

An
Bord
Pleanála

Inspector's Report

ABP-313953-22

Development

82 houses, 8 apartments, 8 duplexes, landscaping works to facilitate public park use over a total application site area of 6.84 ha., vehicular access from R772 via new roundabout junction and associated site development works. The application is accompanied by a Natura Impact Statement (NIS)

Location

Inchanappa South, a Protected Structure, Ashford, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

211407

Applicant(s)

Beakenford Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Barbara Wilding.

Observer(s)

Oonagh Stokes.

Date of Site Inspection

30th November 2023.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 6.84 hectares and is in the town of Ashford in County Wicklow. It forms part of the wider lands attached to Inchanappa House, which is listed on the Record of Protected Structures, (RPS Ref. 25-10). It is located to the east of the R772, to the west of the M11, and to the north of Ashford Town Centre. The site comprises two fields bisected by a hedgerow, and with a historic access from the R772. A more southerly parkland area is bisected by an access driveway from the R772 to Inchanappa House. Most of the western boundary of the site consists of a mature woodland extending south to Inchanappa House.
- 1.2. Approximately 460m of the north-western site boundary directly adjoins the R772. This section of road frontage extends from Bartragh, a detached bungalow at the northern extent of the site, to the existing site access at Inchanappa Lodge, which is on the site of the original Gate Lodge. To the south of the Inchanappa Lodge the site ownership boundary extends inwards and eastwards, loosely following the route of the existing driveway to Inchanappa House. An existing community park, Ashford Park, is located along the R772, between the subject site and the western boundary of the former estate lands. The lands proposed for development are located to the north of Inchanappa House and do not include any area to the east or south. However, these lands are also within the ownership of the applicant. To the south, the wider landholding extends to the north of the old Garda Station and along a local access road which follows the river Vartry.
- 1.3. The lands to be developed comprise mainly of agricultural land on the eastern section of the site and behind the tree belt along the western site boundary. The topography of the site rises from west to east with the most extreme variation in levels to the northwest of the site. The Killeskey stream, (also referred to as the Ballymachara Stream), runs along the western site boundary and flows into the Vartry River to the south of the site.
- 1.4. On the occasion of the site inspection, the gate to Inchanappa House was secured, and I did not gain access to the main site. However, I was able to examine the site boundaries to the north, south and west. The plans and particulars submitted with the application contain sufficient details to make an informed assessment of the development.

2.0 Proposed Development

- 2.1. Planning permission was initially sought for the construction of 98 residential units comprising; 82 houses, (36 x 4-bedroom, 39 x 3-bedroom and 7 x 2-bedroom), 8 x 1-bedroom apartments with 8 x 2-bedroom duplex units above in two 3-storey blocks. The proposal also included a public park of 2.83ha which would be constructed along the western boundary of the site and adjacent to the R772.
- 2.2. Vehicular access to the development would be provided from the R772 via a new roundabout at the northern end of the site. Plans were also submitted for a T-junction at this location on request from the Planning Authority, (PA).
- 2.3. Houses would generally be laid out to face either eastward, towards the remainder of the undeveloped green field lands, or westwards towards the proposed community park and woodland area.
- 2.4. The development would be connected to the public water and wastewater services which are located along the R772. Surface water drainage would discharge to the Ballymachara stream which runs along the western side of the site and flows to the Varty River. Surface water would be attenuated in underground, geocellular storage units, one of which would be in the northern section of the site and one in the south.
- 2.5. The development was revised on foot of a request from the PA for further information. The revisions included the removal of a 2-storey, 4-bedroom, detached house, and its replacement with a creche of 149 sq. m that would have 11 childcare spaces, with associated outdoor play area of 160 sq. m and two parking spaces.
- 2.6. Changes were also made to the proposed levels on the site, an area of open space was provided for the duplex units and an additional connection was provided from the open space to the playground.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the Planning Authority, (PA), subject to 26 planning conditions, which were mainly standard in nature.

Condition No. 10 deals with phasing and requires that,

(b) No residential unit shall be occupied until the roundabout entrance on the R772 is installed and operational.

(c) No more than 75 residential units shall be occupied in advance of the creche being constructed and operational, unless otherwise agreed in writing with the PA.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports which were prepared during the assessment of the development.

The report of the Planning Officer, (PO), dated the 20th of January 2022 requested further information, (FI), regarding 11 points, and the report of the 24th of May 2022 assessed the response submitted by the applicant.

The first report of the PO, (dated the 20th of January 2022), includes the following,

- The development was assessed against the Wicklow County Development Plan, (WCDP), 2016-2022, (which was the operative Plan at the time), and the Ashford Town Plan which was contained in the Plan. The subject site forms part of lands designated as SLO1, (Specific Local Objective 1), in the Ashford Plan.
- The PO stated that the 98 units proposed would accord with the planned targets as set out in the Core Strategy in the WCDP 2016-2022.
- The residential element of the development would accord with the 'R20 – New Residential' zoning objective, which allows for a density of up to 20 units/ha. The remainder of the lands zoned 'OS – Open Space' would form a public park.
- The development would comply with the objectives of SLO1 as, the overall residential development would be below 50% of the indicative permissible numbers; housing would be orientated towards the open space lands; the proposed community park would comply with the overall objective, and the houses are set back from the M11.
- The proposal would fail to meet the criteria of SLO1 in terms of connectivity and further details would be required to show full compliance.

- A density of 20 units/ha is permissible for the site. The density of the proposed development would be slightly lower than that envisaged for the site but is acceptable given the constraints of the site in terms of topography, tree protection, archaeology, and the transitional / edge of town location.
- The overall design of the units and the proposed typology mix is also acceptable.
- There will be limited visual impact from the development outside of the site.
- The internal roads are long and with looping of roads is not normally appropriate. This should be reconsidered.
- Lack of sustainable energy provisions for the houses is noted by the PO and it is requested that this be addressed.
- The PO is satisfied that the development would not have a negative impact on the setting of Inchanappa House, given the location of existing trees which enclose it and the separation distance proposed.
- Private open space for the units is sufficient but communal open space for the duplex units is lacking.
- A community park of 1.96ha would be provided, which is acceptable to the PA.
- The proposed landscaping and tree planting is acceptable.
- A habitat examination provided evidence that there is invasive species within the site boundaries. The PO requests clarity on the proposals for removal.
- A Traffic Impact Assessment Report was submitted. The PO notes that, given the limited scale of the development and its location directly onto the R772, that the development would not have a significant impact on the traffic network. FI will be required regarding the internal road layout of the development.
- The development is located in Flood Zone C. Surface water will discharge to Ballymachara / Killiskey Stream. The development does not provide sufficient SuDS infrastructure, and this should be addressed.
- The PO recommended that FI be requested on 11 points which included,

- Lack of connectivity between the proposed Community Park and the adjoining AOS / Existing Community Park,
- Site levels and boundaries,
- Justification for lack of a creche/childcare facility,
- Communal open space for duplex units,
- Sustainable energy provisions,
- Invasive species management, planting and tree management,
- Road layouts,
- Public Lighting,
- Part V, and
- SuDS provision.

The second report of the PO dated the 24th of May 2022 assessed the FI which was submitted by the applicant on the 28th of March 2022 and recommended that planning permission was granted.

3.2.2. Other Technical Reports

- **Transportation, Water & Emergency Services** – The report dated the 10th of January 2022 states that the PA has not finalised the position of the access point to the AA2. As such the provision of a roundabout on the R772 may be premature. Additional details are requested regarding cycle and pedestrian facilities within the site and proposed connections. The report recommends that further information is requested regarding road design, levels, sightlines, Road Safety Audit, public lighting, and a Transport Assessment. The second report dated the 26th of April 2022 noted the FI submission and recommended planning conditions.
- **Housing** – The location of the Part V units was satisfactory following revisions proposed under FI.
- **Fire Officer** – Planning conditions recommended.
- **Water and Environmental Services** – No objection.

- **Waste Management** – No objection. A specific waste management plan will be required.

3.3. Prescribed Bodies

- **Uisce Éireann** – No objection.
- **NTA, (National Transport Authority)** – The response dated the 20th of December 2021 states that the development would expand the urban footprint of Ashford and would comprise a traditional low-density format in a peripheral greenfield site. The NTA notes that the zoning for the site is not proposed to be retained in the 2021 Draft Development Plan. The application does not contain any information on how the development would operate on a sustainable manner for transport. As such, it is concluded that the development would rely on the use of private car trips and the NTA recommends a refusal. Safe pedestrian access across the R772 to the neighbouring school is required. The NTA recommends that the proposed roundabout is redesigned to include pedestrian and cyclist crossing facilities.
- **TII** – Correspondence on file dated the 7th of April 2022 states that the Authority's position remains as set out in their letter dated the 29th of December 2021. There is no copy of this letter on the material forwarded by the PA or on the public file on the website.
- **Inland Fisheries Ireland, (IFI)** – The development is located beside the Killiskey / Ballymachara Stream. Both the stream and the Vartry River represent a significant salmonid system with the Stream serving as an important spawning tributary for the Vartry main channel. IFI recommend a revised surface water layout for the operation of the development which would incorporate soft engineering nature-based solutions such as swales and bioretention rather than hard underground attenuation structures. Petrol/oil interception should be included. During construction works pollution from run-off must be controlled and a protective fence should be installed between the site and the Killiskey / Ballymachara Stream should be installed prior to any works commencing.

3.4. Third Party Observations

Two third party observations were received by the PA and raised the following issues,

- Lack of sustainable methods for drainage and energy efficiency.
- Traffic.
- Lack of social infrastructure.
- Proposal is premature pending new Development Plan.
- A new park is not needed – existing one should be improved and expanded.

A subsequent observation was submitted from the residents of Inchanappa Lodge on foot of the applicant's response to FI. The submission raised concerns that the privacy and security of the property would be impacted by the provision of a public park within the Inchanappa lands. Concerns were also raised regarding the potential impact on their existing services and utilities.

4.0 Planning History

Planning history for the site includes the following,

PA Ref. 13/8163 – Planning permission granted in 2013 for the development of a community park on circa 1 acre site, to include facilities, landscaping and the removal of part of the wall to the R772 and replacement with railings.

PI.27.221109, (PA Ref. 06/5916) – Planning permission refused in 2007 for alterations to previously approved permission PL.27.216399 that included revisions to the foul and wastewater drainage layout and the removal of Condition No's 13 and 14.

PL.27.216399, (PA Ref. 05/3635) – Planning permission granted in 2006 for the development of 150 houses, car parking, refurbishment and change of use of existing house to single storey creche with associated works, all on a site of 8.24 hectares.

Policy Context

4.1. Development Plan

- 4.1.1. The site is located within the administrative boundary of Wicklow County Council. The operative Development Plan for the area is the Wicklow County Development Plan, (WCDP), 2022-2028, which came into effect on the 23rd of October 2022.
- 4.1.2. The application was initially assessed by Wicklow County Council in accordance with the policies and objectives of the Wicklow County Development Plan 2016-2022, which was the operative Development Plan at the time. The decision of the PA was made under this plan.
- 4.1.3. On review of the contents of both plans, I note that there are no material changes between the 2016 County Development Plan and the 2022 County Development Plan as they relate to the zoning of the appeal site and the current proposal. Some minor changes have been made to the naming and numbering of the land parcels within and around the site, but the overall zoning objectives remain the same. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2022-2028 Wicklow County Development Plan, (WCDP).
- 4.1.4. The subject site is identified and zoned for development in both the 2022 and 2016 Ashford Town Plan, (See Appendix 3 for zoning objectives). In the 2016 Plan the site was designated as SLO 1, (Special Local Objective 1), and in the 2022 Plan the site is designated as SLO 5. Each plan sets out a specific set of criteria for the development of the lands. The site boundary for the SLO remains generally the same in both plans, apart from an area outside the development boundary which was identified as a 'Strategic Land Bank' in 2016 and was de-zoned in 2022. The SLO reference numbers and development criteria are mentioned in third party submissions and in the grounds of appeal. In the interest of clarity, I will refer to the site as SLO 5 throughout the report, when noted in third party submissions and in the grounds of appeal.
- 4.1.5. An Opportunity Site located on the western side of the site is also referenced in the grounds of appeal. This site is located to the south of the roundabout on the R772 and to the north of the former Garda Station. In the 2016 Town Plan this site is designated as Opportunity Site 2, (OP2). In the 2022 Plan the site is designated as

Opportunity Site 1, (OP1). In the interest of clarity I will refer to this site as OP1 throughout the report and when quoted in third party submissions and the grounds of appeal.

- 4.1.6. There are some minor differences between the criteria for the development of the SLO 5 lands between the 2016 and 2022 Plans. For the information of the Board, I will set out the development criteria from both plans below.

Ashford Town Plan 2016-2022

In the 2016 plan, the appeal site is located on land which is identified as **SLO1 – Inchanappa House**. There were two zoning objectives on the site at this time, **‘R20 – New Residential’** and **‘OS – Open Space’**.

The plan required that the SLO be delivered as a residential and open space / public park area in accordance with the following criteria,

- The lands zoned ‘AOS’ in this SLO shall be developed as a ‘community park’, open to all and at a minimum of 0.4ha in area.
- Only 50% of the proposed residential element shall be developed prior to the open space lands being laid out in a manner to be agreed with the PA and devoted to the public.
- The design and layout of the overall SLO shall address and provide for passive supervision of the community park and amenity walks.
- A pedestrian walk linking the residential area of this SLO to land designated as Opportunity Site 2 shall be provided as part of the development.
- The minimum setback of new housing from the M 11 shall be 50 meters.

Ashford Town Plan 2022-2028

In the 2022 plan the appeal site is located on land which is identified as **SLO5 – Inchanappa House**. The zoning objectives for the site have been carried through from the 2016 plan but are now referred to as **‘RN – New Residential’**, and **‘OS1 – Open Space’**.

The 2022 plan requires that the SLO5 be developed in accordance with the following criteria,

- Lands zoned OS1 shall be developed as a community park open to all with a minimum of 0.4 HA in area at an easily accessible location, well connected to Ashford centre.
- The lands zoned AOS or other similarly sized lands within the SLO area shall be developed as a community sports area with indoor and outdoor facilities on a site that is well connected to Ashford village.
- Only 50% of the residential element may be developed prior to the OS1 and the community sports zone, including buildings and appropriate access on AOS, being laid out and completed by the developer in a manner to be agreed with the PA and devoted to the public.
- The design and layout of the overall SLO, in particular the residential element shall address and provide for passive supervision of the community park and woodland walks.
- A pedestrian walk linking the residential area of this SLO to land designated as Opportunity Site 1, (previously called Opportunity Site 2), shall be provided as part of the development.
- The minimum setback of new housing development from the M11 in this SLO shall be 50 metres.

The 2022 Plan also states that the SLO shall be subject of a comprehensive, (not piecemeal), masterplan, that allows for the sustainable, phased, and managed development of the SLO area during the Plan period. Separate applications for sections of the SLO will not be considered until an overall SLO master plan has been agreed in writing with the PA, unless it can be shown that any application will not undermine the achievement of the overall objectives for the area. The position, location and size of the land use zonings shown on plan maps are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography, subject to compliance with the criteria set out for the SLO.

4.1.7. The following sections of the Wicklow County Development Plan 2022-2028 are of particular relevance to the appeal.

Wicklow County Development Plan 2022-2028.

Ashford is identified as a 'Level 5 – Small Town' settlement in the Core Strategy for the Development Plan.

The subject site has two zoning objectives, 'RN – New Residential', and 'OS1 – Open Space'.

There are no protected structures on the site but there are two within the wider landholding,

- Inchanappa House, (RPS Ref. 25-10), is located approximately 60m from the southern site boundary, and,
- The former Garda Station (RPS Ref. 19-16), which is located approximately 100m to the south-west of the site boundary.

The subject site is within the Zone of Notification for three Recorded Monuments: a church – Ref. WI025-026, a graveyard – Ref. WI025-026001, and a font – Ref. WI025-026002).

The western portion of the site is located within a 'Flood Zone A'. This area is zoned 'OS1 – Open Space'.

Chapter 3 – Core Strategy

Section 3.4 of the CDP states that - *'Towns in Level 5 are generally targeted for growth rates of 15-20%. Ashford (at c.60%) will significantly exceed this target due to legacy housing developments under construction. The goal for this town is to limit further development, other than for town centre / infill / regeneration'*.

Chapter 6 – Housing

Table 6.1 – Density Standards – The Development Plan recommends a density of 30-40+ units per hectare for Centrally Located Sites; 20-35 units per hectare for Edge of Centre sites, and 15-20 units per hectare for on the edge of small town / village.

6.4 – Housing Objectives

CPO 6.5 - To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:

- Strengthening the character and urban fabric of the area;
- Reinforcing local identity and sense of place;
- Optimise the opportunities afforded by the historical and natural assets of a site / area;
- Providing a coherent, legible and permeable urban structure;
- Promoting an efficient use of land;
- Improving and enhancing the public realm;
- Conserving and respecting local heritage;
- Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;
- Promoting accessibility for all; and
- Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.

CPO 6.27 - To require new multi-unit residential development to provide an appropriate mix of unit types and sizes to ensure that there is a range of unit types available to suit the needs of the various households in the county, in accordance with the Design Standards for new Apartments, Guidelines for Planning Authorities (2020).

Volume 3 – Appendix 1 – Development and Design Standards

1.1 – Key principles of good design.

1.3 – Protecting Nature and Biodiversity.

1.4.1 – Water Quality

2.1.4 – Public Roads

2.1.5 – Pedestrian & cycling facilities

2.2.4 – Surface & storm water systems

3.0 – Mixed Use and Housing Developments

Ashford Town Plan 2022-2028

- The subject site is within lands designated as SLO 5. The specific criteria for the development of these lands are set out in Section 4.1.6 of this report.
- Section 2.1 of the Plan acknowledges that the town core has developed in a disjointed manner over time. The Plan aims to address the existing built pattern by maximising the potential of large sites within the town core and states that ‘Sufficient lands have been zoned in order to meet the population targets as set out in the Wicklow County Development Plan 2022 – 2028’.
- Section 2.3 – Residential Development- states that ‘Having regard to the aggregate population target for the Level 5 plans, land is zoned for residential development to meet housing targets. All of the lands that are suitably zoned to cater for residential development are within the built-up envelope of the town and therefore considered ‘compact growth’.
- Section 2.8. – Built & Natural Heritage - The landscape around Ashford is designated a ‘corridor area’ in the Wicklow County landscape assessment, which is considered to be of ‘low vulnerability’.
- Heritage Objectives –
- ASH11 - To maintain and protect the demesne settings of Inchanappa House, Mount Usher House and Rosanna House, and to require all development proposals within or directly adjoining these demesnes to fully evaluate and address any impacts of the setting and character of these demesnes.
- ASH12 - To safeguard the integrity of streams and rivers in the plan area, in particular all watercourses that are hydrologically linked to The Murrough European site, including the use of adequate buffer zones between watercourses and proposed developments.

4.2. National Policy

4.2.1. Project Ireland 2040, National Planning Framework, (NPF).

The NPF provides a series of National Policy Objectives (NPOs) which seek to strengthen and consolidate existing settlements. Some of the NPO’s are listed below.

- NPO 3a, b and c which seek the delivery of new homes within the footprint of existing settlements.
- NPO 3a, Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3c Deliver at least 30% of all new homes that are targeted in settlements, within their existing built-up footprints.
- NPO 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

4.2.2. **Section 28 Guidelines –**

- **Sustainable Residential Development in Urban Areas (Guidelines for Planning Authorities), 2009**

The Guidelines updated and revised the 1999 Guidelines for Planning Authorities on Residential Density and set out the key planning issues to be considered in the provision of new housing development in terms of sustainable development.

4.3. **Natural Heritage Designations**

4.3.1. There are no designations that relate to the subject site.

4.4. **EIA Screening**

4.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

5.0 **The Appeal**

5.1. **Grounds of Appeal**

The grounds of appeal include the following,

- The appellant contends that the development site is within the grounds and curtilage of Inchanappa House, which is a protected structure and queries whether this should have been mentioned in the public notices.
- It is submitted in the appeal that the architectural heritage assessment for the application is not thorough and does not include a reference to the distinctive linear historical feature that crosses the site from west to east and is evident at the boundary to the R772.
- The appellant claims that there are material deficiencies in the screening for Appropriate Assessment, (AA), and the Natura Impact Statement, (NIS) as follows –
 - The AA fails to consider the development of the remaining zoned lands at Inchanappa as an ‘in-combination’ effect.
 - The NIS does not include a wintering birds survey.
 - Both documents do not appear to have regard to the findings of the Court of Justice of the European Union, (CJEU) in the case of *Brian Holohan and Others v An Bord Pleanála*. In identifying both the implications of the proposed development for the species present on that site, and for what the site has not been listed, and in identifying the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.
- The proposal fails to comply with the Special Local Objective, (SLO), for Inchanappa that requires, *‘A pedestrian walk linking the residential area of this SLO to land designated as Opportunity Site 1 shall be provided as part of this development’*.
- The PA sought further information, (FI), requesting direct connectivity to the existing community park. The applicant submitted various options to the footpath at the R772 but not a direct route to the Opportunity Site or the existing park. If linking the development to Opportunity Site 1 was only required via the public footpath along the R772 a SLO would not be required.
- The proposal fails to comply with the SLO provisions for the site in the forthcoming Development Plan, (Wicklow County Development Plan 2022-

2028, now adopted). The appellant is particularly concerned about the lack of a comprehensive masterplan for the SLO, and the provision of a 5ha community park. The applicant does not have full ownership of the site and cannot comply with the provisions.

- The appellant is of the opinion that the layout plan is dull and uninspiring and will continue the trend of unsustainable residential development in Ashford that caters for commuters to and from the Dublin area. The development should be designed to respond to the unique characteristics of the historic site.
- The grounds of appeal request that, should the Board grant permission for the development, that conditions be attached,
 - to prevent the entire scheme from being sold or let to the PA or to another housing body,
 - to ensure that the applicant provide direct connectivity and pedestrian links through the OS1 land to Opportunity Site 1 and the existing community park, and,
 - to agree a comprehensive masterplan for the entire site with the PA, which, inter alia, provides for the delivery of the 5ha OS1 community park no later than the completion of 75 residential units at Inchanappa.

5.2. Applicant Response

A response was received from the applicant on the 9th of August 2022 and includes the following,

- The applicant considers that the grounds of appeal relate to conservation and heritage, AA and NIS, pedestrian walk linking the residential development of this SLO to Opportunity Site 2, forthcoming Development Plan compliance (2022-2028), proposed layout and connectivity and inclusivity, and will respond to those issues in turn.
- Architectural Heritage -
- In response to the criticism of the Architectural Heritage Assessment, a submission was included from the author. The response states that

Inchanappa House is listed on the Record of Protected Structures, (RPS), but the farm associated with the house was sold some years ago. The term 'curtilage' has not been legally defined. The Architectural Heritage Protection Guidelines for Planning Authorities, Department of the Environment Heritage and Local Government, (DEHLG, 2011), advises that (the curtilage) '*can be taken to be the parcel of land immediately associated with that structure and which it is (or was) in use for the purposes of the structure*'. The Board is requested to consider that the farm is no longer in the ownership of Inchanappa House, that it is not in use associated with the house and is no longer part of the curtilage of the house.

- The extent of the curtilage is unclear as the lands have been greatly reduced over the years through the development of the M11 and the sale of the farmlands.
- What the appellant describes as a 'distinctive linear historical feature that crosses the site from east to west' is a redundant access route to Broomfield House. An alternative route was provided as the M11 crossed the route and cut off access to the house. Broomfield House is not listed on the RPS, nor is the accessway or the curved masonry entrance walls.
- Regarding the criticism of the layout of the scheme, the internal access road follows the contours of the site and the houses have been laid out to respect the privacy of the Protected Structure. The use of a layout with single house type forming the streets around a major historic house is a pattern used successfully throughout the city of Dublin.
- AA & NIS -
- The applicant states that at the time the AA Screening was undertaken, design plans for any further phases had not been identified, so could not be considered as part of the potential 'in-combination' effects. Plans for future development will be accompanied by a Screening document which will consider extant development as 'in-combination' effects.
- Wintering bird surveys are not a standard requirement for NIS. The closest SPA is the Murrough SPA, which is 2.5 kilometres to the east of the site. Land separating both sites comprise similar agricultural habitats to the subject site.

Wintering birds which are identified as qualifying interests to the SPA, (Greylag Goose, Light-bellied Brent Goose and Wigeon), prefer to forage in large open fields and the woodland and hedgerow habitats on the site would be unsuitable as an ex-situ site.

- The applicant argues that the AA Screening and NIS do take account of the findings of Brian Holohan and Ors. V An Bord Pleanála as both reports –
 - List the entirety of habitats and species for which European Sites within the Zone of Influence, (Zol), of the development are protected, and,
 - Identify and examine the implications of the Proposed Development for the species and habitats associated with the European sites in question, provided that those implications are liable to affect the Conservation Objectives, (CO), of these sites.
- A Source-Pathway-Receptor methodology was adopted to identify sites within the Zol.
- At the time the AA Screening and NIS reports were written (3rd November 2021), generic COs were in place for the Murrough SPA and SAC. As of December 2021 site-specific CO's have been put in place for the Murrough Wetlands SAC.
- The NIS identified a potential pathway for significant effects from the development to two habitat types in the SAC – Atlantic salt meadows and Mediterranean Salt Meadows. The mitigation measures proposed in Section 8.1.1 of the NIS will ensure that the habitats and species present in and associated with the SAC and the SPA will not be significantly impacted by the proposed development.
- Pedestrian link to OP 1, (formerly OP2) –
- The applicant argues that the issue of pedestrian connectivity was addressed in the response to further information, (FI), which was accepted by the PA. The maximum level of access would be provided and is shown in Drawing 3.1.01 Rev A, Landscape Masterplan 01 Rev 1 and Landscape Drawing 05.
- The grounds of appeal state that the SLO2 lands referred to in the appeal are in third party ownership and are located on the other side of the community

and education zoned lands, which is also in third party ownership. The applicant submits that they cannot be expected to provide access to or through these lands. However, the proposed development would deliver the roundabout on the R772, which is a key transport objective of the Town Plan.

- Note - I note to the Board that there appears to be some confusion or misunderstanding on the part of the applicant in their response to this point. The applicant refers to a pedestrian connection to the SLO2 lands which are on the opposite side of the R772 to the subject site. Whereas the appellant refers to Opportunity Site 2, (OP2), which is located along the western boundary of the subject site.
- Landscape drawings submitted with FI shows three existing pedestrian access points along the R772. The response to FI shows an additional two proposed access points for pedestrians and cyclists: one to the north and at the proposed main access to the development and a second at the roundabout joining the R772 and R764 to the south. This would result in a total of five access points which would be connected by a series of pathways that would run through the proposed park.
- The applicant refutes the appellants opinion that the footpaths should be discounted as they are on public land. It is a common occurrence for developers to provide infrastructure on public land as part of a development.
- It is the opinion of the applicant that the requirements of SLO5 have been complied with as the lands zoned AOS shall be developed as an easily accessible, public park with woodland walks, the residential element would provide passive supervision, and the development will deliver the roundabout on the R772 which will include pedestrian access. The provision of a public footpath along the R772 also provides a connection to Ashford.
- Compliance with the 2022-2028 Development Plan
- Regarding a masterplan for the site, there is no requirement for a masterplan in the 2016-2022 Development Plan, (the operative plan at the time the application was lodged). The issue of a masterplan was addressed by the PO in their report, which stated that at the time of writing the 2022 Development Plan was in draft form and was not relevant to the subject development.

- The applicant does not have control of all the land required to provide the entire 5ha community park but can provide connections within their own land.
- The fact that the applicant does not own all the land within the SLO has no bearing on whether the application should be granted.
- Criticism of the Layout
- The grounds of appeal submit that the development presents a suitable response to the site by considering the topography of the site and using the natural contours. Landscaping has been designed to take account of the climate, native species, and biodiversity. The architecture of the development also reflects the surrounding character of development.
- The internal roads have been designed in accordance with DMURS. The majority of roads are relatively short in nature and are accessed via junctions and 90-degree bends. They are local access only and the longest roads, on the western side of the development, have multiple access points to houses and incorporate traffic calming.
- A mix of housing typologies is included in the development and all units meet the relevant standards.
- It is argued that the design evolved in response to the urban context and the character of the Protected Structure, which inspired some of the proposed materials. A selection of blocks was designed to add visual interest whilst the semi-detached houses and bungalows are of traditional form.

A separate response was received from the applicant on the 28th of July 2022 which related directly to a second appeal that was lodged and subsequently withdrawn. The response submitted by the applicant referred to traffic and social infrastructure.

- Regarding traffic, the applicant states that a Traffic and Transport Assessment was undertaken for the development. The results of the assessment indicated that the development can be safely accommodated within the existing road network and were accepted by the PA. It is also submitted that the delivery of a roundabout on the R772 will improve traffic flow.

- The proposed development would provide a community park and improve access to the site. Access would also be facilitated to the adjacent site which is zoned for Community and Education.

5.3. **Planning Authority Response**

- No response on file.

5.4. **Observations**

One observation was received from Oonagh Stokes who is the owner of Inchanappa House and includes the following,

- The observer is the sole owner of Inchanappa House and attendant grounds that extend to 11.952 hectares, plus a further 0.374 hectares, to the northwest and adjacent to the M11 which houses a telecommunications tower. A map accompanying the observation shows the location of these lands and identifies the house and land as Plot A and the mast site as Plot B.
- The observer is opposed to the development as it would result in the piecemeal development of SLO5 and would fail to integrate the residential units with the open space. It also disregards a number of rights of way and easements across the site.
- It is put forward by the observer that the provision of 98 dwellings is contrary to the NPF, the Regional Social and Economic Strategy and the Core Strategy of the Development Plan as it would result in an unsustainable pattern of development.
- The provisions of the SLO require the delivery of a 'residential and open space development', with a restriction that only 50% of the proposed residential element to be developed prior to the open space being laid out and completed. This is not possible without the input and agreement of the observer.

- It is also not clear from the SLO what is meant by 50% of the residential element. Is it 50% of the entire zoned land or 50% of the quantum of residential units.
- Proposed material amendment, PMA V2-100, of the Draft Development Plan 2022-2028, (at the time), is referenced in the observation. This amendment refers to the preparation of a master plan for the site. In the absence of a masterplan the development would represent piecemeal development and would materially contravene the objective to deliver a residential and open space development.
- The observer's land includes the existing playground, and its position prevents a pedestrian link connecting the residential development to land designated as Opportunity Site 1.
- The observer is of the opinion that the applicant cannot properly integrate the residential development with the community park (OS1) as required by the Development Plan.
- A small playground was provided for the town by the observer's late husband. This is not sufficient to cater for the increasing population and the observer plans to relocate the playground within her landholding.
- The Board is referred to a letter to the Ashford Community Park Ltd., (which is attached to the observation), that advises of the observer's proposal to relocate the playground to a site beside the old Garda Station which will be developed as a Community Centre. If this relocation goes ahead, none of the planned footpaths will connect with the new location.
- The observer is concerned that an existing right-of-way from the R772 to Inchanappa House, which crosses the appeal site, is not maintained by the proposed site layout.
- A water tank located on Plot supplies water to Inchanappa House and Inchanappa Gate Lodge with multiple pipes crossing the appeal site. These pipes are not shown on the lodged plans or referenced in the engineering services report.
- The observer has an easement to facilitate water supply to her retained lands, which are north of the applicant's landholding and adjacent to the R772

opposite Glanbia. The proposed site layout plan would impinge in this easement and is contrary to the legal provisions that apply to the appeal site.

- The proposed development would potentially affect a right of way across the appeal site from the R772 to the telecommunications mast in Plot B. This is required for inspections and maintenance.
- Without prejudice, the observer requests that if planning permission is granted, that the Board see fit to attach the following conditions,
 - Prior to the commencement of development, the applicant shall submit and agree in writing with the PA a comprehensive master plan for the entire SLO lands not later than the completion of 75 dwelling units on the site.
 - Prior to the commencement of development, the applicant shall demonstrate and agree in writing with the PA that all rights of way, easements and other legal rights that apply to the appeal site are not affected and or have been revised with the consent of any affected party.

5.5. Further Responses

A further response was submitted by the appellant on the 27th of September 2022 on foot of the observation lodged by Oonagh Stokes. The response includes the following.

- The appellant agrees with the observer that the development won't comply with the provisions of the SLO for residential and open space. Furthermore, it is their opinion that the applicant does not have the legal ability to do so.
- The SLO requires a master planned approach to the development of the lands. The observer owns a substantial part of the SLO and was not consulted on the overall development of the land. The applicant lodged two further planning applications, (PA Ref. 22/965 – Invalid, and 22/984 – Withdrawn), that individually and cumulatively materially contravene the new SLO.

- The proposed development is not compatible with the Core Strategy in the newly adopted Development Plan, (2022-2028). PMA V2-100, (no details provided), was approved by the Council Members notwithstanding the clear direction from the Office of the Planning Regulator, (OPR), and the recommendation by the Council's Chief Executive Officer.
- The proposed layout fails to provide for various rights of way and easements within the appeal site and across the overall lands at Inchanappa.
- There is also a new issue of the planned relocation of the community park from its current location to the old Garda Station. The applicant seems unaware of this proposal which would render the pedestrian linkages ineffective and non-compliant.

A response to the third-party observation was also received from the applicant on the 28th of September 2022 and includes the following,

- As a matter of record the applicant would like to note that the observer neither objected to the application nor lodged an appeal on the decision.
- Issues raised which relate to access and rights of way fall outside the remit of the planning system. The Board will also be aware that the applicant must ensure that they can implement any permission granted.
- In so far as it is applicable to planning, the PA has considered the rights of access and rights of way and were included in a request for further information. The response to which was again considered by the PA prior to the issuing of a decision to grant permission.
- Regarding the observer's opinion that the development is piecemeal the applicant would like to remind the Board that the site is zoned for development, has been the subject of a previous planning permission, is serviced and is conveniently located to the town centre.
- The proposed development is in accordance with the operative Development Plan at the time of the decision.

- The development would deliver significant planning gain in terms of additional housing, the provision of open space, a public park, and the provision of a roundabout on the R772.
- A new pedestrian path will improve connectivity to the adjoining park, which will link directly to the children's playground. A creche is also proposed for the site. If the playground is relocated, future residents would be able to access it by using existing routes or through the enhanced routes through the applicant's landholding.
- The report of the PO acknowledges that the development is in accordance with SLO5 in terms of providing a mixed development with residential units which address the open space. The necessary open space can be provided within the applicant's landholding and does not require additional input from adjoining landowners.
- It is made clear in the report of the PO that '50% residential' referenced in SLO5 relates to the number of units against which the open space must be delivered.
- The applicant states that the right of way to Inchanappa House through the appeal site is maintained. It is proposed to upgrade a section of the road in question. This road will be made available to the owner and occupier of Inchanappa House.
- From the information contained in the submission, the applicant is unclear about the existing water supply to Inchanappa House. There is a pumping station serving the house and this will not be affected by the development. It is argued that this issue is outside of the remit of the Board.
- No detail has been provided from the observer regarding water supply easements to other lands. The applicant contends that any works planned would not prohibit or obstruct any future water connection to sites in third party ownership. Furthermore, this is a legal matter that is not within the scope of the appeal.
- Documentary evidence of a right of way to the telecommunication mast / Plot B, has not been provided. In the event that the retention of any existing right of way is not practical, an alternative right of way will be facilitated.

6.0 Assessment

6.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal can be addressed under the following headings:

- Principle of Development
- Procedural Issues
- New Issue – Master Plan
- Compliance with Development Plan
- Design & Layout
- Architectural Heritage.
- Appropriate Assessment

6.2. Principle of Development

6.2.1. The subject site is designated as SLO 5 in the Ashford Town Plan 2022-2028. There are two zoning objectives on the site, RN – New Residential, and OS1 – Open Space. The proposed development is in accordance with the zoning objectives for the site. Therefore the development is acceptable in principle and can be assessed on its merits.

6.3. Procedural Issues

6.3.1. A third-party submission from the owner of Inchanappa House refers to rights-of-way and wayleaves across the site. The submission also contends that the proposed site layout would impinge on the existing water supply to Inchanappa House which crosses the appeal site. The applicant has responded to the third party and states that the right of way to Inchanappa House is retained and an upgrade of the road is proposed in the development. Regarding the water supply, the applicant states that the water supply will be retained and any in the unlikely event of any works to be carried out, they will engage with Irish Water.

6.3.2. Disputes over land ownership and easements are civil issues and are not dealt with through under the Planning and Development Acts. Furthermore, Chapter 5.13 of the 'Development Management – Guidelines for Planning Authorities', (DoECLG 2007), is states, inter alia, the following: *'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...'*. Therefore the Board may not concern themselves with this matter in the assessment of this appeal.

6.4. **New Issue – Masterplan**

6.4.1. A specific set of criteria to guide the development of SLO 5 is set out in Section 2.9 of the Ashford Town Plan 2022-2028. For the information of the Board, a list of the criteria is set out in Section 4.1.6 above. In addition to the development criteria, the Plan also states that the SLO shall be the subject of a comprehensive (not piecemeal) masterplan that allows for the sustainable, phased, and managed development of the SLO area during the plan period. Separate applications will not be considered until an overall Masterplan has been agreed in writing with the PA, unless it can be shown that any application will not undermine the overall objectives of the area. This requirement was not in place under the 2016-2022 Development Plan, which was the operative Development Plan at the time the decision was made. The issue of a masterplan was raised in the grounds of appeal. In their response, the applicant noted that they were under no obligation to prepare a masterplan at the time of the application.

6.4.2. The proposed development relates to the northern section of the SLO 5 lands only. The remainder of the zoned lands include areas to the east and south of Inchanappa House, which is not included in the SLO boundary. Information submitted with the application states that the entirety of the SLO 5 lands that are zoned for development are within the ownership of the applicant. The zoning objectives for the lands to the south of Inchanappa House are 'RN – New Residential', with the southernmost section, zoned 'AOS – Active Open Space'.

6.4.3. Whilst a masterplan has not been prepared for the entirety of the zoned lands, the proposed layout for the northern section of the site would not inhibit the development of the lands within the southern section. The layout of the internal access road along the eastern side of the development could be extended to connect with future

development to the south. Therefore, I am satisfied that the subject proposal would not undermine the overall objectives for the area, which would include the development of the zoned lands within SLO 5. Furthermore, I do not consider the omission of a Masterplan to materially contravene the objectives of the Town Plan as the overall objectives of the Development Plan, in terms of the zoning objectives for the lands can still be achieved and the development proposal does not inhibit or prevent the achievement of the development objectives for the site.

- 6.4.4. Although the issue of a masterplan for the site was raised in the appeal, it is a new issue as it did not form part of the Ashford Town Plan at the time of the decision and was not required by the PA. As this is a new issue that has not been significantly addressed, the Board may wish to seek the views of the parties in this matter.

6.5. Compliance with Development Plan

Density

- 6.5.1. The proposed development would yield a density of 20 units per hectare. Table 6.1 of the WCDP recommends a density of 30-40 units per hectare for centrally located sites in Small Towns and Villages, including Ashford. A density of 20-35 units per hectare is recommended for sites on the Edge of Centre and sites on the edge of small towns could have densities of less than 15-20 units per hectare as long as the development does not represent more than 20% of the total new planned housing stock of the settlement.
- 6.5.2. In the Core Strategy for the County, (Chapter 3), Level 5 towns are generally targeted for growth rates of 15-20%. However, the WCDP notes that Ashford, (at 60%), will significantly exceed this target due to legacy housing developments under construction. The goal for Ashford is to limit further development, other than for town centre / infill / regeneration.
- 6.5.3. The Ashford Town Plan proposes to encourage the provision of high-quality housing, concentrated principally around Ashford town centre and lands within 500 meters of the town centre. Section 2.3 of the Town Plan states that, *'Having regard to the aggregate population target for the Level 5 plans, land is zoned for residential development to meet housing targets. All of the lands that are suitably zoned to cater for residential development are within the built-up envelope of the town and therefore*

considered 'compact growth'. The Town Plan clearly states that the lands zoned for development within the town boundary have been zoned to meet the housing targets of the Development Plan. On this basis, I am stratified that the proposal to development the site is in accordance with the Core Strategy and Settlement Strategy for the County.

- 6.5.4. The 'Regeneration Area' designated in the Ashford Town Plan includes Opportunity Site 1 which adjoins the site at its south-western boundary. Whilst the subject site is not located directly in the village centre, it is within 500m of the Town Centre regeneration area. The site is also zoned for development and on this basis can be considered for development.
- 6.5.5. In the report of the PO the density of 20 units per hectare was considered acceptable based on the constraints of the site in terms of its topography, the retention of mature trees, site archaeology and the edge of town location. Although the density is on the lower range of the Development Plan recommendation for Edge of Centre sites, I also acknowledge the constraints of the site in terms of the topography, the requirement to deliver a public park, providing a proper setting for the Protected Structure and the retention of trees along the woodland park. The transitional site also forms the northern edge of the town and is directly adjacent to greenfield areas. As such, I consider the lower density to be an appropriate response for the site. I am also satisfied that the proposal can be considered within the settlement strategy for the town as set out in the Ashford Town Plan, where the site is within the settlement boundary and represents compact growth.

Residential Amenity

- 6.5.6. I have reviewed the plans and particulars for the proposed houses, apartments and duplex units, and I am satisfied that they are in accordance with the development management standards set out in the WCDP, (in particular with Chapter 3 – Core Strategy, Chapter 4 – Settlement Strategy and Volume 3, Appendix 1 – Development and Design Standards), and the Apartment Guidelines in terms of floor areas, room sizes and private open space provisions. Given the location of the site and the woodland setting to the west and south, the development will not have any impact on existing residential amenity in terms of overlooking or loss of privacy. The impact on the Protected Structure will be assessed in Section 6.8 below.

6.6. Design & Layout

- 6.6.1. In the grounds of appeal, it is argued that the design and layout of the development is unsuitable for the site and is an inappropriate response to the undulating landscape. The appellant is also of the opinion that no real attempt has been made to provide connections to the village. In their response to the appeal, the applicant states that the form, architecture, and landscaping was informed by the development's place and time and that the design process evolved in response to the challenges of the site and the requirements of the SLO. Regarding comments about the long internal streets, the applicant states that the potential to include cul-de-sacs in the local streets was investigated but was not feasible due to the turning requirements for servicing and emergency services in each street. They also stated that the majority of the roads are short in length, apart from the western side, which incorporates kinks and bends. All internal streets have been designed in accordance with the DMURS, (Design Manual for Urban Roads and Streets), which was recognised by the Roads Department in the PA. The applicant submits that the proposal would deliver a good mix of housing typologies that would include, 30 x 4-bedroom houses, 39 x 3-bedroom, 7 x 2-bedroom houses, 8 x 1-bedroom apartments and 8 x 2-bedroom duplex units above.
- 6.6.2. I am satisfied that the design and layout of the housing development is an appropriate and suitable response to the site. Houses would be arranged in two blocks, to the north and south of an area of open space. Rear gardens would back onto each other, and all houses would be orientated to face onto the public areas. This is a logical arrangement that provides sufficient private open space for each house and allows for passive supervision of the public areas. I note that the criteria for development in the SLO 5 lands includes a provision which requires housing on the site to face onto the public park. Therefore, the orientation of the development was somewhat dictated by this requirement.
- 6.6.3. Concerns were raised in the appeal regarding the length of the internal streets. Design advice contained in DMURS seeks to prioritise pedestrians and cyclists and contains guidance on how to design permeable and well-connected neighbourhoods. Section 3.3.1 of the Manual advised against the use of cul-de-sacs or streets that don't provide through-access in developments. Section 3.3.2 states that the optimum block size for pedestrian movement is 80m x 60m. A block size of 100m is

also considered reasonable in DMURS to provide a reasonable level of pedestrian permeability. A maximum block dimension should not exceed 120m.

- 6.6.4. The southern block is approximately 80m x 50m. Due to the shape of the site and the woodland boundary to the west, the block to the north is much longer along the western side and slightly longer than 120m. The road on this side has been designed to incorporate a kink before turning a corner and curving inward. This helps to avoid an excessively long stretch of straight road. I am satisfied that the block layout and subsequent road layout is an acceptable response to the site conditions. All of the houses on the western side of the development are orientated to overlook the public park. An alternative layout may not have been as successful in this matter as shorter roads and smaller block sized could have resulted in gable ends facing onto the park. Furthermore, I note the wall along the Inchanappa estate and the R772 presents a barrier to permeability. The proposed development would provide additional access points to the town centre from the north and south of the site.
- 6.6.5. The development would comprise nine different house typologies, including apartments and duplex units. The houses range in size and scale from single storey to three storey units with apartments. In my opinion the buildings have a traditional appearance with some contemporary features. A palette of similar materials and finishes unifies the appearance of the development and the different typologies. The Urban Design Statement submitted with the application notes that reference was taken from Inchanappa House regarding the architectural details and finishes proposed for the houses. I am satisfied that the design and layout of the houses represents an acceptable response to the site. All the housing units would be in accordance with the Development Plan standards for new residential development, the houses would be orientated to overlook public spaces and the design and finishes would deliver a traditional and uniform aesthetic.

Connections

- 6.6.6. The grounds of appeal contend that the proposed development does not comply with the SLO for the lands in the Inchanappa Town Plan 2016-2022 which requires a pedestrian walk linking the residential area of the SLO to land designated as Opportunity Site 1, (formerly OP2). The appellant took issue with the plans which showed pedestrian links to the public footpath but not directly to the opportunity site.

- 6.6.7. In their response to the appeal, the applicant states that the maximum level of access have been provided both within, and to areas outside of the site. The Landscape Masterplan submitted as further information clearly shows three existing pedestrian access points and a further two proposed access points for pedestrians and cyclists. A series of pathways would run through the site and provide connections to the access points.
- 6.6.8. As noted in Section 5.2 of this report, there appears to be some confusion in the applicant's response to this point in the appeal. They reference connections to the site designated as SLO 2, which is located on the opposite side of the R772 at the northern section of the site, whilst the appeal references Opportunity Site 2, (now OP1), which is located to the south of the existing roundabout in the town centre. The OP 1 lands are not within the ownership of the applicant. However, the Landscape Masterplan submitted as further information, includes a potential future connection from the subject site to the OP 1 lands via the original access road to Inchanappa House.
- 6.6.9. The stone boundary wall along the western site boundary of the wider Inchanappa lands provides a physical barrier to visibility and connectivity to the town centre. The proposed development would provide three direct access points to the R772 with an additional connection proposed to the existing park which is not within the ownership of the applicant. The connection to the park would allow for additional access to the R772 and to Opportunity Site 1. Details regarding the development of the OP1 site have not been provided. In the absence of development proposals for site, there is a difficulty in the provision of meaningful connections to the site. In the absence of a plan for development, I consider the subject proposal to be sufficient. On balance, I am satisfied that the proposed development would provide sufficient for pedestrians and cyclists to and from the site and the public areas along the R772 also within the park area. The applicant has also demonstrated how they could provide future access to the third-party lands in OP1, which is a requirement of SLO 5 in the Ashford Town Plan.

Community Park

- 6.6.10. The appeal refers to the provision of a minimum 5ha community park on OS1 lands which was set out in the Draft Wicklow County Development Plan 2022-2028. The Plan had not been adopted at the time of the appeal. This reference seems to have

come from Section 2.6 of the Town Plan which sets out the lands which are zoned for social and community use under the Plan. Lands zoned OS1 include Ashford Community Park, (0.05ha), and Informal Park/Walk Inchanappa, (5ha). The OS1 zoning objective includes lands within the entirety of the SLO 5 area, including lands outside the ownership of the applicant. The specific development criteria for the SLO 5 lands requires that a community park with a minimum of 0.4ha be provided on the land zoned OS1. The application states that an existing wooded area of 2.83ha is under the control of the applicant and will be utilised as a community park. These lands are located to the west of the proposed housing. Landscaping works will be carried out on approximately 1.96ha of the lands to provide walkways and to facilitate community use.

- 6.6.11. Based on the plans and details provided with the application, I am satisfied that the delivery of the community park as proposed would be in accordance with the requirement of the Ashford Town Plan.

Traffic & Sustainability

- 6.6.12. Although the grounds of appeal did not specifically mention the impact of the development on traffic, the appellant is of the opinion that the development is unsustainable.
- 6.6.13. Section 6.3.2 of the Development Plan sets out the guiding principles for the location of new residential development. The Plan requires that new housing development shall be located on suitably zoned land in towns and villages. In line with the sequential approach, priority should be given to sites in the 'primary zone' or historic centre of villages through the use of infill sites. New housing development can also be permitted on greenfield lands that are zoned for housing. The location of new housing estates should help to create 'walkable' neighbourhoods, help to promote a sustainable land use, and transport pattern, and protect existing architectural and natural heritage features.
- 6.6.14. The proposed development is on zoned land within the settlement boundary of Ashford. It is within 500m of the village centre and would be directly opposite a church and primary school. Public transport is limited in Ashford, but the location of the site would lead to ease of access to existing local services without using a car. A public park would also be provided along the western boundary and the zoning objective for the southern site requires the delivery of public sports facilities. I note

that the review of the Development Plan in 2022 retained the zoning for the site. As such, I am satisfied that the site is suitable for development based on the requirements set out in Chapter 4 of the Development Plan – Housing.

- 6.6.15. A Traffic Impact Assessment was submitted with the application. The Assessment considered the existing, 'baseline' traffic conditions, including the performance of the junction. A set of scenarios were then modelled based on information from the TRICS database. The scenarios included the 'Do Nothing', 'Do Something' – which included the natural background traffic growth and the traffic from the development, and the 'Do Maximum' – which included the natural background traffic growth, the traffic from the development, the potential future employment developments and remaining build out of the development lands. The results of all modelled scenarios found that the proposed development will have a negligible impact on the operation of the links and junctions in the local network. I am satisfied that the results of the assessment, which was prepared in accordance with the relevant guidelines from Transport Infrastructure Ireland, (TII), demonstrate that the proposed development will have negligible impacts on traffic in the area.

6.7. **Architectural Heritage.**

- 6.7.1. The subject site is on lands which were formerly part of the estate for Inchanappa House, which is listed on the RPS, (Ref. 25-10). The appellant is of the opinion that the architectural heritage on the site was not appropriately detailed by the applicant as the Architectural Heritage Assessment failed to mention a 'linear historical feature' that crosses the site from east to west. The grounds of appeal also question whether the public notices should have referenced the Protected Structure given the location of the development within its grounds.
- 6.7.2. In their response to the appeal, the applicant states that the distinctive linear historic feature referenced by the appellant is a defunct and redundant access route to Broomfield House, which was cut off during the construction of the M11.
- 6.7.3. The access in question is located to the north of Inchacappa Lodge and comprises a stone wall on either side of a recessed gate. Given its location and distance from Inchanappa House, the access does not appear to have any significant connection to the formal setting of Inchanappa House. It is too far away from the house to contribute to any formal landscaping and its distance and orientation would not

suggest its use as a landscape feature such as a Ha-ha wall. The access route is evident on the 1st edition 6-inch OS map (surveyed c. 1840), which shows a tree-lined access from the main road along the western site boundary to Broomfield House. The field pattern still follows the line of the access route which has been cut off and bisected by the M11 motorway.

- 6.7.4. Although the information submitted with the application did not specifically reference the access route, its significance would appear to be limited in terms of its importance to the architectural heritage of Inchanappa House. However, the route is referenced in the Archaeological Assessment prepared for the development, where it is identified as a 'hollow way' of possible medieval origin. The Archaeological Assessment notes that a large section of this feature was removed to facilitate the M11 motorway, and states that, *'It is unclear as to how defined the hollow way would have been at this location; it is possible that it could have been interpreted as a field boundary feature or ditch of unknown function'*. The development will impact on the medieval hollow way and its preservation in-situ will not be practical. Therefore the Archaeological Assessment requires that a measured 3D photogrammetry model of the feature and archaeological investigation (via test-trenching of sections) through the feature be carried out. The surrounding area is rich in archaeological heritage with a total of eight archaeological monuments within the wider Inchanappa lands. None of these monuments are located within the development boundary. However, given its close proximity to the archaeological sites, archaeological monitoring will be necessary.
- 6.7.5. I note that drawings submitted with the application show this access from the R772 will be retained and will provide pedestrian access to the site and the woodland walk/public park area along the western boundary. Sections of the original hedgerow / field boundary will also be retained in the landscaping plan. I am satisfied that the works proposed to the former access route to Broomfield House will not have any significant impact on any features which contribute to the character and setting of Inchanappa House.
- 6.7.6. The appellant argues that the public notices did not adequately describe the development which they contend is within the curtilage of the Protected Structure. Chapter 13 of the Architectural Heritage Protection Guidelines state that, *'The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and*

which is (or was) in use for the purposes of the structure.’. The Guidelines expand on the concept of curtilage by using an example of a country house – *‘In the case of a large country house, the stable buildings, coach-houses, walled gardens, lawns, ha-has and the like may all be considered to form part of the curtilage of the building unless they are located at a distance from the main building.*’. In the Record of Protected Structures for Wicklow, Inchanappa House is described as, *‘Long, two-storey house with painted, lined rendering being the rebuilding of a mid-18th Century house. The main feature is a colonnade of full-height, fluted doric columns in granite.*’. No other features are listed under the description. The subject site is on open fields that would have been part of the wider estate of Inchanappa. Based on the form, function, and relationship of the agricultural lands in question, I am satisfied that the lands are outside of the curtilage of the Protected Structure. Furthermore, this issue was not raised by the PA during the pre-planning consultations or during the assessment and decision-making process.

- 6.7.7. The proposed development does not include any works to the Protected Structure and the new housing would be constructed at a minimum of 55m from the main building. Mature treelines around the house would shield it from view of the new development and would also retain the immediate setting of the house. The lands to be developed are agricultural in nature with no landscape features of significance. I am satisfied that the proposal will not have any significant impact on the Protected Structure.

6.8. **Appropriate Assessment**

- 6.8.1. The grounds of appeal submit that there are material deficiencies in the screening for Appropriate Assessment (AA) and the Natura Impact Statement (NIS) submitted with the application as they did not consider the future development of the remaining zoned lands at Inchanappa as part of the potential in-combination effects; do not contain a wintering bird survey; and do not have regard to the findings of the Court of Justice of the European Union, (CJEU), in the case of Brian Holohan and Others v ABP, [C461/17]. In particular, the appellant raised a concern that the findings of the court case were not adhered to regarding identifying and examining both the implications of the proposed project for the species present on that site, and for which the site had not been listed, and the implications for habitat types and species

to be found outside the boundaries of that site, provided that the implications are liable to affect the conservation objectives of that site.

6.8.2. A response was received from the applicant who contends that the AA Screening Report and the NIS take account of the findings of *Brian Holohan and Others v ABP* as both reports –

- List the entirety of the habitats and species for which the European Sites with the Zone of Influence, (Zol), of the Proposed Development are protected, and
- Identify and examine the implications of the Proposed Development for the species and habitats associated with the European Sites in question, provided that those implications are liable to affect the Conservation Objectives of that site.

6.8.3. The applicant further notes that, at the time of writing the AA and NIS, generic conservation objectives were available for both the Murrough Wetlands SAC and the Murrough SPA. As of December 2021, site-specific conservation objectives have been put in place for the Murrough Wetlands SAC. They reiterate the findings of the NIS that the mitigation measures proposed will ensure the habitats and species present within and associated with the Murrough Wetlands SAC and the Murrough SPA will not be significantly impacted by the Proposed Development.

6.8.4. The Board will be familiar with the legal case referenced and with the principles established from the judgement. Whilst the findings of the case have been transposed into established practice, a direct comparison between each case cannot be made as the circumstances are unique to each. In the case referenced, the legal action related to a project which crossed two Natura 2000 sites. I note to the Board that the subject site is not within or adjacent to a Natura 2000 site. I have reviewed the NIS and am satisfied that it complies with requirements of the Habitats Directive and that it presents a full assessment of all potential impacts of the development on the conservation objectives of the European sites which were identified in the Screening Report.

6.8.5. The applicant also raised the issue that a wintering bird survey was not carried out for the NIS, which included an assessment of the impacts on the Murrough SPA. An Ecological survey for the site was carried out by the applicant. The survey did not identify any habitat or species listed as a qualifying interest for the SAC or SPA. The applicant did not carry out a wintering bird survey as the site was found to be

unsuitable as an ex-situ site. Standard practice would be to carry out a detailed field survey if the project is located within a Natura site and where the qualifying interests include terrestrial habitats and species. I have reviewed the qualifying interest for the Murrough SPA, and I am satisfied that finding of the NIS that the site is unsuitable as an ex-situ site and on that basis a wintering bird survey is not required to provide a full assessment of impacts.

- 6.8.6. The AA Screening Report found that the development may pose a risk to the Murrough SAC and SPA through a hydrological pathway from the site. The impact of this pathway was assessed in the NIS.
- 6.8.7. In accordance with obligations under the Habitats Directives, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. This assessment will be carried out in the following section.

Introduction

- 6.8.8. Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015. In accordance with these requirements and noting the Board's role as the competent authority who must be satisfied that the proposal would not adversely affect the integrity of the European site(s), this section of my report assesses if the project is directly connected with or necessary to the management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site(s), in view of the site(s) conservation objectives, and if a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement (NIS) is required.

Appropriate Assessment – Stage 1 Screening

- 6.8.9. In relation to Appropriate Assessment (AA) Stage 1 screening, the issue to be addressed is whether the project is likely to have a significant effect, either individually or in combination with other plans and projects on European sites in view of the sites' conservation objectives. A description of the proposed development is set out in Section 2 of this report. The application included an AA Screening report and a Natura Impact Statement (NIS).
- 6.8.10. Using a precautionary ZoI of 15km the report identified nine SAC's and three SPA's within this radius. Only one SAC and one SPA were identified as having a potential pathway to the development site via a hydrological connection.
- 6.8.11. The Stage 1 Screening Report identified three concluded that, *'...upon examination of the relevant information including in particular the nature of the Proposed Development and the likelihood of significant effects on European Sites, the possibility may not be excluded that the Proposed Development will have a likely significant effect on any of the European Sites listed below:*
- *The Murrough Wetlands SAC (002249)*
 - *The Murrough SPA (004186)*

Accordingly, a Natura Impact Statement has been prepared for the Proposed Development...'

- 6.8.12. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Description of Development

- 6.8.13. The proposed development is not located in, or directly connected with or necessary to the management of European Sites. Section 2 of this report contains a description of the development, which comprises the construction of 98 housing units on a greenfield site to the north of Ashford Town Centre. Initial works would involve 'cut

and fill' land reprofiling throughout the site to facilitate development. Subsequent works would involve the construction of a housing development with associated roads and hard and soft landscaping. The development would be connected to the public mains water and wastewater services and the surface water drainage system is designed to outfall to the river Killeskey, which is located to the south-west of the site. An Outline Construction Management Plan was submitted with the application and details that the development would be constructed using standard construction methods with site practices which would be informed by the Inland Fisheries Ireland guidelines.

Likely Impacts

6.8.14. The project is not directly connected with or necessary to the management of a European Site and therefore, it needs to be determined if the development is likely to have significant effects on any European site. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related pollution – to ground water and / or waterbodies through uncontrolled surface water and additional dust and air pollution from machinery and construction works.
- Habitat loss / fragmentation
- Habitat disturbance and / or species disturbance during the construction and / or operational phase.

European Sites

6.8.15. The development is not located in or immediately adjacent to a European site. The closest European sites are the Murrough Wetlands SAC, (002249), and the Murrough SPA (004186), which are both approximately 2.5km to the east of the site. A summary of European Sites within a possible zone of influence is presented in the table below.

Site Name & Code	Qualifying Interests	Connections Source- Pathway- Receptor	Distance from Site
The Murrough Wetlands SAC (002249)	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] Alkaline fens [7230]	Yes (Indirect hydrological connection)	2.3km (as the crow flies) 4.4km (hydrological separation distance)
The Murrough SPA (004186)	Red-throated Diver (<i>Gavia stellata</i>) [A001] Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Herring Gull (<i>Larus argentatus</i>) [A184] Little Tern (<i>Sterna albifrons</i>) [A195] Wetland and Waterbirds [A999]	Yes (Indirect hydrological connection)	2.5km (as the crow flies) 4.4km (hydrological separation distance)
Wicklow Head SPA (004127)	Kittiwake (<i>Rissa tridactyla</i>) [A188]	No	6.9km
Deputy's Pass Nature Reserve SAC (00717)	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	No	7.2km
Wicklow Reef SAC (002274)	Reefs [1170]	No	8km

Vale of Clara (Rathdrum Wood) SAC (000733)	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	<p>No</p>	<p>8.7km</p>
Wicklow Mountains SAC (002122)	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>No</p>	<p>10km</p>
Magherabeg Dunes SAC (001766)	<p>Annual vegetation of drift lines [1210]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p>	<p>No</p>	<p>10.3km</p>

Carrigower Bog SAC (007716)	Transition mires and quaking bogs [7140]	No	10km
Wicklow Mountains SPA (004040)	Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]	No	11.9km
Glen of the Downs SAC (000719)	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	No	12.4km
Buckroney-Brittas Dunes and Fen SAC (000729)	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] Alkaline fens [7230]	No	13.2km

Identification of Likely Effects

6.8.16. Any potential indirect impacts on European sites from the development would be restricted to the discharge of surface water and foul water from the site during the construction and operational stage. The separation distance between the subject site and the European Sites would be sufficient to prevent any impacts on the qualifying interests from dust, air pollution, light pollution, and noise. When the source-pathway-receptor method is applied to the designated sites within 15km, only two sites are identified as having a potential pathway. There is an indirect hydrological connection from the subject site to the Murrough SPA (004186) and the

Murrough SAC (002249) via the Ballymachara Stream and the river Vartry which flows to the Broad Lough Estuary in the SPA and the SAC. In consideration of the source-pathway-receptor, and the characteristics of the qualifying interests for each site, the indirect hydrological connection between the sites creates the potential for impacts to the designated sites and these sites will be further assessed.

- 6.8.17. Having reviewed the qualifying interest and conservation objectives for the remainder of the sites listed above / within the 15km radius of the site, I am satisfied that the proposed development would not result in any potential for significant impacts on the integrity and conservation objectives for the site. These sites can be screened out from any further assessment, given the lack of physical connections between the development site and the separation distances between them. The sites are at sufficient remove to exclude the possibility of significant effects arising from dust, noise, pollutants, vibrations, traffic and light spill during the Construction and Operational phases.
- 6.8.18. During the construction phase of the project there is a potential for silt and sediment in uncontrolled surface water runoff to enter the Ballymachara Stream and the Vartry river, which flows to the Murrough SAC and SPA.
- 6.8.19. During the operational stage surface water will discharge to the Ballymachara Stream and Vartry river. If the systems are not managed correctly, there is a potential for an overflow to enter the watercourses which flow to the Murrough SAC and SPA.
- 6.8.20. The Murrough Wetlands SAC and the Murrough SPA overlap and both European sites contain qualifying interests which are sensitive to changes in water quality. The proposed development would involve extensive groundworks such as 'cut and fill' to address the topography of the site. In consideration of the groundworks required during the construction phase, there is a potential for significant impact on the designated sites in the absence of site-specific mitigation measures. For this reason I recommend that a Stage 2 Appropriate Assessment be carried out.
- 6.8.21. There are no large projects or plans currently underway that would lead to in-combination effects. Planning history for Ashford includes a large number of smaller developments such as domestic works and extensions. Extant permissions for larger development in proximity to the site are listed below,

Reference No.	Development	Decision Date
ABP-308215-20, PA Ref. 20/191	Retention for importation of topsoil and subsoil for the purposes of creating a spectator viewing embankment to the north of the main playing pitch and the provision of an underage training area to the west of the grounds	18 th of May 2021 There is a separation distance of approximately 200m between the sites. The Inspectors report noted that the construction phase of the project was completed at the time of writing. This project would not result in any in-combination effects.
ABP-307230-20	Permission granted for 133 no. residential units (117 no. houses, 16 no. duplex apartments) and associated site works.	24 th of July 2020 This development is currently under construction and would be completed by the time the subject development was underway. This project would not result in any in-combination effects.

6.8.24. The lands to the south of Inchanappa House are zoned for development but at the time of writing, planning permission had not been granted for any development on the lands. Should an application be lodged for the future development of the lands, it will be subject to AA Screening. I am satisfied that the larger scale, extant permissions in proximity to the site will not result in any in-combination effects as the projects are currently underway or completed and will not be carried out simultaneously with the subject proposal.

Mitigation Measures

6.8.25. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

6.8.26. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 002249 and Site No. 004186, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

Stage 2 – Appropriate Assessment

Natura Impact Statement

6.8.27. The applicant included a NIS which examines and assesses the potential adverse effects of the proposed development on the following European Sites.

- The Murrough Wetlands SAC (002249), and,
- The Murrough SPA (004186).

6.8.28. The applicant's NIS was prepared in line with current best practice guidance and provides an assessment of the direct and indirect impacts from the proposed development on the Conservation Objectives for each of the Qualifying Interests in the SAC and SPA. The NIS concluded that, *'As a result of the complete, precise and definitive findings of this NIS, it has been concluded, beyond reasonable scientific doubt, that the Proposed Development would have no adverse effects on the qualifying interests, special conservation interests and on the integrity and extent of the Murrough Wetlands SAC and the Murrough SPA. Accordingly, the Proposed Development will not adversely affect the integrity of any relevant European site.'*

6.8.29. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- The Murrough Wetlands SAC (002249), and,
- The Murrough SPA (004186).

6.8.30. A description of each site and their Conservation Objectives and Qualifying Interests will be set out in the following section as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie) and the relevant Statutory Instruments which relate to each site¹.

6.8.31. The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites relate to the possible contamination of surface waters. During the construction stage, potential impacts would be limited to impacts on water quality in terms of toxic contamination in the form of chemical or hydrocarbon pollution and non-toxic contamination in the form of silt and sediments from the development, which would involve cut and fill works to reprofile the site. These contaminants could enter the surface water drainage system which could then enter the Vartry river which flows to the Murrough SAC & SPA.

6.8.32. During the operational phase the development would be connected to the public wastewater services. Surface water from the site would be discharged to the Vartry river. There is a potential for the deterioration of water quality from pollutants such as hydrocarbons or silt due to the discharge of contaminated surface water runoff from the development into the watercourse which leads to the designated sites.

6.8.33. There is a sufficient separation distance between the subject site and the designated sites to exclude any air or overland pathways from the development site to the European sites.

The Murrough Wetlands SAC

6.8.34. The Murrough is a coastal wetland complex which stretches for approx. 15 km from Ballygannon to north of Wicklow town, and in parts, extends inland for up to approx.

¹ S.I. No. 298/2011 - European Communities (Conservation of Wild Birds (The Murrough Special Protection Area 004186)) Regulations 2011, and
S.I. No. 622/2017 - European Union Habitats (The Murrough Wetlands Special Area of Conservation 002249) Regulations 2017.

1km. Habitats on the site include a complex fen system, salt marsh, tidal reed bed, freshwater reedswamp, wet grassland, wet woodland, mudflat, dry heath and dry grassland.

6.8.35. The conservation objective for the SAC is to restore the favourable conservation status of habitats and species. The conservation status of a natural habitat will be taken as favourable when,

- Its natural range and area it covers within that range, are stable or increasing,
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- The conservation status of its typical species is favourable.

6.8.36. The qualifying interests and the potential impact of the proposal on the conservation objectives for each habitat is assessed in the following table.

Qualifying Interests	Conservation Objectives	Potential Adverse Effects
Annual vegetation of drift lines [1210]	To restore the favourable conservation condition.	This habitat is often associated with sand dune systems and are found on beaches above the high tide mark. There is no pathway to this habitat from the subject site and as such the potential for significant effects can be excluded.
Perennial vegetation of stony banks [1220]	To restore the favourable conservation condition.	This habitat is coastal and is found where shingle has accumulated to form elevated ridges or banks above the high tide mark. It is not located on Broad Lough and as such there is no pathway from the subject site to this habitat via the Varty river and as such the potential

		for significant effects can be excluded.
Atlantic Salt Meadows [1330]	To restore the favourable conservation condition.	This habitat is primarily located in the southern part of the SAC in the Broad Lough sub-site. The movement of fresh groundwater and tidal sea water is important for this habitat. Pollution is listed as a negative indicator for the habitat. There is a potential for sediment and pollution from the development to impact on the habitat.
Mediterranean salt meadows [1410]	To restore the favourable conservation condition of Mediterranean salt meadows in the SAC.	This habitat is primarily located in the southern part of the SAC in the Broad Lough sub-site. There is a hydrological connection between the subject site and the habitat via the Vartry river. Therefore, there is a potential for significant impacts from the development.
Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]	To restore the favourable conservation condition of Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> in the SAC.	This habitat is located in the northern section of the SAC. There is no hydrological connection between this habitat and the subject site and the separation distance between both sites does not facilitate any air or overground pathways. The potential for significant effects on this qualifying interest can be excluded.
Alkaline fens [7230]	To restore the favourable	This habitat is located in the northern section of the SAC. There

	conservation conditions of Alkaline fens in the SAC.	is no hydrological connection between this habitat and the subject site and the separation distance between both sites does not facilitate any air or overground pathways. The potential for significant effects on this qualifying interest can be excluded.
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6.8.37. The potential impacts on the qualifying interests of the SAC would be restricted to the habitats where there is a source-pathway-receptor connection. Given the geographic spread of the SAC area and the variation in habitat types and locations, only two of the qualifying interest in the SAC have the potential to be impacted by the development via the hydrological connection from the Vartry river. These have been identified as the Altantic Salt Meadows and the Mediterranean Salt Meadows. The mitigation measures proposed in the NIS to prevent significant impacts have a crossover with the SPA. As such, I will review the mitigation measures for both European Sites together following the assessment of likely impacts on the SPA.

The Murrough SPA

6.8.38. The Murrough SPA comprises a coastal wetland complex that stretches for 13 km from Kilcoole to Wicklow town and extends inland for up to 1 km. It is an important site for wintering wildfowl and supports internationally important as well as nationally important species. It is also important for the populations of rare invertebrate and plant species. Part of the Murrough SPA is a Wildfowl Sanctuary.

6.8.39. The conservation objective for the SPA is to maintain or restore the favourable conservation status of habitats and species of community interest. The conservation status of a species will be taken as favourable when,

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and,

- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and,
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

6.8.40. The conservation objectives for each of the qualifying species in the Murrough SPA are measured by monitoring the population status, population distribution and habitat range and extent. Two conservation objectives apply to the SPA –

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA', and,
- To maintain or restore the favourable conservation condition of the wetland habitat at the Murrough SPA for the regularly occurring migratory waterbirds that use it.

The qualifying interests of the Murrough SPA are: -

- Red-throated Diver (*Gavia stellata*) [A001]
- Greylag Goose (*Anser anser*) [A043]
- Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Herring Gull (*Larus argentatus*) [A184] – coastal bird
- Little Tern (*Sterna albifrons*) [A195]
- Wetland and Waterbirds [A999]

6.8.41. Information available on the NPWS website, (www.npws.ie) does not contain any background surveys on the species which form the qualifying interests of the SPA. The NIS notes that the subject site is not suitable as an ex-situ site or habitat for any of the species listed for the SPA given the presence of woodland and the intervening land between sites which have a more favourable topography for foraging. I have reviewed the characteristics of the qualifying species and agree with the conclusion of the NIS. Some of the qualifying species are known to forage in grasslands or

arable land. However, lands directly adjoining the SPA comprise open fields which are in closer proximity to the preferred habitats for these birds.

- 6.8.42. There is a hydrological connection between the subject site and the wetland habitat of the SPA. This provides the potential for significant impacts on the habitat from pollution in surface waters that would discharge from the site during the construction and operational phases. The separation distance between the subject site and the SPA is approximately 2.5km as the crow flies. This would be sufficient to prevent any air or overland pathways from the site for air borne pollution, noise or vibration emitted from the site during the construction phase and any increased lighting or human activity during the operational stage. The separation distance would also prevent any significant pollution of groundwater through spillage or leakage.

In-Combination Impacts

- 6.8.43. In-combination effects would be limited to the carrying out of significant works or construction projects simultaneously with the subject proposal, which could lead to additional pollution of the water courses. There are no large projects or plans currently underway that would lead to in-combination effects. Planning history for Ashford includes a large number of smaller developments such as domestic works and extensions. Extant permissions are listed in the Stage 1 Screening Report above.
- 6.8.44. The lands to the south of Inchanappa House are zoned for development but at the time of writing, planning permission had not been granted for any development on the lands. Should an application be lodged for the future development of the lands, it will be subject to AA Screening which will assess all possible impacts and in-combination impacts. I am satisfied that the larger scale, extant permissions in proximity to the site will not result in any in-combination effects as the projects are currently underway or completed and will not be carried out simultaneously with the subject proposal.

Mitigation Measures

- 6.8.45. Section 8 of the NIS contains the Mitigation Measures proposed for the development. These relate to the general protection of surface waters and

groundwater during the construction phase and the protection of surface waters during the operational phase. A full list of all mitigation measures are available in the NIS which accompanied the application. I have summarised the main measures below.

Construction Phase -

- Appropriate storage facilities will be provided on site for all areas interpreting areas of high risk such as fuel and chemical storage, refueling areas, site compounds and waste storage areas.
- Refuelling of plant and machinery will take place in a designated area or areas. Each refuelling station will be fitted with spill kits and a specially trained Environmental and Emergency Spill Response Team will be appointed before the commencement of works on site.
- There will be no wash down facilities for plant and equipment on the development site.
- Fuel oils and chemicals will be bunded and remote from any surface water ditches or locations. Bunds will be designed having regard to Environmental Protection Agency guidelines.
- Concrete mixer trucks will not be allowed to wash out on site except for cleaning the shoot into a container which will be removed off site. Water will not be discharged to open water courses.
- All works to be carried out will comply with all statutory legislation including the Local Government (Water Pollution) acts, 1977 and 1990.
- Personnel will be trained in implementation of environmental control and emergency procedures.
- Standard best international practice will be adhered to throughout the construction phase, (full list of guidelines provided in the NIS).
- Surface waters will be protected during the construction phase by installing storm drain inlet protection.
- Temporary oil interceptor facilities will be installed.

- Portaloo's and/or welfare units will be used to provide facilities for all personnel. All associated waste will be removed from site by a licenced contractor.
- All wastewater generated on-site during that construction phase will be stored and disposed of appropriately by discharge to foul sewer or by tanker off site. Under no circumstances will any untreated wastewater generated on site (from equipment washing, road sweeping etc.) be released into nearby ditches or water courses.
- Surface water run-off will be treated using silt trays / settlement ponds and temporary interceptors and traps will be installed until such time as permanent facilities are constructed.
- The measures set out above will also serve to protect groundwater. Should groundwater be encountered during construction works, and pumping from excavations is required, it will be managed with best practice standards such as CIRIA – C750, and regulatory consents.

Operational Phase –

- During the operational phase surface water run-off will be managed on the site through a number of SuDS measures which include permeable paving, trapped road gullies, underground pipe network, silt traps, geocellular storage and flow control devices.
- Silt traps will be installed on manholes upstream from the attenuation systems in order to trap silt and other pollutants. The surface water will be discharged to the Ballymacahara Stream at a greenfield rate which will be controlled by a hydro-brake.

6.8.46. I note that an Outline CEMP was submitted with the application. Construction methods to be used are fully outlined in the document but the location of compounds etc. are not specified. However, I am satisfied that the mitigation measures outlined would be sufficient to break the hydrological pathway via the Vartry river, which has been identified using the source-pathway-receptor model and that they would be sufficiently robust to prevent pollution from surface water run-off during the construction and operational stages.

6.8.47. Following the appropriate assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the

integrity of the Murrough Wetlands SAC and the Murrough SPA in view of the Conservation Objectives for both sites.

Conclusion

- 6.8.48. The proposed housing development at Inchanappa, Ashford has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 6.8.49. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Murrough Wetland SAC and the Murrough SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 6.8.50. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No's 002249 and 004186, or any other European site, in view of the site's Conservation Objectives.
- 6.8.51. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Murrough Wetlands SAC and the Murrough SPA.
 - Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Murrough Wetlands SAC and the Murrough SPA.
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Murrough Wetlands SAC and the Murrough SPA.

7.0 Recommendation

7.1. I recommend that planning permission is granted for the development.

8.0 Reasons and Considerations

8.1. Having regard to the zoning of the site in the Ashford Town Plan 2022 to 2028, for residential development and open space, the location of the site within the settlement boundary of the town and its proximity to the Town Centre, 'Regeneration' area, and, subject to compliance with the conditions below, it is considered that, the proposal would be in accordance with the provisions of the current Wicklow County Development Plan, would not endanger public safety by reason of traffic hazard, would not injure the residential or visual amenity of property in the vicinity and would, therefore, accord with the proper planning and sustainable development of the area.

9.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th day of November 2021, and as amended by the further plans and particulars submitted on the 28th day of March 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall comply with the following requirements of the Planning Authority,</p> <p>A. No residential unit shall be occupied until the roundabout entrance onto the R772 is installed and operational.</p>

	<p>B. No more than 75 residential units shall be occupied in advance of the creche being constructed and operational unless otherwise agreed.</p> <p>Reason: In the interest of orderly development.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the ABP-307230-20 Inspector's Report Page 63 of 68 installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to</p>

	<p>commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interests of sustainable waste management.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>Proposals for the development name and numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>
10.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>

11.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interests of residential amenity and proper waste management.</p>
12.	<p>The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
13.	<p>Prior to the commencement of development, the developer shall submit, for the written agreement of the Planning Authority, an Invasive Species Management Plan which shall include measures for the eradication of the Invasive Species and timeframes for same.</p> <p>Construction shall not commence until the Japanese Knotweed has been eradicated from the site to the satisfaction of the Planning Authority. The developer shall consult with the Inland Fisheries Ireland and the Heritage Officer and/or the Parks Department of Wicklow County Council, prior to the preparation of the Plan.</p> <p>Reason: To prevent the spread of invasive species.</p>
14.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii</p> <p>(iii) Details of roadside/street planting.</p> <p>(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
15.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p>

	Reason: To ensure full and verifiable implementation of the approved landscape design.
16.	<p>(a) A project Arborist shall be appointed to oversee all works on the site. No works shall take place until an Arboricultural Method statement specifying measures to be taken for the protection of trees and hedgerows to be retained, together with proposals to prevent compaction of the ground over the roots of trees, has been submitted to, and agreed with the Planning Authority.</p> <p>(b) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(d) All tree/hedgerow felling shall be carried out by a qualified and experienced tree surgery contractor.</p> <p>(e) No landscaping or removal of vegetation or trees shall take place during the bird nesting season between the 1st of March to the 31st of August.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity and nature conservation.</p>
17.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such

	<p>other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
18.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of residential amenity and public safety.</p>
20.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and</p>

	<p>geotechnical investigations) relating to the proposed development, and (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
21.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
22.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision</p>

	<p>of housing in accordance with the requirements of section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
23.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
24.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

Elaine Sullivan
Planning Inspector

20th of December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-313-953-22		
Proposed Development Summary	The construction of 81 houses, (35 x 4-bedroom, 39 x 3-bedroom and 7 x 2-bedroom), 8 x 1-bedroom apartments with 8 x 2-bedroom duplex units above in two 3-storey blocks. The construction of a creche of 149m ² , a new entrance onto the R772 and all associated landscaping and drainage works.		
Development Address	Inchanappa South, Ashford, 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	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or 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)
No			No EIAR or Preliminary Examination required
Yes	X	500 residential units	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-313953-22	
Proposed Development Summary	The construction of 81 houses, (35 x 4-bedroom, 39 x 3-bedroom and 7 x 2-bedroom), 8 x 1-bedroom apartments with 8 x 2-bedroom duplex units above in two 3-storey blocks. The construction of a creche of 149m ² , a new entrance onto the R772 and all associated landscaping and drainage works.	
Development Address	Inchanappa South, Ashford, Co. Wicklow.	
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.		
	Examination	Yes/No/ Uncertain
Nature of the Development		
Is the nature of the proposed development exceptional in the context of the existing environment?	The proposed development is for a residential development on a greenfield site beside Ashford Town Centre. Whilst the greenfield site would be permanently altered the development is similar to those already in place or under construction.	No
Will the development result in the production of any significant waste, emissions or pollutants?	The development would be connected to the public wastewater and waste services.	No
Size of the Development		
Is the size of the proposed development exceptional in the context of the existing environment?	The scale of the development is not exceptional in the context of the existing and emerging pattern of development in the town.	No

<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There are no significant extant permissions in proximity to the development.</p>	<p>No</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 designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</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>		

Inspector: _____

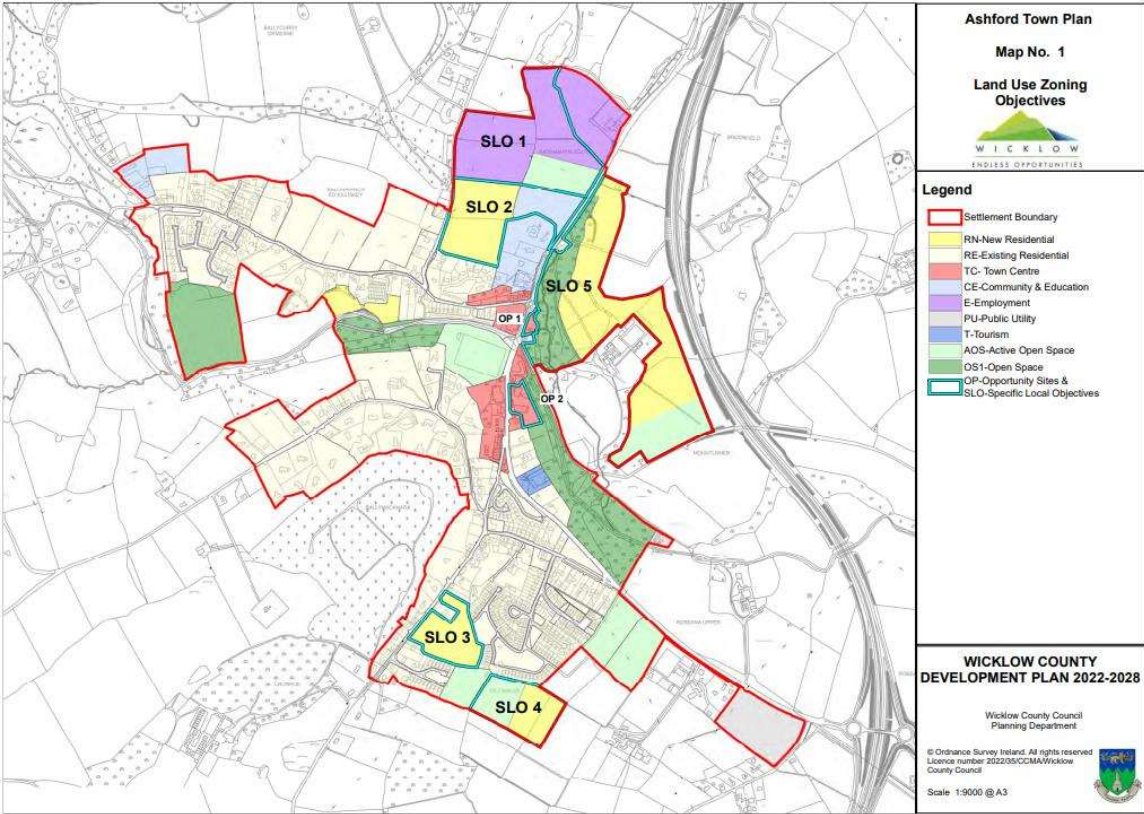
Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Ashford Town Plan – Zoning Map 2022-2028



Ashford Town Plan – Zoning Map 2016-2022

