



An
Bord
Pleanála

Inspector's Report 314721-22

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| Development | 56 houses, internal roads, car parking, pedestrian and cycle paths, public open spaces and vehicular entrance from Main Street. |
| Location | Bullford, Kilcoole, Co. Wicklow |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 2215 |
| Applicant(s) | Brookhampton Limited |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party v. Decision |
| Appellant(s) | Brookhampton Limited |
| Observer(s) | Cllr. Tom Fortune |
| Date of Site Inspection | 6 th December 2023 |
| Inspector | Louise Treacy |

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2.12 ha and is located on the western side of Main Street (R761), Bullford, Kilcoole, Co. Wicklow. The site comprises undeveloped greenfield lands, which are adjoined by agricultural lands to the north, the Kilcoole Stream and further agricultural lands (Bullford Stables) to the west, a local access road / agricultural laneway (Farm Lane) to the south and Main Street to the east. A small residential estate of 2-storey detached dwellings known as “Ashlawn” backs onto and is elevated above the northeastern site boundary. A two-storey commercial property, Kilcoole Community Thrift Shop, adjoins the site to the northeast fronting onto the western side of Main Street.
- 1.2. The southern site boundary is characterised by an overgrown hedgerow and some small trees of varying quality which extend approximately halfway along its length, with more mature trees present along its western end and extending along the western site boundary adjacent to Kilcoole Stream. An overhead power line extends along the southern site boundary and thereafter traverses the western/north-western portion of the site along the line of a low hedgerow/earthen bank. The northern and north-western site boundaries are undefined.
- 1.3. A hedgerow subdivides the eastern portion of the site to the rear of the Ashlawn estate. This area is significantly overgrown and was inaccessible at the time of the inspection. The eastern site boundary fronting onto Main Street and its junction with Sea Road is characterised by the remains of a ground floor façade of a derelict building and overgrown vegetation to the rear which contributes to a poor-quality streetscape at this location.
- 1.4. The lands on the southern side of Farm Lane opposite the subject site are characterised by a fragmented building line and include a recently developed 3-storey, mixed-use building at the junction with the R761 and an estate of 2-storey dwellings known as Montieth Park. The rear boundary walls of Nos. 4 – 10 Montieth Park back onto Farm Lane, with an area of communal open space situated between No. 4 Montieth Park and the adjacent mixed-use building.

2.0 Proposed Development

- 2.1. The proposed development will consist of the construction of 56 no. residential units, internal roads, car parking, pedestrian and cycle paths, public open space and all associated site and infrastructural works to facilitate connections to public services.
- 2.2. The 56 no. residential units will consist of:
 - 7 no. 4-bedroom, 2-storey, end-of-terrace houses (Type A)
 - 24 no. 3-bedroom, 2-storey, end-of-terrace houses (Type C)
 - 20 no. 3-bedroom, 2-storey, mid-terrace houses (Type D and Type D1)
 - 2 no. 2-bedroom, 2-storey, mid-terrace houses (Type D2)
 - 3 no. 2-bedroom bungalows (Type G)
- 2.3. The associated site and infrastructural works include foul and surface water drainage, attenuation tanks, car parking spaces, 4 no. bicycle shelters, bin storage, an ESB substation and all associated development. The proposal includes a vehicular entrance from Main Street, Kilcoole, with the associated upgrades / improvements to Main Street to facilitate this access, which are external to the planning application site boundary, to be provided subject to agreement with the Planning Authority.
- 2.4. The proposed dwellings are generally arranged in a linear configuration on either side of the primary internal access road which extends through the site in an east-west direction. The road layout caters for future connections to the adjoining lands to the north, south and west. All of the proposed dwellings are provided with off-street car parking to the front and private gardens to the rear. An area of public open space of 4,096 m² incorporating a small playground is proposed at the western-most end of the site adjacent to Kilcoole Stream.
- 2.5. The adjoining parcel of land to the south-east of the site is also within the applicant's ownership and has been earmarked to accommodate a future innovation hub/civic space.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Refuse Permission issued on 1st September 2022 for 2 no. reasons, which can be summarised as follows:

(1) Having regard to:

(a) the central location of the site within the town of Kilcoole,

(b) the Town Centre zoning of the eastern portion of the lands,

(c) the low density of residential development proposed, particularly within the Town Centre zoned lands; and

(d) the lack of variety of house types proposed,

It is considered that the proposed development would provide an insufficient density of development on the site, resulting in the under-utilisation of these centrally located lands, and would fail to provide an appropriate mix of house types in the interests of house choice and the creation of interesting and attractive settlements.

Consequently, the proposed development is not in accordance with the requirements of SPPR4 of the Building Height Guidelines 2018, the Guidelines for Sustainable Residential Development in Urban Areas 2009, the Greystones, Delgany and Kilcoole LAP 2013-2019 and the objectives of the Wicklow County Development Plan 2016-2022, could set a precedent for similar unacceptable development and would therefore be contrary to the proper planning and sustainable development of the area.

(2) Having regard to:

(i) the design of the proposed new signalised junction arrangement, which has not been shown to operate safely for all vehicles, in particular HGVs/refuse vehicles entering and exiting the development,

(ii) the lack of details submitted to show that the new signalised junction would have sufficient capacity to cater for the development of the remainder of the AP9 zoned lands,

- (iii) the proposed cycling infrastructure not being designed in accordance with the National Cycle Manual and not linking effectively with the surrounding road network,
- (iv) the failure to incorporate the Stage 1 Road Safety Audit recommendations into the scheme design; and
- (v) the lack of mitigation measures designed to prevent excessive vehicular speeds on the internal road layout,

It has not been demonstrated that the proposed roads infrastructure would be adequate to serve the development and to prevent endangering public safety by reason of traffic hazard. The proposed development would therefore be contrary to the objectives of the Greystones, Delgany and Kilcoole LAP 2013-2019, the Wicklow County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports (4th March 2022, 22nd June 2022 and 31st August 2022)

- 3.2.2. Following an initial assessment of the application, Wicklow County Council's Planning Officer recommended that **Further Information** be requested in relation to 11 no. items as summarised below:
- 3.2.3. **Item No. 1 (a) (i) – (iv):** The Planning Authority is concerned that the development is premature pending the agreement of an action plan. A response to this item should show evidence of consultation with other landowners within the action plan area. One issue that requires particular consideration is the impact of the proposed development on the delivery of the planned town square.
- 3.2.4. **Item No. 1 (b):** Details of how the proposed east-west link road would link with the future Western Distributor Road should be provided.
- 3.2.5. **Item No. 2:** The Planning Authority has concerns that the overall approach in terms of density and housing mix typology is not satisfactory – i.e. that the density is too low and insufficient house types are proposed to provide a variety of housing choice and to ensure the efficient use of zoned urban land.
- 3.2.6. **Item No. 3 (a):** Traffic and Transport Assessment – **(i)** details and drawings showing the junction between the site and Main Street designed to accommodate the

proposed development and the overall action area development; **(ii)** updated calculations to be provided and all designs to be in accordance with most up to date standards.

- 3.2.7. **Item No. 3 (b)(i):** Proposed cycle facilities crossing the T-junction should be in accordance with the relevant standards; **(ii)** submit a rationale for selecting a 1.7 m wide cycle track having regard to section 1.5.6 of the National Cycle Manual; **(iii)** submit details on the cycle facilities at the proposed signalised junction at Sea Road.
- 3.2.8. **Item No. 3 (c):** Detailed drawings to be provided of the proposed signalised junction showing the intervisibility splays at the junction in accordance with DN-GEO-03044.
- 3.2.9. **Item No. 3 (d):** Justification for the proposed 6 m wide roads having regard to DMURS standards.
- 3.2.10. **Item No. 3 (e):** Submit a Stage 2 Road Safety Audit, with the recommendations to be carried forward into the proposed design and layout.
- 3.2.11. **Item No. 4:** Submit proposals to show how the level difference between the development site and the properties at Ashlawn is addressed.
- 3.2.12. **Item No. 5 (a):** The site layout drawings show a rear access from the rear gardens of units 1 – 12 to Farm Lane, which is located outside the site. Written evidence to be submitted to demonstrate sufficient control of Farm Lane to execute the proposals.
- 3.2.13. **Item No. 5 (b):** Provide details of the intended use of the rear access and show that Farm Lane is of acceptable standard to accommodate the proposals. The Planning Authority is concerned that Farm Lane is not suitable for increased vehicular traffic movements.
- 3.2.14. **Item No. 6:** Any houses flanking the possible future link road to future phased development should be designed so that the side elevation of the units is designed to address the road.
- 3.2.15. **Item No. 7 (a) and (b):** Evidence to be submitted to show that childcare facility demands arising from the development can be accommodated in the local area.
- 3.2.16. **Item No. 8 (a) and (b):** The type G and type D2 units are oversized and should comply with the guidelines set out in Quality Housing for Sustainable Communities.

- 3.2.17. **Item No. 9:** Submit proposals to address any potential adverse impacts on Irish Water infrastructure.
- 3.2.18. **Item No. 10:** Submit details and drawings to show that the proposed surface water drainage system is designed in accordance with the most up-to-date standards.
- 3.2.19. **Item No. 11:** There are concerns that the bin and cycle storage facilities within the open space verge abutting the Ashlawn boundary and across a main link road from the houses which they serve, may not be conveniently located for residents and may unnecessarily disturb the amenity of the Ashlawn residents. Proposals to be submitted to address same.
- 3.2.20. The applicant submitted a **Response to the Request for Further Information** on 30th May 2022 which proposed the following key amendments to the scheme:
- Unit nos. 41 and 42 have been replaced with a new house type (C1);
 - The floor area of type G and D2 units have been reduced to 77 m² and 88.2 m² respectively.
 - The bin storage building has been redesigned to include a roof covering.
 - The shared boundary with Ashlawn has been revised to include gabion walls to the southern and western sides.
 - The gates along the publicly accessible section of Farm Lane have been reduced to provide for pedestrian access only from rear gardens.
 - The junction with Main Street has been revised to include a Toucan crossing and the arrangement of the tactile paving has been revised throughout.
 - Update site layout plans demonstrate how the proposed east-west road can connect to the planned Western Distributor Road and planned greenway.
 - The Site Plan demonstrates how the proposed Phase 1 development does not compromise the future delivery of the town square objective and innovation hub.
- 3.2.21. The applicant's response can be summarised as follows:
- 3.2.22. **Item No. 1 (a) (i) – (ii):** A Draft Action Area Plan 9 was prepared by the applicant in 2017 to illustrate how the overall landholding could be developed. It provides a

coherent guide for the future development of the lands at Bullford for primarily residential use with commercial development around a new town square, along with the provision of significant, high-quality public open space, a new town car park and crèche. The development strategy was informed by Objective AP9 of the Greystones – Delgany and Kilcoole Local Area Plan. The preparation of this plan was subject to consultation, as far as possible, with the adjoining landowner to the south and provides future vehicular and pedestrian connections to these adjoining AP9 residential zoned lands.

- 3.2.23. The site layout / masterplan drawing indicates how the proposals for the subject site and future town square / innovation hub has regard to the development currently being constructed to the south. The small derelict structure adjoining the site at Main Street / Farm Lane is in separate third-party ownership but could be CPO'd by the Planning Authority if necessary to facilitate the town square. It is submitted that the applicant has sought to address the Action Plan requirements as far as possible in terms of the actions within their control.
- 3.2.24. **Item No. 1 (a)(iii) and (iv):** The Planning Authority has not adopted the Draft Action Area Plan brought forward by the applicant. The reasons cited include the failure to meet all the AP9 objectives – namely no access from the Western Distributor Road was provided and the requirement for no more than 50% of the development to be completed until the entire link road from Main Street to the Newtownmountkennedy Road has been completed, was not provided for. The applicant has detailed possible future road links on the plans and such matters are beyond the applicant's control. It is considered reasonable to bring forward a first phase of residential development of significantly less than 50% of the overall lands at Bullford in advance of the Action Plan being adopted. As part of their consideration of the previous SHD application on the site, the Board's Planning Inspector did not consider that the proposed development was premature pending the determination of a road layout for the area.
- 3.2.25. The possible layout of a new town square in Kilcoole is not prejudiced by the current application as the area for the square has been reserved. The civic space identified to the south-east of the overall landholding will be subject to a separate application / proposal from the Council.

- 3.2.26. **Item No. 1 (b):** Drawings have been provided to demonstrate how the proposed east-west road through the subject site would tie-in with the Western Distributor Road at the western boundary whilst demonstrating how the internal road layout for Phase 1 and future phases accommodates same. They also demonstrate that the layout of the proposed open space to the west will connect to the planned greenway.
- 3.2.27. **Item No. 2:** The overall AP9 lands within the applicant's control will deliver an appropriate mix of unit types, sizes and density and community facilities to support new and existing residents. The density of 26.4 units per ha strikes a balance between 22 uph in the LAP and 20-35 uph recommended in the Sustainable Residential Development Guidelines for Planning Authorities and Circular NRUP 02/2021. The proposed mix of single and 2-storey, 2/3/4-bedroom units is considered appropriate and will be supplemented by future phases of development.
- 3.2.28. **Item No. 3 (a):** The proposed junction between the site and Main Street is adequate to meet the needs of the proposed development and 20% of the future traffic demand associated with the development of the overall action area. A second junction will be provided on lands under the control of the applicant to the north, subject to a future planning application.
- 3.2.29. **Item No. 3 (b):** The revised design of the proposed cycling infrastructure is in accordance with relevant national standards and provides for Toucan crossings which will enhance permeability for cyclists and pedestrians.
- 3.2.30. **Item Nos. 3 (c) and (d):** Details of the proposed signalised junction with intervisibility splays and a clear rationale for the design of the access road in the context of DMURS is provided in the response of Pinnacle Engineers.
- 3.2.31. **Item Nos. 3 (e) and (d):** The recommendations of the Road Safety Audit have been adopted as reflected on the updated site layout plans.
- 3.2.32. **Item No. 4:** The detail of the shared boundary wall between Ashlawn has been revised to include gabion retaining walls to the southern side of the boundary to reflect the level differences and ensure the development will not impact on the adjacent properties. The proposed works will be appropriate in terms of visual amenity when viewed from the proposed development and from Main Street. The gabion walls will be screened by the line of street trees and hedging which is proposed to the southern side of the walls.

- 3.2.33. **Item No. 5:** The revised drawings demonstrate that the gates from the rear of the units backing onto Farm Lane provide for pedestrian access only, with no vehicular access proposed. The pedestrian access is to the section of Farm Lane that is a public road which has been taken in charge by the Local Authority and no additional consent is required for the access. The accesses could be omitted by condition if required as the development is not reliant on same.
- 3.2.34. **Item No. 6:** It is proposed to replace unit no. 41 and 42 with a new house type (C1) which addresses the future link road.
- 3.2.35. **Item No. 7:** A Childcare Demand Assessment has been prepared which identified childcare provision for 268 no. children within the catchment area and an existing requirement for c. 184 no. childcare spaces. Based on a worst-case scenario, it is estimated that the scheme could generate a demand for 18 no. childcare places. Based on CSO statistics on the average uptake percentage for childcare, a more realistic demand generated for the scheme is likely to be 4 no. childcare places. The existing provision will meet the low level of demand for childcare. Future development on the northern part of the landholding will include a childcare facility. This strategy is supported by Wicklow Childcare Committee.
- 3.2.36. **Item No. 8:** The floor area of originally proposed type G units have been reduced as requested.
- 3.2.37. **Item No. 9:** The proposed development will have no adverse impact on Irish Water water / waste infrastructure on or near the subject site.
- 3.2.38. **Item No. 10:** The sustainable urban drainage system has been designed to the required standards and will improve the water quality from the subject catchment.
- 3.2.39. **Item No. 11:** A rationale for the location of the bicycle and bin stores has been provided. Their locations were assessed as part of the Road Safety Audit and no issues were identified. The bin storage buildings have been redesigned to include a roof to mitigate any noise and odour impacts.
- 3.2.40. An updated NIS has been provided as part of the Response to the Request for Further Information.

- 3.2.41. Following an assessment of the applicant's submission, Wicklow County Council's Planning Officer recommended that **Clarification of Further Information** be requested as summarised below:
- 3.2.42. **Item No. 1:** The response to item no. 2 of the Further Information request has not addressed the Planning Authority's concerns. It is unclear how the remaining AP9 lands without any permission can ensure that the low density proposed on the subject site will be offset. The proposed housing mix is not considered appropriate. The applicant is requested to submit an additional Planning Report to expand the justification for the proposed housing mix and density.
- 3.2.43. **Item No. 2:** Concerns in relation to the operation of the 4-arm signalised junction, layout of the cycle tracks, visibility splays, road widths, feedback from the Stage 1 RSA as identified in the report of the Municipal Engineer of 20th June 2022 – see section 3.2.58 of this report below for summary of issues raised.
- 3.2.44. **Item No. 3:** Address the location of the bin store and cycle shelters, which is poor and would be prone to vandalism and theft.
- 3.2.45. The applicant submitted a **Response to the Request for Clarification of Further Information on 8th August 2022** which can be summarised as follows:
- 3.2.46. **Item No. 1:** The proposed unit mix is considered appropriate for this relatively small first phase of development, and in the context of Policy HD15 of the development plan, and similar objectives of the LAP, and the degree of flexibility provided and given the demand for housing, particularly for the first-time buyers' market. The proposed density of 26.4 uph is considered appropriate in the context of the part R22 zoning and part Town Centre zoning of the site and is consistent with national guidelines which encourage densities in the range of 20-35 dwellings per hectare.
- 3.2.47. Should the Planning Authority still have concerns in relation to the unit mix and density, it would be possible to provide a small duplex block in place of units 1 – 4 or 32 – 36 on the site, which could be addressed by condition.
- 3.2.48. **Item No. 2:** The key changes incorporated in response to this item include: (i) Revisions to the cycle network to provide 2.25 m wide cycle paths in accordance with the National Cycle Manual; (ii) Autotrack demonstrates that fire trucks and refuse vehicles can be accommodated on the proposed local street network; (iii) New link streets to the north have been reduced in width to 5.5 m; (iv) The internal

road network does not provide for HGV movements; (v) Minor revisions to the roads infrastructure to reflect the requirements of the CFI request / Road Safety Audit; (vi) Removal of the boundary wall to the south of the proposed junction on adjacent lands within the applicant's control to provide for sightlines and revised boundary treatment to be provided by condition in accordance with S. 34 (4)(B) of the Planning and Development Act, 2000.

- 3.2.49. **Item No. 3:** The northern bike and bin stores have been repositioned to provide for greater passive surveillance. The location of the remaining bike and bin stores is considered appropriate. The provision of standalone bicycle and bin stores is considered appropriate to ensure they are provided and managed within the communal areas of the scheme and do not detract from the streetscape.
- 3.2.50. The response includes a planning report on unit mix and density prepared by John Spain Associates; a copy of circular NRUP-02-2021 on residential densities in towns and villages; a rationale for the location of the bicycle shelters and bin enclosures prepared by PCOT Architects; a response to item no. 2 of the CFI request prepared by Pinnacle Consulting Engineers; and supporting architectural and engineering drawings.
- 3.2.51. Following an assessment of the applicant's response, Wicklow County Council's Planning Officer considered that inadequate justification had been provided for the proposed housing density and unit mix and that the proposal would result in the inefficient use of zoned, serviced land in an urban area. It was also considered that the proposed development would result in a traffic hazard, and it was recommended that planning permission be refused for the proposed development.
- 3.2.52. **Other Technical Reports**
- 3.2.53. **Fire Service (26th January 2022 and 14th June 2022):** Suitable conditions identified in the event planning permission is granted for the proposed development.
- 3.2.54. **Transportation, Water and Emergency Services (9th February 2022 and 21st June 2022):** Notes that additional information is required in relation to cycle facilities, road layout, the transport assessment, road safety audit and public lighting.
- 3.2.55. Following the applicant's Further Information submission, concerns noted that the proposed 4-arm signalised junction will not operate safely for all vehicles without encroaching onto oncoming traffic. Concerns also noted in relation to the assumption

that only 20% of the traffic will use this junction, with the remaining 80% using a junction that does not form part of this planning application. Notes that the impact on nearby junctions should have been considered; that the layout and transition of the cycle facilities do not comply with the National Cycle Manual; that there is a need to demonstrate there are no obstructions to the inter-visibility envelope where it crosses lands outside the red line boundary; some road widths are not compliant with DMURS; not all issues raised in the Stage 1 RSA have been dealt with adequately in the response.

3.2.56. **Housing Department (15th February 2022 and 13th June 2022):** Satisfied with the proposed location and spread of the Part V units but notes that some units are oversized. Following the applicant's Further Information submission, the reduced unit sizes were considered acceptable.

3.2.57. **Municipal District Engineer (4th March 2022, 20th June 2022 and 30th August 2022):** Initial report notes that: (1) Statement of Compliance with DMURS does not show how the development complies with the design principles of DMURS; (2) Junction with R761 – autotrack analysis should show that large vehicles do not cross over the stop lines or the centre white line at the junction; a detailed junction design with signal layout in accordance with the Traffic Signs Manual should be submitted as compliance prior to commencement; works to junction should be completed prior to any other development for access and safety reasons; (3) Site section – part 1 appears to show steps in the footpath outside the houses; (4) Width of cycle lane needs to be clarified and how it interacts with the main road junction.

3.2.58. Following the applicant's Further Information submission, it was considered that: (i) the applicant's response to item no. 3 (a) was not acceptable given that there has been no autotrack analysis of the proposed junction and it cannot be determined if the junction will work; (ii) the applicant's response to item 3 (b) concerning the design/layout of the proposed cycle tracks was not acceptable, (iii) the applicant's response to item 3 (c) was not acceptable as the visibility splays to the south cuts across lands zoned for future development; (iv) the response to item 3 (d) is acceptable; (v) the response to item 3 (e) is not acceptable with many of the findings of the RSA not included in the final design; (vi) road design – proposed chicanes and two-way cycle track are of poor design and uncertainty of the proposed cross section

outside dwelling nos. 32 - 41; (vii) response to item 11 unacceptable – bin and cycle shelters would be prone to theft and vandalism on foot of their location.

3.2.59. Following the applicant's response to the request for Clarification of Further Information, it was considered that: (1) Response to Item No. 3(a) - turning movements at the proposed junction onto the R761 had not been satisfactorily addressed. It is stated that the junction has not been designed for HGV movements, but these will be required during the construction phase as will refuse vehicles during the operational phase. The capacity of the junction and its ability to cater for all lands zoned AP9 has not been addressed; (2) Response to Item No. 3 (b)(i) – the revised T-junction layout is still not in accordance with the National Cycle Manual and is therefore substandard. (3) Response to Item No. 3 (b)(ii) – response is acceptable; (4) Response to Item No. 3 (iii) – not acceptable as cyclists are being sent from the cycle track to a footpath whereas they need to transition to / from the road carriageway. Cyclists coming from the R761 north and south and cyclists on Sea Road are not catered for. The signal layout submitted does not show that the junction has been upgraded to a Toucan crossing. (5) Item No. 3 (c) – satisfactorily addressed; (6) Item No. 3 (d) – response for side roads is acceptable but discrepancy in the main development road, which is referred to as a link street in the RFI but a local street in the CFI. (7) Item No. 3 (e) – has not been responded to. (8) Other items – only items (a) and (b) of items (a) – (f) have been responded to. The response to item (a) is not acceptable as the chicanes have been removed resulting in no measures to assist in restricting speeds along the 6 m wide straight section of road. Response to item (b) is acceptable.

3.2.60. **Water and Environmental Services (13th June 2022):** Notes that the applicant's Further Information response adequately deals with item no. 10 in relation to surface water drainage/SuDS. Conditions identified in the event permission is granted.

3.2.61. **Environmental Health Officer (14th June 2022):** Notes the development is proposed to connect to the public sewer. Subject to the agreement of Irish Water, no objections arise to the proposed development.

3.3. Prescribed Bodies

- 3.3.1. **Inland Fisheries Ireland (28th January 2022):** Notes that the site is bordered to the west by the Kilcoole stream, which is an important salmonid system. Mitigation measures to protect the stream during construction works are identified.
- 3.3.2. **Uisce Éireann (15th February 2022, 16th February 2022, 10th June 2022, 13th June 2022):** No objection to the proposed development subject to conditions.
- 3.3.3. **Dept. of Housing, Local Government and Heritage (22nd February 2022 and 14th June 2022):** Recommends that a suitably qualified ecologist be nominated as an Ecological Clerk of Works to ensure implementation of all mitigation measures during construction and operational phases.
- 3.3.4. Report of 14th June recommends that a condition requiring pre-development archaeological testing be attached if planning permission is granted.

3.4. Third Party Observations

- 3.4.1. 11 no. third-party observations were made on the application by: (1) Declan Greene, Sirrus, New Road, Kilcoole, Co. Wicklow, (2) Mary Byrne, Danmar, Sea Road, Kilcoole, Co. Wicklow, (3) Ailish Byrne, Drumlona, Sea Road, Kilcoole, Co. Wicklow, (4) Solomon Mac Eoghan and Siobhán Harding, 11 Main Street, Kilcoole, Co. Wicklow, (5) Caitriona Whiston, Post Office, Kilcoole, Co. Wicklow, (6) Pat and Ann Healy, 4 Ashlawn, Kilcoole, Co. Wicklow, (7) Morgan Burke, 5 Ashlawn, Kilcoole, Co. Wicklow, (8) Kilcoole Biodiversity Group, 18 Wellfield, Kilcoole, Co. Wicklow, (9) Beachdale & Meadowbrook Residents Association, 79 Beachdale, Kilcoole, Co. Wicklow, (10) The Wilson Family, Bullford House, Bullford Farm, Kilcoole, Co. Wicklow, (11) Kilcoole Community and Development Association, Community Centre, Kilcoole, Co. Wicklow.
- 3.4.2. Representations were also made on the application by: (1) Cllr. Tom Fortune, Delacy, Sea Road, Kilcoole, Co. Wicklow, (2) Stephen Donnelly TD, Dáil Éireann, Leinster House, Kildare Street, Dublin 2.
- 3.4.3. The issues which are raised can be summarised as follows: (1) proposed development does not reflect houses on east side of Main Street, (2) little public consultation, (3) reliance on out-of-date information, (4) piecemeal development, (5) traffic management issues, (6) lack of amenities and green space within the

proposal, (7) health and safety impacts of construction entrance onto Main Street, (8) insufficient parking, (9) increased demand on local schools, (10) needs of village must be considered, (11) town square should be included in the plans, (12) Construction Management Plan does not address the existing road infrastructure and traffic flow, (13) junction intelligence needs review and investigation, (14) building height impacts on Sylvan Lawn, (15) bin store will attract anti-social behaviour and impact on residential amenity of Ashlawn, (16) overhead power lines not shown on planning drawings, (17) location of site compound not clarified, (18) development of wider lands must be considered, (19) wastewater infrastructure limitations, (20) town centre car park required, (21) risk to Murrough SPA has not been considered, (22) height of the development is out of character with surrounding existing housing, (23) extent of gabion structure not shown on plans, (24) more detailed landscaping plan and information on tree planting required, (25) traffic impact report does not consider impact of development on existing Farm Lane and impact of future western relief road on the development, (26) location of public open space / playground may attract anti-social activities, (27) cumulative traffic impacts not considered, (28) NIS does not consider the planned direct discharge of stormwater runoff from the development to the Kilcoole Stream, (29) construction impacts should be managed to avoid impacts on Ashlawn estate, (30) geotechnical assessment of embankment to rear of Ashlawn required, (31) relationship to Ashlawn not accurately illustrated or articulated, (32) insufficient measures to protect biodiversity and provide adequate biodiversity positive actions, (33) phased development of overall site will disrupt pedestrian and vehicular traffic for an indeterminable period of time, (34) east-west link route and connection to boundary of adjoining landholding to the south must be conditioned as part of a grant of permission and be implemented as part of this initial phase of development, (35) alternative construction access available on existing route to Bullford Farm lands to the south of the application site, (35) future delivery of civic elements of development is unacceptable, (36) premature development.

- 3.4.4. Cllr. Tom Fortune also made a submission on the applicant's Further Information response, which can be summarised as follows: (1) development is premature pending LAP approval; (2) western by-pass must be properly detailed/considered; (3) out of date traffic data; (4) impact of new junction on traffic exiting Ashlawn has

not been addressed; (5) construction impact on Ashlawn and Montequ / Silven Lawn has not been addressed; (6) town square should be provided at the start of the project; (7) maintenance of open space should be clarified; (8) comprehensive construction timeline should be provided.

4.0 Planning History

- 4.1. **ABP Ref. 316352-23:** Determination issued on 10th November 2023 that the subject lands are not zoned and therefore, do not satisfy the criteria for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended. The central portion of the current appeal site is located within this boundary.
- 4.2. **ABP Ref. 304348-19:** SHD consultation regarding a 10-year permission for 253 no. residential units (211 no. houses and 42 no. apartments), offices/shops, a crèche and associated site works. Notification issued on 26th June 2019 that further consideration was required in relation to: (1) water and wastewater infrastructure constraints in the network serving the proposed development, and (2) the unit mix, in particular the extent of 3-bedroom and larger residential units.
- 4.3. **ABP Ref. 302552-18:** Planning permission refused on 13th December 2018 for a SHD comprising 267 no. residential units (225 no. houses and 42 no. apartments), 5 no. retail units, 4 no. office units, a childcare facility, innovation hub and associated site works. Permission was refused for 3 no. reasons relating to: (1) the prematurity of the development with reference to existing deficiencies in the provision of sewerage and water supply facilities, (2) the potential for effects on The Murrough Special Protection Area and The Murrough Wetlands Special Area of Conservation, (3) the inclusion of 14 no. residential units on lands zoned as open space.
- 4.4. **ABP Ref. 300156-17:** SHD Consultation regarding a 10-year permission for the construction of a 262 no. residential units, 8 no. commercial units, a crèche and a civic space, the future use of land for a community/innovation hub facility, the laying-out of internal roads and footpaths and all associated site and infrastructural works. Notification issued on 18th December 2017 that further consideration was required in relation to: (1) the rationale and design of the proposed site junctions, (2) the orientation and design of the proposed civic plaza and community building, (3) the

connection of the proposed development to the Kilcoole Wastewater Treatment Plant.

- 4.5. **Planning Authority Reg. Ref. 03/8544:** Planning permission refused on 20th June 2003 for the development of 206 no. dwellings and ancillary site development works including a portion of a distributor road and the demolition of existing dwelling and outbuildings for 7 no. reasons relating to: (1) deficient sightlines at the junction of the proposed development with the R761, (2) the prematurity of the development pending the preparation of a TIA of the impacts of the development on the adjoining road network, (3) potential flooding of downstream properties, (4) deficiencies in private and public open space; (5) the development, by virtue of its density and sub-standard layout, design and open space provision, would not provide a variety of layout, would not provide pedestrian and cycle linkages and would not integrate with the existing village, (6) absence of childcare facilities, and (7) no specific Part V proposals.

5.0 Policy and Context

5.1. Wicklow County Development Plan 2022-2028

5.2. Settlement Strategy

- 5.2.1. Kilcoole is identified as a Level 4 (Self-Sustaining Town) in the settlement strategy for the county. The town had a population of 4,244 persons in 2016, with a target of 4,778 persons by Q2 2028. These towns require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. Delivering compact growth, regeneration and revitalisation of the town centres is a key priority.
- 5.2.2. **Objective CPO 4.2:** To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
- 5.2.3. **Objective CPO 4.3:** Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building

height where appropriate, encouraging living over the shop and securing higher densities for new development.

- 5.2.4. **Objective CPO 4.5:** To ensure that all settlements, as far as is practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.
- 5.2.5. **Objective CPO 4.13:** To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.

5.3. Housing

- 5.3.1. **Density:** Higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. New development should incorporate a mix of dwelling types and heights to achieve minimum densities and create interesting and attractive settlements. Mono-type building typologies (e.g. two storey or own-door houses only) will not be considered favourably. On centrally located sites in small towns such as Kilcoole, a density of 30 – 40+ units per hectare for mainly residential schemes may be appropriate, with a density of 20-35 units per hectare appropriate for edge of centre sites (table 6.1 of the plan refers).
- 5.3.2. In the application of density standards and the assessment of applications, cognisance shall also be taken on Circular letter NRUP 02/2021 that clarifies that in the application of the Sustainable Residential Development Guidelines, Planning Authorities should apply a graduated and responsive, tailored approach to the assessment of residential densities as they apply to towns of all sizes, to ensure that such places are developed in a sustainable and proportionate manner.
- 5.3.3. **Objective CPO 6.13:** To require that new residential development represents an efficient use of land and achieves the minimum densities as set out in Table 6.1 subject to the reasonable protection of existing residential amenities and the established character of existing settlements.

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

- 5.4.1. This LAP has now expired with the preparation of a new LAP being at pre-draft consultation stage at the time of writing this report. The relevant provisions of the expired LAP have informed the layout of the proposed development and are included here for context purposes.

5.5. **Land Use Zoning**

- 5.5.1. The site was subject to 3 no. different land use zonings under the LAP as follows:
- (1) **TC (Town Centre)** which has the objective “to protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas”. This zoning applied to the eastern and central portions of the site.
 - (2) **R22 (Residential)** which has the objective “to provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity”. This zoning applied to the central portion of the site.
 - (3) **OS (Open Space)** which has the objective “to preserve, provide for and improve public and private open space for recreational amenity and passive open space”. This zoning applied to the western-most portion of the site.

5.6. **Action Area Plan**

- 5.6.1. The site was located within the boundary of Action Plan 9 (Bullford Action Plan - AP9), which encompasses an area of c. 10 ha including the adjoining lands within the applicant’s control to the north and neighbouring lands to the south outside of the applicant’s control. Separate planning applications will not be considered until an overall action plan has been agreed in writing with the planning authority unless it can be shown that any application will not undermine the achievement of the overall objectives for the Action Area.

5.6.2. AP9 to be developed as a town centre, residential, community and open space zone in accordance with the following criteria:

- Vehicular access shall be provided from the proposed Western Distributor Road and the east-west linkage to Main Street. Only 50% of development shall be completed before the entire link between Main Street and the Newtownmountkenedy Road has been completed.
- Derelict buildings adjoining Main Street shall be removed and a new town square provided. New buildings shall be designed to enclose the new square (indicative layout in Figure 10.2).
- A town car park shall be provided at an easily accessible and convenient location.
- The streetscape south of 'The Breeches' pub shall be reinstated with the provision of a suitable new two-storey development.
- New residential areas shall be developed to the highest standard of design and layout and shall provide for a range of unit types and sizes.
- Denser development may be considered in the area zoned TC, subject to a high-quality design and respect for the scale and proportions of existing buildings on Main Street.
- Proposals for community uses shall be included, as determined through the preparation of a community facilities audit and consultation with the Community and Enterprise Section of the Council.
- Land zoned open space can be used as the residential public open space associated with housing development on the site.

5.7. Transport

5.7.1. **Objective RO8:** To provide for the development of a Western Distributor Road to bypass Kilcoole. The northern section of the route shall be developed in the long term, with linkage to the R774. It is a long-term objective to develop an additional link between R761 intersection with Lott Lane and the Western Distributor Road. To provide for the development of a local access road in conjunction with the development of zoned lands at AP9: Bullford Action Plan and to provide for the

development of a through link road from Main Street to the Western Distributor Road. This section of the route is necessary for the opening up of zoned lands (AP9 and E lands at Bullford Farm). Only 50% of development on these lands shall be permitted before the southern part of this road is completed.

5.7.2. **Objective TS12:** To develop the greenroute network for pedestrian and/or cycling facilities.

5.7.3. The indicative green route extends in a north-south direction along Main Street to the east of the appeal site and in an east-west direction along the local access road adjoining the southern site boundary.

5.8. Heritage

5.8.1. The eastern-most portion of the site which fronts onto Main Street is located within the boundary of the Kilcoole Town Centre Character Area.

5.8.2. **Objective HER 13:** It is Council policy to protect the historic and traditional rural character of the 'Kilcoole Town Centre Character Area'.

5.8.3. It is an objective to provide a high standard of urban design in this area, with buildings generally to be 2-storeys in height, and to encourage development that will enhance the vitality and vibrancy of the area.

5.9. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

5.9.1. Section 6.9 of the Guidelines notes that because of the variety of contexts and the probability of mixed-use developments in small towns such as Kilcoole, it is difficult to be prescriptive about recommended density levels. Within centrally located sites, densities of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate. The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening the street pattern or creating new streets.

5.10. **Circular NRUP 02/2021 – Application of Residential Densities in Towns and Villages**

5.10.1. This Circular clarifies the application of the Sustainable Residential Development Guidelines to ensure that when carrying out their planning functions, An Bord Pleanála and Planning Authorities apply a graduated and responsive, tailored approach to the assessment of residential densities. The Circular reiterates the guidance in relation to small towns as set out in Section 5.9 above.

5.11. **Natural Heritage Designations**

5.11.1. The Murrough SPA (site code: 004186) and The Murrough Wetlands SAC (site code: 002249) are located approx. 1.5 m to the east of the appeal site. Glen of the Downs SAC (site code: 000719) is located approx. 3.5 km to the north-west.

5.12. **EIA Screening**

5.12.1. Class (10)(b)(i) and (iv) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.12.2. It is proposed to construct 56 no. dwelling houses which is significantly below the 500-unit threshold noted above. The site has an area of 2.12 ha and is located within an existing built-up area but not in a business district. The site is therefore well below the applicable threshold of 10 ha. The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European site. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The

proposed development would use the public water and drainage services of Uisce Éireann Water and Wicklow County Council, upon which its effects would be marginal.

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal against the Planning Authority's decision to refuse permission for the proposed development has been lodged by John Spain Associates on behalf of the applicant. The grounds of appeal can be summarised as follows:

- The appropriateness of the proposed density and unit mix / types was addressed in the Further Information and Clarification of Further Information response.
- The central location of this Phase 1 site within Kilcoole is acknowledged. The northern part of the overall landholding (also zoned town centre) is more centrally located in the context of the village. The Phase 1 density of 26.4 ha is justified given that an "edge of centre" density range of 20-35 uph is most applicable to this application.
- To consider this Phase 1 site as being primarily centrally located due to its partial town centre zoning, and therefore suitable for a density range of 30-40+ dwelling per hectare, does not have sufficient regard to the greenfield nature of the site, the wider extent of town centre zoned lands and the location / constraints of the Phase 1 site.
- The Sustainable Residential Development in Urban Areas Guidelines are not prescriptive in requiring densities of 30-40 uph on centrally located sites in small towns and villages.

- The proposed development achieves a suitable density, layout, mix and design of development for the site whilst also achieving: a link street to the west and future road connection to the residential zoned lands to the south; the first phase of open space along the riparian corridor to the west and future road connections to the phase 2/3 lands to the north; a reserved area to the front of the site to provide for a planned town square/civic hub; and, a scale of development that respects the existing pattern.
- The applicant's overall proposals for the Bullford AP9 lands includes building heights of 1, 2 and 3 storeys. The Building Height Guidelines are primarily focused on cities and larger towns and do not offer specific guidance on small towns and villages.
- The applicant's overall land holding provides opportunities for a greater mix of building typologies, which will increase the overall density.
- The unit mix is considered appropriate for this relatively small first phase of development and will meet the demand for housing, particularly in the first-time buyer's market.
- Should the Board share the Planning Authority's concerns in relation to density, unit nos. 32-41 could be omitted by condition and a subsequent application could be submitted to provide a mix of 1 and 2-bedroom apartment units in a block of 3-4 storeys.
- The comprehensive documentation prepared and submitted by Pinnacle Consulting Engineers with the application, FI response and CFI response, including an independent Road Safety Audit, demonstrates that the proposed access road and associated infrastructure provides a suitable solution for the site.
- The development has been designed to accommodate service vehicles and fire tenders. The new signalised junction has been designed to accommodate the subject application. Additional junctions are required for future applications.
- The cycling infrastructure has been designed in accordance with the National Cycle Manual, providing an off-street route from the development to Main

Street. Crossing facilities are provided at the new signalised junction to allow cyclists easy access to the site from all approaches.

- The recommendations of the Stage 2 Road Safety Audit have been fully accepted and incorporated into the design. The proposed development is fully DMURS compliant.
- The proposed Phase 1 road layout is broadly similar to that submitted with the SHD application (ABP Ref. 302552-18) and subsequent SHD pre-application consultation and no significant concerns were raised to this aspect of these proposals by the Board.
- It is acknowledged that development on the remainder of the lands will require the northern access point, which will be included in the next phase(s) of development.
- The Wicklow County Development Plan was adopted on 12th September 2022. The proposed development remains consistent with the relevant provisions of this plan regarding population and the core strategy, density and dwelling mix/sizes/locations/formats.

6.1.2. Appendix 1 of the appeal includes a copy of Wicklow County Council's decision on the application. Appendix 2 contains Drawing No. PL2-06 (Site Plan – Density Calculation) and Drawing No. PL2-10 (Masterplan) prepared by PCOT Architects.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. An observation was made on the appeal by Cllr. Tom Fortune who notes his disagreement to the proposed development as previously raised in his observation on the application to Wicklow County Council.

7.0 Assessment

7.1. In my opinion, the main issues arising for consideration in this case include:

- Housing Unit Mix / Residential Density
- Site Access Arrangements
- Appropriate Assessment

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

7.3. Housing Unit Mix / Residential Density

- 7.3.1. In refusing planning permission in this instance, Wicklow County Council considered that the proposed development density was insufficient and would result in the under-utilisation of centrally located lands and fail to provide an appropriate mix of house types in the interests of choice and creating interesting, attractive settlements.
- 7.3.2. The applicant's agent submits that the proposed development density (26.4 ha) is justified given that an "edge of centre" density range of 20-35 uph is most applicable to the subject site. It is considered that the Planning Authority's assessment that a density range of 30-40+ dwellings per hectare applies, does not have sufficient regard to the greenfield nature of the site, the wider extent of town centre zoned lands and the location/constraints of the site. It is also submitted that the applicant's overall proposals for the Bullford AP9 lands includes building heights of 1, 2 and 3 storeys and will provide opportunities for a greater mix of building typologies and increase the overall development density. The unit mix is considered appropriate for this first phase of development and is anticipated to meet the demand for housing, particularly in the first-time buyer's market.
- 7.3.3. While the Planning Authority's refusal reason references SPPR4 of the Urban Development and Building Height Guidelines for Planning Authorities (2018), I do not consider these guidelines are directly relevant to the assessment of this appeal case, comprising a housing scheme of 1-2 storeys in height. In my opinion, the policy guidance of the Wicklow County Development Plan 2022-2028 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 is most relevant.

- 7.3.4. In my opinion, the subject site cannot reasonably be categorised as being “edge-of-centre” with reference to the identified density standards for small towns under the aforementioned national guidelines. The site is greenfield in nature, but is centrally located within the town, with its eastern-most portion fronting directly onto Main Street. While the existing built footprint of Kilcoole is limited in a westerly direction, it has expanded to the north, east and south of the appeal site. I also note that a significant portion of the eastern part of the site was subject to a town centre zoning under the now expired Greystones, Delgany and Kilcoole LAP 2013-2019. In my opinion, this zoning designation further confirms the site’s central location within the settlement.
- 7.3.5. The applicant acknowledges the site’s central location on page 6 of their appeal submission, which somewhat contradicts their argument that an edge of centre density range applies in this instance. While I acknowledge that other lands to the north of the site were also zoned for town centre purposes under the expired LAP, I consider that the argument put forward by the applicant’s agent that these northern lands are more centrally located has little merit when viewed in the context of the overall development footprint of the town.
- 7.3.6. The county development plan states that higher densities are encouraged to achieve the efficient use of land and to create compact, vibrant and attractive settlements. Mono-type building typologies will not be favourably considered. A density range of 30-40+ units per hectare may be appropriate on centrally located sites in small towns subject to the guidance of Circular letter NRUP 02/2021 which requires a graduated, responsive and tailored approach to the assessment of this issue.
- 7.3.7. Having regard to the foregoing, I consider that the proposed unit mix, comprising 53 no. 2-storey dwellings and 3 no. bungalows and the resulting development density would be inappropriate on the subject site having regard to its central location within Kilcoole. In my opinion, the inclusion of 2-storey dwellings on the portion of the site which was previously zoned for town centre purposes (approx. location of unit nos. 1-18 and 32- 41) and which had the objective to, inter alia, protect, provide for and improve the development of a mix of town centre uses and to consolidate and facilitate the development of the central area, would constitute a poor design response on this part of the site.

- 7.3.8. While Circular NRUP 02/2021 reiterates the 2009 national guidance in relation to sustainable residential densities and the need for development to respond to the existing built context, I consider the proposed development to be suburban and low density in character and would represent a missed opportunity to strengthen the fragmented built form at this location. The development is largely monotype in terms of unit mix, comprising 79% 3-bedroom, 2-storey dwellings, which is not supported under the county development plan. I consider that the location of the bin and bike stores in the strip of open space on the northern side of the access road and separated from the proposed housing units, constitutes a poor design response. I also consider that the layout of the dwellings on the southern side of the access road (unit nos. 1 – 4) would result in a poor urban design relationship to the site of the adjoining future innovation hub/civic square. I would also query the location of the open space at end of the scheme with limited overlooking from the adjoining houses, although I acknowledge that this reflects the land use zonings which applied to the site under the expired LAP.
- 7.3.9. While the applicant's agent highlights that this site comprises Phase 1 of a larger development on the applicant's overall landholding and that future phases of development will provide for higher densities and a greater unit mix, I note that each application must be adjudicated on its merits. I consider that these arguments do not offer sufficient justification for the proposed design approach in this instance, which in my opinion, requires reconsideration. I also note that there is no certainty at this point in relation to the future development of the applicant's remaining landholding. As such, I recommend that planning permission be refused for the proposed development based on the proposed development density and unit mix.
- 7.3.10. The applicant has suggested a design amendment to the scheme in the event the Board shares the Planning Authority's concerns regarding the proposed development density. It is suggested that the 10 no. terraced houses (unit nos. 32 - 41) adjacent to No. 1 Ashlawn could be omitted by condition and a subsequent application be submitted on this part of the site to provide a mix of 1 and 2-bedroom apartment units in a block of 3 - 4 storeys in height. This amendment would provide between 24 – 33 apartments and increase the overall site density to 33 – 37 units per hectare. A site plan layout demonstrating the footprint of the proposed apartment block is included as Figure 6 of the appeal submission (page 13 refers).

7.3.11. In my opinion, an apartment block of this scale would generally be appropriate on this part of the site. However, I consider that this amendment alone would not address my concerns about the overall design approach in this instance, and as such, would constitute a piecemeal approach to the development of the site. I further note that the applicant was given the opportunity to address this issue on two previous occasions on foot of the Planning Authority's Request for Further Information and Request for Clarification of Further Information.

7.4. Site Access Arrangements

7.4.1. In refusing planning permission for the proposed development, the Planning Authority considered that the signalised junction arrangement had not been shown to operate safely for all vehicles, that full details had not been submitted to show that the junction would have sufficient capacity to cater for the development of the remainder of the AP9 zoned lands, that the proposed cycling infrastructure had not been designed in accordance with the National Cycling Manual, that the Stage 1 Road Safety Audit recommendations had not been incorporated into the scheme design and that there was a lack of mitigation measures designed to prevent excessive speeds on the internal road layout.

7.4.2. In response, the applicant's agent submits that: (i) the proposed new signalised junction has been designed to accommodate the proposed development, but additional junctions are required for future applications; (ii) the cycling infrastructure has been designed in accordance with the National Cycle Manual; and (iii) the recommendations of the Stage 2 Road Safety Audit have been fully accepted and incorporated into the design.

7.4.3. Vehicular access to the site is proposed via Main Street, which will involve upgrading the existing 3-arm signalised junction (Main Street North, Sea Road, Main Street South) to a 4-arm signalised junction. The primary internal access road within the site has a width of 6 m, with link streets having widths of 5.5 m. A two-way, cycle path of 2.25 m and a footpath of 1.8 m are proposed along the northern side of the road, with footpaths of between 1.8 m and 2 m proposed on the southern side and the associated link streets. The southern footpath commences to the front of proposed house no. 1 adjoining the site of the future innovation hub/civic square. An uncontrolled pedestrian crossing is also proposed at this location (Site Plan Drawing

submitted at Clarification of Further Information stage No. PL2-02 Rev. M refers). Future access points are facilitated to the planned Western Distributor Road, to the applicant's remaining landholding to the north and to the separately owned lands to the south, on the opposite side of Farm Lane.

- **Junction Safety**

7.4.4. Pinnacle Consulting Engineers Clarification of Further Information response document confirms that the development access road has been designed as a link street and that the junction has not been designed to cater for HGVs, which will use the R761 or the future Western Distributor Road. Autotrack drawings for a refuse vehicle and fire tender were provided by the applicant at this stage.

7.4.5. The Municipal District Engineer of Wicklow County Council acknowledged that although HGV traffic would be low, these movements must be catered for at a signalised junction, with refuse vehicles noted to require access to the site on a regular basis, as well as bulky goods delivery vehicles. It was also noted that HGV traffic would access the junction during the construction phase of the development. I agree with the assessment of Wicklow County Council in this instance and consider it appropriate that the junction be designed to facilitate these movements.

- **Junction Capacity**

7.4.6. The Further Information response document of Pinnacle Consulting Engineers states that the proposed junction (referred to as access no. 1) has been designed to accommodate up to 20% of the AP9 lands, with the proposed development of 56 units noted to equate to 20% of the zoned lands. As such, the junction has been designed to cater for the proposed development only. As part of the phased development of lands under the applicant's control, a masterplan has been developed which includes a northern junction (access no. 2) which will accommodate the remainder of the AP9 lands.

7.4.7. While I would query the requirement for the proposed signalised junction to be capable of catering for all traffic which will be generated on foot of the development of all lands within the AP9 boundary, it appears that the junction analysis has not considered the future development of the separately owned lands to the south. These lands were previously zoned for residential purposes (R22: Residential – 22/ha) and were included in the AP9 boundary under the expired LAP.

7.4.8. The applicant's Draft Action Plan as provided with the planning application identifies these lands as having an area of c. 5.4 acres, with an envisaged development density of 12-16 units per acre. Given that the road layout within the appeal site facilitates a connection to / from these lands, which in turn would utilise the new signalised junction, I consider that the future development of these lands should have been considered as part of the junction analysis.

7.4.9. In addition, while I consider it reasonable to assume that all the northern lands would not utilise the proposed signalised junction, it is likely that some trips would be generated from these lands on foot of traffic travelling to / from the R671 to the south. This scenario has also not been considered. As such, I agree that the proposed junction analysis has not considered the future development of adjoining lands as identified by the Planning Authority and I recommend that planning permission be refused on this basis.

- **Cycling Infrastructure**

7.4.10. The proposed cycling infrastructure comprises a 2-way cycle lane on the northern side of the internal access road, which merges with the footpath at the new signalised junction at Main Street (General Layout Drawing of Pinnacle Consulting Engineers (No. P210903-PIN-XX-DR-D-00010SI Rev. P09 refers). The applicant's Stage 2 RSA noted that the cycle track arrangement could result in collisions with pedestrians at the junction and recommended that it transition on-road in advance of the traffic signals.

7.4.11. While this recommendation is not reflected in the engineering drawings, I consider that this matter could likely be addressed by condition in the event the Board considered granting permission for the proposed development. As such, I do not consider it would be reasonable to refuse permission for the proposed development on this basis.

- **Road Safety Audit**

7.4.12. The Stage 2 RSA highlighted other issues including, inter alia, the absence of a footpath on the southern side of the access road. It was considered that this arrangement could result in collisions with vehicular traffic on foot of a pedestrian desire line along this route, with the inclusion of a footpath at this location being recommended.

7.4.13. The RSA also noted that drivers reversing out of the in-curtilage parking space to house no. 1 may not have adequate visibility to approaching vehicles from the signalised junction, which could result in collisions. It was also considered unclear whether pedestrians would be able to access the houses from the footpaths if the car parking spaces were occupied. Other issues were noted in relation to the design of tactile paving and the nature of the traffic signals.

7.4.14. While the applicant's appeal submission states that the RSA recommendations have been fully accepted and included in the scheme design, this does not appear to be the case based on my reading of the planning application drawings (Clarification of Further Information drawings refer). In considering the main issues which are not reflected in the scheme design, I note that the site of the future innovation hub adjoining proposed house no.1 is within the applicant's ownership. As such, I consider that vehicular sightlines at this dwelling and the extension of the footpath along the southern side of the access road could be resolved by condition in the event the Board considered granting permission for the proposed development.

- **Speed Mitigation Measures**

7.4.15. The proposed chicanes on the internal access road were removed in response to the Planning Authority's Request for Further Information, which noted that the chicanes were not in accordance with DMURS design. In my opinion, final design details in relation to this matter could be agreed with the Planning Authority in the event the Board considered granting permission in this instance.

7.4.16. In conclusion, I agree with Wicklow County Council's assessment that the applicant has not demonstrated that the proposed signalised junction would be capable of serving development on the adjoining lands and would be capable of accommodating HGV traffic, albeit limited. As such, I agree the proposed development has the potential to endanger public safety by reason of a traffic hazard and that planning permission should be refused on this basis.

7.5. Appropriate Assessment (AA)

- **Screening**

7.5.1. The subject site is not located within or directly adjacent to any European site, and as such, there is no potential for **direct impacts** to occur. The site is not an ex-situ site for Qualifying Interest/Special Conservation Interest populations of any European sites.

7.5.2. The closest European sites include:

- The Murrough SPA (site code: 004186) located approx. 1.5 km to the east.
- The Murrough Wetlands SAC (site code: 002249) located approx. 1.5 km to the east.
- The Glen of the Downs SAC (site code: 000719) located approx. 3.5 km to the north-west.

7.5.3. In considering the potential for **indirect impacts** to occur, and in applying the source-pathway-receptor model, and having considered the relevant conservation objectives and qualifying interests for these sites as set out in Appendix 1, Glen of the Downs SAC has been screened out from further assessment based on a combination of factors including the intervening minimum distances, the absence of any hydrological or biological connections to this site, the nature of the qualifying interest and the nature and scale of the proposed development.

7.5.4. There is a hydrological connection between the subject site and The Murrough Wetlands SAC via the Kilcoole Stream which extends along the western boundary of the appeal site. This surface-water connection provides a pathway through which water-borne pollutants could reach aquatic habitats and fauna. Therefore, the carrying out of a Stage 2 AA in relation to The Murrough Wetlands SAC and The Murrough SPA is required.

- **Appropriate Assessment**

7.5.5. There will be no **direct impacts** on The Murrough Wetlands SAC and The Murrough SPA on foot of the proposed development. There is the potential for **indirect impacts** to arise on foot of surface water pollutants affecting water quality, which in turn may impact on habitats and species for which the SAC and SPA are designated.

- 7.5.6. The proposed development incorporates an area of open space at the western end of the site adjacent to the Kilcoole Stream, which will act as a buffer to the remainder of the scheme. A Construction Environmental Management Plan will incorporate best practice construction methodology to avoid local impacts on water quality as set out in Section 3.6 of the applicant's revised NIS including, inter alia, the fencing of the works area with Terram or equivalent geo-textile fencing to prevent the wash-out of suspended solids from the site to the adjacent watercourse; the storage of chemicals in sealed containers; no storage of excavated materials adjacent to the watercourse; appropriate use/storage of fuels and lubricants; use of appropriate spill procedures; best practice in pouring and handling concrete, with no washing of concrete mixers and lorries on site. A suitably qualified ecologist will be nominated as an Ecological Clerk of Works to ensure the implementation of all mitigation measures during the construction and operational phases.
- 7.5.7. During the operational phase of the development, all surface water drainage networks will be designed in accordance with the Greater Dublin Strategic Drainage Study and the requirements of Wicklow County Council. SuDS will provide a comprehensive design approach to the management of water on site, to delay runoff and encourage infiltration through porous surfaces and rainwater harvesting in ways which enhance amenity and biodiversity and minimise pollution effects. The proposed development will connect to the public water and wastewater infrastructure networks.
- 7.5.8. I note that Inland Fisheries Ireland recommended that all construction should be undertaken in accordance with a project specific Construction Environmental Management Plan (CEMP). The Department of Housing, Heritage and Local Government has recommended that a suitably qualified ecologist should be nominated as an Ecological Clerk of Works to ensure all mitigation measures are implemented. These matters could be addressed by condition should the Board decide to grant planning permission for the proposed development.
- 7.5.9. Subject to the implementation of and adherence to appropriate mitigation measures, I can conclude that the proposed development will not cause any significant negative indirect impacts on The Murrough SPA and The Murrough Wetlands SAC. I note that this reflects the conclusions of the applicant's NIS and Wicklow County Council's

Appropriate Assessment. Given that there is no potential for indirect impacts, I am satisfied that any potential **in-combination impacts** can also be excluded.

- 7.5.10. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of The Murrough SPA (site code: 004186) or The Murrough Wetlands SAC (site code: 002249), or any other European Site, in view of the site's Conservation Objectives.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. Having regard to the central location of the site within the settlement of Kilcoole, it is considered that the proposed development density and unit mix would result in a suburban style development, comprised primarily of 2-storey, 3-bedroom dwellings, which would result in the inefficient use of urban land. As such, the proposed development would fail to provide a compact, high-quality form of development and would be contrary to the density standards set out in Table 6.1 of the Wicklow County Development Plan 2022-2028 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed signalised junction has been designed to cater for the proposed development only and has not accounted for the trips which would arise on foot of the future development of the adjoining lands to the north and south of the appeal site. The proposed signalised junction has also not been designed to cater for HGV movements. As such, the proposed signalised junction would give rise to traffic congestion and would endanger public safety by reason of a traffic hazard.

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

Louise Treacy
Senior Planning Inspector

19th December 2023

Appendix 1: Natura 2000 Sites Qualifying Interests & Conservation Objectives

| The Murrough SPA (site code: 004186) | |
|--|--|
| Qualifying Interests | <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p> |
| Conservation Objective(s) | <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at The Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p> |
| The Murrough Wetlands SAC (site code: 002249) | |
| Qualifying Interests | <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> |

| | |
|----------------------------------|--|
| Conservation Objective(s) | <p>To restore the favourable conservation condition of Annual vegetation of drift lines in The Murrough Wetlands SAC [1210]</p> <p>To restore the favourable conservation condition of Perennial vegetation of stony banks in The Murrough Wetlands SAC [1220]</p> <p>To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) in The Murrough Wetlands SAC [1330]</p> <p>To restore the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in The Murrough Wetlands SAC [1410]</p> <p>To restore the favourable conservation condition of Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>* in The Murrough Wetlands SAC [7210]</p> <p>To restore the favourable conservation condition of Alkaline fens in The Murrough Wetlands SAC [7230]</p> |
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| Glen of the Downs SAC (site code: 000719) | |
| Qualifying Interests | Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] |
| Conservation Objective(s) | To restore the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles in Glen of the Downs SAC [91A0] |

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

| | | | |
|---|--|------------------|---|
| An Bord Pleanála Case Reference | 314721-22 | | |
| Proposed Development Summary | 56 no. houses, internal roads, car parking, pedestrian and cycle paths, public open spaces & all associated site and infrastructural works, vehicular entrance from Main Street. | | |
| Development Address | Bullford, Kilcoole, Co. Wicklow | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X |
| | | No | |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | | X | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| | | | Conclusion |
| No | | | No EIAR or Preliminary Examination required |
| Yes | | X | Proceed to Q.4 |

| 4. Has Schedule 7A information been submitted? | | |
|---|--|---|
| <input checked="" type="radio"/> No | | Preliminary Examination required |
| <input type="radio"/> Yes | | Screening Determination required |

Inspector: _____ **Date:** _____

Form 2
EIA Preliminary Examination

| | | |
|---|---|------------------------------|
| An Bord Pleanála Case Reference | 312714-22 | |
| Proposed Development Summary | 56 no. houses, internal roads, car parking, pedestrian and cycle paths, public open spaces & all associated site and infrastructural works, vehicular entrance from Main Street. | |
| Development Address | Bullford, Kilcoole, Co. Wicklow | |
| The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations. | | |
| | Examination | Yes/No/ Uncertain |
| Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants? | The subject site is currently agricultural in nature but is centrally located within the town. The removal of topsoil and C&D waste can be managed through an agreed Construction and Environmental Management Plan. Localised construction impacts will be temporary. | No No |
| Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects? | The site is centrally located in the town and is adjoined by residential development to the south and north and by commercial development to the north-east fronting onto Main Street. The proposed development would be contiguous to the existing built footprint of the town. The site is located on the western side of Main Street and the proposed development would extend the existing built-up area. There are no significant permitted developments in the immediate vicinity of the site. | No No |
| Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an | There are no ecologically sensitive locations in, on or adjoining the site. The site is hydrologically connected to The Murrough Wetlands SAC (site code: 002249). An Appropriate Assessment of the potential for indirect surface water pollution impacts to arise to The Murrough Wetlands SAC and The Murrough SPA (site code: 004186) has determined that the proposed development, | No |

| | | |
|--|---|---|
| <p>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>individually or in combination with other plans or projects, would not adversely affect the integrity of these sites, or any other European sites, in view of their conservation objectives.</p> <p>No</p> | <p>No</p> |
| <p>• Conclusion</p> | | |
| <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> | <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p> | <p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p> |

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)