would not discourage excessive speeds and in the second instance there was insufficient information submitted in relation to the design of the “home-zone” areas within the development, in terms of how they would operate and how they would comply with current design standards.
- 7.4.21. The engineers report submitted with the grounds of appeal provides a background on the design of the roads. In relation to the length of the road, they note that where straight sections of road exceed 70m and do not include horizontal deflections then raised tables are used as per Section 4.4.7 of DMURS. The engineers report notes all sightlines can meet the standards in Table 4.2 of DMURS.
- 7.4.22. In relation to the design of the road, I note the sightlines have not been raised as a reason for refusal, rather the MDE recommended a request for additional information to confirm compliance. The use of raised tables was noted with recommended for DMURS statement/ compliance, which I consider the applicant could submit as a condition on any grant of permission.
- 7.4.23. In relation to the length of the road, I consider traffic calming measures could be reasonably integrated into any future design, although I have concerns with the overall layout. The general design of the estate has not been raised in the specifics of the refusal reasons; the layout is based on 5 cul-de-sacs. As detailed below, permeability and legibility is required for new estates and DMURS requires the limited use of cul-de-sacs (Section 3.4.1). Having regard to my overall concerns raised regarding the lack of connectivity, permeability and treatment of the site onto the road, I do not consider the layout provides the optimum design for the site and does not comply with DMURS.

Pedestrian and cycle connectivity

- 7.4.24. The proposal includes a pedestrian and cycle path from the site onto the N81. No works are proposed along the N81, adjoining the site. The lack of information on the pedestrian/cycle connections along the N81 is included as a reason for refusal. It is noted that the proposed footpath/cycle lane does not connect to the existing footpath; therefore, those works would cause a traffic hazard.
- 7.4.25. The grounds of appeal include photographs of the hard shoulder along the N81, adjoining the applicant's site, which they note may require some upgrade works. In this regard the applicant would accept a condition to connect the proposed pedestrian/cycle route from the proposed development, along the N81 and onto the existing footpath to the south.
- 7.4.26. Whilst I consider the pedestrian/cycle connection should extend to the existing public infrastructure to the south, along the N81, I consider there is a more significant problem along the N81. As stated above in my assessment on design and layout, the treatment of the estate, relative to the N81, would lead to poor public realm along an important site into Blessington. In addition, the absence of a footpath/ cycleway along the front of the site would prevent connectivity to the future BIRR.
- 7.4.27. As stated above, the PA also raised concerns in relation to the proposed pedestrian links between Woodleigh Avenue and the subject site. The Board will note my assessment in relation to these proposed links whereas I do not consider they align. The grounds of appeal have not addressed this issue and it is my opinion that in the absence of these connections the proposal does not provide any permeability as advocated in the national guidance for new estates. Section 3 of DMURS¹ highlights the importance of permeability and legibility in designing new streets which is also reiterated in Section 3 of the Sustainable Residential guidelines². In my opinion, the design as proposed, does not support sustainable development of the site or surrounding area and is not in keeping with the national guidance for new residential estates.
- 7.4.28. Therefore, having regard to the national guidance for new residential areas which requires permeability and legibility, and the design and layout of the proposal

¹ Design Manual for Urban Roads and Street, Government of Ireland (2019)

² Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, Government of Ireland (2009)

development, in particular the links between Woodleigh estate and along the N81, it is considered the proposed development does not provide adequate permeability for pedestrians and cyclists.

Conclusion

- 7.4.29. Having regard to the national guidance for the design of new residential estates, the location of the site adjoining the BIRR and the N81 and on a prominent location for Blessington, I do not consider the proposed development has been designed to provide permeability and legibility. In this regard, I consider the proposal would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

7.5. Archaeology

- 7.5.1. An Archaeological Desktop Assessment was submitted with the application which notes the location of the site within the vicinity (c. 600m) of the following archaeological sites:

- WI005-024 Holy Well,
- WI005-25 Burial Cairn,
- WI005-021 Barrow,
- WI005-023 Enclosure,
- WI005-019 Barrow,
- WI005-130 Ringfort.

- 7.5.2. The archaeological assessment notes the high level of prehistoric archaeology in the area and given the greenfield status of the site, it is considered highly likely for undeveloped archaeology on the site. Archaeological test trenching is recommended in advance of any groundworks.

- 7.5.3. A submission was received from the Department of Housing, Local Government and Heritage (National Monuments Service NMS) requested additional information on the proposed development including a more detailed and field-based archaeological impact assessment to allow an informed archaeological recommendation before a planning decision was taken. It was recommended the impact assessment included targeted testing undertaken under a licence.

- 7.5.4. The report of the area planner noted the report of the NMS and the need for additional information to undertake an informed assessment and included a reason for refusal relating to the potential impact on archaeology as stated below:

It is considered that the archaeological significance of the site is such that any development of the site in advance of archaeological investigations carried out to the requirements of the appropriate authorities would be premature pending such investigation and would therefore be contrary to the proper planning and sustainable development. To permit the proposed development in the absence of the necessary investigations would be contrary to the proper planning and development of the area.

- 7.5.5. The grounds of ground of appeal notes the presence of a potential enclosure in the northwest of the study area and refers to the Archaeological Desktop Assessment submitted within the application which recommended that a programme of archaeological test-trenching should be carried out across the site. Having regard to the submission from the National Monuments Service and the recommendation for further information on additional testing, the appellant considers a condition for further appropriate testing would be acceptable. The applicant would agree to these works prior to the commencement of development.
- 7.5.6. The policies and objectives of the Wicklow County development plan (e.g. CPO 8.1 and CPO 8.3) promote the preservation of archaeological monuments and require appropriate archaeological assessment on impacts. Whilst I note there are no formal Section 28 guidance on archaeology, guidance from the Department³ refers to the importance of the protection of the archaeological heritage when undertaking, approving, or authorising development. The overall approach to the protection of archaeological heritage includes, in all cases archaeological assessment to ensure that in the correct approach to archaeological protection is following. The first approach is preservation in-situ following by preservation by record based on the results of archaeological assessment it may be appropriate to carry out archaeological monitoring.
- 7.5.7. I note the applicant's archaeological desktop assessment clearly identifies the potential for archaeological materials on the site and the NMS requirement for any

³ Framework and Principles for the Protection of the Archaeological Heritage, Department of Arts, Heritage, Gaeltacht, and the Islands (1999)

additional investigations prior to a planning decision. Having regard to the potential for significant archaeological presence on the site and the national and local guidance on the appropriate assessment of impacts, I consider it reasonable that additional information should be submitted to allow a full and detailed assessment to be undertaken before a planning decision. In this regard I do not consider the grounds of appeal assertion that a condition can reasonably address the issues relating to the impact on the archaeological significance of the site. Should the Board be minded granting permission, I would recommend a request for further information like that included in the NMS submission (dated 10th of January 2022) to allow an informed assessment.

- 7.5.8. Therefore, having regard to the location of the site, the potential for archaeological material within the site and the submission from the NMS requesting additional archaeological investigations, I do not consider sufficient information has been submitted with the application to undertake an informed assessment on the impact on archaeology. In this regard, I consider the proposed development should be refused.

7.6. Wastewater

- 7.6.1. The site is located to the north of an existing residential estate Woodleigh. The proposal includes a connection into the public water and wastewater system in the Woodleigh estate. The Irish Water submission to the proposal noted the connection into the Woodleigh Estate and requested that the applicant submit additional details on the capacity of this sewer and information on how the system could deal with increased flows. The applicant was requested to address all manholes and pipelines the proposal had to travel through, as indicated on a drawing, up to the Irish Water sewer the the front of Woodleigh estate. A submission from one of the observers referred to previous problems with the public sewerage network, where the roots of adjoining trees have entered the pipelines causing overflow in private gardens.
- 7.6.2. One of the PA reasons for refusal relates to the absence of information relating to the wastewater connection as stated below:

The proposed development would be prejudicial to public health because insufficient information has been provided to show that the proposed connection to the existing wastewater sewer in Woodleigh estate is feasible.

- 7.6.3. The grounds of appeal refer to the preplanning consultations undertaken with IW and the Confirmation of Feasibility CoF issued on the 22nd of June 2021. The CoF stated that a connection to the foul network was feasible subject to upgrades. The pre-connection enquiry specifically references the completion of the wastewater treatment plant in Blessington (Q2 2022). The appeal submission was accompanied by an engineer's report which notes that the Woodleigh estate has been taken in charge by WCC and refers to the pre-connection enquiry with IW.
- 7.6.4. I note the IW submission, and request for further information, does not comment on the ability to connect into the sewer or the ownership of the infrastructure rather it requires the applicant to provide details on the capacity and condition of all manholes and pipelines that the wastewater must go through.
- 7.6.5. I note the Annual Environment Report (AER) 2020⁴ for the Blessington Wastewater treatment plant (D0063-01) notes the current upgrades of the Blessington plant to accommodate future loads to 9,000 p.e, as granted by An Bord Pleanála in 2019. The estimated construction completion date is Q4 2022. Having regard to these works, I do not consider the capacity issues relate to the receiving treatment plant rather the network infrastructure the wastewater has to travel through prior to the connection.
- 7.6.6. As stated in the observer's submission, there appears to be issues with the wastewater network through the Woodleigh estate. It is my opinion that IW request for further information related to a survey of the current wastewater infrastructure through Woodleigh, up to the proposed connection, to ensure there was adequate capacity to accommodate the increase flows. The grounds of appeal have not submitted any additional information with the appeal submission to allow a further detailed assessment of the issues raised in the IW submission. Therefore, it is unclear if the existing wastewater infrastructure can accommodate an increased load.
- 7.6.7. Having regard to the issues raised in the IW submission and third-party submission, I consider the issues raised in the IW submission remain valid. In this regard I consider that insufficient information has been submitted with the application to determine there will not be a significant impact on the current wastewater infrastructure or that the current infrastructure can accommodate the increase in load

⁴ [D0063-01_2020_AER.pdf \(water.ie\)](#)

from the proposed development. Having regard to the other substantive issues raised throughout my assessment, I consider the proposed development should be refused for issues relating to the absence of this information.

7.7. Appropriate Assessment

Screening for Appropriate Assessment

7.7.1. The site, a greenfield site, is located to the north of Blessington, west of the N81 and c. 0.7km north of Poulaphouca Reservoir SPA. The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Statement (NIS) as part of the planning application. They have been prepared by the applicant's consultants. The AA Screening Report provides a description of the proposed development and identifies European Sites within a possible zone of influence (in this case 15km radius) of the development. Five sites have been identified with the 15km radius:

- Red Bog SAC (000397)
- Wicklow Mountains SAC (002122)
- Glenasmole Valley SAC (001209)
- Poulaphouca Reservoir SPA (004063)
- Wicklow Mountains SPA (004040)

7.7.2. Having regard for the potential pathways between the site one European site was identified:

- Poulaphouca Reservoir SPA (004063)

Screening For Appropriate Assessment

7.7.3. Table 1 of the screening assessment submitted with the application lists five European Sites within 15km which have been screened having regard to the precautionary principle as listed below:

European Site (code)	List of Qualifying interest (QI) /Special Conservation Interest (SCI)	Conservation objectives
Special Areas of Conservation (SAC)		

Red Bog, Kildare SAC (000397) 1.km to the north west	Transition mires and quaking bogs [7140]	To maintain the favourable conservation condition of Transition mires and quaking bogs in Red Bog, Kildare SAC, which is defined by the following list of attributes and targets:
Wicklow Mountains SAC (002122) 3.0km to the east	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p>*priority habitat</p>	To maintain/ restore the favourable conservation condition of the habitats , which is defined by the following list of attributes and targets:

Glenasmole Valley SAC (001209)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]	To restore the favourable conservation condition of the habitats, which is defined by the following list of attributes and targets:
Special Protection Areas (SPA)		
Wicklow Mountains SPA (004040) 3.0km to the east	Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:
Poulaphouca Reservoir SPA (004063) 0.7km to the east	Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

- 7.7.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.7.5. The screening report had regard to the potential connections with those European sites and noted no hydrological connection or potential habitat for ex situ apart from the Poulaphouca Reservoir SPA (004063) and the potential for surface water runoff.
- 7.7.6. The AA screening report concludes that the possibility of significant effects from the proposed development on the following Natura 2000 sites cannot be ruled out:

- Poulaphouca Reservoir SPA (004063)

7.7.7. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Natura Impact Assessment (NIS)

7.7.8. The Natura Impact Statement includes a brief background to the screening report and an assessment of the receiving environment. The potential pathway between the site and the Poulaphouca Reservoir SPA is considered relevant having regard to direct and indirect pathways.

Assessment of likely impact on the Poulaphouca Reservoir

7.7.9. The Natura Impact Statement notes the following potential for indirect effects on the Poulaphouca Reservoir:

- Potential run-off during the construction phase into the Newpaddocks Stream and into the Poulaphouca Reservoir SPA.
- Potential contamination and sedimentation from uncontrolled surface water runoff.
- Potential to impact the habitats which the bird species rely on (water quality).

7.7.10. Having regard to the potential impact on the Poulaphouca Reservoir mitigation measures have been included in the proposed development.

Mitigation Measures

7.7.11. Section 8 of the NIS deals with mitigation measures. During construction phase mitigation measures will be put in place to prevent any contamination of the surface water and include:

- Appropriate storage for refuelling, site compound.
- No washdown of facilities for plant and equipment.
- General good construction practices.

Appropriate Assessment of implications of the proposed development on each European Site

- 7.7.12. The NIS refers to an indirect hydrological link between the site and the Poulaphouca Reservoir via the Newpaddocks Stream. It is stated that surface water will be discharged to this stream in addition to the use of SuDS measures. This stream has not been illustrated on any of the submitted plans or particulars and I have not been able to source its location from public documents ⁵. This aside I note the location of the site from the edge of the Poulaphouca Reservoir and I consider the use of best practice construction methods to prevent any contamination of groundwater and protection the water quality.
- 7.7.13. I note the site is separated from the Poulaphouca Reservoir by the N81, Blessington Road and a quarry. Having regard to the separation distance of c. 700m and the location on the opposite side of a major transport route I do not consider there is any potential for direct hydrological links.
- 7.7.14. The qualifying interests of the Poulaphouca Reservoir SPA include the Greylag Goose (*Anser anser*) and the Lesser Black-backed Gull (*Larus fuscus*). The site synopsis for this European Site⁶ notes this SPA is of national importance for its Greylag Goose population which is the largest in the country and states that “*the site provides the main roost for the birds, with feeding occurring mostly on improved grassland outside the site*”.
- 7.7.15. The site is currently in agricultural use. The submitted NIS does not provide any assessment of the habitats present on the site or bird surveys. As the site is a greenfield site located c. 700m from the Poulaphouca Reservoir I would consider there is potential for the Greylag Goose to feed on this site. In the absence of sufficient information relating to any habitats or surveys and having regard to the precautionary principle, I cannot definitively conclude that the proposed development of 56 no houses at this location would not impact the qualifying criteria of this European Site.

Conclusion of Appropriate Assessment

- 7.7.16. The development of the proposed development has been assessed in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the

⁵ <https://gis.epa.ie/EPAMaps/>

⁶ <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004063.pdf>

project, it was concluded that it may have a significant effect on the following European sites.

- Poulaphouca Reservoir SPA (004063)

7.7.17. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of this site in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would adversely affect the integrity of the Poulaphouca Reservoir SPA in view of the site's Conservation Objectives. This conclusion is based on a precautionary principle where the proposed development may be ex situ habitat for the Greyland Goose and the absence of sufficient information for me to conclude no reasonable doubt as to the absence of adverse effects.

8.0 Recommendation

8.1. It is recommended the proposed development is REFUSED for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of this serviced site along the N81, within the vicinity of bus stops and served by the Dublin Metropolitan Bus Network, which has frequent services to Blessington, the proposed residential development would not be developed at a sufficiently high density to provide for an acceptable level of efficiency in the use of serviced lands as required in the National Planning Framework and would accordingly be contrary to National Policy as set out in the Section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the objectives of the current development plan for the area, in particular Policy CPO 5.6 and the national guidance in the Urban Design Manual, A Best Practice, in relation to urban development and urban renewal, it is considered that, by reason of the absence of sufficient integration and design details along the N81 and the future Blessington Inner Relief Road, pedestrian/ cycle ways, appropriate communal open space and boundary treatment, and the proposed development would militate against an attractive pedestrian and vibrant environment, would be of insufficient urban design quality on a prominent site in Blessington and important streetscape and would seriously injure the residential and visual amenities of the area. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the:
 - a) location of the site beside the proposed Blessington Road Inner Relief Road,
 - b) design and layout of the road network including the road connection through Woodleigh Estate and number of cul-de-sacs,
 - c) proposed pedestrian/cyclist network into the site and along the N81,it is considered the proposal is premature pending the final design for the Blessington Road Inner Relief Road, does not compliance with the national guidance for permeable and legible estates and would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.
4. It is considered that the archaeological significance of the site is such that any development of the site in advance of archaeological investigations carried out to the requirements of the appropriate authorities would be premature pending such investigation and would therefore be contrary to the proper

planning and sustainable development. To permit the proposed development in the absence of the necessary investigations would be contrary to the proper planning and development of the area.

5. Having regard to the absence of sufficient information to assess the impact of an increased loading on the existing wastewater infrastructure entering into and running through the Woodleigh Estate, it is considered the proposed development would be prejudicial to public health.
6. The proposed site is located c. 700m from the Poulaphouca Reservoir Special Protection Area (004063). The species listed as Special Conservation Interest (SCI) for the site are the Greylag Goose (*Anser anser*) Lesser Black-backed Gull (*Larus fuscus*). The site is of national importance for its Greylag Goose population.

Having regard to:

- a) The characteristics of the subject site, which is a greenfield site,
- b) The information contained in the Natura Impact Statement and the absence of a habitat survey or bird survey,

I am not satisfied, having regard to the precautionary principle, that adequate information has been provided on the impact of the proposed development, and the potential impact on the special of conservation interest for which the Poulaphouca Reservoir Special Protection Area has been listed.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Senior Planning Inspector

21st of December 2022