



An
Bord
Pleanála

Inspector's Report

ABP-315792-23

Development	Demolition of boundary wall and the construction of 21 no. residential units. A Natura Impact Statement was submitted with the planning application.
Location	Lands at Burgage Manor, Burgage More, Blessington, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22/574
Applicant(s)	Dungrey Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Burgage Manor Residents Association
Observer(s)	Susan Rossiter

Date of Site Inspection

26th February 2024

Inspector

Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located on a greenfield site, c. 1km south of Blessington town centre. It is located within an established suburban area and is generally bound to the north and east by the existing residential estate of Burgage Manor, to the west by the N81 and to the south by agricultural lands.
- 1.2. The site is irregular in shape with a stated area of 0.69ha. The site slopes in an east west direction, towards the N81 with a c. 7m level difference between the sites eastern boundary and its western boundary. There is an existing c. 2m high boundary wall running partially along the sites eastern boundary with the Burgage Manor internal access road. The sites boundaries comprise a variety of blockwork walls, trees and a mesh fence and metal gate.
- 1.3. The Poulaphouca reservoir SPA (004063) is located c. 300m from the appeal site.

2.0 Proposed Development

- 2.1. It is proposed to demolish an existing boundary wall and construct 21 no. residential units, comprising 13 no. houses and 8 no. duplex units. The scheme incorporates surface car parking, cycle parking, landscaping, boundary treatments and all other necessary works to accommodate the development.
- 2.2. An NIS was submitted with this application.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to 23 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The initial planners report dated 18th July 2022 requested that 5 no. items of further information be requested. These items are summarised below:

1. A detailed design statement justifying the proposed density and design of the scheme.
2. An Engineering Report on the adequacy of the road network to accommodate the development.
3. Full details of the retaining structure proposed at the site's boundary with the N81.
4. A Design Statement including photomontages indicating how the proposed design would create an attractive visual appearance at this urban / rural fringe.
5. Clarification on the location of an existing pumped sewer adjacent to the N81.

The planners report dated 18th January 2023 considered that all items of further information had been adequately addressed and recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

Water and Environmental Services: Report dated 4th July 2022 raised no objection subject to conditions.

Water Services: Report dated 31st May 2022 notes the request for further information in the submission from Uisce Eireann.

Transportation, Water and Emergency Services: Report dated 31st May 2022 noted the lack of detail regarding the retaining structure at the site boundary with the N81. The report also includes recommended conditions.

Baltinglass Municipal District: Email dated 29th June 2022 raised concerns regarding the capacity of the surrounding road network, the proposed retaining structure, sightlines and road markings and recommended that further information be requested. Email date 20th December 2022 notes the response to further information and raised no objection subject to compliance with design standards and agreement with Wicklow County Council.

Housing: Report dated 24th June 2022 raised no objection in principle to the Part V proposals.

3.3. Prescribed Bodies

Uisce Eireann: Report dated 30th June 2022 notes that there is a possible unchartered existing service within the vicinity of the proposed development. Further information is recommended to assess the feasibility of a connection.

Development Application Unit, The Department of Housing, Local Government and Heritage:

Archaeology: The submission notes that due to the location and scale of the scheme, in the vicinity of an identified archaeological monument (WI005-046 mount and WI005-045 enclosure) it is recommended that an Archaeological Impact Assessment be requested by way of further information.

Nature Conservation: The submission notes the findings of the NIS that no effects on the Poulaphouca Reservoir SPA would occur. In the interest of local biodiversity conditions are recommended.

National Roads Office: The proposed development is located inside the N81 Hollywood to Tallaght Road Improvement Scheme Preferred Route Corridor. It is not envisioned that the proposed development would have an adverse impact on the development of a route within the Preferred Route Corridor.

Dublin City Council: DCC Water Services has no objection to the proposed development in relation to the prevention of pollution threats to Poulaphouca Reservoir subject to adequate measures been taken to safeguard the existing lake and streams in the vicinity of the site during the construction and operations phases of the scheme.

3.4. Third Party Observations

The information on file indicates that there were 51 no. third party submissions. The concerns raised are similar to those outlined in the appeal below.

4.0 Relevant Planning History

Appeal Site

Reg. Ref. 98/8745: The appeal site formed part of the original planning permission for Burgage Manor. The information available on file indicates that permission was granted for 5 no. houses laid out in a cul-de-sac on the appeal site.

Surrounding Sites

ABP 306198-19, Reg. Ref. 19/693: Permission was granted in 2020 for the demolition of an agricultural shed and the construction of 54 no. houses, 2 no. apartments on a site located c. 200m east of the appeal site.

ABP. 306425-20, Reg. Ref. 19/1020: Permission was granted in 2021 for the construction of 58 no. apartments in 3 no blocks at Blessington Demesne c. 1.6km north east of the appeal site.

ABP.312825-22, Reg. Ref. 21/11396: Permission was refused in 2023 for the construction of 56 no, residential units at Santryhill, Blessington, c. 2.2km north of the appeal site. The reasons for refusal related to (1) insufficient design quality (2) premature pending the final design of the Blessington Inner Relief Road, (3) insufficient density, (4) insufficient archaeological assessment and (5) insufficient information regarding impact on wastewater infrastructure.

Reg. Ref. 19/51: Permission was granted in 2019 for an extension and alterations to an existing Texaco Service Station located c. 350m north of the appeal site.

Reg. Ref. 20/184: Permission was granted in 2020 for a 120 bed space nursing home and 77 no. residential units, c. 2km north east of the appeal site.

5.0 Policy Context

5.1. Blessington Local Area Plan 2013 – 2019 (as extended)

Section 1.2 of the Development Plan states that a Local Area Plan (LAP) is in place for *inter alia* Blessington and that this LAP will be reviewed during the lifetime of the development plan. Therefore, it is my view that this Local Area Plan has been extended.

The appeal site is zoned RE 'Residential' with the associated land use objective 'to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located'. There is an indicative line for the N81 Route and Corridor along the sites north-western boundary with the N81.

Blessington is designated as a 'Moderate Growth Town' with population target of 7,500 by 2022.

The following objectives are considered relevant:

PH2: *Notwithstanding the zoning of land for residential purposes, the Development Management process shall monitor and implement the population targets for Blessington as set out in the County Development Plan and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.*

S2: *To improve and expand wastewater treatment facilities sufficiently to ensure that no barriers exist in Blessington fulfilling its role as a moderate growth town as set out in the Wicklow 'Core Strategy' and Regional Planning Guidelines for the GDA 2010 – 2022*

S3: *To have regard to the provisions of the 'The Planning System and Flood Risk Management' Guidelines (DoEHLG 2009) and the Flood Risk Assessment carried out as part of this plan.*

S6: *To facilitate the N81 (Tallaght to Hollywood) re-alignment and to work with the NRA road design office to ensure that amenity routes from the town centre to Glen Ding are facilitated in the final design of the road. Any development within the preferred route corridor will be assessed for acceptability having regard to potential affects on the future viability of the proposed road.*

5.2. Wicklow County Development Plan 2022-2028

Blessington is designated a Self-Sustaining Growth Town within the Core Region. Section 4.2 County Wicklow Settlement Strategy states that Blessington. Table 3.4 indicates that the population of Blessington was 5,234 in 2016 with a target population

of 6,145 persons by 2028. Table 3.5 indicates that there were 1,914 no. no. existing residential units in Blessington in 2016 with 45 no. estimated completions by Q2 2022. There is a target of 393 no. additional housing units by 2028.

The following policies and objectives are considered relevant: -

Strategic County Outcome: SCO1: Sustainable Settlement Patterns and Compact Growth: The delivery of compact growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy.

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.

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 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 6.14 To densify existing built-up areas subject to the adequate protection of existing residential amenities.

CPO 7.46 To require open space to be provided in tandem with new residential development (in accordance with the standards set out in the Development & Design Standards Appendix).

Chapter 2: Overall Strategy, Chapter 3: Core Strategy, Chapter 4: Settlement Strategy, Chapter 6: Housing and Chapter 14: Flood Management are also considered relevant.

5.3. ***National Planning Framework***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: 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.

5.4. ***Section 28 Ministerial Guidelines***

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023
- Quality Housing for Sustainable Communities: Design Guidelines, 2007

- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013

5.5. Natural Heritage Designations

The following designated sites are located within 15km of the appeal site:

- Poulaphouca reservoir SPA (004063) is located c. 340m from the appeal site.
- Wicklow Mountains SAC (002122) is located c. 3.7km from the appeal site.
- Red Bog, Kildare SAC (001209) is located c. 3.7km from the appeal site.
- Wicklow Mountains SPA (004040) is located c. 6.1km from the appeal site.
- Glenasmole Valley SAC (001209) is located 14.8km from the appeal site.

5.6. EIA Screening

See Section 7.6 and Appendix 1 and 2.

6.0 The Appeal

6.1. Grounds of Appeal

The main planning grounds of the third-party appeal by Burgage Manor Residents Association are summarised below:

NIS

- The NIS is deficient as it has not fully assessed the implications of the proposed development on all the qualifying interests of Poulaphouca Reservoir SPA.
- The NIS fails to take account of the potential in-combination effect of the approved Part 8 scheme (Reg. Ref. 21/1401) for the construction of 70 no. houses, 36 no. duplex units and a creche c. 0.42km from the appeal site.
- NIS fails to take account of dirt and dust from construction vehicles entering the surface water network.
- The NIS does not take account of the existing sewer line running under the site.

EIA

- Given the proximity to a designed site and the fact that the foul sewer line was unidentified in the initial application an EIA should have been carried out.

Transportation

- The existing internal access road narrows within the site and has many bends. On-street car parking further narrows the carriageway. It is unsuitable to use this roadway to access the development site.
- The scheme would lead to increased congestion and potentially block emergency vehicles.
- Traffic generated by the scheme will increase risk to pedestrians, cause additional noise and leave dirt, which has implications for road safety, pollution and health.
- There is a precedent for a refusal of permission due to the lack of capacity of existing road networks, including Reg. Ref. 21/1396 at Santryhill in Blessington.
- The planning authority's Engineer raised concerns regarding the capacity of the road network.
- It is proposed that construction traffic would access the site via the N81. Therefore, the applicant is aware of the potential traffic and public safety issues should construction traffic have to pass through Burgage Manor.

Design Approach

- The proposed density of 30 units per ha is not in keeping with the area, which has a density of between 20-25 units per ha. The scheme is not in accordance with the provisions of the development plan.
- The provision of a 3-storey apartment block bordering the N81 would have a negative impact on the visual amenity on the approach road to Blessington. Permission was refused (Reg. Ref. 21/1396) for a residential scheme in Blessington due to a negative visual impact.
- The proposed layout would result in undue overlooking of existing properties.

- Details of the boundary treatments should have been agreed prior to granting permission.
- Failure to maintain the development could negatively impact on the existing residents of Burgage Manor and devalue existing properties.
- Apartments and duplexes are not in keeping with this low-rise estate.
- Timber is not a durable material and would have to be maintained.
- The scheme is not accessible to all.

Archaeology

- Given the proximity to existing recorded monuments an Archaeological Report should have been submitted.

Other Issues

- There are discrepancies and errors in the submitted drawings and reports.

6.2. Applicant Response

The applicant's response included an NIS and a separate report addressing potential in combination effects, an Archaeological Assessment, A draft Construction Waste Management Plan and an Engineers report / letter regarding surface water drainage. The main response to the third party appeal is summarised below: -

Principle of Development

- The appeal site is a small residual area within an existing residential estate. It was planned by the original developer to construct houses on this site. An ESB supply and waste water connections were installed. Following the property crash the site was left vacant.
- This is an infill site, that is serviced, zoned and is suitable for residential development.

NIS

- The NIS and screening reports are adequate. An updated NIS has been submitted with the appeal with an emphasis on surface water run-off. This is in addition to a draft Construction Waste Management Plan and an Engineers

report / letter regarding surface water run-off. The potential for any impact on the SPA during construction or operational phase is highly unlikely.

- The NIS did not include the approved Part 8 scheme (Reg. Ref. 21/1401) for a residential scheme, as the NIS was carried out prior to this application. This scheme has now been included in the revised reports submitted with the response to the appeal.
- The AA Screening for the Part 8 scheme concluded that it can be excluded that the plan or project, individually or in combination, will have a significant effect on any European site.
- The proposed development poses no risk of impact to the SPA.

EIA

- There is no requirement for an EIAR.

Transportation

- The carriageway widths at Santryhill are between 5m-5.5m. This is not comparable with Burgage Manor as the carriageway is between 7.2m and 7.4m in width. Carriageway widths in excess of 7m are capable of accommodating the proposed development.

Design Approach

- The 2022-2028 Wicklow County Development Plan is the relevant plan. The plan was adopted after the application was lodged. The response to the request for further information includes the relevant policies and objectives of the current plan. The scheme is in accordance with the provisions of the current development plan.
- The scheme refused permission under Reg. Ref. 21/1396 is of no relevance to the current appeal as it was of a different scale, design and response to its setting and character.
- The windows in the duplex units would provide passive surveillance of the open space area.
- The boundary treatment with the N81 was resolved in the response to the further information request. This could also be addressed by way of condition.

- The applicant is legally obliged to set up a management company for the proposed duplex units.
- The details of the materials can be agreed.
- The open space will be offered for taking in charge.
- Ambulant disabled steps are provided to the space around the duplex block, which are compliant with Part M. All other areas of open space in the scheme are fully accessible.

Archaeology

- An Archaeological Impact Assessment has been submitted in response to the appeal. It is noted that the monument within the Burgage Estate is recommended for removal from the record as there is no evidence of a monument or any archaeological feature.

6.3. Planning Authority Response

None

6.4. Observations

An observation was received from Susan Rossister regarding the NIS following the publication and erection of revised public notices. The concerns raised are summarised below:

- The NIS was carried out in 2022. The developer carried out site clearance works in 2021. Photographs of the site clearance works are included in the submission.
- The trees and hedgerows were removed during nesting season. The developer destroyed the bird and mammal habitats within the site.
- The developer brought in construction vehicles with little regard to safety of children playing in the estate.

6.5. Further Responses

6.5.1. A response from the third party (Burgage Manor Residents Association) to the applicant's response to the appeal was received on the 21st April 2024. To avoid repetition the issues addressed in the appeal, summarised above, are not repeated below. The main planning concerns raised are summarised below.

- There are potential for indirect effects on the Poulaphouca Reservoir SPA due to the hydrological pathway via the surface water network. Surface water would likely flow towards the unnamed watercourse adjacent to the N81. The applicant cannot guarantee the condition of construction vehicles entering Burgage Manor Residential Estate. How dust swept from the road would be dealt with is not addressed. Assumption is not adequate in relation to this issue.
- It is unclear how the volume of waste generated on the site were calculated.
- Insufficient detail regarding the proposed detention pond, which is only proposed in the response to the appeal. Concerns raised that the provision of a detention pond impacts on the validity of the NIS, as it is a mitigation measure, and the EIAR.
- The NIS does not adequately address the hydrological connection to the SPA via the unnamed watercourse c. 173m from the site.
- The apartments / duplexes at this location would materially contravene objective CPO 6.3 of the development plan.

7.0 Assessment

7.1. Having examined the appeal 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 policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design Approach
- Transportation
- Ecology

- EIA Considerations
- Archaeology

7.2. **Principle of Development**

7.2.1. The appeal site is zoned RE 'Residential' with the associated land use objective 'to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located'. I am satisfied that the proposed residential use is in accordance with the sites zoning objective and should be assessed on its merits.

7.3. **Design Approach**

Design and Layout

7.3.1. The appeal site comprises a c. 0.69 ha greenfield site. It is generally bound to the north and east by Burgage Manor residential estate, to the south by agricultural land and to the west by the N81. The site slopes in an east – west direction. The topographical survey (drawing no. D-127-PL-101) indicates that there is a c. 7m level difference between the sites eastern boundary with Burgage Manor and the sites western boundary with the N81. The information submitted indicates that it is proposed to raise the levels of the site to provide for a gentle east – west slope, with a level of c. 3m between the eastern and western site boundaries. This is considered acceptable in principle.

7.3.2. The proposed development comprises the demolition of an existing boundary wall, which generally runs in a north – south direction along the sites eastern boundary and the construction 21 no. residential units. The units comprise 13 no. houses and 8 no. duplex units. The scheme is divided into 2 no. areas. The 4 no. duplexes (8 no. units) are located on the northern portion and the 13 no. houses are provided on the southern portion of the site.

7.3.3. The terrace of duplex units provide frontage onto the existing Burgage Manor estate road. Communal car parking is provided to the front of the units and communal open space is provided to the rear of the units, at the sites western boundary with the N81. The duplex units are 3-storeys in height with dormer windows at the second floor level.

The ground floor of the duplex units comprises 2-bed apartments with the first and second floor levels accommodating 3-bed units.

- 7.3.4. Due to the topography of the site, the duplex units would appear as 2-storey in height when viewed from the east (Burgage Manor) and 3-storeys in height when viewed from the sites western boundary. Access to the upper level 3-bed duplex units would be from street (ground floor) level via a bridge over the lower ground level. While the 2-bed (lower ground floor) apartments would be accessed via centralised steps. Concerns are raised by the appellants that the ground floor apartments are not accessible as access is required by stairs. In response to the appeal the applicant notes that ambulant disabled steps are provided to the space around the duplex block, which are compliant with Part M and that all other areas of open space in the scheme are fully accessible. Having regard to the design of the steps, the limited number (4 no.) of lower ground floor units proposed and the natural topography of the site, I am satisfied that the applicant has given due consideration to accessibility and provided an appropriate design response to the topography of the site.
- 7.3.5. The 13 no. houses are located on the southern portion of the site. The houses are laid out in 2 no. linear rows with a north-south orientation. The rows are separated by the proposed internal access road. The finished floor levels of the proposed houses are stepped to address the topography of the site. Communal car parking is proposed to the front of the dwellings with private open space to the rear. An area of public open space is proposed at the site's western boundary with the N81 and connects to the communal open space associated with the duplex units. A minimum 1.8m footpath is proposed around the site's boundary with the existing internal access road of Burgage Manor.
- 7.3.6. House no. 1 and 13 sit at the site's eastern boundary with the existing internal access road. House no. 1 (Type A) is located at the site's south-eastern boundary. This detached dwelling is dual fronted and in my view provides an appropriate frontage on to the existing Burgage Manor residential estate. House no. 13 also sits at the site's boundary with Burgage More estate road. However, this house (House Type B1) has been designed with a side garden and does not provide any frontage onto Burgage Manor. The proposed layout, in combination with the rear garden wall of house no. 12 would result in the provision of a c. 2m high wall for c. 30m at the site's eastern

boundary. To improve the relationship of the proposed scheme with the existing streetscape it is my recommendation that proposed House 13 be redesigned to provide frontage onto Burgage Manor with a similar layout to House no. 7 and 8 (House Type C), which provide frontage onto the area of public open space at the sites western boundary. The revised design would also reduce the length of the proposed 2m high gable wall by c. 10m. It is considered that this could be addressed by way of condition.

- 7.3.7. All typologies have a traditional design approach with similar elevational treatments. The predominate external material is render with a cladding / brick feature on the front elevation. I have no objection in principle to the proposed external materials. However, in my view render is not a durable material. To ensure a high quality finish is achieved it is recommended that a brick / cladding finish also be provided on the upper (first and second) floor levels of the gable (side) elevations of the duplex units. It is my view that this could be addressed by way of condition.
- 7.3.8. Concerns are raised in the appeal regarding the use of timber fences between the rear private amenity spaces of the proposed residential dwellings. I have no objection to the use of timber fencing with the private amenities space of the residential units and consider it be to appropriate material in this instance.
- 7.3.9. The appeal also considers that all details of the boundary treatments should have been agreed prior to granting permission. In response to the request for further information the applicant clarified that it is proposed to provide a Evo Green retaining wall along the sites western boundary with the N81. This system would run the full length (c. 115m) of the sites western boundary and be c. 2.9m in height. It is also proposed to install a safety barrier within the areas of public and communal open space. I have no objection to the proposed boundary with the N81. It is noted that the sites northern and southern boundaries would generally comprise hedgerows and trees to be retained and reinforced. This is welcomed. The sites eastern boundary with Burgage Manor is generally open as the scheme would provide new frontage onto the street. The proposed boundaries with Houses no. 1, 12 and 13 comprise low level and high level blockwork boundary walls. These are considered appropriate boundary treatments for the proposed development.

Density

- 7.3.10. Concerns are raised by the third party that the proposed density is not in keeping with the area. The proposed scheme has a density of 30 units per ha. Section 1 of the Blessington LAP notes that given the restricted nature of the town centre the vast majority of new residential will occur on both edge of centre sites and new greenfield sites. The LAP recommends a density standard of 28-40 units per ha.
- 7.3.11. The development plan identifies Blessington as a Large Town. Table 6.1 of the development plan sets out recommended density standard of 35-50 units per ha for outer suburban / greenfield sites in Large Towns. The plan further states that net densities less than 30 dwellings per hectare should generally be discouraged particularly on sites in excess of 0.5 hectares. Section 6.3.5 of the development plan notes that this density standard is as per the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) are set out in Table 6.1.
- 7.3.12. The density standards set out in the Sustainable Residential Development Guidelines were superseded by the Sustainable and Compact Settlement Guidelines, 2024. Section 3.3.3 of the Compact Settlements Guidelines set out a density range of 30-50 units for suburban areas at the edge of a Large Town (5,000 + population). Blessington had a population of 5,611 in 2022 (www.cso.ie). Therefore, in my view it falls into the category of a Large Town.
- 7.3.13. It is acknowledged that the proposed density is at the lower end of the recommended density targets. However, I am satisfied that the proposed density of 30 units per ha is in accordance with the provisions of the Blessington LAP and the Sustainable and Compact Settlements Guidelines. It is my view that this site is capable of accommodating an increased density, at the higher end of the target ranges set out in the LAP, development plan and the Compact Settlement Guidelines, however, having regard to the established pattern of development within the Burgage Manor residential estate the proposed density is considered acceptable in this instance.
- 7.3.14. It is acknowledged that the proposed density falls below the recommended standard of 35-50 units per set out in the development plan. However, as this standard refers to the Sustainable Residential Development in Urban Areas (2009) which was superseded in 2024 by the Sustainable and Compact Settlements Guidelines and as

the standard does not relate to a policy it is my view that the proposed density would not be a material contravention of the plan.

Height

- 7.3.15. Concerns are raised in the appeal that the apartments and duplexes are not in keeping with the low-rise nature of Burgage Manor. The proposed scheme ranges in height from 2-3 storeys and as noted above due to the topography of the site the duplex units would appear as 2-storey units from with the Burgage Manor. Specific concerns were also raised that the provision of a 3-storey apartment block adjacent to the N81 would have a negative impact on the visual amenity on the approach road to Blessington.
- 7.3.16. The development plan does not set out any limitations on building height. Objective CPO 6.18 aims *to ensure that building height makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views*. SPPR 4 of the Urban Development and Building Height Guidelines requires that the development of greenfield sites must secure a greater mix of building heights and typologies in planning for the future development of suburban areas. It further states that mono-type building typologies should be avoided.
- 7.3.17. A design statement and photomontages were submitted by way of further information which clearly show that due to the relatively limited height and scale of the proposed development and the provision of screening along the sites boundary that there would be limited views of the scheme from the N81.
- 7.3.18. It is noted that the predominate building height in the vicinity of the site is 2-storey and that the scheme would be partially visible from the N81. However, having regard to the limited height and scale of the scheme I am satisfied that the proposed development would not be visually obtrusive and that the variety in typology and height would add to the visual interest of the surrounding area and would be in accordance with the provisions of Objective CPO 6.18 of the development plan and the provisions of SPPR4 of the Building Height Guidelines.

Unit Mix and Tenure

- 7.3.19. The unit mix comprises 1 no. 5-bed detached house (4.8%), 12 no. 4-bed semi-detached houses (57.2%), 4 no. 3 bed duplex units (19%) and 4 no. 2-bed ground

floor duplex units (19%). The units range in size from a 190.5 sqm 5-bed detached house to a 77sqm 2-bed apartment. The information submitted in the Housing Quality Assessment indicates that all houses reach and exceed the minimum requirements set out in the Quality Housing for Sustainable Communities Guidelines and the apartments / duplex units reach and exceed the standards set out in the Apartment Guidelines. It is noted that all units are dual or triple aspect.

7.3.20. It is proposed to provide 2no. mid terrace ground floor apartment in accordance with Part V. It is noted that the Housing Department of Wicklow County Council raised no objection in this regard.

Residential Amenity

7.3.21. Concerns are raised in the appeal that the proposed scheme would result in undue overlooking of existing properties. The appeal site is located within an established suburban area. To the north the site is bound by no. 94 Burgage Manor, which is a 2-storey dormer style house. The side elevation of the duplex block is located c. 14m from the side elevation of no. 94 Burgage Manor and c. 13m from the rear elevation of proposed houses 8 and 9. The first floor of the duplex block includes windows on the side elevations, which are secondary windows for the open plan kitchen / living / dining rooms. In response to the appeal the applicant notes that these windows provide passive surveillance of the open space area. While this is noted, due to the limited separation distances it is recommended that a condition be attached to any grant of permission that the first floor windows on the side elevations of the duplex units be high level only. The second floor level windows on the side elevation of duplex block are glazed and would serve non habitable rooms. Therefore, I am satisfied that there would be no undue overlooking from these windows.

7.3.22. To the east the site is bound by the internal access road serving Burgage Manor. The front elevation of house no. 1 is located c. 20m from the front elevation of no. 80 Burgage Manor. The side elevation of house no. 13 is located c. 22m from the gable wall of no. 76 Burgage Manor and c. 26m from the front elevation of no. 77 Burgage Manor. As noted above, it is my recommendation that House no. 13 be redesigned to provide frontage onto Burgage Manor. Having regard to the separation distances and the orientation of the existing and proposed houses I am satisfied that the proposed scheme would not result in any undue overlooking.

- 7.3.23. The appeal site is bound by agricultural land to the south. The rear elevation of proposed houses 1-7 are located a minimum of 10m from the sites southern boundary. I am satisfied that the proposed layout would not impede any potential future development of this land.
- 7.3.24. Overall, having regard to the limited (c. 10m) height of the proposed residential units, the separation distances between existing and proposed dwellings, the internal layout of the houses and the orientation of the scheme, subject to the condition outlined above, I am satisfied that it would not result in any undue overlooking or have an overbearing impact on the existing or proposed dwellings.
- 7.3.25. A daylight, sunlight and overshadowing assessment was not submitted with the application. Section 5.3.7 of the Sustainable and Compact Settlements Guidelines notes that the provision of acceptable levels of daylight in new residential developments is an important planning consideration. However, planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases and that in the case of low-rise housing with good separation distances, it should be clear from the assessment of architectural drawings that undue impact would not arise. Given the characteristics of the proposed development I am satisfied that it would not result in overshadowing of any existing or proposed residential dwellings and a technical assessment of daylight, sunlight and overshadowing performance is not necessary in this instance.
- 7.3.26. Specific concerns are raised in the appeal that the apartments / duplexes at this location would materially contravene objective CPO 6.3 of the development plan. Objective CPO 6.3 of the development plan states that *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.* In my opinion the design and layout of the proposed duplex units would not negatively impact on the existing residential amenities. Therefore, I am satisfied that the proposed scheme would not be a material contravention of Objective CPO 6.3.

Open Space

- 7.3.27. The proposed scheme also incorporates c. 1,138sqm of public open space, which equates to 16.5% of the total site area. This is in excess of the recommended target of 15% of the total site area, as set out in section 8.5 of Appendix 1 of the development plan. The public open space is provided in 2 no. areas at the sites eastern and northern boundary. The areas of public open space are separated by an area of communal open space (9366sq) for the duplex units. The area of public open space at the sites eastern boundary is generally level, while the area at the sites northern boundary has a gentle slope with a level difference of c. 1m. It is proposed to provide ambulant disabled steps in this area. I have no objection to the quantity of public open space. As noted above, I have some concerns regarding undue overlooking from the first floor side windows of the duplex units. Therefore, the removal of these windows would reduce passive overlooking of the public open space at the sites northern boundary. However, I am satisfied that there is sufficient passive overlooking from the ground floor duplex unit.
- 7.3.28. Section 8.5 also states that for greenfield sites, subject to the size, a hierarchy of spaces should be provided including at least one, flat space with dimensions on not less than 20m x 40m, suitable for ball games and a number of smaller spaces immediately adjacent to dwellings, with interesting contours and natural features, suitable for play activities of younger children. Due to the limited size of the site it is acknowledged that it is not possible to provide a space suitable for ball games, however, in my opinion smaller play spaces could be accommodated within the scheme. It is recommended that a condition be attached to any grant of permission that the final details of the design and layout of the area of public open space be agreed with the planning authority.
- 7.3.29. Section 8.6 of Appendix 1 of the development plan states that own door duplex units shall generally be provided with private open space at the following rates, 10sqm for 1 bedroom units plus 5sqm for any additional bedrooms. Therefore, there is a recommended standard of 15sqm for the 2-bed duplex units and 20sqm for the 3-bed units. The ground floor 2-bed duplex units have c. 10sqm terraces and the upper level 3-bed duplexes have c. 11sqm balconies. In addition, 366sqm of communal open space is provided for the duplex units. It is noted that the private and communal open

space standards for the duplex units is in accordance with the Apartment Guidelines standards and that the planning authority raised no objection to the provision of open space assigned to the duplex units. I have no objection in principle to the quantity of private open space provided and do not consider it to be a material contravention of the development plan, as the standard does not relate to a policy of the plan and there is flexibility in the wording of the standard. However, it is noted that the balconies for the upper level duplex units sits directly above the ground floor level terraces. Therefore, to improve the amenity for future occupants of the ground floor duplex units, it is my recommendation that the private open space / terrace area be increased to c. 15sqm per unit. This would result in a reduction of c. 20sqm from the area of communal open space. I am satisfied that this could be addressed by way of condition.

- 7.3.30. Appendix 1 of the development plan also sets out a minimum standard of 60-75sqm for a 3+ bed house. Each dwelling has been provided with rear private amenity space of at least 73sqm which is in excess of the minimum standards.

Conclusion

- 7.3.31. Overall, it is my opinion that the proposed design and layout and height, successfully integrates with the established pattern of development and would support the consolidation of the urban environment. It is also noted that the planning authority raised no objection in principle to the proposed design approach.

7.4. *Transportation*

- 7.4.1. The appeal site is generally bound to the west by the N81. The Blessington LAP sets out an indicative line for the N81 Route and Corridor along the sites boundary with the N81. The submission on file from the National Roads Office notes that the proposed development is located inside the N81 (Hollywood to Tallaght Road) Improvement Scheme Preferred Route Corridor, however, it is not envisioned that the proposed development would have an adverse impact on the development of a route within the Preferred Route Corridor. Therefore, I am satisfied that the proposed scheme would not negatively impact on the N81 improvement scheme.
- 7.4.2. Concerns are raised in the appeal that the traffic generated by the proposed development would have a negative impact on the capacity and safety of Burgage

Manor. A Traffic Impact Assessment (TIA) was submitted with the application. The modelling carried out as part of the TIA indicates that the scheme would likely generated 11 no. additional trips in the AM peak (3 no. arriving and 8 no. departing) and 11 no. trips in the PM peak (7 no. arriving and 4 no. departing). I agree with the assessment of the TIA that the level of trips generated by the scheme would have a negligible impact on the capacity of the surrounding road network.

7.4.3. Having regard to the limited number (21 no.) residential units that would be served by the existing access road in Burgage Manor, the design and layout of the proposed scheme, which is in accordance with the provisions of DMURS and to the provision of a footpath along the sites eastern boundary with Burgage Manor I am satisfied that the proposed scheme would not endanger public safety by reason of a traffic hazard.

7.5. **Ecology**

7.5.1. Concerns are raised in the observation that the clearance of the site prior to submitting the application negatively impacted on bird and mammal habitats within the site.

7.5.2. An Ecological Impact Assessment was submitted with the application. It notes that a habitat, bird and mammal survey was carried out on the 31st March 2022 and bat surveys were carried out on the 1st July 2021 and 27th September 2021.

7.5.3. *Habitats:* The site largely consists of spoil and bare ground (ED2), created by clearance of vegetation with areas of woody debris. The site also contains areas of dry meadows and grassy verges (GS2) and buildings and artificial surfaces (BL3). There are no Annexed Habitats or Species present within the boundary of the site and the Ecological Impact Assessment notes that the site is located in an area of low ecological value.

7.5.4. *Mammals:* No rare or protected mammals were observed on the site during the field survey. A disused burrow was recorded on the southern boundary of the site. However, it was filled with domestic litter with no sign of mammal activity.

7.5.5. The EclA notes that red fox and west European hedgehog were recorded within the 2km grid of the site on National Biodiversity Data Centre (NBDC). The red fox is not considered to be of conservation concern and is not afforded legal protection. The

EclA notes that there was no evidence of hedgehog during the field survey. However, the piles of woody debris within the site have the potential to provide suitable habitat for hedgerow species, such as hedgehog. Therefore, in the absence of mitigation measures the proposed development could have the potential for negative, permanent, moderate impact at a local level on some hedgerow species, such as hedgehog. The EclA recommends that to mitigate against this potential impact that the removal of woody debris not take place between November and March, that native trees and shrub species are planted within the site and that standard construction mitigation measures are adhered to, to reduce noise and disturbance. Subject to these mitigation measures I am satisfied that the impact on mammals would be negligible.

- 7.5.6. *Birds:* The EclA notes that 47 no. bird species are recorded within a 2km grid of the appeal site on the NBDC database. Of these recorded birds 5 no. species are listed as Red and 9 no. are listed as Amber in the Birds of Conservation Concerns in Ireland (2020-2026). The applicants bird survey recorded 7 no. bird species which included the Herring Gull, which is listed as Amber. This species was observed flying over the site.
- 7.5.7. The site has limited nesting and foraging habitat and low bird activity was recorded on the site. It is acknowledged that noise and dust generated during the construction phase could potentially cause negative, short term, slight impacts to bird species. The EclA recommends that to mitigate against this potential impact that native trees and shrub species are planted within the site and to reduce noise and disturbance that standard construction mitigation measures be adhered to.
- 7.5.8. The habitats on the site are not suitable for wetland / wintering birds.
- 7.5.9. I am satisfied that the proposed scheme would not have a significant impact on the local conservation status of any of the bird species.
- 7.5.10. *Bats:* The EclA notes that 1 no. bat species (Brown Long-eared Bat) is recorded within a 2km grid of the appeal site on the NBDC database. The applicants survey recorded 3 no. bat species on the site, in this regard the Common Pipistrelle, Soprano Pipistrelle and Leister's Bat. The surrounding landscape is considered to be of local importance (higher value) for bats due to the network of hedgerows and treelines, creating foraging, commuting and potentially roosting habitat within the wider area. A Bat

Potential Tree Assessment Report is attached as Appendix III to the EclA. Table 6 of this report outlines the trees assessed within the site and notes that no bats were present during the surveys. The report considered that 1 no. tree stump (to be removed) and 1 no. hedgerow (to be retained) have high potential for bat roosting. 1 no. tree to be removed is also considered to have moderate potential. The remaining trees / tree stumps are considered to have low to no potential for roosting. To compensate for the loss of the trees / tree stumps on site it is recommended that bat boxes be provided within the scheme, that any future planting include native species and that lighting be minimised to prevent light spill.

7.5.11. Having regard to the information submitted, which is evidence based, it is my view that the proposed development would not have a negative impact on bat species.

7.5.12. *Fish and Amphibians*: There is no suitable habitat on the site for these species.

7.5.13. No cumulative effects are foreseen.

7.5.14. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that subject to the mitigation measures proposed in the EclA that there would be no significant ecological impact arising from the proposed development. I draw the Boards attention to the AA section of my report (Section 8) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

7.6. ***EIA Considerations***

7.6.1. The appellant considers that an EIAR should have been carried out as part of the application. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and Section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- 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.

- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

7.6.2. The proposed development comprises the construction of 21 no. residential units and with all associated infrastructure on a site with a stated area of 0.69ha. The site is located on a greenfield site within the urban settlement of Blessington (other parts of a built-up area) and is, therefore, below the applicable thresholds. There are no excavation works proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Uisce Eireann and Wicklow County Council, upon which its effects would be marginal.

7.6.3. It is noted that concerns were raised in the appeal regarding the requirement for an EIA, however, given the information submitted by the applicant, having carried out a site visit on the 26th February 2024 and to the nature and limited scale of the proposed development, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

7.7. **Archaeology**

7.7.1. The third party notes the proximity of the proposed development to an existing recorded monuments and considers that an Archaeological Report should have been submitted. The submission from the DAU stated that due to the location and scale of the site, in the vicinity of an identified archaeological monument (WI005-046 mound and WI005-045 enclosure) an Archaeological Impact Assessment (AIA) should be requested. An Archaeological Impact Assessment was not requested by way of further information. However, to address the concerns raised an Archaeological Impact Assessment was submitted in response to the appeal.

- 7.7.2. The Archaeological Impact Assessment notes there are 2 no. recorded archaeological sites within the vicinity of the development. The nearest recorded monument is c. 120m east of the appeal site and comprises a mound (WI005-046). The assessment notes that the site of the mound was tested in 1996 (under licence number 96E0122) and no evidence of a monument or any archaeological feature was discovered. Further monitoring of the site in 1999 (under licence 99E0301) also failed to reveal any features, deposits or finds of archaeological interest. The report states that the mound is no longer scheduled for inclusion on the next revision of the Record of Monuments and Places. The other recorded monument (WI005-045) enclosure is c. 200m south of the appeal site.
- 7.7.3. The assessment notes that in 2004, during the construction of Burgage Manor residential estate, the site was subject to disturbance including the removal of trees, some striping of topsoil, terracing of the slope and disposition of fill material.
- 7.7.4. The report also notes that archaeological monitoring (under licence no. 22E0097) was carried out in 2022 at a site c. 300m east of the appeal site. No archaeological stratigraphy, features or artefacts were recorded during the course of these works.
- 7.7.5. It is noted that no archaeological investigations have been carried out on the appeal site. However, the site is not located within an area designated as having archaeological potential and given the previous disturbance to the site and the relatively steep slope of the site, which limits the archaeological potential of the site, I agree with the conclusion of the Archaeological Impact Assessment that the appeal site can be categorised as being of low archaeological potential.

8.0 Appropriate Assessment

- 8.1. An Appropriate Assessment (AA) Screening Report and a Natura Impact Assessment (NIS) prepared by Enviroguide Consultancy were submitted with the application. An updated NIS was submitted in response to the appeal. The AA Screening Report includes a description of the proposed development, identifies the European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The Stage 1 assessment concludes that the possibility of significant effects on Poulaphouca Reservoir SPA (004063) cannot be excluded and a Stage 2 Appropriate Assessment was carried out.

8.2. The updated NIS identifies elements of the project potentially impacting on the Natura network and mitigation measures to protect Natura sites. The NIS concluded, subject to the mitigation measures outlined in the NIS, the proposed development would not have a significant adverse impact on qualifying interests, special conservation interests or on the integrity or extend of the Poulaphouca Reservoir SPA (004063) or on any European site.

8.2.1. Having reviewed the documents and submissions on the case, I am satisfied that the information provides a reasonable basis for the examination and identification of potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.1. **Stage 1 AA Screening**

The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Brief Description of the Proposed Development

8.1.1. A description of the project is summarised in Section 2 of my report. The proposed development comprises the demolition of an existing boundary wall and construction 21 no. residential units. The development site is a greenfield site, c1 km south of Blessington town centre. It is bound to the north and east by Burgage Manor residential estate, to the west by the N81 and to the south by agricultural lands. The surrounding area is generally suburban in nature. The site is serviced by public water supply and foul drainage networks. There are no flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. There are no watercourses on the site. The nearest watercourse is an unnamed stream c. 173m west of the appeal site. The Poulaphouca Reservoir SPA (004063) is located c. 400m to the south and east of the appeal site.

Submissions and Observations

- 8.1.2. Concerns are raised by the third parties that the NIS is inadequate as does not fully address the potential negative impact on the Poulaphouca Reservoir SPA.
- 8.1.3. The submission from the DAU notes the findings of the NIS and considers that that there would be no effects on the Poulaphouca Reservoir SPA. The submission from Dublin City Council Water Services Department also raised no objection to the proposed development in relation to the prevention of pollution threats to Poulaphouca Reservoir subject to adequate measures been taken to safeguard the existing lake and streams in the vicinity of the site during the construction and operations phases of the scheme.

Zone of Influence

- 8.1.4. The proposed development is not located within or immediately adjacent to any European Site. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:
- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
 - Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
 - Sensitivity and location of ecological features
- 8.1.5. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

European Site Site Code	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Poulaphouca Reservoir SPA (004063)	Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183]	c. 340m	Yes, Hydrological connection via surface water	Yes
Wicklow Mountains SAC (002122)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355]	c. 3.7km	No	No

Red Bog, Kildare SAC (001209)	Transition mires and quaking bogs [7140]	c. 3.7km	No	No
Wicklow Mountains SPA (004040)	Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103]	c. 6.1km	No	No
Glenasmole Valley SAC (001209)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]	14.8km	No	No

8.1.6. The proposed development has no potential source pathway receptor connections to any other European Sites.

Identification of likely effects

8.1.7. The development site is not located within the Poulaphouca Reservoir SPA. Therefore, it would not result in temporary loss, disturbance or disruption of habitat. However, there is potential for effects relating to construction discharges, with the potential to cause a release of suspended solids and hydrocarbons into the unnamed water course c. 173m west of the appeal site (on the opposite side of the N81) which is hydrologically connect to the Poulaphouca Reservoir SPA and therefore has the potential to cause indirect effects on the water dependant species and habitats of the designated site through a reduction in water quality.

8.1.8. Given the proximity and the hydrological connection between the appeal site to the Poulaphouca Reservoir SPA I agree with the assessment of the applicants AA Screening Report that in the absence of mitigation measures, it is not possible to rule out impacts which could negatively impact on qualifying interests of the designated site.

8.1.9. As outlined in the table above I am satisfied that the potential for impacts on the remaining 4 no. designated sites (Wicklow Mountains SAC, Red Bog, Kildare SAC

Wicklow Mountains SPA and Glenasmole Valley SAC) can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

Screening Determination

- 8.1.10. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on the Poulaphouca Reservoir SPA (004063), in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.

8.2. *The Natura Impact Statement*

- 8.2.1. The NIS examines and assesses the potential adverse effects of the proposed development on the Poulaphouca Reservoir SPA (004063). I am satisfied that it was prepared in line with current best practice guidance and provides an assessment of the potential impacts to the designated sites and an evaluation of the mitigation measures proposed.

Appropriate Assessment of implications of the proposed development

- 8.2.2. The following is a summary of the objective assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

- 8.2.3. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.

- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

8.2.4. Section 5.1 of the NIS provides a detailed description of the Poulaphouca Reservoir SPA (004063). Details of the sites Conservation Objectives and qualifying interests are also available on the NPWS website (www.npws.ie).

8.2.5. The table below summarises the appropriate assessment and integrity test for the SPA. The conservation objectives, targets and attributes as relevant to the identified potential adverse effects have been examined and assessed in relation to all aspects of the project (alone and in combination with other plans and projects). I have also examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for the sites. Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed. In terms of possible in-combination effects, plans, programmes and existing and proposed developments were considered. This allows for clear, precise and definitive conclusions to be reached in terms of adverse effects on the integrity of European sites.

8.2.6. **Potential Adverse Impacts**

The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include the following: -

Surface Water: There is an indirect hydrological link between the site and the Poulaphouca Reservoir SPA via surface water. Surface water from the proposed development, would drain to an unnamed stream c. 173m west of the appeal site after passing through an infiltration attenuation system. This stream flows to the River Liffey and ultimately to the SPA. While the separation distance between the appeal site and the SPA is c. 340m (as the crow flies) the NIS notes that surface water from the site would have to travel c. 2km along these watercourses before reaching the SPA.

There is potential for indirect effects on surface water quality during site preparation and earthworks, including potentially contaminating material such as oils, fuels,

lubricants, other construction related solutions and cement based products would be used on site during the construction phase and the accidental emission of such a material would have the potential to undermine water quality within the unnamed stream.

Any uncontrolled release of contaminated surface water to the stream would likely be rapidly diluted and distributed prior to reach the designated sites. Notwithstanding this, the ongoing discharge of waters with high concentrations of contaminating substances could over time lead to the deposition of such contaminants, which has the potential to undermine the conservation status of the designated sites.

Section 9 of the updated NIS recommends mitigation measures to protect the environment from pollutants. These include appropriate fuel and chemical storage and implementation of the measures outlined in the draft Construction Waste Management Plan submitted in response to the appeal.

Ground Water: Any water encountered during the construction phase would be managed in accordance with best practice standards.

Foul Network: The third party raised concerns that the NIS does not take account of an existing foul sewer under the site. Section 5.4 of the updated NIS submitted in response to the appeal notes that there is an existing foul water sewer network serving the adjacent residential estate along the northern boundary of the site. The proposed development would also be served by this infrastructure. The response to the appeal also notes that a ground penetrating radar survey was carried out to identify the location of the existing foul water sewer. Minor adjustments were made to the car parking area and open space to ensure the structural integrity of the existing infrastructure. I am satisfied that the proposed development would have no impact on the existing infrastructure located under the site.

The foul discharge from the proposed development would drain, via the public sewer, to the Blessington WWTP for treatment and ultimately discharges downstream of the Poulaphouca Reservoir SPA into the River Liffey. Therefore, the proposed foul network would be no adverse impact on qualifying species recorded at the SPA. The Uisce Eireann website (www.water.ie) also indicates that, as of June 2023, there is spare capacity within the existing WWTP to accommodate new development.

Noise Disturbance: The site is located c. 400m from SPA. It has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

Poulaphouca Reservoir SPA (004063)

<p>Poulaphouca Reservoir SPA (004063) Key issues that could give rise to adverse effects includes: -</p> <ul style="list-style-type: none"> • Direct Impact on Water Quality • Disturbance of QI <p>Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest.</p>					
<p>Summary of Appropriate Assessment</p>					
Qualifying Interest feature	Conservation Objective	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Greylag Goose (Anser anser) [A043]	To maintain or restore the favourable conservation condition of the bird species	Discharges – activities associated with construction and operation may result in the release of sediment, chemical or other waste material pollution. Discharges – Foul Network	Appropriate storage facilities will be provided on site for areas of high risk. Any fuels, oils and chemicals will be stored on impervious base within an bund away from any surface water ditches / locations. All tank, container and drum storage areas will be rendered impervious to the material stored. Concrete mixer trucks will not be permitted to washout on site. Water will not be discharged to open water courses.	No effects	Yes
A183 Lesser Black-backed Gull Larus fuscus	To maintain or restore the favourable conservation condition of the bird species			No effects	Yes

		<p>Disturbance – Construction Noise Impacts and operations impacts from human and canine disturbance.</p> <p>Loss of Habitat</p>	<p>All works will be carried out will comply relevant legislation and best practice guidelines.</p> <p>Staff will be appropriately trained.</p> <p>Storm drains will be protected.</p> <p>Surface water run-off will be treated using silt trays / settlement ponds and temporary interceptors and traps will be installed.</p> <p>All waste water will be stored and disposed of appropriately.</p> <p>All soil stockpiles would be situated at least 10m from any drainage ditch or watercourse and would have silt fencing installed.</p> <p>Implementation of the measures outlined in the draft Construction Waste Management Plan</p>		
<p>Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

The concerns raised by the third parties regarding insufficient detail of the mitigation measures are noted. However, I am satisfied that the mitigation measures are sufficient to protect local receiving waters. It is also noted that the submissions from the DAU and Dublin City Council Water Services Department raised no concerns subject to adequate measures being implemented.

Following the appropriate assessment and the consideration of mitigation measures, I conclude with confidence that the project would not adversely affect the integrity of both the Poulaphouca Reservoir SPA in view of the Conservation Objectives of the site.

8.3. *In Combination Effects*

- 8.3.1. Section 3.5.2.6 of the AA Screening Report and an updated report submitted in response to the appeal outlines recent grants of planning permission in the vicinity of the site and addresses in-combination effects. These recent grants of permission are also outlined in Section 4 of my assessment above. It is noted that the appellant raised concerns that the NIS failed to take account of a Part 8 scheme (Reg. Ref. 21/1401) for the construction of 70 no. houses, 36 no. duplex units and a creche c. 0.42km from the appeal site. In response to the appeal the applicant notes that the NIS did not include the approved Part 8 scheme (Reg. Ref. 21/1401) as the NIS was carried out prior to this application. This scheme has now been included in the revised report submitted with the response to the appeal.
- 8.3.2. In general, the proposed developments are subject to their own assessments that will need to ensure that they will not in themselves or in combination with other plans or projects have the potential to adversely impact upon the nearby designated sites.
- 8.3.3. Having regard to the nature and scale of the permitted developments in Blessington, to the separation distances between the appeal site and the other development sites and to the proposed environmental management and controls integrated into the proposed scheme, cumulative and in-combination effects relating to other developments are not considered to be relevant in this case. I am satisfied that the proposed project will not have an effect individually or together with any other plan or project.

8.4. ***Appropriate Assessment Conclusion***

- 8.4.1. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended).
- 8.4.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Poulaphouca Reservoir SP due to a distant hydrological link and the close proximity between the sites. Consequently, a Stage 2 Appropriate Assessment (NIS) was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.
- 8.4.3. Following an Appropriate Assessment, it has been ascertained that subject to the implementation of mitigation measures outlined in the NIS that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Poulaphouca Reservoir SPA, or any other European site, in view of the site's Conservation Objectives.
- 8.4.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:
- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Poulaphouca Reservoir SPA.
 - Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Poulaphouca Reservoir SPA.

9.0 **Recommendation**

- 9.1. It is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

10.1. Having regard to the zoning objective of the subject site, the provisions of the Wicklow County Development Plan 2022-2028 and the Blessington Local Area Plan 2013-2019 (as extended), to the sites location within an existing urban area, to the existing pattern of development in the area and to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th May 2022, as amended by further information on the 13th December 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.

Reason: In the interest of clarity

2. Mitigation measures outlined in the plans and particulars, including the Natura Impact Statement and the Ecological Impact Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows:

- a) House 13 shall be redesigned to provide frontage onto Burgage Manor. The revised design shall ensure a reduction in the length of the boundary wall to the side and rear of Houses 12 and 13.
- b) The first floor windows on the side elevations of the duplex units be high level only.
- c) The private amenity space for the ground floor 2-bedroom duplex units shall be increase to a minimum of 15sqm each.

The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. The render finish on the upper (first and second) floor levels of the gable (side) elevations of the duplex units shall be replaced with a brick / cladding finish. Prior to commencement of development, a schedule of all materials to be used in the external treatment of the residential units shall be submitted to and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority final details of the design and layout of the areas of public open space, including any play spaces or seating areas to be provided.

Reason: In the interest of residential amenity and to ensure an appropriate high standard of development.

6. Prior to commencement of development a comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority. 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 shall

be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of amenity and of pedestrian and traffic safety.

10. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. The developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

12.(a) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

(c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

14. 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) 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.

Reason: In the interest of public safety and residential amenity.

14.a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good

15. 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 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.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Elaine Power
Senior Planning Inspector

20th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315791-23		
Proposed Development Summary	Demolition of boundary wall and the construction of 21 no. residential units. A Natura Impact Statement was submitted with the planning application		
Development Address	Lands at Burgage Manor, Burgage More, Blessington, County 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	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required
Yes	10 (b)(i): Construction of more than 500 dwelling units	The proposed scheme falls below the	Proceed to Q.4

	<p>10 (b)(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.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	<p>applicable thresholds.</p>	
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315792-23		
Development Summary	Demolition of boundary wall and the construction of 21 no. residential units. A Natura Impact Statement was submitted with the planning application		
Examination			
			Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required	X	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects