



An
Bord
Pleanála

Inspector's Report ABP312844-22

Development	Erect 19 houses, access to R752 and connection to services.
Location	Ballymanus Lower, Ballyfree East, Glenealy, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21/840
Applicant(s)	Peter King & Milltown Construction.
Type of Application	Permission
Planning Authority Decision	Refuse.
Type of Appeal	First Party v Refusal
Appellant(s)	Peter King & Milltown Construction
Observer(s)	<ol style="list-style-type: none">1. Nicola Faull2. Raymond & Margaret O'Flaherty3. Suzanne O'Flaherty4. John Shorten/John Burke
Date of Site Inspection	28 th November 2022.
Inspector	Hugh Mannion.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.4. Development Plan Policy	6
5.6. Natural Heritage Designations	7
5.7. EIA Screening	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	9
6.3. Observations	9
6.5. Further Responses.....	10
7.0 Assessment.....	10
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	19
10.0 Conditions	19

1.0 Site Location and Description

1.1. The application site is an irregularly shaped parcel of land with a stated area of 1.13ha in the centre of Glenealy village, County Wicklow. The northern site boundary is generally along the rear gardens of houses that face onto the R752 which runs east to west through Glenealy village. A short stretch of this boundary runs along the R752 close to the car park associated with the 'Kings Bar' in the village centre. The southern site boundary adjoins the Dublin/Rosslare railway. Across the railway is a recent development of about 37 houses accesses (Belard Manor) accessed from a local road (Ballymanus Lane). The north-eastern end of the site adjoins a group of buildings associated with the public house use and two houses accessed off a short cul de sac that has a junction with the R752 at one end and a pedestrian bridge over the railway at the other end.

2.0 Proposed Development

2.1. Construct 19 houses (amended to 20 units by F.I.) with a new vehicular/pedestrian access from the R752 and connection to services at Ballymanus Lower, Ballyfree East, Glenealy, County Wicklow

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for one reason.

The proposed development is premature having regard to the deficiency in the capacity of public wastewater treatment and the time scale within which the deficiency may be made good.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initially the planning authority sought further information in relation to;

1. Revised drawings to accuracy show pedestrian crossing points within the site.

2. Parking provision adjoining Glenealy Lodge/Kings Bar public house.
 3. The orientation of dwellings proposed throughout the site.
 4. A visual impact assessment of the proposed development when viewed from neighbouring properties.
- 3.3. Following the submission of further information, the planning authority refused permission related to the capacity of the WWTP serving the area.
- 3.3.1. Other Technical Reports
- 3.3.2. **Irish Water** reported (7th December 2021) that the remaining capacity in the Ballymanus WWTP is reserved for existing non-sewered development in the village centre (if funds become available). There are no immediate plans to carry out this work. A further submission dated 18th January 2022 from Irish Water, copy in plan pouch, may not have been considered by the planning authority prior to making the decision. This submission stated no objection to the proposed development subject to conditions.
- 3.3.3. **Department of Housing, Local Government and Heritage** reported that in the event of a grant of planning permission that a condition requiring an archaeological assessment/protection of remains should be attached to a grant of permission.
- 3.3.4. The **Minister for Housing, Local Government and Heritage** made a submission stating that in the event of a grant of planning permission that the developer be required to carry out an archaeological assessment of the site.

4.0 Planning History

- 4.1. **PL27.246232** permission was granted for demolition of a single storey side extension, erect a new single storey side extension, new raised roof with first floor accommodation, wastewater treatment system, widen existing entrance, ancillary works at 'The Old Post Office', Glenealy, Co. Wicklow
- 4.2. **PL27. 214109** – Permission refused for demolition of an existing single-storey dwelling and the construction of five number two-storey detached three-bedroom dwellings and the construction of 12 number two-storey semi-detached dwellings and the construction of two number blocks of three terraced two-storey dwellings all

to be provided with separate car parking and associated site works at Clonfadda, Townland of Ballyfree East, Gleanealy, County Wicklow.

1. The Main Street of Glenealy is in an area of historic and streetscape importance, which contributes significantly to the character of the village, and the existing cottage forms an integral part of this streetscape. The proposed development, which would entail demolition of this building, would detract from the streetscape of the village, destroy part of its architectural heritage and seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because sightlines at the proposed entrance are seriously deficient in both directions and the entrance would not be capable of accommodating the traffic generated by the housing development.
3. Having regard to the access arrangements, the scale and design of the dwellings and the layout of the housing estate, it is considered that the proposed development fails to respect the character of the village and the pattern of surrounding development and does not have sufficient regard to the Glenealy Village Design Statement. By reason of the proximity of the access to existing residential property and the layout and design of the proposed development, which fails to integrate with the village, it is considered that the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity. Furthermore, by reason of the deficient allocation of usable public open space and of car parking, the proposed development would provide a substandard level of residential amenity for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

- 5.1. The National Planning Framework (NPF) places Wicklow in the mid-east region and states that “managing the challenges of future growth is critical to this regional area. A more balanced and sustainable pattern of development, with a greater focus on

addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than unsustainable commuting patterns”.

- 5.2. **National Policy Objective 18a** is to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.
- 5.3. **National Policy Objective 18b** is to develop a programme for ‘new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.
- 5.4. **The Eastern and Midland Regional Spatial and Economic Strategy 2019 – 2031** sets out several overall regional objectives. The RSES sets out a settlement hierarchy (Table 4.2 in the RSES) with Dublin city at the top and moving down to towns and villages which are to be defined in County Development Plans. Planning Authorities are required to develop core strategies whose aims should include **Compact Sustainable Growth** to “promote compact, sequential and sustainable development of urban areas from large to small to realise targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs, and a target of at least 30% for other urban areas. Support co-ordination across local authorities and agencies to promote active land management and better use of under-utilised, brownfield and public lands”
- 5.5. **Development Plan Policy**
- 5.6. The Wicklow County Development Plan 2022-2028 has had regard to the RSES and designates Glenealy as a Level 7 rural village and describes these as rural villages that have a moderate level of existing infrastructural services, both physical and social, and that are of such a size as to accommodate a moderate amount of new housing. It is essential that growth strictly managed so that development is undertaken in a manner that is respectful to the character of these villages, their

infrastructural capacity and the environmental sensitivities of the rural area. Any individual housing scheme for new housing should not be larger than 10 units.

5.7. **Natural Heritage Designations**

Not relevant

5.8. **EIA Screening**

5.9. The proposed development is within a class but significantly below the threshold for triggering the requirement for submission of an EIAR and carrying out EIA. The relevant class is 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, which requires the submission of an EIAR in relation to applications for the construction of more than 500 dwelling units. Having regard to

- the very modest scale of the proposed development as compared to the threshold in the regulations for triggering the requirement for EIA,
- nature of the site within the development boundary of a rural village designated in the current County Development Plan,
- the absence of sensitive environmental receptors in the vicinity of the application site,
- the modest scale and nature of any foreseeable emissions from the proposed development,
- the availability of public water supply and wastewater treatment capacity,
- and the factors set out in Schedule 7 of the Regulations,

I am satisfied that there are no likely significant impacts arising from the proposed development and that submission of an EIAR and carrying out of an EIA is not required in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

- When the applicant first contacted with Irish Water (October 2020) in relation to connecting to the public WWTP Irish Water confirmed that such a connection was feasible.
- In August 2021 Irish Water stated that where the applicant proposed to connect to Irish Water infrastructure the conditions of such an agreement must be adhered to.
- In December 2021 Irish Water made a further submission to the planning authority stating that “the current headroom at the Ballymanus Wastewater Treatment Plant (Glenealy) is currently to be reserved to assimilate (by means of a connection system should funds become available) the effluent from the existing non-sewered development within the village centre, as per the conditions of the relevant wastewater certificate. There are currently no plans in the Irish Water Current Investment Plan to carry out these works”.
- In January 2022 Irish Water made a further submission to the planning authority. This submission confirmed that additional capacity could be provided at the Ballymanus WWTP by adding a 3rd aeration tank, the connection of two existing septic tanks at Ballyfree and Carrigview and allowing for connection of the proposed development.
- This correspondence makes clear that there is adequate capacity in the Ballymanus WWTP to accommodate effluent from the proposed development.
- The final Irish Water submission to the planning authority (date 18th January 2022) was not considered in the final planner’s report in this case dated 25th January 2022).
- Therefore, it is reasonable to allow new development which can access this WWTP capacity with no additional costs to the public rather than waiting for unavailable finance to connect existing development. The Board adopted this principle in a Louth case PL15.203758.

6.2. Planning Authority Response

- None

6.3. Observations

6.4. Observations were received from Nicola Faull, Raymond & Margaret O’Flaherty, Suzanne O’Flaherty, and John Shorten/John Burke. The points raised may be summarised as follows.

- Ballyfree Cottage (on the R752 beside the proposed new entrance to the application site) and Railway Cottage (at the southwestern tip of the application site with a separate access from the R752) are significant older houses in Gleanealy and will be negatively impacted on by the proposed development.
- The access road should be 10.2m wide. The access road is too narrow, and its construction may impact on the existing boundary treatment, including beech trees.
- More attention should be given to improving the bus service in the village and/or reopening the former railway station.
- There may be other WWTS on site serving other houses that may be impacted upon.
- The housing mix is unacceptably limited.
- The landscape design report is unclear and relates to an earlier application.
- The noise report refers to an earlier application and not to the proposed development.
- The proposed development will devalue adjoining residential properties.
- The proposed development has not established that the proposed houses meet the relevant standards, that private and shared open space is adequate, and that it meets the 12 criteria for sustainable residential development set out on the urban design manual.

- The proposed development will negatively impact on the visual and residential amenity of the area. The proposed development does not comply with the Core Strategy set out in the CDP and provides 100% of the indicative growth envisaged in the period 2011 to 2022.
- Proposals to widen the footpath to 4m, provide bollards would narrow the R752 and cause traffic hazard. Residential entrances onto the road in this area are already being regularly blocked.
- There is a history of refusals of planning permission on this site principally related to unacceptable impacts on nearby property.
- The advice of Irish Water is unclear, and it is up to the Board to properly address the issue of wastewater treatment. Priority should be given to connecting existing housing to the WWTP.
- The proposed density is too high at 20 units.

6.5. Further Responses

None.

7.0 Assessment

7.1. Development Plan Policy.

7.2. The proposed development is within the development boundary of Glenealy village which is designated (map number 04.06b) a Level 7 village. The County Development Plan describes these as rural villages that have a moderate level of existing infrastructural services, both physical and social, and that are of such a size as to accommodate a moderate amount of new housing. It is essential that growth strictly managed so that development is undertaken in a manner that is respectful to the character of these villages, their infrastructural capacity and the environmental sensitivities of the rural area. Any individual housing scheme for new housing should not be larger than 10 units.

7.3. The number of units increased with the response to the request for further information from 19 to 20 that on a site of 1.13ha gives a density of 17 units per ha. Having regard to the pattern of development and the location of the site in a rural

village I consider that this is a reasonable density. The policy that no individual application should exceed 10 units aimed at avoiding an overly suburban character resulting from large uniform developments. Having regard to the proposed mix of uses (7 house type A, 10 house type B and 3 house type C) I conclude that sufficient variety of house types and design are provided for in the application and I conclude that the proposed development is not contrary to the Development Plan provision in relation to the size of individual schemes in Level 7 villages.

7.4. Compliance with the Core Strategy.

- 7.5. The observers make the point that the proposed development does not comply with the core strategy and provides 100% of the projected housing growth in the period 2011 to 2022.
- 7.6. The current Core Strategy (CS) is set out in Chapter 3 of the CDP 2022-2028. The CS references the NPF's projection of target growth in the Midland and Eastern region of 490,000-540,000 in the period up to 2040. Wicklow's share of this population growth is projected as 160,500 – 164,000 up to 2031. The housing completions targets for Wicklow (see table 3.2) of the CS are a total of 14,949 units up to 2031. For level 7 villages such as Glenealy (and rural areas outside towns and villages) a population growth figure of 9% is targeted and for these villages and rural areas housing will grow by 1,249 up to 2031. I conclude on this basis that there is no specific number of houses set out for Glenealy but that, subject to other normal planning criteria, development of small housing schemes within the village boundary defined in the CDP are acceptable. Additionally, I consider that these houses in a village setting will meet some of the demand for rural based housing within the County.
- 7.7. The observers make a related point that the housing mix is unacceptably limited. The importance of a mix of house types is set out in the Sustainable Residential Development in Urban Areas Guidelines the aim being to provide a mix of unit types to accommodate "a diverse range of household types and age groups". Having regard to the proposed mix of 3 and four bed house types in this application, the location of the site within the designated development boundary of a rural village not proposed for significant housing development in the settlement strategy set out in the

County Development Plan, and the modest scale of the site I conclude that the mix of housing units is acceptable.

7.8. Wastewater Treatment.

- 7.9. The planning authority refused permission stating that the proposed development is premature having regard to the deficiency in the capacity of public wastewater treatment and the time scale within which the deficiency may be made good.
- 7.10. Irish Water has published its investment plan 2020 to 2024 and includes four schemes in Wicklow the Arklow Wastewater Treatment Plant, the Aughrim/Annacurra Water Supply Scheme, the Avoca Wastewater Treatment Plant, and the Blessington Wastewater Treatment Plant. None of these appear to cover Glenealy.
- 7.11. In correspondence with the applicant which was submitted to the planning authority in the response to the request for further information Irish Water¹ (see Irish Water letter dated 14th October 2020 yellow tab 1 in file) stated that there was an existing 150mm sewer in the R752 proximate to the application site, that this would have to be upsized to 225mm to accommodate the effluent from the proposed development and that “a further detailed assessment would be carried out at connection application stage”. The initial report from Irish Water to the planning authority (13/8/2021) reported no objection in relation to the development subject to standard connection agreement between the applicant and Irish Water. In a further report to the planning authority Irish Water (14th December 2021) stated that the available capacity in the Glenealy WWTP was being reserved for existing but unsewered development in the village centre but that there were no plans in the Irish Water Investment Plan to lay sewers to create that connection. The planning authority refused because of a lack of capacity in the wastewater systems would be premature by reference to this deficiency and the timesaver within which it is likely to be made good.
- 7.12. Based on the reports on file I conclude that there is capacity within the WWTP but there is a deficiency in the sewerage network and that while the capacity in the WWTP can be made available to existing development there are no plans by Irish

¹ Irish Water refers in this letter to 17 houses, the application is now for 20. I do not consider that the difference is material in terms of wastewater loading.

water to do so. The final letter from Irish Water (dated 18th January 2022) states that there is an existing capacity of 144pe in the treatment system and that Irish Water has no objection to the proposed development. Having regard to the foregoing I am satisfied that there is capacity in the WWTP, that the applicant is willing to provide the connection as requested by Irish Water (which is a matter between Irish Water and the developer in this case) and, therefore, that the refusal reason may reasonably be set aside.

7.13. Adjoining DWWTS

7.14. The observers raise the potential impact by the proposed development on the existing domestic wastewater treatment systems (DWWTS) of houses outside the site. The applicant addresses this issue at paragraph 2.0 of the Civil Engineering Works Planning Statement. Two houses fronting onto the R752 and identified on an OSI map attached to the report. The application proposes to place a revised DWWTS in the public open space at the north-eastern end of the site while an additional DWWTS is proposed in the rear garden of proposed house number 18 in the revised site layout submitted on 7th December 2021.

7.15. The placing of DWWTS on lands outside the sites that they serve is problematic and has the capacity to give rise to issues of access and maintenance. Nonetheless the responsibility for treating effluent arising from existing developments not in the ownership of the applicant and outside the site boundary cannot be placed on the applicant in this case and I would not recommend refusal on this point.

7.16. Traffic Hazard

7.17. The application proposes opening a new access onto the R752 at the southwestern end of the application site. The planning authority by way of a request for further information sought details of works on the R752, demonstrate compliance with DMURS standards for the internal road network and show corner radii, crossing points and traffic calming measures within the site.

7.18. The applicant proposes an internal access road with a carriage width of 5.5m and a 2m footpath to the point where it turns within the northeast within the site. There after there is a pedestrian crossing and two footpaths serving the houses on both sides of the internal route. The planning authority agrees that these arrangements meet the DMURS standards. The advice in DMURS (see especially Chapter 4) is that

minimum footpath should be 1.8m; the proposed footpath in the case is 2m. The DMURS standard for local street width is 5m-5,5m and the proposed internal road is 5.5m. Having regard to the additional detail set out in this regard by the applicant I agree with the planning authority and conclude that the internal access arrangements are satisfactory. The observes made the point that these works, including bollards to prevent on street parking, would give rise to traffic hazard.

- 7.19. The additional information requested by the planning authority also requires the applicant to engage with the planning authority's roads section and the applicant (see response to item 2 (c) in the response to the request for further information) states that they had discussions with the planning authority's roads department in relation to works on the R752 between the new entrance and the closest shop which is about 50m to the northeast. The applicant in his reply to the FI request states that he consulted with the Wicklow County Council's roads department. The amended drawings (see drawing No. CIV-02A) provide for a widened footpath along the R752. Although there is no final roads report on file this amendment fits with the advice set out in an earlier email exchange between the applicant and the Wicklow Municipal District Engineer (see email dated 1st September 2021 on file), whereby the planning authority proposes "a build out and traffic calming" along the R752 in the vicinity of the new access to the proposed site.
- 7.20. I note the observers remarks in relation to the potential for the traffic management works to give rise to traffic hazard. The speed limit at the junction of the proposed new access road and the R752 is 50kms and I agree with the planning authority's advice that the traffic calming measures – in particular a narrowing of the regional route as it approaches the village centre - will slow traffic and the additional footpath space will better facilitate pedestrian circulation.
- 7.21. In relation to the points raised by the observes in relation to improving bus services or re-opening a rail link (Glenealy station closed in 1964) these are matters over which this application has no influence.
- 7.22. **Ballyfree Cottage/Railway Cottage**
- 7.23. The observations made to the Board make the point that the proposed development will negatively impact on these two houses. Ballyfree Cottage is located immediately to the northeast of the proposed new access point onto the R752. Amendments were

granted to that structure under PL27.246232 and the proposed access road is separated from it by a footpath (1.8m wide) and a hedgerow. I conclude on this basis that the proposed development will not negatively impact on Ballyfree Cottage.

7.24. In relation to Railway Cottage this structure is accessed over a gravelled lane from the R752 which will run parallel to the proposed access lane and is located at the south-eastern corner of the application site. Relying on the final site layout submitted as further information (see drawing 02a from plan 8 architects received by the planning authority on the 7th December 2021) it appears that the new access road will be set back by 8.5m from the boundary closest to Railway Cottage which itself is set back behind that boundary by 6 or 7 m. I conclude on this basis that the proposed development will not unacceptably impact on that house.

7.25. **Landscaping**

7.26. The observers make the point that the landscape design is inadequate. The applicant submitted a landscape design report with the application (14th July 2021). In response to the request for further information this report was augmented by the final site layout (see drawing 02a from plan 8 architects received by the planning authority on the 7th December 2021) that shows additional planting and details of the public open space provision. Additionally, I set out a condition in the draft order below requiring landscaping details to be agreed with the planning authority.

7.27. **Noise.**

7.28. The observer makes the point that the noise report refers to an earlier application. I am satisfied that noise from the neighbouring rail line is not such as to unreasonably impact on the residential amenity of the proposed development.

7.29. **General Standards of Development**

7.30. The observer makes the point that the proposed development fails to meet the twelve criteria sustainable neighbourhoods set out in the Urban Design Manual that accompanies the Sustainable Residential Development in Urban Area Guidelines. I am satisfied having regard to the other matters assessed in this report that the proposed development achieves a acceptable standard of development. I note in this context that some of the rear gardens do not meet the conventional standard of 11m depth. The Sustainable Residential Development Guidelines recognise that the 22m back-to-back separation distance may not be achievable in all cases. Where this

occurs along the railway line it will not impact on railway safety or the amenity of the proposed houses. Where it occurs in units 11 to 17 on the north-eastern boundary these are dormer bungalows that will not give rise to unreasonable overlooking of other property in a manner as to seriously injure the amenity of those adjoining properties to the rear.

7.31. Part V

7.32. The site is not zoned for residential development, and I consider therefore that Part V of the Planning and Development Act does not apply in this instance.

7.33. Appropriate Assessment

7.34. The applicant submitted an AA screening report which identified the following European sites within a 15km zone of influence. Although this zone of influence is relatively arbitrary in the present case and having regard to the factors discussed below it is a reasonable choice for assessment.

European Site	Separation distance from application site.
Deputy's Pass Nature Reserve SAC	1.3kms
Vale of Clara (Rathdrum Wood) SAC	4.6kms
The Murrough Wetlands SAC	6.3kms
Magherabeg Dunes SAC	8.3kms
Wicklow Mountains SAC	9.5kms
Buckroney Brittas Dunes and Fen SAC	9.8kms
Wicklow Reef SAC	10.2kms
Carriggower Bog SAC	14.8kms
The Murrough SPA	6.3kms
Wicklow Head SPA	8.2kms
Wicklow Mountains SPA	11.4kms

- 7.35. The Screening Report records the qualifying interests and conservation objectives for each European site and assesses the potential for impact on the European sites applying the source – pathway - receptor model. There are no direct or indirect pathways between the Deputy's Pass Nature Reserve SAC, Vale of Clara (Rathdrum Wood) SAC and the application site and these are screened out.
- 7.36. The only surface water link between the area of the site and any European site is the Rathnew stream that flows along the northern side of the R752 in a north-eastern direction through Glenealy village before entering Broad Lough estuary in Wicklow town and then into the Irish sea.
- 7.37. In relation to the Murrough Wetlands SAC and the Murrough SPA the screening report states that the application site is a minimum of 6.3kms from these European sites and that there is a hydrological connection (Rathnew stream) between the application site and the European sites. The screening report makes the point that separation distance between the application site and the SACs is sufficient to achieve adequate dilution and settlement of silt arising from run off from the R752. Additionally standard good practice in relation to surface water management within the site will prevent construction phase runoff into the local water environment. Irish Water confirmed available capacity in the WWTP. Having regard to these factors the screening report concludes that there are no likely significant effects arising from the proposed development for the Murrough Wetlands SAC and the Murrough SPA and I agree with this conclusion.
- 7.38. In relation to the Magherabeg Dunes SAC the screening report notes that it is 8.3kms from the application site and that there is an indirect connection because the Rathnew stream decants into the Irish Sea which, further south along the coast interacts the Magherabeg Dunes SAC. I agree with the screening report's conclusion that after on-site attenuation and dilution/settlement in the Rathnew stream, in the Board Lough estuary and in the marine environment that there are no likely significant effects on the European site arising from the proposed development. No likely significant effects are predicted for the Wicklow Reef SAC for similar reasons.
- 7.39. No likely significant effects are predicted for the Wicklow Mountains SAC for reasons of distance and lack of direct pathways. Buckronev Brittas Dunes and Fen SAC has

an indirect link with the application site through the Rathnew Stream which decants into the Broad Lough Estuary, but distance, attenuation and dilution allow for the screening out of significant effects from this source. No significant effects are predicted for the Carriggower Bog SAC having regard to the separation distance from the application site and absence of direct or indirect pathways.

7.40. There is an indirect hydrological link to the Wicklow Head SPA but this arises from the Rathnew stream flowing from Glenealy to Broad Lough Estuary wherein any silt or pollutants will settle out or be adequately diluted. There is no direct or indirect pathway between the application site and the Wicklow Mountains SPA. Accordingly, the potential for likely significant effects on these two remaining European sites is screened out.

7.41. 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, individually or in combination with other plans or projects would not be likely to have a significant effect on any of the identified European sites or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

The Wicklow County Development Plan 2022 to 2028 designates Glenealy as a level 7 rural village that is characterised as having a moderate level of existing infrastructural services and capable of accommodating a moderate amount of new housing. The application site is within the designated development boundary of Glenealy village and would constitute a reasonable expansion to the housing stock in the village. It is considered, subject to compliance with the conditions set out below, that the proposed development would be acceptable in terms of foul effluent treatment, would not give rise to traffic hazard and would not seriously injure the residential amenity or depreciate the value of property in the vicinity. Therefore, the proposed development would accord with the provisions of the Wicklow County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interests of clarity and public health</p>

3.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
4.	<p>The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths and kerbs] shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
5.	<p>Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
6.	<p>a) All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p> <p>b) Details of all other boundaries within the site shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interests of residential and visual amenity.</p>
7.	<p>Details of the materials colours and textures of all the external finishes to the proposed development shall be submitted for the written agreement of the planning authority, prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
8.	<p>The site shall be landscaped in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.</p>

	Reason: In order to ensure the satisfactory completion of the development
9.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of 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.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
10.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
11.	<p>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. 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).</p> <p>Reason: In the interest of urban legibility.</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p>

	Reason: In the interests of amenity and public safety
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p>
14.	<p>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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
15.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>

16.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;</p> <p>(b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
17.	<p>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 prior written approval has been received from the planning authority.</p>

	<p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
19.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>

Hugh Mannion
Senior Planning Inspector

14th March 2023