



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314323-22

#### Development

Demolition of non-habitable house, construction of 4 commercial units and 41 apartments in 2 blocks, 65 car parking spaces, upgrading of existing vehicular access from An tSráid Mhor, boundary treatment, landscaping, drainage and ancillary site works.

#### Location

Main Street, Newtownmountkennedy, Co. Wicklow

#### Planning Authority

Wicklow County Council

#### Planning Authority Reg. Ref.

21731

#### Applicant(s)

Dwyer Nolan Developments Limited

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant(s)

Dwyer Nolan Developments Limited

#### Observer(s)

Eugene & Sheila O'Toole and Others  
John O'Shea

Newtownmountkennedy Town Team  
Geraldine Brennan & Others

**Date of Site Inspection**

25<sup>th</sup> April 2023

**Inspector**

Ian Boyle

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## Appendices

Appendix 1: EIA Forms - (1) EIA Pre-Screening and (2) Preliminary Examination

## 1.0 Site Location and Description

- 1.1. The appeal site comprises a vacant plot of land in the centre of Newtownmountkennedy, County Wicklow. It is at the junction between Main Street (western side) and An tSráid Mhór (southern side) and is within walking distance to many of the services and facilities available in the town. The surrounding area is characterised by mainly commercial, retail, housing and light industrial forms of development, reflective of its status as a central urban site.
- 1.2. The property accommodates a vacant single storey dwelling in its northeastern corner. The dwelling is derelict and largely hidden from public view from the surrounding public street network. The site is heavily overgrown and covered by dense vegetation in the form of mature and semi-mature trees, scrub, hedges and understorey. The western boundary of the site is defined by a low, random-rubble wall. This is to be kept as part of the subject proposal, subject to minor modifications and has been incorporated into the landscaping strategy.
- 1.3. The land slopes sharply downwards from the west (higher ground, near Main Street), towards the east in the direction of the Woodstock River (lower ground). There is also a decline from north to south and the footpath gradient is noticeable steep along the southern end of the property. The overall level change across the site is significant at roughly 6m and, therefore, presents a development constraint in terms of physical topography. The Woodstock River is roughly 60m to the east on the far side of an adjacent light industrial use / packaging manufacturing factory and associated premises. The river flows in a general north-south direction initially before travelling eastwards in the direction of the Irish Sea.
- 1.4. The south boundary of the property is defined by An tSráid Mhór (also known as Woodstock Road). There are some bungalows on the far side of An tSráid Mhór some of which sit in behind an existing concrete wall. The land directly north of the site is owned by Wicklow County Council and appears to be vacant. Further north again is a car maintenance and repairs workshop. The structures on Main Street, opposite the appeal site, are mainly one and two storey terrace houses and comprise mostly shops and commercial businesses. There are three Protected Structures on this section of Main Street, each of which are 19<sup>th</sup> century townhouses (RPS. Refs. 13-05, 13-41 and 13-42 refer).

- 1.5. There are several bus stops within proximity of the site. The two closest bus stops are a short distance to the south on Main Street. The bus services are frequent and include routes connecting Newtownmountkennedy with Dublin City Centre, Dublin Airport, Bray and various other regional settlements and destinations in the County.
- 1.6. The site has an overall site area of approximately 0.34ha.

## **2.0 Proposed Development**

- 2.1. The proposed development is for the demolition of a house, construction of 4 commercial units and 41 apartments in 2 separate blocks; 65 car parking spaces; upgrading of an existing vehicular access from An tSráid Mhór with new signal controls; road markings and pedestrian crossing points; boundary treatments, landscaping, drainage and ancillary site works.
- 2.2. The scheme comprises two buildings which are both 4-storeys over basement. The groundfloor level is for commercial use with the upper floors to be residential apartments. The residential mix is broken down as:
- 12 no. 1-bedroom apartments,
  - 27 no. 2-bedroom apartments, and
  - 2 no. 3-bedroom apartments.
- 2.3. The proposed access is via an existing access point at the southern end of the site, which is to be upgraded with a new signal junction. The sloping nature of the site helps to accommodate the proposed parking area which sits below Main Street level.
- 2.4. The Planning Authority requested further information on 12<sup>th</sup> August 2021, which can be summarised as follows:
- Item 1: A Design Statement and photomontages addressing issues regarding height, scale, layout and design of the proposal, including its potential impact on the surrounding receiving area, its streetscape and nearby Georgian buildings; details of the proposed shopfront design; and external materials and finishes for all proposed buildings.

- Item 2: Concerns to addressed regarding the proposed single large area of open space to meet both communal and public open space needs, the location of the dedicated play area between commercial units and the public road deemed inappropriate in terms of safety, amenity and visual amenity reasons; the urban plaza at the front of the development lacks function, usability and amenity value; and that the café is poorly designed and located.
- Item 3: Planning Report showing compliance with the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities ('Apartment Guidelines').
- Item 4: Information in relation to parking, public lighting and pedestrian facilities.
- Item 5: Information in relation to roads, traffic and vehicular access, including completion of a Road Safety Audit (Stage 2); and details of proposed junction improvements, pedestrian crossing points, access points, etc.
- Item 6: Provision of a SuDS component review for amenity and biodiversity.
- Item 7: Details showing how access to the rear of the adjoining zoned site to the north can be provided and what impact, if any, this would have on the proposed development. This is a requirement of the Newtownmountkenedy Local Area Plan.

2.5. The Applicant provided further information on 19<sup>th</sup> May 2022. The main design changes included:

- repositioning Building 1 closer to Main Street,
- a reduction in height for Building 2 from 4 floors to 3 floors (above podium),
- revisions to elevation treatments with balconies recessed back into the building façade,
- redesign of the open space area to provide separate communal and public open spaces areas,
- additional bin storage receptacles and loading bays, and
- the provision of a green roof for drainage and SuDS purposes.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority issued a notification of decision to **refuse** permission on 11<sup>th</sup> July 2022 stating 1 no. reason for refusal. The reason is due to excessive scale and height and that the proposed development would have an overbearing impact on Main Street, and the buildings located thereon, such that it would form a visually discordant feature which would negatively impact on the visual amenities of the area.

#### Revised Proposal at Appeal Stage

- 3.2. I note that the Applicant has provided an alternative design option as part of their first party appeal for the Board to consider. The revised option comprises design revisions and changes with a view of reducing the scale and massing of the proposed scheme.

- 3.3. The changes are summarised as follows:

- The third floor of the northern section of Building 1 has been setback towards the east to provide a terrace facing onto Main Street.
- The third floor of the southern section of Building 1 has been omitted to provide a three storey element in this section.
- The enclosed terrace of the apartment at third floor level on the northern section of Building 2 has been omitted. This allows the front elevation of the apartment to be setback from the front of the apartment block and reduce the roof height in this section.

- 3.4. The intention of these changes is to further break-up the overall massing of the proposed development and to reduce the height of the blocks at key sections facing onto Main Street. The proposed number of apartments has also been reduced from 41 no. units (original application version of the scheme) to 39 no. units.

- 3.5. The revised design option is discussed further under Section 7.0 below.

### 3.6. Planning Authority Reports

#### 3.6.1. Planning Reports

- An Architectural Heritage Impact Assessment (AHIA) and Planning Report has been submitted outlining the design principles for the scheme.
- The Newtownmountkenedy Local Area Plan LAP 2008 – 2018 ('LAP') allows for buildings up to 3 storeys in height along the east side of Main Street. Notwithstanding this, it is acknowledged that zoned and serviced lands, particularly town centre lands, should be developed to their maximum potential. Therefore, it is considered that it would not be reasonable to dismiss the potential for higher development along the main street outright.
- The main design changes made as part of the further information include:
  - Building No. 1 has been repositioned on the site and brought forward towards Main Street with an 8m setback from the podium edge.
  - The shared private open space is now relocated to the rear of the site.
  - A roof garden is proposed for use of the residents, which would benefit from views of the river.
  - The new public open space arrangement has a favourable orientation and is better suited for external seating purposes.
- The streetscape comprises buildings of different height, width and mass. The Applicant submits that the design of the proposed development would reflect the character of the town in its proposed size and scale and, consequently, would provide an appropriate sense of enclosure. The Heritage Report is noted. However, it is considered that the proposed ridge level, which is c.10m above some of the existing structures/houses forming part of the historic fabric of the town, would negatively impact the area and setting of Protected Structures and of the built heritage.
- The proposed communal open space, revised as part of further information, provides c. 400sqm at the rear of the building and is for residents only. A rooftop garden (377sqm) is also proposed. The areas at the front and streetside of Building 2 are designated as public open space and have



adequate seating. They are enclosed by the existing stone wall with only small sections of it to be removed to allow for pedestrian access. The proposed open space and landscaping strategy is acceptable.

- The proposed development is generally compliant with the design standards set out in the Apartment Guidelines.
- No information on public lighting, footpath widths, road improvements or an auto tracking analysis were provided as part of further information. However, these issues can be addressed by way of condition.
- The Applicant provided a revised report to address issues regarding roads, traffic and vehicular access as part of further information. There are still several outstanding technical matters. However, these could be dealt with by way of a condition in the event of a grant of permission.
- The issues regarding SuDS have been addressed. Two areas of the roof top garden are to be permeable paving and sedum roof. Conditions can be included to ensure the management and operation of SuDS components, such as that the green roof must be fully established and a means of access be provided for future maintenance.
- The proposed development includes a signal junction and a right-of-way access to facilitate development of the adjoining Council owned lands to the north, which is acceptable.
- In conclusion, there are several technical roads issues which require further assessment/information. However, it is considered that these could be dealt with by way of condition/compliance. The main concern is the scale of the development and the potential negative impact on the adjoining buildings/historical built heritage of the town and on the residential amenity of existing residents of the area.
- Recommend refusal based on excessive height and scale and resulting negative and overbearing impacts on the town centre, particularly Main Street.

### 3.6.2. Other Technical Reports

#### Roads Department:

*Report dated 16<sup>th</sup> July 2021 – made the main following observations:*

- Existing pedestrian footpath along Main Street should be widened to 2m.
- Footpath provision at basement level should show how it connects to the footpaths on the public roads.
- Issues raised in relation to proposed access arrangements, junction improvements, parking and crossing points.
- The Transport Assessment has indicated that there was adequate capacity on the receiving network, please provide the rational/justification for the upgrade of the existing Kilcoole Road/Main St junction to a signalised junction.
- A Stage 1/2 Road Safety Audit should be completed.
- Public lighting should be provided along the road frontage and in the areas of junction improvements details.
- Demonstrate that vehicles can ingress/egress the car parking spaces adjacent to the retaining walls within the development.
- The number of car parking spaces proposed should be clarified.

#### Water and Environmental Services:

*Report dated 23<sup>rd</sup> July 2021 – further information:*

- Submit a SuDS component review in a table a full list of SuDS measures considered and a justification for why they were included / excluded.
- Details of the proposed outfall should be submitted, including construction details, details on how the proposed levels relate to the water levels in the river and measures proposed to ensure water from the river will not back up in the pipe network.

*Report dated 3<sup>rd</sup> June 2022 – no objection, and noted the main following observations:*

- SuDS measures issue has been adequately addressed.

- The proposed green roof is welcomed, subject to submission of design calculations, construction details, where the roof system ties into the drainage layout and provision of a report confirming the green roof has been established.

Housing Department:

*Reports dated 29<sup>th</sup> July 2021 and 3<sup>rd</sup> June 2022 – no objection.*

- Satisfied with the location and spread of the Part V proposals.

Fire Service:

*Email dated 14<sup>th</sup> June 2022 – no objection, subject to inclusion of standard conditions.*

### **3.7. Prescribed Bodies**

Uisce Éireann (formerly Irish Water):

*Report dated 15<sup>th</sup> July 2021 – requested further information:*

- Irish Water records indicate the presence of water/waste infrastructure which may be impacted by the proposed development. In order to assess the feasibility of a connection to public water/wastewater infrastructure further information is requested.
- The Applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public water/wastewater infrastructure. The Confirmation of Feasibility (COF) must be submitted to the Planning Department.

*Report / Email dated 7<sup>th</sup> June 2022 – recommended refusal:*

- The Applicant proposes an existing connection to the foul network. A new connection is required. No pre-connection enquiry application has been submitted to Irish Water.
- There is a Irish Water wastewater asset traversing the western side of the site. The Applicant is to engage with Irish Water Diversion Team.
- Notwithstanding the above, there is no capacity at the Newtownmountkennedy wastewater pumping station.

- In the interest of Public Health and Environmental Sustainability, Irish Water infrastructure capacity requirements and proposed connections to the water and wastewater infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

[**Note:** The Applicant provided further information to the Board upon request on 29<sup>th</sup> September 2023. The submission includes correspondence from Uisce Éireann regarding the issue of wastewater capacity for the area. Uisce Éireann provided a Confirmation of Feasibility (CoF) confirming that connection to the wastewater system is feasible without upgrade, and prior to the delivery of further UE network upgrades. I refer the Board to the CoF letter, which is on the file, and dated on 29<sup>th</sup> September 2023.]

### 3.8. **Third Party Observations**

The third party observations received by the Planning Authority raised the following main concerns:

- The proposed scale and height is excessive compared with the buildings on Main Street.
- The design is poorly conceived and is out of scale with the pattern of development along Main Street and does not create a sense of space.
- There is no proposed connection to the planned riverwalk.
- Traffic congestion and road safety issues.
- Loss of on-street car parking.
- There is an existing lack of social infrastructure in the town and the proposed development would exacerbate this.
- Lack of communal / public open space and public amenities.
- The proposed commercial units are too small.
- Potential flooding due to the proximity of the river.

## 4.0 Planning History

### *Subject Site*

Reg. Ref. 18/470: An application for a mixed use development comprising the demolition of a single storey house and provision of a library, commercial units, residential apartments, car parking and associated site works was **withdrawn** in December 2018.

[I note that the Planner's Report on file recommended permission be refused due to the proposal being considered to be of insufficient architectural quality on a prominent site in a town centre location, which would seriously injure the visual amenities of the area and adversely affect the nearby Protected Structure (Newtownmountkennedy House) at the junction of Main Street and An tSráid Mhór.]

ABP Ref. PL27.210638 (Reg. Ref. 04/889): The Board **granted** permission in October 2005 for a mixed use development comprising the demolition of existing derelict cottage, underground parking, 4 no. retail units, medical centre, library, crèche, offices, 57 no. apartments and ancillary site works.

[The original application sought permission sought permission for 63 no. apartments comprising 47 two bed and 16 one bed units. However, the scheme was revised as part of further information and submitted to the Planning Authority with the number of apartments being reduced to 57 no. apartments.]

The Board Order states 'having regard to the town centre zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area'.

The Planning Authority had previously issued a notification of decision to **grant** permission in December 2004.

### *Site west of Newtownmountkennedy House*

ABP Ref. PL27.304378 (Reg. Ref. 18839): The Board **refused** permission in October 2019 for the construction of 4 no. dwellings including connection of services

to the public mains and associated site works. The reasons for refusal were in relation to (1) inadequate sightlines provided, such that the proposed development would endanger public safety by reason of traffic hazard, and (2) the proposed development, by reason of its location, design and layout, would prejudice the potential future development of adjoining lands to the east of the subject site.

It was also noted within the Board's Direction that there was no footpath along the adjoining public road, in either direction, and that potential adequate sightlines were impeded by an existing stone wall, which was outside the ownership or control of the applicant.

## **5.0 Policy Context**

### **5.1. Newtownmountkennedy Town Plan 2022 - 2028**

The Newtownmountkennedy Town Plan 2022 – 2028 ('the Town Plan') is included under Volume 2 of the Wicklow County Development Plan 2022 – 2028.

#### Zoning

- The site is zoned 'Town Centre' under the Town Plan (Map No. 1), where the objective is to provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use.
- The description for the zoning is to develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure and residential uses, while delivering a quality urban environment, with emphasis on regeneration, infill town and historic centre conservation; ensuring priority for public transport, pedestrians and cyclists, while minimising the impact of private car based traffic and to enhance and develop the existing centre's fabric.

The proposed development, which is mixed use (commercial and residential uses) is therefore acceptable in principle.

### Protected Structure

There are three Protected Structures to the west of the subject site, on the far side of Main Street, which are 19<sup>th</sup> century townhouses (RPS. Refs. 13-05, 13-41 and 13-42 refer).

### Regeneration Boundary

The site falls within the Regeneration Boundary (Map No. 4).

### Flooding

The site is in Flood Zone C as identified under Map No. 3 where the probability of flooding from rivers and the sea is low. [I.e., It lies outside Flood Zones A and B.]

## **5.2. Wicklow County Development Plan 2022 – 2028**

The Wicklow County Development Plan 2022-2028 ('County Development Plan') took effect on 23<sup>rd</sup> October 2022, thereby, replacing the previous Wicklow County Development Plan (for the period 2016-2022) and the Newtownmountkennedy Local Area Plan 2008-2018.

### Chapter 4: Settlement Strategy

- Newtownmountkennedy is a Level 4 Self Sustaining Town as per the County Wicklow Settlement Strategy (Map No. 04.01).
- Self-Sustaining Towns require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. There is a strong emphasis on aligning population growth with employment growth to make these towns more self-sustaining and capable of accommodating additional growth in the future.
- Some of these settlements have experienced significant housing growth in recent years and are now in need of catch-up facilities and employment growth. There is potential to pursue further placemaking improvements within the town centres to create a stronger urban structure, deliver improved community and recreation facilities, strengthen the towns' identities and sense of place and provide for a high quality of life.

- Delivering compact growth, regeneration and revitalisation of the town centre is a key priority. Sustainable mobility should be facilitated and promoted as part of any new development within these settlements. Proposals for regeneration and renewal should be heritage led where possible and informed by healthy placemaking.

The following objectives are considered relevant:

**CPO 4.6**

*To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.*

**CPO 4.13**

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

Chapter 5: Town and Village Centres – Placemaking & Regeneration

**Section 5.4.1** of the of the County Development Plan is in relation to **Renewal & Regeneration**. It states that investment in regeneration, renewal, public realm improvements, amenity projects and placemaking actions is essential to transform the capacity and harness the potential of our towns and villages. There are many sites and buildings throughout the County that are underutilised. The potential of these assets needs to be harnessed.

It is a **Town Regeneration and Rejuvenation Priority** (Page 132) to deliver a placemaking project for Newtownmountkennedy that will address the need to deliver catch-up facilities and regeneration of the town centre. The project includes provision of a new community centre and sports facilities, public realm improvements, and improvements in permeability. Extension of the existing riverine park into lands to the east of the main street, via a shared main street plaza, with green connections to other watercourses and recreational lands such as the Coillte forest to the north of the town.



The following objectives are considered relevant:

**CPO 5.1**

*To protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes.*

**CPO 5.9**

*To facilitate and support well-designed development that will contribute to regeneration and renewal, consolidation of the built environment and include interventions in the public realm and the provision of amenities.*

Chapter 6: Housing

**CPO 6.3**

*New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.*

**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 6.7**

*The design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DEHLG May 2009) and the Design Manual Urban Roads and Streets (DTTS & DECLG 2013)*

**Section 6.3.5** of the County Development Plan is in relation to ‘**Higher Densities**’. It states that higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. The capacity of a site to absorb higher densities is influenced by a range of factors including the local setting, development context, neighbouring uses, access, topography etc. The preparation of a design statement, including a detailed contextual and site analysis, will help determine a site’s capacity and the appropriate density.

## Chapter 9: Economic Development

### **CPO 9.8**

*To promote and facilitate the development of employment generating uses that maximise Wicklow’s locational strengths along the east coast ‘strategic transport corridor’ and the potential of the ‘Leinster Outer Orbital Route’.*

### **CPO 9.23**

*To encourage and facilitate the development of small to medium scale indigenous industries and services at appropriate locations within all Level 1-8 settlements. The Council will require the provision of incubator/starter units in all major planning applications on employment zoned land. The Council acknowledges that the development of small scale projects with long term employment potential are important in sustaining both urban and rural settlements in County Wicklow and as such, the Council will adopt a proactive and flexible approach in dealing with applications on a case-by-case basis.*

**Objective CPO 13.21**

*Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.*

Volume 3, Appendix 1: Development and Design Standards

- The County Development Plan, under 'Volume 3 - Appendix 1 – Development Design Standards', sets out the requirements with respect to development and design standards. It sets out the principal factors that should be considered in the design of new development, including residential development.

**5.3. National Planning Policy**

**National Planning Framework – Ireland 2040, Our Plan (2018)**

The National Planning Framework (NPF) focuses on 'making stronger urban places' and sets out objectives to support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

National Policy Objective 35 seeks to 'increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

**Other National and Regional Planning Policy**

- *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.*
- *Urban Design Manual: A Best practice Guide, 2009.*
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011.*
- *Urban Development and Building Heights Guidelines for Planning Authorities, 2018.*

- *Design Manual for Urban Roads and Streets, 2019.*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 ('(RSES').*
- *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020.*

#### **5.4. Natural Heritage Designations**

The subject site is not directly located within, or in close vicinity, to a European Site.

The closest European Site is Carriggower Bog SAC (Site Code: 000716), which is roughly 3.2km to the west.

The Murrough SPA (Site Code: 004186) is roughly 4.1km to the east.

The Glen of the Downs SAC (Side Code: 000719) is roughly 4.2km to the north.

The Murrough Wetlands SAC (Site Code: 002249) is roughly 4.3km to the east.

#### **5.5. EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development, which comprises the demolition of a house and construction of 4 commercial units and 41 apartments and associated site works in an established urban and serviced area, there is no real likelihood of significant effects on the environment arising from the proposed development.
- 5.5.2. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### Background

- A First Party Appeal has been made by IMG Planning (Planning Consultants) on behalf of the Applicant.
- The appeal includes a modified design, which seeks to address the concerns and reason for refusal cited by the Planning Authority. A revised set of drawings were received with the appeal submission and are on the file.
- The appeal includes a set of verified Photomontages; a Daylight, Sunlight and Overshadowing Study and an Outdoor Lighting Report.

The following main issues were raised:

- The application site is zoned, serviceable and in town centre location. Its layout provides a high-quality residential environment and would be an efficient use of land.
- The proposed development is acceptable in principle to the Planning Authority. It would contribute to the achievement of a town refurbishment scheme, responds well to its difficult topography and is of a high-quality design.
- The daylight and overshadowing analysis submitted as part of the appeal demonstrates there would be a negligible impact when considering sunlight and daylight impacts.
- The Main Street elevation (western side) is stepped down in a number of sections from four to three storeys to reduce height, massing and visual impact. The building height exceeds the single and two-story buildings on Main Street. However, there are also some three-storey properties on the street and the upper floors of the proposed blocks have been setback.
- The proposed design is contemporary and would introduce a new architectural style to the town. This is shown in the photomontage booklet accompanying the appeal.

- Each proposed block has a gable end and pitched roof which responds to the prevailing built form and character of the town. Balconies are not protruding and are internal to the building envelope.
- An Outdoor Lighting Report is submitted as part of the appeal showing lighting proposals along the road frontage and at proposed areas of junction improvements.
- The appeal includes some design adjustments which seek to further reducing the scale and massing of the proposed development (see Section 3.2 above). The number of apartments has also been reduced from 41 no. units (original application version of the scheme) to 39 no. units.
- In summary, the proposed development is a sustainable design solution, which makes efficient use of zoned and service land which is identified for town centre use, has been designed in accordance with national, regional and local planning policy (including the Building Height Guidelines), is of an appropriate building height and scale for the context of the site and delivers a high level of residential amenity (as it is compliant with the Apartment Guidelines).

## 6.2. Planning Authority Response

- No response received / on the file in relation to the First Party Appeal. However, the Planning Authority provided a written response in relation to the Applicant's further information, which was submitted to the Board on 29<sup>th</sup> September 2023.
- See Section 6.4 below for further details.

## 6.3. Observations

An Bord Pleanála has received four observations. The main concerns raised are as follows:

### ***Principle of Proposed Development***

- The principle of the proposed development is supported by many people in the community, and it could improve the appearance of Main Street. However, in its current form it is out of scale and too physically imposing.

### ***Height, Scale and Bulk***

- The proposed 4 storey height is far in excess of the existing building height on Main Street, which is mainly one and two storey buildings. The only exception is Mountkenedy House, which is a three storey Georgian building.
- The development would dominate the town and overshadow neighbouring sites and buildings. It would be far higher than other buildings in the area.
- Newtownmountkenedy is 'self-sustaining town' in the County Development Plan. It is a rural village and not an 'urban centre', so it is not appropriate to assign an urban density to it.
- The proposed amendments submitted at appeal stage make little difference when viewed from the west side of Main Street. A reduced building height and bulk should be considered for the site under a revised proposal.
- The difficult site topography is acknowledged. However, the proposed solution to build such a largescale development to cover the cost of development is not acceptable.
- The proposed development would set a precedent for future urban style development of this size.
- The south facing elevation / gable end with its balconies would overlook many existing properties, including the Riverview cottages.

### ***Traffic, Car Parking and Access***

- The proposal to make the Main Street / Woodstock Road junction a traffic light signalised junction would have a negative impact on surrounding residential properties and on the future potential development of lands in the Town Centre (including the property directly across Main Street to the west of the site).
- A previous similar junction upgrade proposed by the Council under a Part VIII application was abandoned after objections from residents and public representatives.
- The proposal would result in the loss of on-street car parking.
- The application fails to properly assess the combined traffic impact of all developments in the area (existing, extant and proposed).

- The proposed pedestrian crossing is too close to the junction and poses a safety concern.
- There would be an increase in noise and air pollution caused by vehicles stopping at the proposed traffic lights.

### ***Open Space and Public Amenities***

- The landscape plans and layout proposed provide inadequate community space with little or no appropriate open space for children to play.
- There is a lack of public amenities in the town, including crèches, school places, public transport, amongst others. Until these deficiencies are addressed, the proposed development should not be permitted.

### ***Services and Drainage***

- Irish Water has stated that the required infrastructure is not in place to facilitate more development. This also applies to roads, schools and community facilities in the area, which are at capacity.
- It is not clear what SuDS measures have been designed and incorporated as part of the scheme and no effort has been made to offset potential downstream flooding.
- There is already inadequate drainage at the junction between Main Street and An tSráid Mhór. Additional surface water runoff and the loss of the greenspace would exacerbate flooding in this location.

### ***Newtownmountkennedy House***

- The proposed development would negatively impact Newtownmountkennedy House (Protected Structure). There is no proposal to accommodate the vehicular gateway of this property in the proposed traffic light sequence.
- As a result, the proposed development would impact on the future development potential of this property.



#### 6.4. Further Responses

- The Board requested the Applicant to provide further information regarding capacity at the Newtownmountkennedy wastewater pumping station.
- The further information letter was issued on 22<sup>nd</sup> August 2023 and made in accordance with section 132 of the Planning and Development Act, 2000 (as amended) ('the Act').
- The Applicant was specifically requested to engage with Uisce Éireann to ascertain if the proposed development could be accommodated in terms of there being adequate capacity at the wastewater pumping station to accommodate the proposed development.

##### Applicant Response

- The Applicant provided a response on 29<sup>th</sup> September 2023 confirming they had engaged with Uisce Éireann.
- The response includes a letter from UE which includes a formal Confirmation of Feasibility (CoF). The CoF states that a connection to the water supply infrastructure would be feasible without upgrade and that wastewater infrastructure would also be feasible without upgrade, prior to the delivery of any network upgrades.
- The submission from the Applicant was circulated to the Planning Authority and Observers under Section 131 of the Act. The Planning Authority, Geraldine Brennan & Others and Newtownmountkennedy Town Team responded within the statutory timeframe. A summary of their responses is below.

##### Planning Authority

- The Planning Authority notes the central location of the site within the town. It is an important development site and currently lies undeveloped and vacant. The proposal would contribute to the achievement of proper growth and revitalisation and enhancement of Newtownmountkennedy.
- Unless the foul network infrastructure deficiencies are of a scale and complexity where no short to medium solution exists, it would be wholly inappropriate to refuse planning permission for the development, which would be generally

positive for the town and assist in providing much needed residential housing. It would also support the objectives of the Council to achieve compact growth, develop vacant sites and regenerate town centres.

- The Planning Authority consider that wastewater infrastructure capacity should not be a reason to refuse permission.

#### Geraldine Brennan & Others

- There are two conflicting reports from Uisce Éireann – the first stating there is no capacity at the Newtownmountkennedy wastewater pumping station.
- There is a regular smell of sewage from the existing pumping station, particularly during the summer months.
- There is an onus on the Board to understand and clarify why the two reports from UE are contradictory.

#### Newtownmountkennedy Town Team

- The initial report from Irish Water (Uisce Éireann) stated there was no capacity for a connection until the capital works programme had upgraded the facility.
- Application Reg. Ref. 23/175, which is for a nearby site, includes a report from UE where it is stated the network will require an upgrade of infrastructure to accommodate new development.
- Observer is not aware of any recent upgrades to the pumping station which would enhance its capacity.
- The stated design flows of 1.35l/s is questionable and is not considered to be inclusive of the projected capacity when other developments in the area, with existing planning permission, are constructed.
- When the subject application was made, the new County Development Plan had not taken effect, which means there is no planning framework to determine the proposal. (The Observer references An Bord Pleanála conceding a High Court case for a SHD application in Newtownmountkennedy, where the Newtownmountkennedy LAP 2008-2014 had expired by the time planning permission had been granted by the Board.)

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. The Applicant has submitted an amended design as part of their appeal which comprises various modifications to address the concerns raised by the Planning Authority in their decision to refuse permission.
- 7.1.2. The Applicant requests the Board to consider the adjusted proposal submitted with their appeal. Having regard to this, I consider it appropriate to assess the proposed development on its revised design only, as follows.

#### Planning Issues

- 7.1.3. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:
- Design, Height and Scale
  - Services and Drainage
  - Other Issues
  - Appropriate Assessment

### **7.2. Height, Design and Scale**

- 7.2.1. The Planning Authority has cited a single refusal reason referencing excessive scale and height and that the proposed development would have an overbearing impact on Main Street, be a visually discordant feature in the streetscape, and that it would negatively impact the visual amenities of the area. The main issues requiring assessment therefore is in relation to height, design and scale of the proposed development and the potential visual and residential amenities impacts arising.
- 7.2.2. The original scheme, made at application stage, is articulated in the plans and particulars submitted to the Planning Authority. It comprises the construction of 4 commercial units and 41 apartments, which are laid out in two separate blocks, 65 car parking spaces, the upgrade of an existing vehicular access from An tSráid

Mhór, and various other ancillary site works. The new access would be via an existing access point from the southern boundary of the site, which is to be upgraded with a new signalised junction.

- 7.2.3. The appeal site is zoned 'Town Centre' under the Newtownmountkennedy Town Plan 2022-2028 Plan (Map No. 1), where the objective is to provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use. The zoning description includes the aim 'to develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure and residential uses...'. The proposed development which is for a mixed use scheme comprising commercial and residential uses is, therefore, acceptable in principle under the zoning. Furthermore, the Planning Authority concurs in their assessment of the application that the redevelopment of the site would be acceptable in principle and that given its vacant status it is much needed.
- 7.2.4. In terms of providing an overview of the physical context, the appeal site is in a prominent location in the centre of Newtownmountkennedy. Newtownmountkennedy is a Level 4 Self Sustaining Town as per the County Wicklow Settlement Strategy (Map No. 04.01). I note that some third parties raise a concern in this regard in that the town is more akin to a rural village, and not an 'urban centre', such that it would not be appropriate to assign it an urban density and scale in the form currently proposed.
- 7.2.5. However, in having regard to the Council's Settlement Strategy as outlined in the Development Plan, I note that self-sustaining towns are recognised as requiring contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. Furthermore, delivering compact growth, regeneration and revitalisation is a key priority for these types of settlements across the County. I also acknowledge, however, that a key consideration in deciding if the scale, size and quantum of the development sought is appropriate, is whether the scheme is proportionate to the existing settlement of Newtownmountkennedy. In this regard, a key consideration is how the proposed development respects the character of the town, strengthens its identity, and creates a strong sense of place, as required by Objective CPO 4.13 of the County

Development Plan. In other words, would the proposal overbear and dominant its receiving environment, particularly Main Street, such that it should be refused permission?

- 7.2.6. I have completed a physical inspection of the subject site, and its surrounding vicinity, including from along Main Street (the site's western side) and An tSráid Mhór (southern side) where there are some low-rise dwellings and bungalows present. The property is a sizeable, vacant tract of land in a prime urban location on the main thoroughfare of Newtownmountkennedy. It accommodates a single storey dwelling at its northeastern corner, which is derelict and proposed to be demolished as part of the application.
- 7.2.7. During my physical inspection of the property, I observed that the site was heavily overgrown with dense vegetation, trees, scrub, hedges and understorey. The land sloped sharply downwards from the west (higher ground, near Main Street), towards the east. There was also a drop from north to south and the footpath gradient is noticeable steeper along the southern end of the property. The overall level change across the site is significant, meaning the physical topography of the land is difficult and challenging in terms of being able to deliver on the potential of this underutilised tract of land.
- 7.2.8. The site has direct frontage along its western boundary onto Main Street, which is the main retail and commercial street for the town. The buildings on this street, opposite the appeal site, are mainly one and two storey terrace houses and comprise mostly shops, dwellings and small retail and commercial interests. Mountkennedy House at the southern end of the street is three storeys. However, these types of taller buildings are the exception in this part of the town.
- 7.2.9. The pattern of development is spaced out and ad hoc, such that there is limited continuity along the street and an absence of coherent street frontage. The land directly north of the site is owned by Wicklow County Council and appears also to be vacant. Further north again is a car maintenance and repairs workshop comprising a single storey admin / office building and large surface car park and repairs yard. The existing built form of the surrounding area is therefore varied in land use, height, setback and building style.

- 7.2.10. The need to secure more compact forms of development in urban and service areas is cited at national, regional and local policy levels, and increased building height is recognised as a measure by which to achieve this. Policy SPPR1 of the Building Height Guidelines states that it is government policy to support increased building height and density in locations with good public transport and accessibility, particularly in town centres and city cores. In this regard, I note that the site is centrally located within a short walking distance of several public transport services / frequent bus routes, which connect Newtownmountkennedy with Dublin City Centre, Dublin Airport, Bray and various other regional settlements and destinations in the County.
- 7.2.11. The appeal site is at a prominent corner setting that is widely visible from several locations within the town, including from various residential properties. It has a strong visual presence in the town centre, particularly on approaches from the north and south along Main Street. A key consideration is whether the proposed redevelopment of the site employs a high-quality, sensitive design – one that is fully cognisant of the established, sensitive character of the surrounding vicinity, particularly of Main Street, where the predominant building height is of one and two storeys. The assessment is, therefore, required to consider the appropriateness of the proposed building height, but also that of scale, massing, architectural style and design quality, whilst simultaneously acknowledging the accessible location of the site and the opportunity to deliver on the potential of an underutilised, vacant tract of zoned land.
- 7.2.12. In terms of reviewing the Planning Authority's Decision, I note that there is a brief addendum included at the end of the Planner's Report. The note, written by the Council's Senior Planner, states that the proposed development comprises a good design response, on a site with a difficult typography, and that it would achieve the much-needed development of a very underutilised central, urban site in a town which has adequate facilities to cater for this type of development (subject to future upgrades, including the existing pump station). The principle of the development is therefore noted as acceptable by the Senior Planner. However, the note goes on to outline two concerns; the first is in relation to safe access to the site, but it is acknowledged that this can be adequately addressed by the Applicant submitting final design details under condition. The second concern is in relation to how the

proposal would impact on the setting of Main Street, and its buildings, and that it would overwhelm the street due to its excessive scale and proximity.

7.2.13. The Applicant has referenced the addendum in their appeal and on foot of this information has prepared an alternative design option as part of their appeal submission. The Board is invited to consider this alternative design, which the Applicant submits fully addresses the concerns raised by Wicklow County Council and their reason for refusing permission.

7.2.14. The amended option comprises a series of subtle design revisions and changes, which importantly have assisted in reducing the scale and massing of the scheme effectively, in my opinion. In short, the new design seeks to proactively address the concerns raised by Council's Senior Planner in his addendum note. Section 10 of the Appeal outlines the proposed modifications, and a series of revised drawings are appended to the rear of the submission.

7.2.15. The changes can be summarised as follows:

- The third floor of the northern section of Building 1<sup>1</sup> (northern part of the site) has been setback towards the east, away from Main Street, to provide a terrace facing onto Main Street.
- The third floor of the southern section of Building 1 has been omitted to provide a three storey element in this section.
- The enclosed terrace of the apartment at third floor level on the northern section of Building 2 (southern part of the site) has been omitted. This allows the front elevation of the apartment to be setback from the front of the apartment block and reduce the roof height in this section.

7.2.16. The intention of these changes is to further break-up the overall massing of the proposed development and to reduce the height of the blocks at key sections facing towards Main Street. The proposed number of apartments has also been reduced

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<sup>1</sup> This building is shown on the plans and drawings accompanying the appeal as 'Building 1' and not 'Building 2' which is at variance with some of the written material on file. For the purposes of clarity, I refer to the northernmost building on the site in my report as 'Building 1' and the southernmost building as 'Building 2'.

from 41 no. units (original application version of the scheme) to 39 no. units. The proposed western elevation is stepped back in several sections from 4-storeys to 3-storeys which would assist in reducing the height, massing, visual impact and potential for overbearance on Main Street. I accept that the height of the new structures would exceed the prevailing height of the mainly one and two storey buildings on the opposite side of the street. However, there is a significant separation distance between the proposed development and the existing buildings on the far side of Main Street, which is roughly 18m to 20m at the nearest point(s).

- 7.2.17. Importantly, balconies are not protruding or jutting out from any side of each block. They are internal to the building envelope and, thus, do not hangover the outdoor seating / dining areas, public pathways, or extend outwards into the street. Projecting balconies, in such scenarios, which are not well-designed, can negatively impact on a building, and its surroundings, including by shading and blocking sunlight / daylight, adding to excessive bulk and massing, and potentially contribute to the transmission of noise, such as through conversations or social gatherings, and negatively impact the acoustic environment. The private amenity space in this case, however, has been integrated thoughtfully as part of the proposed design and this helps to enhance the overall aesthetic appearance and functionality of the scheme, in my view.
- 7.2.18. I do not consider that inappropriate overlooking of the residential properties to the south of the site would be likely to occur given the setback distances that apply, the orientation of the proposed balconies – which is towards the front of these houses, and not their rear gardens –, and that the southern block is stepped down in height along this elevation.
- 7.2.19. The proposal comprises a varied palette of materials and finishes. There is an absence of lower grade materials and the primary façade finishes are a combination of varying shades of acrylic render and stone granite cladding. Windowsills are natural stone and granite and roof tiles are a standard flat fibre cement material. This is a move away from the traditional brick and render materials used in the typical construction of other buildings for the area. The transition in scale with a varied architectural style is to be welcomed, in my opinion, and I do not consider that the scheme would be visually discordant in the streetscape or detrimental to the character of the town.



- 7.2.20. However, I note the gable ends of each block are situated in prominent visual locations, at either end of the site, to the north and south. The southern gable end of Building 2 would be particularly conspicuous for those entering the town from its southern side and for those dwellings along Riverwalk. Therefore, in the event permission is granted by the Board, it is my recommendation that a condition should be attached requiring details of all materials to be used in the external treatment of the development be submitted to, and agreed in writing, with the Planning Authority prior to commencement of development. The Planning Authority may wish to see alternative, better-quality and higher spec of finish on the upper floors compared to the proposed render finish currently proposed.
- 7.2.21. The proposed development would also greatly improve the public realm, in my opinion. It would deliver a new public space along Main Street, several outdoor dining areas (with an advantageous southwest orientation) and the provision of ramps and stairs to improve pedestrian accessibility and better movement along certain steep sections of the street. The creation of a public walkway at the front of the site with new high-quality pedestrian surfaces (resin bound and granite paving) with benches, tree planting and cycle parking is also welcomed. I note that the existing stone wall along the eastern side of Main Street is intended to be retained, insofar as is possible, which is positive, as it makes an important contribution to the visual aesthetic and character of the street.
- 7.2.22. Furthermore, and because of the steep fall across the site, the lower groundfloor level of the development opens out towards rear of the site where it faces eastwards. There is further high-quality landscaping along this side of the development, and I note that the car parking level would be hidden from view from Main Street. This aspect of the scheme design would further contribute to good placemaking, in my opinion, and significantly improve the quality of the public realm for the town generally.
- 7.2.23. I have no concerns in relation to overshadowing caused by the proposed development of adjoining properties. I note that the Applicant submitted a Daylight, Sunlight and Overshadowing Assessment, prepared by IES Consultants, as part of their appeal. In conducting the assessment, reference was made to the BRE Guide 'Site Layout Planning for Daylight and Sunlight (3<sup>rd</sup> Edition)', which is the relevance guidance document in this regard. The assessment shows that very minor to no

additional shading, or overshadowing, would be incurred by adjoining and nearby properties. This includes the residential properties at Nos. 1 - 6 Riverview. The study also concludes that sunlight to existing amenity spaces and buildings would still exceed the minimum target values set out by the relevant guidance, and that daylight into existing buildings would comply with the BRE recommendations also. I have reviewed the document and concur that this would likely be the case.

- 7.2.24. Given the vacant and underutilised condition of the subject site, it is clear to me that activating these lands through the delivery of a mixed use scheme would result in developing a key landbank in the centre of an important Level 4 Self Sustaining Town. This would take the form of a well-designed development, which would contribute to the consolidation of the built environment, improve the public realm and provide a stronger and better quality street edge along this side of Main Street, in my opinion, which is in accordance with Objectives CPO 5.1 and Section 6.3.5 of the Development Plan.
- 7.2.25. It is my opinion that the Applicant has shown a genuine attempt to devise a scheme that is appropriate for its receiving context. The amended option put before the Board would further breakdown the scale and massing of the proposed development, which I note is further design iteration on top of that made to the already downscaled version previously submitted to the Planning Authority as part of further information.
- 7.2.26. I consider that the proposal would not be out of scale with its surrounding area or present as an inharmonious form of development. I accept that a noticeable transition in height would be apparent, and perhaps significant in some cases, particularly given the low-rise nature of some buildings on Main Street. However, the proposed development has been designed to a high standard, in my view, one which is sensitive to its surroundings and is of a high-quality and sensitive design. I consider that there would be appropriate contrast in architectural style with the broader receiving environment and that the scheme would not present as an incongruous form of development in the town.
- 7.2.27. Having regard to this, I consider that the proposal is in accordance with relevant policies and objectives of the Newtownmountkennedy Town Plan 2022 – 2028 and County Development Plan. This includes Objectives CPO 5.9 and CPO 6.5 of the

CDP, which seek to facilitate and support well-designed development which contributes to regeneration and renewal, consolidation of the built environment, including interventions in the public realm and the provision of amenities; and that new development be of the highest quality design and layout contributing to coherent urban form and an attractive built environment, respectively.

7.2.28. Moreover, the proposal would be in accordance with the local policy aspiration to deliver a placemaking project for Newtownmountkenedy to deliver 'catch-up facilities' and targeted regeneration of the town centre. It also complies with national planning policy documents, including the National Planning Framework, which seek to consolidate services and employment within existing urban settlements to promote sustainable development.

7.2.29. In summary, it is my submission to the Board that the height, design and scale of the proposed development would not give rise to an unacceptable overbearing or domineering impact on the surrounding vicinity, that it would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, and that it would be in accordance with the relevant policy objectives for achieving compact growth, regeneration and supporting sustainable development, particularly in centrally-located and town centre settings.

### **7.3. Services and Drainage**

#### Sustainable Urban Drainage Systems (SuDS)

7.3.1. I note the concerns raised by third parties in relation to adequate drainage of the site and whether the scheme includes sufficient measures to assist with offsetting potential downstream flooding.

7.3.2. The development of this site would result in the loss of relatively large green area near the Woodstock River. I acknowledge that the amount of impermeable area is not insignificant and there is potential for additional surface water runoff to be generated due to rainwater collecting on the surface and being prevented from penetrating through to ground. The sloping nature of the site could further exacerbate this, particularly during a heavy rainfall event.

- 7.3.3. Objective CPO 13.21 of the Development Plan is in relation to surface and storm water systems. It seeks to ensure the implementation of SuDS measures so that surface water runoff generated by new types of development is managed efficiently.
- 7.3.4. In this regard, I consider the Applicant has satisfactorily explored the potential for including SuDS measures as part of the scheme, including utilising opportunities for urban greening. This includes sections of permeable paving, several green and landscaped sections with planted trees, and use of a permeable surface and sedum roof for the rooftop gardens.
- 7.3.5. Therefore, the proposed development is made up of expansive permeable areas, in my view, which would contribute to the to the 'greening' of the site and assist with the sustainable management of drainage and stormwater runoff. Further amenity and biodiversity benefits would also be derived.
- 7.3.6. I note that the Council's Water and Environment Section have confirmed that they are supportive of the proposed SuDS measures. However, this is subject to site specific design calculations and construction details for the green roof system, which were referenced by the Council's Water and Environmental Services Section as a requirement, prior to commencement of development.
- 7.3.7. A further stated requirement in relation for the green roof is that it must complete the establishment stage (c. 12 to 15 months) and a report confirming this should be provided by the product supplier for the approval of the Planning Authority. The means of access to the green roof areas for maintenance and repair purposes should also be shown as clear information in this regard is currently missing from the application. I consider that such matters can be dealt with under condition.

#### Uisce Éireann

- 7.3.8. Uisce Éireann (UE) recommended in an observation to the Planning Authority that permission be refused for the development on the basis there is no capacity at the Newtownmountkennedy wastewater pumping station.
- 7.3.9. I note that the Planning Authority did not complete any detailed assessment of this issue or reference it as a reason for refusal in their Decision. In addition, it appears that the Applicant failed to consult with Uisce Éireann as part of the pre-application stage, prior to making the application.

- 7.3.10. Therefore, and in accordance with section 132 of the Planning and Development Act, 2000 (as amended), the Board requested the Applicant to provide further information regarding this issue, and to engage with UE to ascertain if there is a means by which the proposed development could be accommodated (letter dated 22<sup>nd</sup> August 2023).
- 7.3.11. A response was received from the Applicant 29<sup>th</sup> September 2023, whereby the Applicant confirms they have engaged with Uisce Éireann on the capacity of existing water supply and wastewater systems to accommodate the proposed development. I note that UE provided a response to the Applicant's Pre-Connection Enquiry with a Confirmation of Feasibility (CoF). The CoF states that connection to the water supply infrastructure is feasible without upgrade, and that wastewater infrastructure, based on the submitted design peak flows of 1.35 l/s connection is also feasible, prior to the delivery of any ongoing wastewater network upgrades. I refer the Board to the CoF letter, which is on the file, and dated on 29<sup>th</sup> September 2023.
- 7.3.12. Whilst I note that Uisce Éireann confirmed that diversion works may be required for some UE assets crossing the site, I consider this issue minor in nature and that it can be readily addressed under condition and in future consultations with UE.
- 7.3.13. In summary, I am satisfied that the previous matter relating to capacity in the foul network has been addressed.

#### Flooding

- 7.3.14. In relation to flood risk, I have inspected the OPW CFRAMS flood extent maps and note that the development is not within a flood risk area and is not, therefore, at significant risk of fluvial flooding. Furthermore, the proposed access to the development would be from a public road, at the south of the site, where there is also no identified significant flood risk.
- 7.3.15. A Site Specific Flood Risk Assessment (SSFRA) has been completed as part of the application and is available on the file. The site is in Flood Zone C, which means the probability of flooding from rivers and the sea is low. The SSFRA has also found that having reviewed historic information relevant to the site no flood events were recorded on the subject development lands, including from any pluvial, fluvial, coastal or groundwater sources.

## 7.4. Other Issues

### Traffic

- 7.4.1. Some third party observers raise concerns regarding the potential for traffic congestion, traffic hazard and loss of on-street car parking.
- 7.4.2. The proposal seeks to utilise and upgrade an existing site access at the southern end of the site with a new signalised junction, which would incorporate the existing junction between Main Street and An tSraid Mhor. The vehicular access serving the site would therefore be via an upgraded staggered traffic signal-controlled access onto An tSráid Mhór with an associated upgrade to the Main Street junction which would have signal controls. The new arrangement would comply with the relevant standards and improve road safety upon entry into the centre of the town.
- 7.4.3. I note that recent information collected from the Road Safety Authority (RSA) online collision database shows that there are no significant accidents on the surrounding road network proximate the subject lands (<https://www.rsa.ie/road-safety/statistics>). The database captures the road collisions reported to the authorities, where someone was injured, including minor injuries, and in this case, there are no such incidents recorded. I note that Figure 1.2 of the Transportation Assessment Report (dated March 2021) includes an extract from the RSA online collisions record confirming this.
- 7.4.4. Furthermore, during my site inspection, I noted that there was no queuing of traffic at the existing junction and that the volumes of passing vehicles were infrequent; albeit, this was late morning when traffic movements would be expected to be comparatively less than some other busier times of the day. I also observed no obvious or particularly dangerous conflict points arising between road traffic and pedestrians. However, I note that provision is made under the application to provide pedestrian crossings on all three arms of the junction. The existing zebra crossing on Main Street would be replaced with an enhanced pelican crossing arrangement, which involves pedestrians pressing a button and waiting until the traffic lights turn red, to signal the cars to stop, before they proceed to cross the road when the green man appears. (A zebra crossing is distinguished by black and white road markings and a flashing amber beacon.)

- 7.4.5. I consider that the proposed public realm improvement would also improve pedestrian connectivity and help address the challenges posed by the steep sloping nature of footpath that currently runs beside the site. The application proposes a series of small ramps and stairs to improve pedestrian accessibility and aid movement. The footpath details are shown on the landscape drawings and appended to the appeal submission (see Drwg. No. 1784\_PL\_01).
- 7.4.6. Notwithstanding the above, I consider that a Road Safety Audit (Stages 1 and 2) should be completed as part of potential future improvements to the public road network, and potentially as part of the development proposed. The purpose of the RSA is to identify potential hazards for road users. It involves carrying out a comprehensive safety check by an independent and qualified auditor, who will normally set out a series of final design recommendations, engineering solutions and modifications. The completion of the RSA can be achieved under condition.
- 7.4.7. I note that the Council's Roads Section raised no objection to the proposal and that various items raised by them have been addressed by the Applicant as part of their first party appeal. This includes the completion of an Outdoor Lighting Report (attached to the appeal), confirmation that a secondary footpath will be provided internal to the site, alongside the existing Main Street footpath, and provision of sightlines demonstrating adequate visibility for vehicles exiting the site. (See Drwg. No. NRB-RFI-002 Rev C submitted as part of the appeal in this regard.) Whilst I note that the Planner's Report states that there are various technical matters outstanding, I consider that these are relatively minor and can be dealt with by condition.
- 7.4.8. Having reviewed the findings of the traffic survey included as part of the Transportation Assessment Report, I consider that the proposed development would generate a comparatively small number of additional vehicular trips. The capacity of the existing road network would be able to readily accommodate the proposed development from a traffic perspective without causing a traffic hazard or being prejudicial to public health.
- 7.4.9. The overall scheme provides for 65 no. car parking spaces, which is a small shortfall in the total number of spaces according to the relevant standards. However, I note that the car parking standards set out in Appendix 1 (Table 2.3) of the CDP are 'maximum standards' meaning such a quantum of car parking should only be

provided where it can be justified. I note that on-street parking is available to the front of the site, which would allow for short stops to the proposed commercial units. Public transport and walking are viable transport options given the accessible, town centre location of the site and proximity of public transit services. Furthermore, as the proposed development is a mixed-use scheme there is potential for dual usage of spaces between complementary uses.

- 7.4.10. In summary, I do not consider that existing local traffic conditions would be compromised in any significant way by the proposed development. Conversely, it is my opinion that the proposal would deliver several road enhancements in the form of upgraded pedestrian crossing points and footpaths, an improved road junction, better defined street edge, and a potentially a safer street environment overall.

#### Development Potential of Other Lands

- 7.4.11. The observation made by Mr. John O'Shea raises a specific issue in relation to the development potential of Newtownmountkennedy House (A63 PN88). This property is on the opposite side of Main Street from the appeal site. It is denoted as the 'O'Shea House' on the map appended to the third party's observation.
- 7.4.12. Whilst I acknowledge the concerns raised by the Observer, I do not see how the proposed development would have a 'serious negative impact upon the future development' of these lands. The Observer does not put forward a specific rationale or any precise grounds supporting this argument. Conversely, the subject proposal has followed good design practice, in my opinion, and is in accordance with the development and design standards set out in Appendix 1 (Volume 3) of the Development Plan. Appendix 1 seeks to protect against inappropriate forms of development and to ensure that future development opportunities on adjacent plots are not prejudiced; and I do not consider that the development proposal would result in any such scenario.
- 7.4.13. I note that a previous application next to Newtownmountkennedy House was refused permission by the Board in October 2019 (ABP. Ref. 304378). One of the reasons cited was that 'the proposed development, by reason of location, design and layout, would prejudice the potential future development of adjoining lands to the east of the subject site'. [The adjoining lands to the east in this case is Newtownmountkennedy House.] However, I note that this proposal comprised a site is on *western* side of the



observer's property (i.e., Newtownmountkennedy House), and not on its *eastern* side, as is the case for the appeal site. I also note that access to the property in this case was proposed to be from a relatively narrow local road with impeded sightlines.

7.4.14. The Board considered that this access arrangement would prejudice the potential future access to Newtownmountkennedy House site and that the overall proposal was therefore ill-conceived from a site layout and design perspective. I consider that the comparison made by the observer between this previous (refused) development proposal (ABP Ref. 304378), and the subject proposal, is not comparable, however. There is a different physical context between the properties, and the subject site lies to the east of Newtownmountkennedy House, as opposed to the west. The proposed means of access is not from the aforementioned local road and instead is via an existing access point from An tSráid Mhór.

7.4.15. In summary, I conclude that the proposed development is in accordance with good planning practice, complies with the various applicable policies and objectives set out in the Wicklow County Development Plan 2022-2028, and that it would not prejudice or unnecessarily undermine the future prospect for a residential development on third party lands, including Newtownmountkennedy House.

## **7.5. Appropriate Assessment**

7.5.1. The subject site is not directly located within, or in close vicinity, to a European Site.

7.5.2. The closest European Site is Carriggower Bog SAC (Site Code: 000716), which is roughly 3.2km to the west.

7.5.3. The Murrough SPA (Site Code: 004186) is roughly 4.1km to the east. The Glen of the Downs SAC (Side Code: 000719) is roughly 4.2km to the north. The Murrough Wetlands SAC (Site Code: 002249) is roughly 4.3km to the east.

7.5.4. The Carriggower Bog SAC is located upgradient, towards the Wicklow Mountains, and separated from the site by Main Street, the town centre of Newtownmountkennedy, and other roads and forms of development beyond that.

7.5.5. The eastern side of the site is adjoined by an existing light industrial use / packaging manufacturing factory its associated premises, access and internal roads, surface car park and hardstand area for deliveries and services purposes. The N11

Motorway is roughly 700m to the east of the subject site. Potential hydrological connections to the Murrough SPA are, therefore, indirect and weak and the separation distance is significant, such that there is no real likelihood of any significant effects on this European Site or its wider catchment.

- 7.5.6. All foul and surface water runoff from the development will be contained onsite and discharged to the public wastewater drainage system. All connections and necessary diversions of sections of sewer lines running through the site will be made following a connection and diversion agreement with Uisce Éireann. No likely significant in-combination effects are identified for the purposes of AA.
- 7.5.7. Having regard to the nature and relative small-scale of the proposed development on this urban and serviced property, the intervening land uses, and absence of a pathway to, and the distance from, any European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Wicklow County Development Plan 2022-2028, and the Newtownmountkenedy Town Plan 2022-2028, including the zoning objective for the site ('Town Centre'); it is considered that, subject to compliance with the conditions set out below, the proposed development would assist in delivering compact growth, regeneration, revitalisation and consolidation of the existing town centre at an appropriate scale, would provide an acceptable standard of amenity for future residents, and would not seriously injure the visual or residential amenities of the area or endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19<sup>th</sup> May 2022, and by the further plans and particulars received by An Bord Pleanála on 8<sup>th</sup> August 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 and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p> |
| 2. | <p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>  |
| 3. | <p>Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public safety and visual amenity.</p>   |
| 4. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>  |
| 5. | <p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021)</p>  |

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|    | <p>including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>  |
| 6. | <p>a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p> |
| 7. | <p>a) Junction visibility splays drawing showing adequate sight distances and sightlines in both directions shall be provided for the proposed junction upgrades.</p> <p>b) The applicant shall address how the following existing access points are proposed to be maintained and operated (i.e., how residents and visitors can ingress/egress safely).</p> <ul style="list-style-type: none"> <li>i. Residential access opposite proposed development entrance on the Kilcoole Road.</li> <li>ii. Residential access located on the main street located to the southwest side of the junction.</li> </ul>   |

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|    | <p>iii. The arch way located on Main Street to the north west of the junction. It would appear that the proposed pedestrian crossing is located in front of this access point.</p> <p>c) Full details of the proposed junction improvement shall be provided, including the location of traffic signals, kerb layouts, crossing points and other items.</p> <p>d) There is an existing controlled crossing to the south of the proposed signalised junction the proximity of this crossing with this development may lead to operation and safety issues, this should be addressed.</p> <p>e) The Applicant shall confirm by way of a car parking layout drawing that vehicles can safely ingress/egress the car parking spaces adjacent the retaining walls within the development.</p> <p><b>Reason:</b> In the interest of traffic safety and public health.</p> |
| 8. | <p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>  |
| 9. | <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 with, the planning authority prior to commencement of development. This scheme shall:</p> <p>a) Include a plan to scale of not less than 1:500 showing –</p> <p>i) Existing trees, hedgerows, shrubs, stone walls, etc., specifying which are proposed for retention as features of the site landscaping.</p> <p>ii) The measures to be put in place for the protection of these landscape features during the construction period.</p>   |

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|     | <p>iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>iv) Details of boundary planting.</p> <p>v) Details of roadside/street planting.</p> <p>vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>b) Include specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>c) Be carried out within the first planting season following substantial completion of external construction works.</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><b>Reason:</b> In the interest of residential and visual amenity.</p> |
| 10. | <p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>  |
| 11. | <p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>   |
| 12. | <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 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</p>  |

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|     | <p>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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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 of the area.</p>  |
| 13. | <p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>  |
| 14. | <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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p> |

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|     | Development Contribution Scheme made under section 48 of the Act be applied to the permission.  |
| 15. | <p>a) 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>b) Full details of SuDS measures and a means to access to the green roof areas for future maintenance and repair purposes shall be submitted to the planning authority for written agreement prior to commencement of development.</p> <p>c) Prior to commencement of development, the Applicant shall submit details of the proposed outfall, including construction details, details of how the proposed levels relate to the water levels in the Woodstock River, and measures to ensure water from the river will not back up in to the pipe network.</p> <p><b>Reason:</b> In the interest of public health.</p> |
| 16. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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><b>Reason:</b> To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.</p>   |
| 17. | <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</p>  |



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|  | <p>development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.*

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Ian Boyle  
Senior Planning Inspector

10<sup>th</sup> January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|   |   |                                  |                                |
|---|---|----------------------------------|--------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>  | 314323-23   |                                  |                                |
| <b>Proposed Development<br/>Summary</b>   | The proposed development is for the demolition of a house, construction of 4 commercial units and 41 apartments in 2 separate blocks; 65 car parking spaces; upgrading of an existing vehicular access with new signal controls; road markings and pedestrian crossing points; boundary treatments, landscaping, drainage and ancillary site works. |                                  |                                |
| <b>Development Address</b>  | Site at the junction between Main Street and An tSráid Mhór, Newtownmountkennedy, County Wicklow.   |                                  |                                |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(that is involving construction works, demolition, or interventions in the natural surroundings)                                    |   | <b>Yes</b>                       | ✓                              |
|   |   | <b>No</b>                        | No further action required     |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>   |   |                                  |                                |
| <b>Yes</b>  |   |                                  | EIA Mandatory<br>EIAR required |
| <b>No</b>   | ✓   |                                  | Proceed to Q.3                 |
| <b>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]?</b> |   |                                  |                                |
|   | <b>Threshold</b>  | <b>Comment<br/>(if relevant)</b> | <b>Conclusion</b>              |

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| <b>No</b>  |   | N/A  |  | No EIAR or Preliminary Examination required |
| <b>Yes</b> | ✓ | 10. Infrastructure Projects<br>(b)(i) Construction of more than 500 dwelling units.<br><br>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. |  | Proceed to Q.4                              |

| 4. Has Schedule 7A information been submitted? |   |   |
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| <b>No</b>                                      | ✓ | <b>Preliminary Examination required</b> |
| <b>Yes</b>                                     |   | <b>Screening Determination required</b> |

## Form 2

### EIA Preliminary Examination

|   |   |                              |
|---|---|------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>  | 314323-23   |                              |
| <b>Proposed Development Summary</b>   | The proposed development is for the demolition of a house, construction of 4 commercial units and 41 apartments in 2 separate blocks; 65 car parking spaces; upgrading of an existing vehicular access with new signal controls; road markings and pedestrian crossing points; boundary treatments, landscaping, drainage and ancillary site works.   |                              |
| <b>Development Address</b>  | Site at the junction between Main Street and An tSráid Mhór, Newtownmountkennedy, County Wicklow.   |                              |
| <b>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.</b> |   |                              |
|   | <b>Examination</b>  | <b>Yes/No/<br/>Uncertain</b> |
| <b>Nature of the Development</b><br>Is the nature of the proposed development exceptional in the context of the existing environment?<br><br>Will the development result in the production of any significant waste, emissions or pollutants?                                       | The surrounding area is mainly characterised by a mix of commercial and residential uses typically found in a small to mid-sized settlement, such as Newtownmountkennedy. Newtownmountkennedy is a Level 4 Self Sustaining Town as per the County Wicklow Settlement Strategy (Map No. 04.01).<br><br>Self-Sustaining Towns require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. There is a strong emphasis on aligning population growth with employment growth to make these towns more self-sustaining and capable of | No                           |

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|   | <p>accommodating additional growth in the future. The site has a stated area of roughly 0.34ha.</p> <p>During the construction phase the proposed development will create demolition waste. It is proposed to demolish an existing vacant dwelling in the northeastern corner of the site. The dwelling is derelict and largely hidden from public view.</p> <p>Given the moderate size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which is mix of residential and commercial land uses.</p> |    |
| <p><b>Size of the Development</b><br/>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p> | <p>No. The proposed development is for 4 commercial units and 41 apartments. Owing to the serviced and urban nature of the site, its central location in the town and character of the surrounding area, which is mainly residential and commercial in nature, I do not consider there is potential for significant cumulative impacts.</p>  | No |
| <p><b>Location of the Development</b><br/>Is the proposed development located on, in, adjoining or does it have the potential to significantly</p>  | <p>The application site is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site.</p>  | No |

| <p>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>The closest European Site is Carriggower Bog SAC (Site Code: 000716), which is roughly 3.2km to the west. This SAC is situated upgradient, towards the Wicklow Mountains, and separated from the site by Main Street, the town centre of Newtownmountkennedy, and other roads and forms of development beyond that.</p> <p>To the east of the site, there is an existing light industrial use / packaging manufacturing factory. Further on, the N11 Motorway is roughly 700m to the east of the subject site. Potential hydrological connections to the Potential hydrological connections to the Murrough SPA, which is to the east, are therefore indirect and weak and the separation distances to other European sites are significant, such that there is no real likelihood of any significant effects on European Sites in the wider catchment area.</p> <p>Therefore, there is no potential for significant ecological impacts as a result of the proposed development.</p> <p>The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to negatively affect other significant environmental sensitivities in the area.</p> |   |
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| Conclusion  |   |   |
| <p><b>There is no real likelihood of significant effects on the environment.</b><br/>EIA not required. ✓</p>  | <p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>  | <p><b>There is a real likelihood of significant effects on the environment.</b></p> |

Inspector: Ian Boyle

Date: 10<sup>th</sup> January 2024