



An
Bord
Pleanála

Inspector's Report

ABP-313926-22

Development	40 apartments, two houses, apartments are provided in 5 storey block, amenity spaces, access from Glen Road, new entrance, demolitions, site clearance and all associated site development works.
Location	Stylebawn House, a Protected Structure, Delgany, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22380
Applicant(s)	RGRE J&R Stylebawn Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	RGRE J&R Stylebawn Limited
Observer(s)	(1) Carina Holmes (2) Cllr. Derek Mitchell (3) Rori Coleman

- (4) Colin Action & Charlotte Byrne
- (5) Delgany Community Council

Date of Site Inspection

6th December 2023 and 9th February
2024

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 5.8020 ha and is located on the south-western side of the settlement of Delgany, Co. Wicklow on the approach road from the N11 (R762 Glen Road). The northern site boundary adjacent to the R762 is characterised by a low stone wall with mature trees to the rear, which screens public views into the site, and forms part of the tree-lined character of the south-western approach into Delgany. The lands on the northern side of Glen Road opposite the subject site are primarily characterised by residential development (Valley View estate, Hillside House and Grange Cottage), a café / bakery premises and an old burial ground.
- 1.2. A number of built structures are located at the northern end of the site including Stylebawn House, a detached 1.5 storey Protected Structure which has been subject to extensive fire damage and has fallen into significant disrepair. Three ancillary detached buildings are located on the western side of the Protected Structure including an apple store, a 2-storey gardener's cottage, and a single-storey livestock shed. This part of the site, including the existing structures, is significantly overgrown and access around the site was not facilitated on 2 no. separate occasions.
- 1.3. Clara House is located towards the north-western corner of the site and comprises a detached, 2-storey dwelling on a generous plot, which is segregated from the remainder of the application lands. This property appeared to be occupied at the time of the inspection. A recessed vehicular entrance into Clara House is provided from the southern side of Glen Road, with 2 no. further historic entrances located to the front of Stylebawn House and towards the north-eastern site corner. An incomplete footpath extends along part of the northern site boundary.
- 1.4. The remainder of the site is heavily vegetated and has become significantly overgrown. Extensive mature trees are present throughout. Three Trouts Stream bisects the site from west to east and demarcates the southern boundary of the current application site. A 38 kV overhead powerline also extends in an east-west direction across the central portion of the site, to the south of the stream. The site topography decreases steeply from the northern boundary (approx. 54.05 mOD at entrance gate to front of Stylebawn House) towards the stream (approx. 39 mOD) and thereafter increases significantly towards the southern boundary (approx. 76 mOD).

- 1.5. Blackberry Lane, a narrow local road, extends along the eastern boundary. The site boundary to Blackberry Lane is characterised by a stone wall at its northern end and thereafter by mature trees and hedging, intermittent post and wire fencing and a small bridge structure over Three Trouts Stream. Surface water was noted flowing from the eastern boundary onto Blackberry Lane during the site inspection.
- 1.6. Detached residential dwellings on substantial plots generally adjoin the site to the north-west, south and south-west.

2.0 Proposed Development

- 2.1. The proposed development provides for 42 no. residential units comprising:
 - 20 no. 1-bedroom apartments.
 - 20 no. 2-bedroom (4-person) apartments.
 - Works to Stylebawn House to provide a 4-bedroom house.
 - Works to the Gardener's Cottage to provide a 2-bedroom house.
- 2.2. The proposed apartments are provided in a single 5-storey block located towards the north-western site corner and comprising a basement level, lower and upper ground floors and 1st and 2nd floors. The apartments are provided with private amenity spaces in the form of balconies and a communal amenity space comprising a semi-enclosed courtyard recessed within the eastern side of the block.
- 2.3. Access is proposed from Glen Road (R762) generally in the location of the existing access, with a new entrance arrangement and associated boundary works. The internal access road extends around the northern, western and southern façades of the apartment block and terminates to the south-east of the block.
- 2.4. It is proposed to refurbish and repair Stylebawn House and return it to single family occupancy. The Gardner's Cottage is to be extended by way of a single-storey extension along its western elevation. It is proposed to restore the apple store and use it for storage purposes. The Livestock shed will be demolished to facilitate the construction of the internal access road. The remainder of the lands to the rear of the historic structures and extending as far south as Three Trouts Stream, will function as gardens/landscaped spaces.

- 2.5. Demolitions and site clearance are proposed to facilitate the development and all and associated site development works including landscaping, internal roads, utilities, water infrastructure and construction phase works and development.
- 2.6. A concurrent application is before the Board (ABP Ref. 314064-22) for the development of 99 no. residential units (8 no. 1-bedroom apartments, 3 no. 2-bedroom apartments, 15 no. 2-bedroom apartments, 14 no. 3-bedroom houses and 59 no. 4-bedroom houses) on the adjoining lands to the south, beyond Three Trouts Stream. Both applications share the same red line boundary and a total of 141 no. residential units are proposed. A bridge structure is proposed over Three Trouts Stream under the concurrent application and comprises an extension of the internal access road proposed under this appeal case (See section 4.0 of this report for further details).

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 for 5 no. reasons on 1st June 2022 as follows:

(1) The proposed development would materially contravene the zoning objective of the application site in the Greystones Delgany Kilcoole Local Area Plan as the proposed development would result in an apartment development with a density of 52 dwellings per hectare on a site where the maximum permissible density is 2.5 units per hectare. The proposed development would result in the overdevelopment of the application site, would be contrary to objectives RES5 and RES7 of the Greystones Delgany Kilcoole LAP and would therefore be contrary to the proper planning and sustainable development of the area.

(2) Having regard to the existing sylvan nature of the site, the level of excavation, the degree of cut and fill and the extent of trees proposed to be removed to facilitate the proposed development and the failure of the applicant to submit sufficient landscaping proposals for the application site, it is considered that the proposed development would be contrary to Objectives NH1, NH 12, NH14, NH16, NH17, NH18 and NH51 of the Wicklow County Development Plan 2016-2022 which seeks

to resist development that would significantly or unnecessarily alter the natural landscape and topography, or which would result in the felling of mature trees of environmental and/or amenity value. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the site.

(3) The proposed stormwater / surface water drainage calculations and proposals to accommodate the proposed development and the SFRA submitted are considered to be insufficient and do not adequately demonstrate that the proposed development would not result in an increased level of run off from the application site and therefore an increased risk of flooding upstream and downstream along The Three Trouts River. The applicant's proposal to pump storm water drainage from the basement level of the proposed development to the foul water system would also be prejudicial to public health. The proposed development fails to demonstrate to the satisfaction of the Planning Authority that it would not result in an increased flood risk on site or on sites upstream or downstream of the proposed development, would be prejudicial to public health, and would therefore be contrary to the proper planning and sustainable development of the area.

(4) The proposed development does not accord with SPPR4, SPPR5 and Section 3.31 of the Apartment Guidelines as less than 50% of the apartments are dual aspect noting the location of the site, floor to ceiling heights at ground floor level do not achieve the required internal minimum floor to ceiling height of 2.7 metres and the general storage areas of the apartments have not been measured, exclude hot presses or boiler space. The development as currently proposed would therefore not be in accordance with the Sustainable Urban Housing: Design Standards for New Apartments, December 2020, and would result in a substandard level of residential amenity for future occupants of the development.

(5) Insufficient detail has been provided with regard to the proposed works to the Protected Structure Stylebawn House, its associated remaining internal features, its associated outbuildings consisting of the gardener's cottage, the apple store, the livestock shed, the entrance gates and pillars, as well as details with regard to the restoration of the gardens and the defined boundaries of the private grounds to be associated with this Protected Structure in order to allow the Planning Authority to assess if the proposed development would be consistent with Objectives BH9, BH11 and BH 13 of the 2016-2022 County Development Plan. To permit the proposed

development in the absence of such details would be contrary to proper planning and sustainable development.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports (1st June 2022)**

3.2.2. Basis of Planning Authority's decision.

3.2.3. **Other Technical Reports**

3.2.4. **Chief Fire Officer (30th April 2022):** Suitable conditions identified in the event planning permission is granted for the proposed development.

3.2.5. **Transportation, Water and Emergency Services (4th May 2022, 9th May 2022 and 10th May 2022):** Report of 4th May 2022 notes that: (i) it may be necessary to provide a pedestrian link to Delgany village along the regional road; (ii) details required in relation to the secondary pedestrian cycle-only route through existing access to Stylebawn House; (iii) no sightline information provided for the reopening of the existing access points; (iv) details required of proposed safety barrier systems; (v) opportunity to decrease width of through road to 5.5 m in accordance with DMURS; (vi) details required of how vehicles will dwell off the public road if gates are proposed to the existing access points; (vii) regard should be had to upgrade measures to junction of Bellevue Hill; (viii) Stage 3 Road Safety Audit required in the event permission is granted; (ix) lighting layout drawing only relates to part of the site; (x) detailed design and drawing required for all public lighting, identifying those to be taken in charge.

3.2.6. Report of 9th May 2022 notes that the applicant has not engaged with Irish Water prior to submitting the planning application and that the proposed development may not be feasible in respect of water and/or wastewater connections.

3.2.7. Report of 10th May 2022 notes an objection to the proposed wastewater pumping station and requests clarification as to why storm drainage from the basement will be sent to the foul water system. Notes that no water will be permitted to the Irish Water wastewater network.

3.2.8. **Municipal District Engineer (9th May 2022):** Report of 9th May 2022 notes the following in relation to:

(1) Wastewater: (i) the proposed waste-water pumping station should not be permitted; (ii) the gravity sewer pipe should be suitably sized to cater for the full development potential of the lands; (iii) clarification required as to why the storm water drainage for the basement level is proposed to be pumped into the foul water system.

(2) Storm Water: Insufficient information provided in relation to storm water management including: (i) land drainage of proposed earth embankments, how the internal drainage system will cater for 3 existing road gullies along the R762, how SUDS regime can be improved, relocation of petrol interceptor, location of flow control manhole chamber, road gulleys shall not be trapped.

(3) Roads: (i) no details of engineered embankments, with conflicting information provided for western embankment and proposed tree planting measures; (ii) further details required of visibility splays for proposed entrance onto Glen Road; (iii) number of proposed entrances unclear; (iv) details of publicly accessible routes through the site are unclear; (v) property boundary along Glen Road to be set back by 7 m from existing centre line of road to cater for future cycle track provision; (vi) boundary to Church Road and junction of Blackberry Lane, Priory Road and Church Road to be set back to facilitate Delgany Village Accessibility scheme; (vii) footpath should be continuous across entrance/exit to car park; (viii) the proposed northern boundary pedestrian/cyclist access to be clarified.

(4) Demolition: Demolition drawing has not been provided.

(5) Landscaping: (i) riparian habitat should not be included in public open space calculations; (ii) landscaping proposals along Three Trouts Stream do not appear to be in accordance with IFI design guidance; (iii) conflict between landscaping and engineering drawings; (iv) arboricultural assessment and impact report is misleading as it refers to the development of the whole site.

3.2.9. **Housing Dept. (12th May 2022):** Satisfied with the location and spread of the Part V units but notes that some units are oversized.

3.2.10. **Water and Environmental Services (12th May 2022):** Notes the following: (1) applicant to submit design details for the proposed petrol interceptor prior to the commencement of development; (2) details of the proposed outfall at the Three Trouts Stream to be submitted prior to the commencement of development; (3) WCC to be informed of the appointed project ecologist prior to the commencement of development; (4) quarterly inspection report required from project ecologist to confirm mitigation measures are in place; (5) clarification required why storm water drainage for the basement level is proposed to be pumped to the foul water system; (6) confirmation that any proposed landscaping works within the riparian corridor of Three Trouts Stream will not alter the existing capacity/volume of this area; (7) the encroachment of the undergrounding of overhead ESB cables on the riparian zone specific management measures to be approved by project ecologist; (8) applicant to confirm why 4 no. gullies connecting to SWMH09 are not connected into the attenuation system; (9) applicant to confirm the location of the flow control/hydrobrake manhole chamber; (10) prior to the commencement of development, site specific design calculations and construction details for green roof system to be submitted; (11) prior to WCC taking the development in charge, the green roof system must have completed the establishment stage; (12) access for maintenance of green roof system to be provided; (13) drainage lines shall not pass through neighbouring property they do not serve; (14) no piping or closed culverting of watercourses is acceptable.

3.3. **Prescribed Bodies**

3.3.1. **Inland Fisheries Ireland (5th May 2022):** Notes that it is vital that the construction works do not impact negatively on the water quality or aquatic habitat of Three Trouts Stream which is noted to be an extremely important salmonid river, which contains trout. Concerns noted that the proposed development, in-combination with other developments in the catchment that are using the river system as the final discharge point for treated and attenuated surface water, may result in a high probability that Ireland will struggle to comply with legal obligations set out in the EU Water Framework Directive. Specific mitigation measures identified in the event planning permission is granted.

- 3.3.2. **Uisce Éireann (10th May 2022):** Notes that the applicant has not engaged with Uisce Éireann prior to submitting the planning application and that the proposed development may not be feasible in respect of water and/or wastewater connections.
- 3.3.3. **Transport Infrastructure Ireland (13th May 2022):** TII will rely on the Planning Authority to abide by official policy in relation to development on/affecting national roads, subject to the development being undertaken strictly in accordance with the recommendations of the TIA.
- 3.3.4. **Dept. of Housing, Local Government and Heritage (17th May 2022):** Notes the presence of Recorded Monuments on the site and that the mitigation measures identified in the applicant's desk-based Archaeological Impact Assessment are inadequate. Recommends that a field-based AIA be requested by way of Further Information.

3.4. **Third Party Observations**

- 3.4.1. 20 no. third-party observations are on file from the following: (1) Laurence Doyle, Blackberry Lane, Drummin East, Delgany, Co. Wicklow, (2) Vincent Flynn, 5 Bellevue Court, Delgany, Greystones, Co. Wicklow, (3) Sinead Moore, The Gate Lodge, Priory Rod, Delgany, Co. Wicklow, (4) David J. Walsh, 51 Convent Court, Delgany, Co. Wicklow, (5) Gareth Madden, Lahina, Belleview Lawn, Delgany, Co. Wicklow, (6) Nathalie and Peter Richardson, Fairy Hill, Priory Road, Delgany, Co. Wicklow, (7) Pauline O'Connell on behalf of Bellevue Court Residents Association, 6 Bellevue Court, Delgany, Co. Wicklow, (8) Colin Acton & Charlotte Byrne, 15 Valley View, Delgany, Co. Wicklow, (9) Kathryn & Tony Harbison, 1 Bellevue Court, Delgany, Co. Wicklow, (10) Alice O'Donnell, 8 Dromont, Delgany, Co. Wicklow, (11) Delgany Tidy Towns c/o Zoe Woodward, 3 Elsinore, Delgany, Co. Wicklow, (12) David Curtis, 6 Bellevue Court, Delgany, Co. Wicklow, (13) Roisin and Han de Jong, Blaricum, Dromont, Delgany, Co. Wicklow, (14) Rori Coleman, Corrella, St. Vincent Road, The Burnaby, Greystones, Co. Wicklow, (15) BPS Planning Consultants on behalf of Delgany Community Council c/o Paul Armstrong, Ballinatone, Greenann, Wicklow, (16) Joan Campbell, Lisnashee, Blackberry Lane, Delgany, Co. Wicklow, (17) James and Pamela Echlin, Stylebawn Cottage, Delgany, Co. Wicklow, (18) David & Eighne Sullivan, 2 Priory Gate, Delgany, Co. Wicklow, (19) Valerie Madigan,

20 Priory Avenue, Eden Gate, Delgany, Co. Wicklow, (20) Carina Holmes, 10 Dromont, Delgany, Co. Wicklow.

3.4.2. Representations were also made on the application by: (1) Cllr. Jodie Neary, 4 Hillside Road; Greystones, Co. Wicklow; (2) Cllr. Derek Mitchell, Kiltoorish, Manor Avenue, Greystones, Co. Wicklow; (3) Cllr. Mags Crean, Burnaby Lawns, Greystones, Co. Wicklow; (4) Cllr. Lourda Scott, 62 Redford Park, Greystones, Co. Wicklow.

3.4.3. The issues which are raised can be summarised as follows: (1) increased traffic volumes will impact on pedestrians and cyclists; (2) overdevelopment, (3) impact on historic fabric of village (ACA); (3) material contravention – proposed development density does not comply with LAP, regional or national policy and apartments are not permitted in the village centre; (4) environmental impact of the development on this extremely sensitive site not sufficiently addressed; (5) increased surface water runoff not adequately addressed; (6) excessive tree loss; (7) Sustainable Residential Development Guidelines 2009 conflict with the LAP provisions; (8) local services and infrastructure have not kept pace with housing development; (9) site topography does not facilitate such intense development; (10) flood risk; (11) impact on Three Trouts Stream; (12) biodiversity impacts; (13) impact on bats and otters; (14) invasive species are present on site (Japanese Knotweed and Gunnera); (15) inadequate road network; (16) site does not support active travel measures; (17) development will be entirely car-based; (18) inadequate sightlines at existing entrance; (19) disproportionate nature and scale of development; (20) site should be reserved as green space for the village; (20) project splitting; (21) no road improvements proposed; (22) development would exceed housing growth target for Delgany; (23) insufficient assessment that 40 m flood zone can cater for water runoff from the development and will be suitable to function as communal amenity space; (24) TTA contains erroneous assumptions and incorrect analysis; (25) little demand for apartments in Delgany village; (26) no community gain; (27) crèche assessment based on 2016 census data which does not include more recently constructed homes; (28) no assessment of demand for school places; (29) playground is inadequate, (30) no Part V proposals; (31) traffic hazard; (32) quality of life impacts for existing residents; (33) previous refusal of permission on the site not addressed; (34) no public transport capacity assessment provided; (35) no

landscape and visual impact assessment provided; (36) no ecological assessment provided; (37) cumulative impacts not assessed; (38) Clara House should be retained; (39) north-facing, single-aspect apartment units; (40) minimum standards for daylight and sunlight not achieved; (41) proposed car parking is too low; (42) pedestrian permeability required to Blackberry Lane; (43) overlooking of Glenowen; (44) EIA required; (45) impact on Glen of the Downs SPA.

4.0 Planning History

- 4.1. **ABP Ref. 314064-22; Planning Authority Reg. Ref. 22/429:** Planning permission sought for 99 no. residential units comprising 8 no. 1-bedroom apartments, 3 no. 2-bedroom apartments, 15 no. 2-bedroom apartments, 14 no. 3-bedroom houses and 59 no. 4-bedroom houses.
- 4.2. This application relates to the adjoining lands to the south within the same red line boundary as the current appeal case.
- 4.3. Wicklow County Council issued **Notification of the Decision to Refuse Permission** for the proposed development on 15th June 2022 for 8 no. reasons relating to:
- (1) Excessive density / Overdevelopment of the site.
 - (2) Impact on environmental quality and biodiversity of Three Trouts Stream.
 - (3) Shortfall of public and private open space provision.
 - (4) Substandard level of residential amenity for future residents of the apartment block.
 - (5) The proposed development would be contrary to objectives of the Greystones, Delgany and Kilcoole LAP and the Wicklow County Development Plan 2016-2022 which seek to resist development that would significantly alter the natural landscape and topography or would result in the felling of mature trees of environmental and/or amenity value.
 - (6) Substandard road layout which would endanger public safety by reason of traffic hazard.

(7) Failure to demonstrate that the development would not result in an increased flood risk on site or on sites upstream and downstream and the proposal to pump storm water drainage from the basement level to the foul water system would be prejudicial to public health.

(8) Failure to demonstrate there are sufficient childcare places available to cater for likely demand generated by the proposed development.

- 4.4. This decision is subject to a concurrent first party appeal before the Board.
- 4.5. **Planning Authority Reg. Ref. 13/8178:** Extension of duration of permission for Reg. Ref. 07/1150 granted to 9th September 2018.
- 4.6. **Planning Authority Reg. Ref. 07/1150:** Planning permission granted on 12th June 2008 for 11 no. dwellings, vehicular and pedestrian entrance to the site via a new entrance from the R762, widening of the R762 to provide a 6 m carriageway and 2 m footpath on the south side of the R762 along the frontage of the site, new internal road including the construction of a new timber vehicular bridge across the Three Trout Stream, all associated site works including landscaping and pumping station.
- 4.7. **Planning Authority Reg. Ref. 04/227; ABP Ref. PL27.214898:** Planning permission refused on 28th June 2006 for 11 no. houses and associated works for 1 no. reason as follows:
- 4.8. “The proposed development on these lands zoned for low density residential development in the current development plan for the area and where there is an objective in the plan for Blackberry Lane “to preserve and provide pedestrian circulation”, it is considered that the proposed development would be premature in the absence of an alternative access to the site which would provide for retention of Blackberry Lane in its current state. The proposed development would, therefore, endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area”.

5.0 Policy Context

5.1. The Wicklow County Development Plan 2016-2022 was in force at the time this planning application was lodged. The Wicklow County Development Plan 2022-2028 has been adopted in the interim and is the relevant local planning policy document for the purposes of adjudicating this case.

5.2. Wicklow County Development Plan 2022-2028

5.3. Settlement Strategy

5.3.1. Greystones-Delgany is designated as a “Self-Sustaining Growth Town” in the settlement strategy for the county. The population of the settlement is targeted to increase from 18,021 persons in 2016 to 21,727 by Q2 2028. The town’s designation is intended to reflect the growth that has already occurred in the 2016-2022 period having regard to housing development completed, underway and due for completion within this timeframe. The focus during the period of the current development plan will be on infill development and consolidation of the built-up area.

5.3.2. **Objective CPO 4.2:** To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

5.3.3. **Objective CPO 4.3:** Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

5.3.4. **Objective CPO 4.5:** To ensure that all settlements, as far as is practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.

5.3.5. **Objective CPO 4.13:** To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.

5.4. Housing

- 5.4.1. **Density:** Higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. New development should incorporate a mix of dwelling types and heights to achieve minimum densities and create interesting and attractive settlements. Mono-type building typologies (e.g. two storey or own-door houses only) will not be considered favourably. For large towns such as Greystones-Delgany, a minimum net density of 35-50 dwellings per ha is identified. Development at net densities less than 30 dwellings per ha should generally be discouraged, particularly on sites in excess of 0.5 ha (table 6.1 of the plan refers).
- 5.4.2. **Objective CPO 6.13:** To require that new residential development represents an efficient use of land and achieves the minimum densities as set out in Table 6.1 subject to the reasonable protection of existing residential amenities and the established character of existing settlements.
- 5.4.3. **Objective CPO 6.16:** To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well-designed, high-quality outcomes and public safety is not compromised and the environment is suitably protected.
- 5.4.4. **Objective CPO 6.20:** Housing development shall be managed and phased to ensure that infrastructure is adequate or is being provided to match the needs of new residents. New significant residential or mixed-use development proposals (of which residential development forms a component), shall be required to be accompanied by a Social Infrastructure Audit, to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents. Where deficiencies are identified, proposals will be required to either rectify the deficiency, or suitably restrict or phase the development in accordance with the capacity of existing or planned services.
- 5.4.5. New significant residential or mixed-use development proposals shall be required to be accompanied by a 'Accessibility Report' that demonstrates that new residents / occupants / employees (including children and those with special mobility needs) will

be able to safely access through means other than the private car: (a) local services including shops, schools, healthcare and recreational facilities, and (b) public transport services. Where deficiencies are identified, proposals will be required to either rectify the deficiency, or suitably restrict or phase the development in accordance with the capacity/quality of existing or planned linkages.

5.4.6. **Objective CPO 6.28:** Apartments generally will only be permitted in settlements Levels 1 to 6 and in accordance with the location requirements set out in Section 2.4 of the Design Standards for New Apartments, Guidelines for Planning Authorities (2020). All apartment development should be served by high quality usable open space.

5.5. Built Heritage

5.5.1. Stylebawn House is included on Wicklow County Council's Record of Protected Structures (RPS Ref. 08-73). The northern portion of the site (north of Three Trouts Stream excluding Clara House) forms part of the Delgany Architectural Conservation Area (ACA). There is also one archaeological site located within the appeal site consisting of a ballaun stone (W1013-065).

5.5.2. **Objective CPO 8.2:** No development in the vicinity of a feature included in the Record of Monuments & Places (RMP) or any other site of archaeological interest will be permitted which seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.

5.5.3. **Objective CPO 8.14:** To positively consider proposals to alter or change the use of protected structures so as to render them viable for modern use, subject to architectural heritage assessment and to demonstration by a suitably qualified Conservation Architect / or other relevant expertise that the structure, character, appearance and setting will not be adversely affected and suitable design, materials and construction methods will be utilised.

5.5.4. **Objective CPO 8.18:** To seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched roofs and historic features such as stonewalls and milestones. The demolition of vernacular buildings will be discouraged.

- 5.5.5. **Objective CPO 8.21:** Within Architectural Conservation Areas, all those buildings, spaces, archaeological sites, trees, street furniture, views and other aspects of the environment which form an essential part of their character, as set out in their character appraisals, shall be considered for protection. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.
- 5.5.6. The character appraisal of Delgany ACA is set out in Appendix B of the now expired Greystones, Delgany & Kilcoole LAP 2013-2019. It states, inter alia, that “the existing mature trees, in particular those on the northern slope of the Three Trouts Stream Valley and at the western entrance to Delgany also contribute significantly to the village character and create a pleasant wooded backdrop”.
- 5.6. **Natural Heritage and Biodiversity**
- 5.6.1. **Objective CPO 17.12:** To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.
- 5.6.2. **Objective CPO 17.14:** Ensure that development proposals support the protection and enhancement of biodiversity and ecological connectivity within the plan area in accordance with Article 10 of the Habitats Directive, including linear landscape features like watercourses (rivers, streams, canals, ponds, drainage channels, etc), woodlands, trees, hedgerows, road and railway margins, semi-natural grasslands, natural springs, wetlands, stonewalls, geological and geo-morphological systems, features which act as stepping stones, such as marshes and woodlands, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones that taken as a whole help to improve the coherence of the European network in Wicklow.
- 5.6.3. **Objective 17.20:** Development that requires the felling of mature trees of environmental and/or amenity value, even though they may not have a TPO in place, will be discouraged.

- 5.6.4. **Objective 17.21:** To strongly discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling if such is essential to enable development to proceed.
- 5.6.5. **Objective 17.26:** Protect rivers, streams and other water courses by avoiding interference with river / stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25m along watercourses (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. Structures such as bridges should be clear span, and designed and built in accordance with Inland Fisheries Ireland guidance.
- 5.6.6. **Objective CPO 18.3:** New development and redevelopment proposals shall wherever possible, integrate nature-based solutions to the design, layout and landscaping of development proposals, and in particular to the delivery of linear parks and connected open spaces along watercourses in order to enhance the existing green infrastructure of the local area. All such proposals will be subject to ecological impact assessment.

5.7. **Greystones, Delgany & Kilcoole LAP 2013-2019**

- 5.7.1. This LAP has now expired, with the preparation of a new plan being at pre-draft stage at the time of writing this report. The key provisions of this plan with respect to the subject site are included here for context purposes only.

5.8. **Land Use Zoning**

- 5.8.1. The northern and southern portions of the site were subject to land use zoning R2.5 – Residential (2.5 /ha) which had the objective “to provide for the development of sustainable residential communities up to a maximum density of 2.5 units per hectare and to preserve and protect residential amenity”. The central area of the site on either side of Three Trouts Stream was subject to an OS (Open Space) zoning which had the objective “to preserve, provide for and improve public and private open space for recreational amenity and passive open space”.

5.9. Biodiversity

5.9.1. Tree Protection Objectives T03 (Delgany village, western end of village including Stylebawn House and Hillside House) and T07 (Delgany, Stilebawn) applied to the site as demarcated on Heritage Map B of the plan. An indicative greenway is also identified extending along Three Trouts Stream.

5.10. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024)

5.10.1. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements. Guidance in relation to Key Towns and Large Towns (5,000+ population), which includes Delgany, is set out in Section 3.3.3. The strategy is to support consolidation within and close to the existing built-up footprint.

5.10.2. The key priorities for such towns, in order of priority, are as follows:

- Plan for an integrated and connected settlement overall.
- Strengthen town centres.
- Protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality.
- Realise opportunities for adaptation and reuse of existing buildings and for incremental backland, brownfield and infill development.
- Deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement.

5.10.3. It is a policy and objective of the Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns. This density range should be refined based on: (1) the site's centrality and accessibility to services and public transport; and (2) considerations of character, amenity and the natural environment.

5.11. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022)

- 5.11.1. **SPPR1:** Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specific a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).
- 5.11.2. **SPPR 4:** In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.
- 5.11.3. **SPPR 5:** Ground level apartment floor to ceiling heights shall be a minimum of 2.7 m and shall be increased in certain circumstances.
- 5.11.4. The key development standards for apartment units in the context of this appeal case are summarised below.
- **Overall floor area:** 1-bedroom unit - 45 m²; 2-bedroom/4-person unit – 73 m². The majority of the units shall exceed the minimum floor area standards by 10%.
 - **Storage space:** 1-bedroom unit - 3 m²; 2-bedroom/4-person unit – 6 m². Storage for bulky items should also be provided outside individual apartments.
 - **Dual Aspect Ratio:** On greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments (SPPR 4 refers).
 - **Floor to Ceiling Height:** Ground level shall be a min. of 2.7 m (SPPR 5 refers).
 - **Lift and Stair Cores;** Max. of 12 apartments per floor per core.
 - **Private amenity space:** 1-bedroom unit – 5 m²; 2-bedroom/4-person unit – 7 m².
 - **Communal amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/4-person unit – 7 m². The recreational needs of children must be considered as part of communal amenity space.

- **Bicycle parking:** 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per residential unit.

Car parking: As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.

- Provision shall be made for the **storage and collection of waste** materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed for the projected level of waste generation and types and quantities of receptacles required.

5.12. **Architectural Heritage Protection Guidelines for Planning Authorities (2011)**

5.12.1. These guidelines assist Local Authorities and prospective applicants in dealing with development proposals which relate to a Protected Structure, or the exterior of a building located in an ACA. Criteria for assessing proposals within an ACA are set out in Section 3.10 of the Guidelines. Where demolition is proposed, the onus is on the applicant to make the case for demolition and the Planning Authority should consider the effect on the ACA and any adjacent Protected Structures.

5.12.2. Guidance in relation to extensions is provided in Sections 6.8.2 – 6.8.5. New work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a Protected Structure, should not be adversely affected by new extensions. Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

5.13. **Natural Heritage Designations**

5.13.1. The closest European sites to the appeal site include the following:

- Glen of the Downs SAC (site code: 000719) - approx. 0.3 km to the west.
- The Murrough SPA (site code: 004186) - approx. 3 km to the east.

- The Murrough Wetlands SAC (site code: 002249) - approx. 3.6 km to the south-east.
- Bray Head SAC (site code: 000714) - approx. 3 km to the north-east.

5.14. EIA Screening

- 5.14.1. The planning application documentation does not include an EIA Screening Assessment. Wicklow County Council's Planning Officer concluded that the undertaking of an EIA was not required in this instance.
- 5.14.2. Class (10)(b) 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.)
- 5.14.3. This planning application seeks permission to construct 42 no. residential units on a stated site area of 5.8020 ha. A concurrent planning application proposes to develop 99 no. residential units on the adjoining lands to the south, resulting in a total of 141 no. units within the same red line boundary. As such, the total number of units proposed in this instance, is significantly below the 500-unit threshold noted above. The combined application sites are located within an existing built-up area but not in a business district and therefore, are well below the applicable threshold of 10 ha.
- 5.14.4. The introduction of these residential schemes would have no adverse impact in environmental terms on surrounding land uses. 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 Uisce Éireann and Wicklow County Council, upon which its effects would be marginal.

5.14.5. I have concluded that, by reason of the nature, scale 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 decision has been lodged in this instance. I note the appeal includes proposed amendments to the apartment block to improve the overall dual aspect ratio (refusal reason no. 4 refers). The grounds of appeal can be summarised as follows:

- The proposed development is appropriate for the site given the need to increase residential densities in line with national and regional planning policy.
- The proposed density of 52 units per hectare relates to the site of the apartment block only. When the northern element of the overall land holding is included, the density is 20.8 units per hectare.
- When taken in combination with the separate application for residential development on the south of the landholding, the net density is 35 units per hectare (excluding the open space zoned lands, Stylebawn House lands and root protection zones to tree boundaries).
- Residential units are proposed on the R2.5 zoned lands, which is consistent with the zoning objective. The zoning of land provided for under a LAP relates to land use, rather than the specification of density. The Board must have regard to the provisions of a LAP but is not strictly bound by them.
- Section 37(2)(b) does not apply in this instance as none of the refusal reasons state there is a material contravention of the development plan.
- Since the adoption of the LAP, national and regional policy documents and S. 28 guidelines have been published which place an emphasis on compact growth and increasing densities in towns and villages. It is considered that a

density of 2.5 units per hectare as indicated in the LAP would comprise the underutilisation of the site.

- The proposed development complies with SPPR4 of the Urban Development and Building Height Guidelines (2018) by providing a mix of house types and heights at an appropriate density in compliance with the Sustainable Residential Development in Urban Areas Guidelines (2009).
- Delgany forms part of the overall Greystones-Delgany CSO settlement. The 2009 Sustainable Residential Development Guidelines specify density ranges of 35-50 dwellings per hectare for “outer suburban/greenfield sites” in larger towns.
- The proposed residential density takes account of the sensitivities of the site and the presence of the Protected Structure.
- The architectural response to the site has been carefully developed having regard to the setting of Stylebawn House and the sloping topography of the site. The apartment building is set into the slope and appears as a 2-storey massing from Glen Road, with pitched roofs typical of the area.
- The design team has sought to minimise the potential impact of the proposed development on biodiversity including the retention of riparian and marsh habitats, control of light spill and potential disturbance to Three Trouts Stream, including bats and mammals.
- Invasive species will be removed which would have a beneficial impact on the stream.
- To ensure the biodiversity of the site is enhanced, a condition could be attached requiring the approval of a Biodiversity Management Plan and A Construction Environmental Management Plan with Wicklow County Council and Inland Fisheries Ireland prior to the commencement of development.
- A detailed assessment of potential impacts on biodiversity was submitted in the Ecological Impact Assessment. A range of mitigation measures are put forward to ensure the protection and enhancement of biodiversity.

- The landscaping proposals include a wide range of native species which will provide for a net improvement of biodiversity over the existing condition on site, which is overgrown, with non-native species present of low ecological value.
- Objective NH14 of the Wicklow County Development Plan 2016-2022 is not relevant in this instance as the site does not feature on Schedule 10.08 or the associated maps.
- The design proposals aim to mitigate the loss of tree planting, many of which are identified in poor condition, and which are not managed. The open nature of the site as part of the design proposals and public access to Three Trouts Stream, is a gain for the wider community and will encourage positive social interactions in a high-quality landscape setting.
- While there is a loss of 41 no. trees, there is considerable compensatory planting in the landscaping proposals, which will provide for a long-term improvement across the site in a managed manner.
- The proposed layout has been designed to optimise the required cut and fill for the wider masterplan of the development lands. The design ensures road and footpath gradients are to a taking-in-charge standard and are Part M compliant, whilst minimising the implementation of retaining structures where possible.
- The application as submitted provided 2.7 m floor to ceiling heights at ground and lower ground levels and 2.6 m on upper levels of the apartment block. A section drawing demonstrating compliance with this requirement accompanies the appeal.
- Revised proposals have been developed for the apartment block to achieve a standard of 50% dual-aspect units. Internal revisions have also been made to the units to exclude the plant space from the storage areas.
- An updated Sunlight and Daylight Assessment is also provided, which generally demonstrates improvements over the original scheme. All but 2 no. kitchen/living/dining rooms achieve 2% ADF, with compensatory measures for

these units including high-quality public and communal open space over-provision within the scheme.

- The applicant acknowledges there is limited information with respect to Stylebawn House and associated buildings which is a consequence of the current condition of the house and site. The architectural drawings have been updated to indicate the extent of fire damage to the property.
- It is acknowledged that additional details and methodologies should be agreed with the Local Authority prior to commencement of development following the completion of a condition survey. This matter could be addressed by planning condition.
- The proposed works to the Protected Structure will be carried out in line with best heritage practice. Where original features remain intact, they are proposed to be repaired and restored. Replacement features will be added where necessary and will be of a quality and finish suitable to the original.
- The Draft Wicklow County Development Plan 2022-2028 identifies growth of 1,078 residential units within the built-up area of Greystones-Delgany. The number of permitted units is 688, providing 390 units growth to 2031 in the unlikely event that all permissions are implemented.
- The subject lands are within the CSO boundary for Greystones-Delgany and would therefore be considered a development within the built-up area and are within the Core Strategy growth provisions. Table 6.1 of the draft plan sets out density standards for the town, with minimum net densities of 35-50 units per hectare identified for edge-of-centre sites, with developments with net densities below 30 units per hectare generally discouraged.

6.1.2. The appeal submission includes:

- An architectural response to the refusal reasons, a revised Housing Quality Assessment and revised architectural drawings prepared by the project architects Reddy Architecture + Urbanism.
- An ecological response to refusal reason no. 2 prepared by Altemar Marine & Environmental Consultancy.

- A landscaping response to refusal reason no. 2 prepared by Niall Montgomery + Partners, Architects and Landscape Architects.
- An engineering response to refusal reason no. 3 prepared by Cronin & Sutton Consulting Engineers.
- Correspondence from Mullarkey Pedersen Architects in relation to refusal reason no.5 (detail of works to Protected Structure), and
- A revised Daylight and Sunlight report prepared by Gia Chartered Surveyors.

6.1.3. The contents of the foregoing have been reviewed and considered in the adjudication of this appeal case.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. Observations have been submitted on the appeal by: (1) Carina Holmes, 10 Dromont, Delgany, Co. Wicklow, (2) Cllr. Derek Mitchell, c/o Kiltoorish, Manor Avenue, Greystones, Co. Wicklow, (3) Rori Coleman, Corrella, St. Vincent's Road, Greystones, Wicklow, (4) Colin Action & Charlotte Byrne, 15 Valley View, Delgany, Co. Wicklow, and (5) BPS Planning & Development Consultants on behalf of Delgany Community Council, c/o Paul Armstrong, Dunroamin, The Nurseries, Delgany, Co. Wicklow.

6.3.2. The issues raised in the observations largely reflect those already raised in the third-party submissions (see summary of issues raised by third parties set out in Section 3.4 of this report). The new issues which are raised can be summarised as follows: (1) revised apartment design does not address Planning Authority's refusal reasons; (2) inadequate information submitted regarding works to Protected Structure; (3) no landscaping masterplan drawings provided; (4) An Bord Pleanála has no authority to consider the additional information provided with the appeal; (5) revisions made to the development should be readvertised to the public.

7.0 Assessment

- 7.1. The development which is the subject of this appeal case forms part of a larger proposal which extends across the adjoining lands to the south. The development of these adjoining lands is subject to a concurrent appeal case before the Board (ABP Ref. 314064-22). While 2 separate planning applications have been submitted in this instance, I note the development which is proposed under both comprises a single residential scheme with shared road infrastructure and open space. My assessment adjudicates the development on that basis as required.
- 7.2. In seeking to address the Planning Authority's refusal reasons, the applicant has proposed amendments to the proposed apartment block to improve the overall dual aspect ratio. In my opinion, the amendments which are proposed are material and would be more appropriately considered by way of a revised planning application. I note that the same concerns have been raised by the observers to the appeal. Notwithstanding the foregoing, I have considered the amended scheme in my assessment for the convenience of the Board.
- 7.3. I am satisfied that the main issues arising for consideration in this case include:
- Compliance with Land Use Zoning / Development Density
 - Impact on Protected Structure
 - Impact on Landscape / Loss of Site Trees
 - Surface Water Drainage Arrangements
 - Compliance with Apartment Design Guidelines
 - Appropriate Assessment
- 7.4. Each of these issues is addressed in turn below.
- 7.5. **Compliance with Land Use Zoning / Development Density**
- 7.5.1. Refusal reason no. 1 of the Planning Authority's decision states that the proposed development would materially contravene the zoning objective of the site, as the proposed development would result in an apartment development with a density of 52 dwellings per hectare on a site where a maximum density of 2.5 units per ha is allowed. As such, it was considered that the proposal would result in the

overdevelopment of the site and would be contrary to Objectives RES5 and RES7 of the Greystones, Delgany & Kilcoole LAP 2013-2019. I note the objectors have raised significant concerns in relation to the number of units which are proposed on the site.

- 7.5.2. In responding to this refusal reason, the applicant states that since the adoption of the LAP, national and regional policy documents and S. 28 guidance has been published which places an emphasis on compact growth and increased densities in towns and cities. It is also submitted that the proposed density of 52 no. units per ha refers to the site of the apartment block only, and if the entire lands north of the river valley are considered, the density arising is 20.8 units per ha. It is submitted that a density of 2.5 units per ha would represent an underutilisation of the site. The applicant considers that Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) does not apply in this instance as none of the Planning Authority's refusal reasons state that there is a material contravention of the development plan.
- 7.5.3. In considering the foregoing, I note the site was largely zoned for residential purposes (R2.5 – Residential 2.5/ha) under the expired LAP, with the land on either side of Three Trouts Stream being zoned for open space (OS) purposes. This LAP has now expired, and these land use zonings no longer apply. The preparation of a new LAP was at pre-draft stage at the time of writing this report.
- 7.5.4. The subject site has already been developed for residential purposes, albeit it at a very low-density, and forms part of the built footprint of Delgany. As such, I am satisfied that the principle of residential development remains acceptable at this location and would not constitute a material contravention of the development plan.
- 7.5.5. Table 6.1 of the Wicklow County Development Plan 2022-2028 identifies a density standard of 35-50 dwellings per hectare for outer suburban/greenfield sites in large towns, including Greystones-Delgany. It is also a policy and objective of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024 that residential densities in the range 30 – 50 units per ha (net) be applied at suburban and urban extension locations of Key Towns and Large Towns, subject to the site's centrality and accessibility by public transport and considerations of character, amenity and the natural environment. Given the revised policy context which pertains to the site, I consider it would be unreasonable to

refuse permission for the proposed development based on considerations of zoning and development density.

- 7.5.6. Notwithstanding the foregoing, I note that this location is not well served by public transport and having regard to the presence of a Protected Structure, the extent of existing site trees and the presence of Three Trouts Stream, I consider the proposed development density requires careful consideration to ensure no undue negative impacts arise to the character of the site.

7.6. **Impact on Protected Structure**

- 7.6.1. In refusing permission for the proposed development, the Planning Authority considered that insufficient detail had been provided in relation to the works to Stylebawn House (Protected Structure) to enable the Authority to assess if the proposed development would be consistent with Objectives BH9, BH11 and BH13 of the 2016-2022 county development plan (refusal reason no. 5 refers).
- 7.6.2. In responding to this refusal reason, the applicant acknowledges that there is limited information with respect to Stylebawn House and its associated buildings, which has arisen on foot of the current condition of the house and site. An updated architectural drawing is provided with the appeal to indicate the extent of fire damage to Stylebawn House (Drawing No. 6102 Rev. P02). It is submitted that additional details and methodologies can be agreed with the Planning Authority prior to the commencement of development following the completion of a condition survey. Works to the Protected Structure will be carried out in line with best heritage practice. Where original features remain intact, they are proposed to be repaired and restored. Replacement features will be added where necessary and will be of a quality and finish suitable to the original.
- 7.6.3. An Architectural Heritage Impact Assessment (AHIA) accompanies the application. It notes that Stylebawn House is a detached, multiple-bay, one and a half storey house with an irregular plan. All the principal rooms of the house are to the rear, enjoying south and east facing views over the sloping gardens. The property was badly burned in an act of vandalism in 2016 and the building now presents as a neglected ruin set within an overgrown wilderness. The interior has been assessed as a safety risk and as a result, inspection of the structure has been extremely limited.

- 7.6.4. The three ancillary adjoining buildings, the Apple Store, the Gardener's Cottage and the Livestock Shed, are distributed approximately on the same contour line to the west of Stylebawn House. The Apple Store appears to have escaped the fire relatively intact, with the mass masonry structure and roof fabric surviving. The Gardener's Cottage is a two-storey structure which was also unaffected by the fire and is in relatively good condition. The remaining Livestock Building is a much smaller single-storey structure, which may have been a historic cottage converted to later agricultural use. The building fabric is in very poor condition and externally it is completely overgrown. The dramatic potential of the sloping land to the south of the existing historic buildings has been realised since at least the 1840s, to create gardens which drop down to Three Trouts Stream.
- 7.6.5. It is proposed to return Stylebawn House to single-family use, which is noted to be a positive contribution to the conservation significance of the site. The proposed house plans (Drawing No. 6106 Rev. P01) indicate that no internal alterations are proposed at ground floor level. Some internal partitions will be removed at 1st floor level and a smaller number at 2nd floor level to facilitate a more open-plan layout. It is proposed to extend the Gardener's Cottage by way of a single-storey extension along its western side. It is submitted that the extension is well-scaled and will not impact negatively on the conservation significance of the site. The Apple Store will be restored and used as a storage facility. The Livestock Shed will be demolished to facilitate the construction of the new internal access road. This building is not considered an integral part of the historic curtilage of the Protected Structure and will be surveyed and recorded prior to demolition.
- 7.6.6. The impact of the development on the setting of the Protected Structure includes an analysis of a series of "before" and "after" views taken from outside the site boundaries. The impact of the development on the historic core of Delgany is noted to be moderate, with the proposed houses partially obscured by vegetation and the visual impact partially mitigated by the separation distance arising.
- 7.6.7. In assessing the impact of the new development on Stylebawn House and its curtilage, a computer-generated image has been produced (figure 9 of AHIA) which shows the rear of Stylebawn House, the associated historic buildings and the proposed apartment block when viewed from the south-eastern side of the site, on the northern bank of Three Trouts Stream. The AHIA states that the scale of the new

intervention means that the impact of the new structures on the Protected Structure and curtilage will potentially be significant. It is stated that the impact will be mitigated by the re-establishment of the 20th century garden and by the considered architectural language of the new elements.

- 7.6.8. In my opinion, the proposed restoration of Stylebawn House for single-family use and the proposed works to the Gardener's Cottage and Apple Store are positive interventions. The site is currently in a significant state of disrepair and these buildings require significant intervention to ensure their continued survival. I accept that the limited extent of information which accompanies the application has arisen of foot of the current condition of the existing buildings and the overgrown nature of the site. In the event the Board considered granting permission for the proposed development, I consider that the detail and methodology of the proposed works to the existing buildings could be agreed with the Planning Authority prior to the commencement of development. I also consider it reasonable that the Livestock Shed be surveyed and recorded prior to demolition as suggested by the applicant given that it is not an integral part of the historic curtilage of the Protected Structure. This matter could also be addressed by planning condition.
- 7.6.9. While I accept the applicant's justification for the level of detail which has been provided on the existing buildings, I consider that the impact assessment of the new development on the existing buildings and the curtilage of the Protected Structure is insufficient. The applicant's AHIA acknowledges that the impact is potentially significant but provides very little discussion or analysis thereafter to justify the scale of the proposed development and the impacts arising (page 21 of the AHIA refers). In my opinion, the level of analysis which has been provided is significantly deficient.
- 7.6.10. Figure 9 of the AHIA, which is intended to illustrate the impact of the development on the existing buildings, largely crops out the proposed bridge structure and offers a limited view of the proposed development. The proposed bridge structure is elevated above the river on significant embankments, and while I acknowledge that the bridge structure itself is proposed under the concurrent application on the site (ABP Ref. 314064-22), I also note that it is partially located within the gardens associated with the Protected Structure and within the green line boundary of this appeal site as demarcated by the applicant. No assessment of the impact of this structure on the setting of the Protected Structure has been provided, nor has any consideration

been given to the potential impact of the concurrent development which is proposed on the adjoining lands south of the river, which are located within the same red line boundary.

- 7.6.11. Given the scale of the proposed development and the proximity of the bridge structure to the historic buildings and curtilage, I am not satisfied that the impact assessment which has been undertaken is sufficient to demonstrate that no significant negative impacts would arise to their character. As such, I recommend that planning permission be refused on this basis.

7.7. Impact on Landscape / Loss of Site Trees

- 7.7.1. Refusal reason no. 2 of the Planning Authority's decision had regard to the existing sylvan nature of the site, the level of excavation, the degree of cut and fill, the extent of tree removal and the failure of the applicant to submit sufficient landscaping proposals for the application site. Based on the foregoing, it was considered that the proposed development would be contrary to Objectives NH1, NH 12, NH14, NH16, NH17, NH18 and NH51 of the Wicklow County Development Plan 2016-2022 which seek to resist development that would significantly or unnecessarily alter the natural landscape and topography, or which would result in the felling of mature trees of environmental and/or amenity value.
- 7.7.2. A response to this refusal reason has been prepared by the project ecologist and project landscape architect as appended to the 1st party appeal submission. In summary, the design team has sought to minimise the impact of the development on biodiversity, including the retention of riparian and marsh habitats and the control of light spill and potential disturbance to the biodiversity of Three Trouts Stream. Two invasive species (Japanese Knotweed and Giant Rhubarb) will be removed from the site.
- 7.7.3. The proposed development will result in a loss of areas of scrub and mixed broadleaf/conifer woodland which are deemed to be of lower importance to biodiversity. A total of 228 no. replacement trees of varying size and species will be planted, with the majority comprising native species. The planting along the northern boundary is proposed to be replaced with a diverse mix of large specimen, native Irish trees which will be thinned out over time to promote growth and habitat. This is considered a more suitable habitat than what is currently in place. The western

boundary will be planted with a native hedgerow, while the remainder of the site will be planted with infill planting of native species, with parkland trees used to re-establish the landscape character. It is submitted that a Biodiversity Management Plan and Construction Environmental Management Plan could be agreed with the Planning Authority and IFI prior to the commencement of development.

- 7.7.4. The Arboricultural Assessment & Impact Report and associated drawings which accompany the application identify that the proposed development will require the removal of 27 no. category A, B and C trees (41% of the total). A further 14 no. trees (14%) are to be removed due to their very poor condition. As such, there will be significant tree loss from the site. The construction of the internal access road will impact on the hybrid black poplar along the western site boundary and a number of deciduous trees close to the existing entrance. The ornamental trees within the existing garden and screen planting along the eastern boundary will also be lost. It is noted that the screen planting along the R762 is of reduced quality due to a lack of management and a large percentage would be required to be felled to remove hazardous specimens. While the visual impact of this tree loss is identified as strong, it is not considered significant given that their removal in the relatively near future is inevitable. The same logic is applied to the loss of the black poplar along the western boundary. The loss of internal ornamental trees and the eastern coniferous screen planting is not considered significant.
- 7.7.5. In reviewing the Arboricultural Impact Key plan (Drawing No. 104 Rev. D) I note that almost all the existing trees on the north-western portion of the site are proposed to be removed to facilitate the construction of the internal access road and apartment block, including a significant number of category B trees located to the south of Clara House and along the north-western site boundary. I note the coniferous screen planting along the northern site boundary adjoining the R762 is identified as a group on the arboricultural drawings, rather than as individual trees. As such, I consider that the value of these trees is unclear, although the blue hatching which has been applied to the group on the submitted drawings could be interpreted as category B.
- 7.7.6. As identified by Wicklow County Council's Planning Officer, the incorrect landscaping drawings have been submitted with the planning application and relate to the concurrent application within the red line boundary (ABP Ref. 314064-22). Drawing No. 501 (Landscape Plan – Sheet 1 of 5) provides some detail on the proposed

replacement planting along the northern western site boundary adjacent to the R762, including a native hedgerow and trees. A planting schedule is not provided with the application. Viewpoint no. 2 of the applicant's photomontages appears to suggest the existing mature, coniferous planting will be retained and supplemented by smaller trees to the rear. This contradicts the removal of the existing trees as shown on the arboricultural drawings.

- 7.7.7. In considering this issue, I note the majority of the trees to be removed along the northern site boundary are located to the front of Clara House, outside of the boundary of the Delgany ACA. Further to the north-east of this boundary, an additional 3 no. trees are to be removed due to their quality and 1 no. to facilitate the development. While I acknowledge a Tree Protection Objective applied to the western end of the village under the expired LAP, I note that the arborist's findings regarding the hazardous condition of a large percentage of the existing specimens.
- 7.7.8. While the loss of site trees is regrettable, I note that any redevelopment proposals on the site would likely require the removal of a significant portion of the existing trees. In the event the Board considered granting permission for the proposed development, I consider the provision of appropriate compensatory planting could be agreed with the Planning Authority prior to the commencement of development. The appointment of a project arborist could also be agreed by condition to ensure appropriate tree protection measures are undertaken and adhered to during construction works.
- 7.7.9. On balance, having regard to the results of the arboricultural assessment and the extent of replacement planting proposed, I do not consider that planning permission should be refused for the proposed development based on tree loss from the site.

7.8. Surface Water Drainage Arrangements

- 7.8.1. Refusal reason no. 3 of the Planning Authority's decision relates to the proposed stormwater / surface water drainage calculations and proposals to accommodate the proposed development and the submitted SSFRA, which were considered insufficient and did not adequately demonstrate that the proposed development would not result in an increased level of runoff from the site and therefore an increased risk of flooding upstream and downstream along Three Trouts Stream. The proposal to pump storm water drainage from the basement level of the proposed

development to the Three Trouts Stream was also considered to be prejudicial to public health.

- 7.8.2. The planning application documentation includes an Engineering Services Report (ESR) and a Site-Specific Flood Risk Assessment (SSFRA). It is proposed to construct a new stormwater drainage system for the development, which shall drain via gravity and outfall into Three Trouts Stream following attenuation measures in the form of Stormtech attenuation tanks. The tanks are designed to cater for the 1-in-100 extreme storm event, plus a 20% climate change allowance. Flow from the development will be restricted using a hydrobrake or similar.
- 7.8.3. In describing the proposed SuDS arrangements, the ESR states that the scope of SuDS measures which can be incorporated is limited due to the nature of the scheme and the limited availability of greenspace. I would note however that the existing site is largely greenfield in nature. The proposed SuDS measures will include the use of attenuation tanks, rainwater butts, a green roof to the apartment block and the use of oil separators.
- 7.8.4. The SSFRA states that the site is primarily located in Flood Zone C, with marginal green space along the watercourse located within Flood Zones A and B. As such, it is considered that a justification test is not required. All the proposed dwellings are in Flood Zone C and will have minimum finished floor levels of 43 m AOD, which exceeds the 1 in 1,000-year flood level of 39.34m at the nearest node (CFRAMS mapping refers). There is no record of historical flooding at the site. The risk of fluvial flooding and tidal flooding is deemed to be negligible, and the proposed development will not increase the potential for groundwater flooding.
- 7.8.5. The proposed development will be required to drain all surface water into the existing surface water sewers around the site. It is noted that Delgany has been susceptible to pluvial flooding on a recurring basis but that the site itself does not appear to have been subject to any flooding based on available information. In considering the potential for the development to contribute to off-site flooding, the SSFRA notes that the proposed development will include an attenuation system, with an attenuation tank sized for a 1-in-100-year extreme event plus 20% to allow for climate change (225 m³). Stormwater will be released in a controlled manner to reduce hydraulic pressure on the public network during extreme rainfall events.

- 7.8.6. Wicklow County Council's Municipal District Engineer considered that insufficient information had been provided in relation to storm water management including, inter alia, land drainage of the proposed earthen embankments, how the internal drainage system will cater for 3 no. existing road gullies which currently discharge into the site along the R762 and how the SuDS regime could be improved using nature-based solutions.
- 7.8.7. The Water and Environmental Services Section of the Planning Authority also considered that additional information was required including, inter alia, confirmation that the outfall will not interfere with the existing flow in Three Trouts Stream, confirmation that the proposed landscaping works in the riparian zone of the stream will not alter the volume/capacity of this area and why 4 no. gullies connecting to SWMH09 are not connected into the attenuation system. Clarification was also required as to why the storm water drainage for the basement level is proposed to be pumped into the foul water system. The Transportation, Water and Emergency Services Department of the Local Authority also noted that no storm water should be permitted to the Irish Water wastewater network (report of 10th May 2022 refers).
- 7.8.8. A response to this refusal reason has been prepared by the project engineer. I note that the response does not engage with the identified additional information of Wicklow County Council, and largely reiterates the contents of the SSFRA. Having regard to the foregoing, I agree that the surface water drainage arrangements have not been adequately clarified by the applicant and having regard to the environmental sensitivities of the site and the scale of development proposed, I consider that planning permission should be refused on this basis.
- 7.8.9. In considering the foul water drainage arrangements at basement level, the appeal response confirms that no storm water runoff will be collected at this level. A small foul network is proposed to deal with accidental oil spillages from vehicles and to carry out periodic maintenance operations. Due to the nature of the effluent, it is considered reasonable to discharge it to the wastewater network prior to passing through a petrol interceptor to provide the appropriate level of treatment and minimise the risk of polluting existing watercourses. In my opinion, this approach is reasonable and would not be prejudicial to public health. As such, I do not consider that planning permission should be refused for the proposed development on this basis.

7.9. Compliance with Apartment Design Guidelines

- 7.9.1. Refusal reason no. 4 of the Planning Authority's decision was based on the non-compliance of the proposed apartment block with the required dual aspect ratio, floor to ceiling heights and internal storage areas of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.
- 7.9.2. The applicant's Housing Quality Assessment (HQA) confirms that 25 of the 40 no. apartments (63%) are single-aspect. The required dual aspect ratio in this instance is 50%. While the applicant submits that the required ratio is achieved when the proposed apartment block is considered in combination with the concurrent application within the red line boundary (ABP Ref. 314064-22), I do not accept this rationale, given that the applicant has chosen to redevelop the site under separate planning applications. As such, I consider that planning permission should be refused on this basis.
- 7.9.3. A hot press has been included within the storage rooms of 7 of the 10 no. identified unit types as illustrated on Drawing No. 4001 Rev. P01. The Apartment Design Guidelines confirm that hot presses and boiler space will not count as general storage, and as such, these storage arrangements are unacceptable. In reviewing the applicant's HQA, I note that all the units exceed the minimum floor space requirements. As such, I consider that this matter could reasonably be addressed by condition, and I do not recommend that planning permission be refused on this basis.
- 7.9.4. In reviewing the Section B-B drawing through the apartment block, I consider that the internal floor to ceiling heights meet the required standards. In any event, this matter has been clarified in the applicant's appeal which confirms that a floor to ceiling height of 2.7 m is provided at the lower and ground floor levels, with 2.6 m provided at the upper levels (Section drawing no. 3102 Rev. P02 provided with the appeal refers).

- **Amended Development**

- 7.9.5. The applicant has provided revised drawings with the appeal to address this refusal reason. Alterations are proposed to the apartment block to improve the dual aspect ratio. The layout of unit no. A.02.07 at 2nd floor has been revised so that the living room now faces south. The layout of unit no. A.01.11 at 1st floor level has been

amended to include a projecting bay window element on its southern elevation. The same amended is proposed to unit no. A.UG.10 below at upper ground floor level. It also appears that the same amendment is proposed to unit A.LG.09 at lower ground floor level, although the projecting bay window has been colour coded as open space on the submitted drawing. The layout of unit no. A.LG.01 at lower ground floor level has also been amended, with the unit size increased and an additional window provided to the living room along its eastern elevation. Based on the foregoing, and assuming unit no. A.LG.09 includes a projecting bay window, a dual aspect ratio of 50% is achieved.

- 7.9.6. A revised Daylight & Sunlight Assessment accompanies the appeal. It notes that 2 no. combined living/dining/kitchen areas at the lower ground floor level fail to achieve an ADF level of 2%, with a standard of 1.5% achieved in both instances. A total of 4 no. rooms at the lower and upper ground floor levels have lower sky visibility than the recommended 80% (ranging from 44 - 78%). All these rooms are noted to receive good daylight, despite the restricted sky visibility. A total of 29 no. of the 31 no. living areas with a southerly aspect meet or exceed the recommended annual sunlight levels. The 2 no. living spaces which fall short (room nos. 21 and 23) exceed the sunlight expectation during winter months. The 2 no. rooms (20 and 68) which fall short of the winter sunlight recommendation are noted to meet or exceed the sunlight expectation throughout the year. Overall, I consider the revised units have a reasonable level of daylight and sunlight amenity.
- 7.9.7. The proposed internal alterations also include the removal of the hot press from the storage areas. A revised HQA has been submitted. However, I note that the unit mix identified therein (18 no. 1-bedroom units and 22 no. 2-bedroom units) does not reflect the unit mix identified on the planning application drawings or described on the statutory notices. The unit typologies drawing (no. 40001 Rev. P02) provided with the appeal also identifies a 2-bedroom, 3-person unit, which is not reflected on the accompanying floor plan drawings.
- 7.9.8. In reviewing the revised unit layouts, I consider that the small storage spaces (0.7 m² – 1.2 m²) in unit types 1.1 – 1.2(a) would be of very limited use. I note that some of the storage space within the 2-bedroom, 4-person apartments comprises cupboards within the bedrooms (unit type 2.5, 2.8, 2.9). I note that internal storage within apartments is intended to serve a household utility function, rather than clothes

storage and if these spaces are discounted, the remaining storage spaces fall short of the required storage area (6m²).

7.10. Appropriate Assessment (AA) – Screening

- 7.10.1. The planning application documentation includes an AA screening report which concludes that a Stage 2 AA is not required. Wicklow County Council’s Planning Officer also concluded that an AA is not required in this instance.
- 7.10.2. The subject site is not located within or directly adjacent to any Natura 2000 site, and as such, there is no potential for **direct impacts** to occur. Four European sites are proximate to the appeal site at minimum separation distances ranging from approx. 0.3 km – 3.6 km (see table below). The qualifying interests and conservation objectives for these sites are listed in Appendix 3.

Site Name	Site Code	Min. separation distance
Glen of the Downs SAC	000719	0.3 km west
Bray Head SAC	000714	3 km north-east
The Murrough SPA	004186	3 km east
The Murrough Wetlands SAC	002249	3.6 km south-east

- 7.10.3. In considering the potential for **indirect impacts** to occur, I note that **Glen of the Downs SAC** is located upstream of the proposed development and there is no direct or indirect pathway for pollutants from the proposed development to enter this SAC. As such, no significant effects are likely to arise to this SAC on foot of the proposed development and it can be screened out from further assessment.
- 7.10.4. **Bray Head SAC** is located approx. 3 km to the north-east of the appeal site. There is no direct hydrological pathway from the subject site to this SAC. Surface water drainage from the proposed development will discharge to Three Trouts Stream, which in turn outfalls to the Irish Sea at Greystones Beach. Given the minimum separation distances arising between the sites, across a substantial marine environment, no potential impacts will arise to this SAC via surface water runoff in the absence of mitigation measures. Foul wastewater will discharge to the Greystones WwTP for treatment and subsequent discharge to the Irish Sea. In the

absence of mitigation, no significant effects on this SAC are likely. There is potential for silt, pollutants, dust and contaminants to enter Three Trouts Stream on foot of the proposed bridge construction and operation via construction works and surface water runoff. In the absence of mitigation, given the separation distance arising across a substantial marine environment, no potential significant effects on the conservation objectives or qualifying interests of this SAC are likely on foot of the bridge construction works.

- 7.10.5. The **Murrough SPA** is located approx. 3 km to the east of the appeal site. Surface water drainage from the proposed development will discharge to Three Trouts Stream, which in turn outfalls to the Irish Sea at Greystones Beach. Given the minimum separation distances arising between the sites, any silt or pollutants will settle, be dispersed, or diluted within the marine environment and will not impact on the qualifying interests of this SPA. No significant effects on the conservation objectives of this SPA are likely during the construction and operational phases of the development via surface water runoff. Foul wastewater will discharge to the Greystones WwTP for treatment and subsequent discharge to the Irish Sea. In the absence of mitigation, no significant effects on this SPA are likely.
- 7.10.6. There is potential for contaminants, including silt, dust and pollutants, to enter Three Trouts Stream during the bridge construction and operation works. Given the minimum separation distances arising and having regard to the qualifying interests of this site, no significant effects on the conservation objectives of this SPA are likely on foot of the construction of the bridge across Three Trouts Stream.
- 7.10.7. **The Murrough Wetlands SAC** is located approx. 3.6 km to the south-east of the appeal site. There is no direct or indirect hydrological pathway from the subject site to this SAC. Surface water drainage from the proposed development will discharge to Three Trouts Stream, which in turn outfalls to the Irish Sea at Greystones Beach. Given the minimum separation distances arising between the sites, across a substantial marine environment, no potential impacts will arise to this SAC via surface water runoff in the absence of mitigation measures. Foul wastewater will discharge to the Greystones WwTP for treatment and subsequent discharge to the Irish Sea. In the absence of mitigation, no significant effects on this SAC are likely.

- 7.10.8. There is potential for contaminants, including silt, dust and pollutants, to enter Three Trouts Stream during the bridge construction works. Given the minimum separation distances arising across a substantial marine environment, no potential impacts to this SAC will arise on foot of the bridge construction works in the absence of mitigation measures.
- 7.10.9. I note that the applicant has also screened out Carrigower Bog SAC, Wicklow Mountains SAC, Ballyman Glen SAC, Knocksink Wood SAC, Rockabill to Dalkey Island SAC and Wicklow Mountains SPA which are located at further separation distances from the appeal site of between 4.8 km and 12.7 km. I agree that no significant effects would arise to these sites, having regard to the nature of their qualifying interests, the absence of any direct and indirect hydrological connections or other pathways, and the separation distances arising, including in some case, a substantial marine environment, and as such, they can be screened out from further assessment. Given that there is no potential for significant indirect impacts, I am satisfied that any potential **in-combination** impacts can also be excluded.
- 7.10.10. In conclusion, in applying the source-pathway-receptor concept, and having regard to the nature and scale of the development, 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.
- 7.10.11. 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 Glen of the Downs SAC (site code: 000719), Bray Head SAC (site code: 000714), The Murrough SPA (site code: 004186) and The Murrough Wetlands SAC (site code: 002249), or any other European site, in views of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. It is considered that, by reason of the scale, location and form of the new built structures within the site, the proposed development would materially and adversely alter the character and setting of the Protected Structure and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
- 9.2. The proposed apartment block fails to comply with SPPR4 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2022) in relation to the required dual aspect ratio, and as such, the proposed development would fail to provide high-quality living space for future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.
- 9.3. It is considered that the information provided with the application and appeal in relation to the surface water drainage arrangements has not adequately demonstrated that the proposed development would not result in an increased level of run-off from the site and therefore, an increased level of flooding upstream and downstream along Three Trouts Stream. The proposed development would, therefore, pose an unacceptable risk of flooding and 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

14th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	313926-22		
Proposed Development Summary	42 no. residential units comprising 40 no. 1 and 2-bedroom apartments in a 5-storey block, works to Stylebawn House (a Protected Structure) to provide a 4-bedroom house and works to the Gardener's Cottage to provide a 2-bedroom house and all associated site development works.		
Development Address	Stylebawn House, Delgany, Co. Wicklow.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		X	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
			No EIAR or Preliminary Examination required
Yes	X	Class (10)(b), Schedule 5, Part 2	
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

<input checked="" type="radio"/> No		Preliminary Examination required
<input type="radio"/> Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	313926-22	
Proposed Development Summary	42 no. residential units comprising 40 no. 1 and 2-bedroom apartments in a 5-storey block, works to Stylebawn House (a Protected Structure) to provide a 4-bedroom house and works to the Gardener's Cottage to provide a 2-bedroom house and all associated site development works.	
Development Address	Stylebawn House, Delgany, Co. Wicklow.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?</p>	The subject site located within the existing built envelope of the settlement of Delgany and accommodates low density residential development. The site is adjoined by existing residential developments.	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	The removal of topsoil and C&D waste can be managed through an agreed Construction and Environmental Management Plan. Localised construction impacts will be temporary.	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p>	The proposed development would increase the development density of the site and would reflect more recent housing developments within the settlement. The size of the development would not be exceptional in the context of the existing environment.	No
<p>Are there significant cumulative</p>	There are no significant permitted developments in the immediate vicinity of the site.	No

<p>considerations having regard to other existing and/or permitted projects?</p>		
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No - An AA screening exercise has been undertaken which has concluded that the proposed development does not have the potential to have significant impacts on any European sites. A CEMP has been prepared and identifies mitigations measures to protect on-site biodiversity features.</p> <p>No</p>	<p>No</p> <p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Natura 2000 Sites Qualifying Interests & Conservation Objectives

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 [91A0]

The Murrough 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)	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>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.</p>

The Murrough Wetlands SAC (site code: 002249)

<p>Qualifying Interests</p>	<p>Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210] Alkaline fens [7230]</p>
<p>Conservation Objective(s)</p>	<p>To restore the favourable conservation condition of Annual vegetation of drift lines in The Murrough Wetlands SAC [1210] To restore the favourable conservation condition of Perennial vegetation of stony banks in The Murrough Wetlands SAC [1220] To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) in The Murrough Wetlands SAC [1330] To restore the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in The Murrough Wetlands SAC [1410] To restore the favourable conservation condition of Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i>* in The Murrough Wetlands SAC [7210] To restore the favourable conservation condition of Alkaline fens in The Murrough Wetlands SAC [7230]</p>

Bray Head SAC (site code:000714)	
Qualifying Interests	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Conservation Objective(s)	To maintain the favourable conservation condition of vegetated sea cliffs of the Atlantic and Baltic coasts in Bray Head SAC [1230] To restore the favourable conservation condition of European dry heaths in Bray Head SAC [4030]