



An
Bord
Pleanála

Inspector's Report 313743-22

Development	61 no. residential units comprising 44 no. dwellings and 17 no. independent living units.
Location	Season Park, Newtownmountkennedy, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22/259
Applicant(s)	First Step Homes
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	First Step Homes
Observer(s)	Newtownmountkennedy Town Team
Date of Site Inspection	9 th June 2023
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.7698 ha and is located at Season Park, Newtownmountkennedy, Co. Wicklow. The site is greenfield in nature and is located on the north-western fringes of the town. It is bounded by Season Park Road to the north, a somewhat narrow local road which is single-carriageway in either direction with no road markings or grass verges in place at this location. A woodland is located on the northern side of this public road opposite the subject site.
- 1.2. A gravel track extends along the eastern site boundary, with an estate of 2-storey dwellings (Season Park) located on the opposite side. An agricultural entrance gate provides access into the appeal site from this laneway proximate to its junction with Season Park Road. The adjoining lands to the south are undeveloped, although construction works were noted to be ongoing at the time of the inspection. A detached residential dwelling adjoins the site to the north-west.
- 1.3. The site is characterised by mature trees, a mature hedgerow, and an intermittent stone wall along its northern boundary. Intermittent mature trees and hedgerows also characterise the eastern and western site boundaries. A hedge extends in an east-west direction through the lower/southern portion of the site. This area of the site was surrounded by metal fencing and was inaccessible at the time of the inspection.
- 1.4. The main body of the site is generally overgrown. An informal walking track has developed adjacent to the site boundaries. The remains of a foundation slab are in place towards the north-eastern end of the site.
- 1.5. There are no footpaths or cycle paths in place on Season Park Road at this location, nor are such facilities provided to the east/south-east of the site leading towards the town centre. A footpath commences on the eastern side of Church Road at a separation distance of approx. 178 m from the appeal site.

2.0 Proposed Development

- 2.1. The proposed development will consist of the construction of 61 no. residential units comprising 44 no. dwellings (1 no. 1-bedroom unit, 12 no. 2-bedroom units and 31 no. 3-bedroom units), 17 no. independent living units (15 no. 1-bedroom and 2 no. 2-bedroom units) and associated community day centre facility (c. 53 m² GFA) on a stated site area of c. 17698 m² (1.77 ha). The residential units will be serviced by 73 no. within curtilage parking spaces, 26 no. on-street surface car parking spaces, 20 no. bicycle parking spaces, refuse storage, 2 no. public open space areas combining 2,199.56 m², a children's play area, the provision of a new access roadway from Season Park Road and all associated site development, landscaping and engineering works necessary to facilitate the development.
- 2.2. The 17 no. independent living units are clustered on the north-western portion of the site and extend into the central area, enclosing the proposed community day centre. The internal spine road extends in a looped configuration from the northern site boundary, enclosing the independent living units and an adjoining public open space (1,536 m²) and children's play area, terminating in a cul-de-sac to the front of the day centre. The remainder of the proposed housing units are arranged along the outer edge of the spine road, adjacent to the eastern, southern and western site boundaries. A second parcel of public open space is proposed towards the south-eastern corner of the site between house no. 46 and nos. 39 - 45.
- 2.3. The proposed development is set back from Season Park Road, with a footpath and a cycle track provided adjacent to the northern site boundary.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wicklow County Council issued Notification of the **Decision to Refuse Permission** for the proposed development on 9th May 2022 for 3 no. reasons as follows:
- (1) Having regard to: (a) the location of the development with respect to the centre of Newtownmountkennedy and within Action Area 1 as identified in the Newtownmountkennedy Local Area Plan, (b) the deficiencies in the footpath/cycle

paths from the site to the centre of Newtownmountkennedy, (c) the substandard nature of the junction at Fishers Corner (junction of L-1037-20 with R772), (d) the lack of adequate proposals to upgrade the road network to cater for the development, (e) the provisions of Action Area 1 with respect to road network upgrades, it is considered that in the absence of proposals to provide a suitable pedestrian/cycle linkage and junction upgrade, the proposed development would endanger public safety by reason of serious traffic hazard. It would be premature pending the completion of the distributor road network identified to service these lands as required under the Newtownmountkennedy Local Area Plan and as set out in the Agreed Action Area Plan for AA1 and would be contrary to proper planning and sustainable development.

(2) The proposed development would materially contravene the provisions of agreed Action Area 1 and would be contrary to Section 4 of the Newtownmountkennedy LAP; Chapter 4 of the 2016-2022 County Development Plan, Section 4.3.3 and Objectives HD7 and HD 8 of the 2016-2022 Wicklow County Development Plan in so far as it would not comply with the development of zoned land in accordance with the sequential approach which seeks the development of zoned lands closer to existing town and village centres first and would be premature pending the completion of the necessary roads infrastructure and road upgrades required to be completed under the first phase of Action Area 1 of the Newtownmountkennedy LAP. The development if permitted would be contrary to the proper planning and sustainable development of the area.

(3) The development of 17 independent living units on a site with poor pedestrian connectivity to shops and community facilities required by the occupants would be contrary to Objective CD 19 of the 2016-2022 County Development Plan and would result in an unsustainable form of this type of development noting its location at the northern edge of the Local Area Plan boundary.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. Basis of Planning Authority's decision.

3.2.3. **Other Technical Reports**

3.2.4. **District Engineer:** No objection to the proposed development subject to conditions.

3.2.5. **Water and Environmental Services:** Notes that the applicant must demonstrate compliance with the Greater Dublin Strategic Drainage Study and the Ciria SuDS Manual C753 for interception storage prior to the commencement of development.

3.2.6. **Transportation, Water and Emergency Services:** Further Information requested in relation to the following: (1) details of road markings and signage to be submitted for approval, (2) inconsistencies between the architectural and engineering drawings with respect to cycle facilities, (3) the proposed cycle track on the north side of the development will sever the pedestrian link between the town and the development to the north – detailed drawings are requested of the proposed works along the public road while maintaining pedestrian links, (4) sightlines were measured from an incorrect location but appear to be achievable, (5) no commentary provided on the impact of the proposed development on the receiving road network, (6) in the event permission is granted, a Stage 3 Road Safety Audit should be carried out, and (7) a detailed lighting design with service layouts shall be submitted and agreed.

3.3. **Prescribed Bodies**

3.3.1. **Dept. of Housing, Local Government and Heritage:** Recommends than an Archaeological Impact Assessment, including geophysical survey and archaeological testing, by requested as Further Information.

3.3.2. **Uisce Eireann:** No objection to the proposed development subject to conditions.

3.3.3. **An Taisce:** None received.

3.3.4. **The Heritage Council:** None received.

3.3.5. **Development Applications Unit:** None received.

3.4. Third Party Observations

- 3.4.1. Two third-party observations were made on the application by: (1) Newtownmountkennedy Town Team, c/o Community Centre, Newtownmountkennedy, Co. Wicklow, (2) Shane and Ann Stokes, Glencastle, Season Park, Newtownmountkennedy, Co. Wicklow.
- 3.4.2. The issues which are raised can be summarised as follows: (1) development should reflect the Georgian style character of the settlement, (2) site entrance should comprise stone and not stone cladding, (3) Season Park/Glendarragh Road/Church Road do not have the capacity to facilitate the development, (4) no traffic study or construction traffic management plan, (5) no local community facilities, (6) sewerage pumping station does not have the capacity to cater for the development, (7) development is on the outskirts of the town, (8) absence of public lighting, bus route and adequate pedestrian connections, (9) inappropriate housing mix, (10) flooding, (11) climate change not considered, (12) poor palette of materials, (13) impacts on landscape and biodiversity not considered, (14) inadequate sightlines, (15) AA / AA screening not undertaken, (16) EIA / Ecological Impact Assessment not undertaken, (17) OPR recommends that lands should be reassigned as a Strategic Land Bank, (18) low employment base in the town, (19) existing green infrastructure not retained.

4.0 Planning History

- 4.1. No planning history has been identified for the subject site.

Adjoining Lands to the West

- 4.2. **ABP Ref. 313208-22:** Planning permission granted on 11th August 2022 for 179 no. dwellings, a crèche with community use facility overhead, a new vehicular entrance off Season Park Road to the north and via a proposed new road extending south and east connecting into Main Street at Fisher's Corner as previously permitted under Planning Authority Reg. Ref. 06/6101 and PL27.227704.

Adjoining Lands to the South

- 4.3. **Planning Authority Reg. Ref. 06/6101; ABP Ref. PL.27.227704:** Planning permission granted on 22nd December 2008 for the demolition of all structures on the site and the construction of 861 no. residential units, neighbourhood centre facilities, 4 no. crèches, construction of distributor roads and all associated development.
- 4.4. **Planning Authority Reg. Ref. 12/6477; ABP Ref. PL27.241521:** Planning permission granted on 15th July 2013 for alterations to previously granted permission ABP Ref. PL.27.227704 for a change of house types in estate no. 1, amendments to condition no. 8 (relating to phasing) and a temporary area of open space.
- 4.5. **Planning Authority Reg. Ref. 18/381:** Planning permission granted on 3rd May 2018 to extend the appropriate period of the development permitted under Planning Authority Reg. Ref. 06/6101; ABP Ref. PL.27.227704 by a further 5 years (to 5th May 2024).

5.0 Policy and Context

5.1. Wicklow County Development Plan 2022-2028

- 5.1.1. The Wicklow County Development Plan 2016-2022 and the Newtownmountkennedy LAP 2008-2018 were in place at the time this planning application was lodged. The Wicklow County Development Plan 2022-2028, incorporating the Newtownmountkennedy Town Plan 2022-2028, has been adopted in the interim and is the relevant local planning policy document for the purposes of adjudicating this appeal case.

5.2. Core Strategy

- 5.2.1. Newtownmountkennedy is identified as a Self- Sustaining Town (level 4) within the settlement hierarchy of the county. Section 3.4 of the plan notes that level 4 towns are generally targeted for growth rates of around 20-25%. Newtownmountkennedy at c. 65% will significantly exceed this target due to legacy housing developments under construction. The goal for the town is to limit further development, other than for town centre / infill / regeneration.

5.3. Housing

- 5.3.1. The policy context with respect to housing development is set out in detail in Chapter 6 of the Plan. All new housing developments will be assessed in accordance with the development and design standards set out in Appendix 1 of the Plan.
- 5.3.2. New housing shall be generally required to be located on suitably zoned/designated land in towns and villages. The priority for new residential development shall be in the designated town/village/neighbourhood centres, in the 'primary zone' or in the historic centre of large and small villages, through densification of the existing built-up area, re-use of derelict or brownfield sites, infill and backland development.

5.4. Newtownmountkennedy Town Plan 2022 – 2028

Population and Housing Growth

- 5.4.1. Population targets to Q2 2028 are set out in Table 2 of the Town Plan, with a target of 5,179 persons identified for Newtownmountkennedy. A housing growth target of 433 units between Q3 2022 and Q2 2028 is identified.

Land Use Zoning

- 5.4.2. The appeal site is zoned as a "Strategic Land Bank" under the Town Plan, which has the objective "to provide a land bank for future development of the settlement after the lifetime of this plan, if and when the need arises". The commentary to this zoning objective states that these lands are identified as being potentially suitable for new residential development having regard to proximity and accessibility to infrastructure. However, these lands are not necessary for development during the lifetime of the plan and may only be considered for detailed zoning and development after 2028. Any development proposals within the lifetime of the plan will be considered under the County Development Plan rural objectives.

Action Area Plan 1

- 5.4.3. The site is located within Action Area Plan 1: Monalin – Season Park. Any further applications for permission, or amendments to parent permissions in this action area shall comply with identified infrastructure delivery conditions and other requirements of the agreed action plan and the provisions of the updated Town Plan.

5.5. Natural Heritage Designations

- 5.5.1. The closest European sites to the appeal site include Carriggower Bog SAC (site code: 000716) which is located approx. 2.7 km to the north-west, Glen of the Downs SAC (site code: 000719) which is located approx. 3.6 km to the north-east, The Murrow SPA (site code: 004186) and The Murrow Wetlands SAC (site code: 002249) which are located approx. 5 km to the east and Wicklow Mountains SPA (site code: 004040) and Wicklow Mountains SAC (site code: 002122) which are located approx. 7 km to the north-west.

5.6. EIA Screening

- 5.6.1. The planning application documentation does not include an EIA Screening Assessment. A preliminary screening assessment was undertaken by Wicklow County Council which concluded that the need for EIA could be excluded and that a screening determination was not required.
- 5.6.2. Class (10)(b)(i) and (iv) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.6.3. It is proposed to construct 61 no. dwelling houses and a community day centre on a site of 1.77 ha. As such, the total number of units proposed in this instance is significantly below the 500-unit threshold noted above and the site area is well below the applicable threshold of 20 ha.
- 5.6.4. The introduction of the proposed development would have no adverse impact in environmental terms on the surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not like to have a significant effect on any European site. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a

risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Wicklow County Council, upon which its effects would be marginal.

- 5.6.5. I have concluded that, by reason of the nature and scale of the proposed development and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal against the Planning Authority's Notification of the Decision to Refuse Permission for the proposed development has been lodged by CWPA Planning & Architecture on behalf of the applicant. The grounds of appeal can be summarised as follows:

- The 2008 Newtownmountkennedy LAP has expired, and no subsequent LAP has been adopted. The inability of the Local Authority to adopt a new LAP has giving rise to the non-delivery of essential residential development.
- The proposed development is located on lands that are appropriately zoned within the development boundary of the town and Action Area 1 of the now expired 2008 LAP.
- The proposed development is proximate to the town centre and provides for high quality physical infrastructure within the development and along Season Park Road on lands within the applicant's control.
- The proposed development provides for significant improvements to Season Park Road to the front of the site. It is proposed to cede lands under the applicant's ownership to provide a 6.5 m wide road to the front of the site, together with a 1.8 m cycleway and a 2 m wide footpath. It is also proposed to set back the development to allow future upgrades / widening of Season Park Road by Wicklow County Council.

- The proposed development and the SHD proposal adjoining the site to the northwest will result in combined road upgrades of c. 240 m along Season Park Road. This will be a catalyst for further road improvements to be undertaken by Wicklow County Council.
- Road improvements to Season Park Road have been identified in the LAP since 2008 but no works have been undertaken by the Planning Authority over this extended period. This inaction should not prejudice the development of lands that are appropriately zoned to cater for residential development.
- The built form, layout, massing and scale of the development reflects the planning history of the lands within the vicinity of the application site.
- The internal road network has been designed to provide permeability, walkability and direct access to the development being constructed to the south of the subject site. This will provide alternative vehicular and pedestrian access to the town centre for future residents of the scheme not later than 2024.
- All internal consultees in the Planning Authority are in favour of the proposed development subject to compliance with appropriately applied conditions.
- Given that the LAP has expired, the development has sought to achieve compliance with the aspirations of overarching national and regional planning policy documents.
- The core strategy of the county development plan provides a population target of 4,967 and 5,483 to 2025. The most up to date population data for the town is c. 2,835 persons. The proposed residential development will not exceed the targets set out in the core strategy and should not be restricted on this basis.
- While the Planning Authority considered that the proposed development would materially contravene objectives HD7 and HD8 of the development plan, it is submitted that the proposed development will support the achievement of these objectives while demonstrating compliance with national and regional planning policy.
- Planning permission has been granted and is being sought for development that is further from the town centre. By 2024, all of Phase 1 development of

the now expired 2008 LAP will be delivered and as such, the proposed development is not premature.

- As lands closer to the town centre have not become available within the lifetime of the LAP, the proposal represents sequential development aligned with Housing for All: A New Housing Plan for Ireland. The proposed development also complies with National Policy Objectives 1b, 3a, 3c, 4, 15, 32 and 34 of the NPF.
- The independent living element of the proposed development will allow older persons to be as self-sufficient as possible. It is also consistent with the provisions of Housing for All: A New Housing Plan for Ireland and will increase the provision of housing appropriate to the needs of older people.
- There will be no medical use on the site, with the proposed day centre providing a common social area for future residents and visitors.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. An observation was made on the application by Newtownmountkennedy Town Team. The issues raised therein reflect those identified during the planning application process (see section 3.4 of this report for summary of issues raised).

7.0 Assessment

7.1. I am satisfied that the main issues arising for consideration in this case include:

- Principle of the Development
- Infrastructure Connections
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. Principle of the Development

- 7.3.1. Refusal reason no.2 of the Planning Authority's Notification of the Decision to Refuse Permission for the proposed development states, inter alia, that the proposed development would materially contravene the provisions of agreed Action Area 1 and would be contrary to stated objectives of the Wicklow County Development Plan 2016-2022 and Section 4 of the Newtownmountkennedy LAP as it would not comply with the development of zoned land in accordance with the sequential approach and would be premature pending the completion of necessary roads infrastructure upgrades.
- 7.3.2. In response, the applicant's agent submits that planning permission has been granted and is being sought for development on lands that are further from the town centre. It is submitted that all the Phase 1 development of the now expired 2008 LAP will be delivered by 2024 and as such, the proposed development is not premature. The applicant's agent also contends that as lands closer to the town centre have not become available within the lifetime of the LAP, the proposal represents sequential development. It is also submitted that the proposed development is located on lands that are appropriately zoned within the development boundary of the town and Action Area 1 of the now expired 2008 LAP.
- 7.3.3. The local planning policy context pertaining to the site has changed since this application was lodged. The Wicklow County Development Plan 2022-2028, including the Newtownmountkennedy Town Plan 2022-2028, has been adopted in the interim and is the relevant local planning policy document governing the development of the subject site. The development plan highlights that the growth rate of Newtownmountkennedy (65%) significantly exceeds the target for level 4 towns (20-25%) due to legacy housing developments which are under construction. The goal for the town is to limit further development other than town centre / infill / regeneration.
- 7.3.4. While the appeal site was subject to land use zoning "R1 – Proposed Residential" under the Newtownmountkennedy LAP 2008, it is now subject to a "Strategic Land Bank" zoning objective under the Newtownmountkennedy Town Plan 2022-2028. These lands are potentially suitable for new residential development but are not

necessary for development during the lifetime of the plan. Such lands may only be considered for detailed zoning and development after 2028.

- 7.3.5. Thus, while I acknowledge the pattern of large-scale, permitted residential developments on the adjoining lands to the west and south, I consider that the development of the subject site for residential purposes would be premature at this time and would materially contravene the zoning provisions of the Newtownmountkenedy Town Plan 2022-2028. As such, I consider that planning permission should be refused for the proposed development on this basis.

7.4. Infrastructure Connections

- 7.4.1. Refusal reason no. 1 of the Planning Authority's decision to refuse permission had regard, inter alia, to the deficiencies in the footpaths and cycle paths from the site to the town centre, the substandard nature of the junction at Fishers Corner (junction of L-1037-20 and R772) and the lack of adequate proposals to upgrade the road network to cater for the proposed development. Based on the foregoing, it was considered that the proposed development would endanger public safety by reason of traffic hazard and would be premature pending the completion of the distributor road network identified to service these lands. Refusal reason no. 3 states that the proposed development would be contrary to Objective CD 19 of the 2016-2022 county development plan on foot of the development of 17 no. independent living units on a site with poor pedestrian connectivity to shops and other community facilities.
- 7.4.2. In seeking to address these refusal reasons, the applicant's agent submits that the proposed development provides significant improvements to Season Park Road to the front of the site, including the ceding of lands under the applicant's control to provide a road of 6.5 m in width and a 1.8 m cycle path and 2 m footpath. It is also proposed to set back the development to allow future upgrades / widening of Season Park Road by Wicklow County Council. It is considered that the proposed infrastructure improvements, together with those of the adjoining SHD site to the north-west, will be a catalyst for further road improvements to be undertaken by Wicklow County Council and the fact that improvement works have not been undertaken to this public road since 2008, should not prejudice the development of lands that are appropriately zoned to cater for residential development. The

applicant's agent also submits that the internal road network has been designed to provide direct access to the development being constructed to the south of the subject site, which will provide alternative vehicular and pedestrian access to the town centre for future residents not later than 2024.

- 7.4.3. In reviewing the planning drawings which accompany the application, I note that Drawing No. 21015-PL-02.2 (Proposed Site and Surrounding Areas) illustrates the proposed development in the context of the permitted development on the adjoining site to the south. A "potential future road access" is identified at the southern site boundary leading towards the adjoining permitted development. As identified by Wicklow County Council's Planning Officer, no documentary evidence has been provided with the planning application to confirm the adjoining landowner's consent to this road connection.
- 7.4.4. As further identified by the Planning Officer, the "proposed future road access" as illustrated does not align with the internal road network in the adjoining site and appears to terminate adjacent to a green space. The design and traffic impact of this future road access has not been addressed in the applicant's Engineering Assessment Report, which states in section 5.1 that the development will be accessed from Season Park Road. Having regard to the foregoing, I consider that insufficient information has been provided with the planning application regarding the viability of this future road access and as such, the development must be assessed based on the existing connections serving the site.
- 7.4.5. In this regard I note that the site is accessed directly from Season Park Road, a local road which is single carriage-way in either direction, with no footpaths or cycle paths. As confirmed in the applicant's Engineering Assessment Report, a speed limit of 50 km/hr applies along the site frontage. Season Park Road merges with Church Road approx. 108 m to the east of the site, and thereafter extends in a southerly direction towards the town centre. No footpath or cycle paths are in place along Church Road approx. 70 m south of its junction with Season Park Road. Thereafter, a footpath commences along the eastern side of the road and along both sides of the road south of the entrance to the Season Park residential estate.
- 7.4.6. While I acknowledge that the proposed development includes a new footpath and cycle path along the site boundary, I consider that the absence of pedestrian and

cyclist connections thereafter between the site and the town centre has not been adequately addressed or resolved under this planning application. In my opinion, the absence of such dedicated facilities would be inappropriate in this instance having regard to the separation distances arising, the characteristics of the local road serving the site and the nature and scale of the proposed development and would result in a conflict between pedestrians, cyclists and vehicular traffic at this location. As such, I recommend that planning permission should be refused for the proposed development on this basis.

7.5. Appropriate Assessment (AA)

Screening

- 7.5.1. An AA screening report was not provided with the planning application. Wicklow County Council concluded that the proposed development would not necessitate the carrying out of an AA.
- 7.5.2. The subject site is not located within or directly adjacent to any European site, and as such, there is no potential for **direct impacts** to occur. Newtownmountkenedy River extends in an east-west direction to the north of the subject site at a separation distance of approx. 150 m. Given the separation distance involved, I am satisfied that the development of the subject site would have no impact on or connectivity to this water feature.
- 7.5.3. The closest European sites to the appeal site include:
- Carriggower Bog SAC (site code: 000716) approx. 2.7 km to the north-west
 - Glen of the Downs SAC (site code: 000719) approx. 3.6 km to the north-east
 - The Murrow SPA (site code: 004186) approx. 5 km to the east
 - The Murrow Wetlands SAC (site code: 002249) approx. 5 km to the east
 - Wicklow Mountains SPA (site code: 004040) approx. 7 km to the north-west
 - Wicklow Mountains SAC (site code: 002122) approx. 7 km to the north-west
- 7.5.4. In considering the potential for **indirect impacts** to occur, I note that there is no hydrological connection between the subject site and the identified European sites and that it does not support any of the habitats or species which are qualifying interest for these European sites (see Appendix 1 of this report for details). Thus,

there is no potential for indirect impacts, and as such, any potential **in-combination** impacts can be excluded.

- 7.5.5. In conclusion, in applying the source-pathway-receptor concept, and having regard to the nature and scale of the development, comprising a small residential scheme of 61 no. units, the availability of public water and wastewater services to facilitate the development, and the separation distances arising to the nearest Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the proposed development for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

- 9.1. Having regard to the “Strategic Land Bank” zoning of the site, the objective of which is to provide a land bank for future development of the settlement after the lifetime of the Newtownmountkennedy Town Plan 2022-2028, if and when the need arises, it is considered that the proposed development of the subject site for residential purposes would be premature and would materially contravene the said zoning objective and would be contrary to the proper planning and sustainable development of the area.
- 9.2. Having regard to the absence of suitable pedestrian and cyclist connections between the subject site and the existing public footpath network leading to the town centre of Newtownmountkennedy, and the location of the site within the 50 km/hr traffic speed zone, it is considered that the proposed development would be premature pending the provision of such facilities and would represent an inappropriate form of development, which would create an unacceptable conflict between pedestrian users, cyclists and vehicular traffic and would endanger public safety by reason of traffic hazard. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Louise Treacy
Senior Planning Inspector

20th June 2023

Appendix 1: Natura 2000 Sites – Qualifying Interests & Conservation Objectives

Carriggower Bog SAC SPA (site code: 000716)	
Qualifying Interests	Transition mires and quaking bogs [7140]
Conservation Objective(s)	To maintain the favourable conservation condition of Transition mires and quaking bogs in Carriggower Bog SAC.

Glen of the Downs SAC (site code: 000719)	
Qualifying Interests	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
Conservation Objective(s)	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Glen of the Downs SAC.

The Murrow SPA (site code: 004186)	
Qualifying Interests	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>
Conservation Objective(s)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

	To maintain or restore the favourable conservation condition of the wetland habitat at The Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
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The Murrow Wetlands SAC (site code: 002249)	
Qualifying Interests	<p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p>
Conservation Objective(s)	<p>To restore the favourable conservation condition of Annual vegetation of drift lines in The Murrough Wetlands SAC.</p> <p>To restore the favourable conservation condition of Perennial vegetation of stony banks in The Murrough Wetlands SAC.</p> <p>To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) in The Murrough Wetlands SAC.</p> <p>To restore the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in The Murrough Wetlands SAC.</p> <p>To restore the favourable conservation condition of Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>* in The Murrough Wetlands SAC.</p> <p>To restore the favourable conservation condition of Alkaline fens in The Murrough Wetlands SAC.</p>

Wicklow Mountains SPA (site code: 004040)	
Qualifying Interests	Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]
Conservation Objective(s)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Wicklow Mountains SAC (site code: 002122)	
Qualifying Interests	<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>

Conservation Objective(s)	<p>To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) in Wicklow Mountains SAC.</p> <p>To maintain the favourable conservation condition of Natural dystrophic lakes and ponds in Wicklow Mountains SAC.</p> <p>To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> in Wicklow Mountains SAC.</p> <p>To restore the favourable conservation condition of European dry heaths in Wicklow Mountains SAC.</p> <p>To restore the favourable conservation condition of Alpine and Boreal heaths in Wicklow Mountains SAC.</p> <p>To maintain the favourable conservation condition of Calaminarian grasslands of the <i>Violetalia calaminariae</i> in Wicklow Mountains SAC.</p> <p>To restore the favourable conservation condition of Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* in Wicklow Mountains SAC.</p> <p>To restore the favourable conservation condition of Blanket bogs (* if active bog) in Wicklow Mountains SAC.</p> <p>To restore the favourable conservation condition of Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) in Wicklow Mountains SAC.</p> <p>To restore the favourable conservation condition of Calcareous rocky slopes with chasmophytic vegetation in Wicklow Mountains SAC.</p> <p>To restore the favourable conservation condition of Siliceous rocky slopes with chasmophytic vegetation in Wicklow Mountains SAC.</p>
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	<p>To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Wicklow Mountains SAC.</p> <p>To maintain the favourable conservation condition of Otter in Wicklow Mountains SAC.</p>
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