



An
Bord
Pleanála

Inspector's Report ABP-316137-23

Development

Construction of 3-storey, 109 bed nursing home, car and bicycle parking, amendments to existing access, vehicle and pedestrian access, landscaping and associated site development works. A Natura Impact Statement was submitted with the planning application.

Location

Lands to the north of Darraghville House/Holy Faith Saint Patrick's Convent and to the south and west of the Convent Lodge, Main Street, Kilcoole, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

22921

Applicant

Altere Limited.

Type of Application

Permission.

Planning Authority Decision

Grant permission.

Type of Appeal	Third Party v Grant of Permission
Appellant	Charlie Keddy.
Observer(s)	None.
Date of Site Inspection	30 th March 2024
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site as described in the public notices are the Lands to the north of Darraghville House/Holy Faith St. Patrick's Convent and to the south and west of the Convent Lodge, Main Street, Kilcoole, Co. Wicklow. The site is located on the western side of the R761, opposite the junction of the R761 and Corrig Hall. Access to the appeal site is via the existing entrance and laneway serving St. Patrick's Convent and the existing laneway forms the south-eastern boundary of the appeal site. The site is currently under grass and contains a number of mature trees and forms part of the curtilage of St. Patrick's Convent, a designated Protected Structure under the current County Development Plan. The building is now in residential use and is known as Darraghville House. The house is substantially setback from the main road and is separated by a mature stand of trees and a large area of open space. It is understood that it had previously been used as a holistic health and wellness facility. The site has a separate entrance to south which also provides access to Kilcoole primary school.
- 1.2.** The appeal site has an irregular shape owing to the alignment of the internal access road serving Darraghville House. In terms of topography, there is a c. 4.5m fall across the site from east to west. The site has a stated area of c. 1.32ha.
- 1.3.** The site is located at northern periphery of the town of Kilcoole and lands to the north and west of the site are greenfield in nature. The lands to the east of the site are predominantly residential in nature and typically comprise detached and semi-detached properties. The Kilcoole Community Centre is located to the north-east of the existing entrance with St. Anthony's Football Club located further to the north.
- 1.4.** There is an existing footpath along the western side of the R761 linking the appeal site with Kilcoole town centre. A Dublin Bus route (No. 84 – Newcastle to Blackrock via Greystones and Bray) runs north and south along the R761. There are bus stops approximately 50m to the north of the site on either side of the road.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the construction of a nursing

home on the appeal site. The nursing home will have a part two/part three storey height and will comprise a total of 109 no. ensuite bedrooms, at lower ground, ground and first floor level. The proposed development will have a 'U' shaped plan with a centrally located landscaped courtyard located on the building's southern side. The facility will include shared dining and day rooms, café, visitor and activity area, treatment room, staff area, support areas, kitchen, and laundry rooms.

- 2.2.** The proposed nursing home will have a contemporary architectural expression with a flat roof form. A restricted palette of materials and finishes has been adopted and comprise a combination of a render, brick and powder coated aluminium spandrel panels for the principal elevations.
- 2.3.** The proposed development seeks consent to widen the existing entrance and access road serving Darraghville House. A new footpath will be provided on either side of the internal access road and a new entrance will provide access to a visitor car park located to the east of the proposed building. A separate entrance will be provided to a staff parking area located to the south of the building.
- 2.4.** The proposal seeks to provide a total 41 no. car parking spaces within the 2 no. car parks (including 4 EV charging space and 2 no. accessible spaces) and 20 no. bicycle parking spaces. In addition, works comprise the provision of an ESB substation, bin store, generator & fuel tank, heat pump enclosure, all boundary treatments, vehicle and pedestrian accesses, landscaping, and associated site development works.
- 2.5.** Documentation submitted with the application included:
- Planning Report,
 - Demand & Demographic Analysis,
 - Architectural Design Statement,
 - Landscape Report,
 - Engineering Planning Report,
 - Site Specific Flood Risk Assessment,
 - Resource & Waste Management Plan,
 - Outline Operational Management Plan,

- Outline Construction Environmental Management Plan,
- Stage 1 Road Safety Audit,
- Technical Note for Parking Provision,
- External Lighting Design Report,
- Utility Service Report,
- Sustainability & Energy Report,
- Acoustic Design Report,
- Archaeological Impact Assessment,
- Natura Impact Assessment, and,
- Heritage Impact Assessment Report.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council granted planning permission for the proposed development subject 17 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

3.2.1.1. The Wicklow County Council Planning Reports form the basis of the decision. The first report on file provides a summary of the planning history of the surrounding area and an overview of the policy that is applicable to a proposal of this nature. The report also summarises the 2 no. observations on the planning file.

3.2.1.2. In terms of the assessment of the application, the Planning Authority was satisfied that the principle of development was acceptable at this location and in accordance with zoning of the site and the policy provisions of the current County Development Plan. They were also satisfied that character and setting of the existing Protected Structure on the wider site would be adequately protected. However, further information was requested with respect to the following matters:

1. The Applicant was requested to consider whether it was viable to retain the existing original pillars/wing walls at the site entrance,
2. The submission of drawings and details to address road design issues including,

- a. clarification of the existing and proposed access arrangements for the Protected Structure,
 - b. consideration given to reducing the width of the internal road to 5m,
 - c. The central island shall be extended to 2m in width to cater for crossing, thereby ensuring 3m lane widths either side.
 - d. The public footpath across the entrance should be concreted to denote pedestrian priority.
3. A revised quantum of car parking so to comply with the provisions of the County Development Plan.
 4. The submission of drawings and details for the proposed cycle facilities.
 5. Revised surface water disposal measures to include:
 - a. Investigate whether it would be feasible and more suitable to connect via a gravity connection to the south rather than pumped rising main to the north.
 - b. The submission of information to show nature bases SuDS.
 - c. Address concerns with respect to table top ramp at the site entrance and how it may interfere with existing drainage on the road.

3.2.1.3. Following the submission of additional information, the second report on file indicated that the Planning Authority was satisfied that the Applicant's response was acceptable and planning permission was granted subject to 17 no. standard conditions.

3.2.2. Other Technical Reports

Area Engineer: Report received requesting additional information (see above). Second report on file recommends a refusal of permission if a gravity sewer is not provided.

Roads: Report received requesting additional information (see above). Second report on file stating no objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

Department of Housing, Local Government and Heritage: Report received requesting additional information with respect to the requirement for an Archaeological Impact

Assessment. Second report on file stating no objection subject to compliance with conditions.

Irish Water: Report received stating no objection subject to compliance with conditions.

3.2.4. Third Party Observations

3.2.4.1. Observations were received from 2 no. Third Parties. The issues raised in the observations on file can be summarised as follows:

- It is highlighted that there is an overprovision of bed spaces within the County and the proposal is not justified.
- Concerns raised with respect to the location of the development, and it is contended that Kilcoole is not suitable for a development of this nature.
- A submission notes the demographic analysis does not justify the development.
- Concerns regarding the adequacy of car parking on site.
- The development lacks adequate external amenities.
- Concerns raised with respect to the impact of the development on the environment.
- The proposal will contribute to urban sprawl and the legitimacy of the relevant LAP and guiding policy documents is questioned.

4.0 Planning History

4.1. Appeal Site

4.1.1. None

4.2. Site Surrounds

Lands to the North

4.2.1. **22/855 (ABP-315658-23):** Planning permission granted by the Planning Authority and the Board to erect a 35m replica pine tree multi-user telecommunications support structure carrying antenna and dishes enclosed within a 2.4 m high palisade fence with associated ground equipment cabinets and associated site works.

4.2.2. **221064 (ABP-315732-23):** Planning permission granted by the Planning Authority and

the Board for the construction of a school, hydrotherapy pool, clinician and educational support rooms, play areas, car park and all ancillary site works.

4.2.3. **21469 (ABP-311747-21):** Planning permission granted by the Planning Authority and the Board for the construction of a two-storey administration centre, single storey adult day centre, gym, and respite centre comprising 4 no. accommodation units and a wastewater pumping station and a new access road from the R761, car parking and associated site works, was granted planning permission on 22/06/2022.

4.2.4. **20537(ABP-308754-20):** Planning permission granted by the Planning Authority and the Board for the construction of temporary Adult Day Care facilities, new access road, temporary wastewater plant, car park and associated site works on the same site as above. Planning permission was granted for a three year period, on 10/03/2021.

St. Patrick's Convent/Darraghville House

4.2.5. **221113:** Retention permission granted in July 2023 for the change of use from institutional residential to single-family residential and permission for the following;

- localised changes to external fenestration;
- localised replacement of windows with new replica windows;
- demolition of modern extensions;
- widening of gateway to yard;
- new gate to walled garden;
- blocking of gate to walled garden;
- construction of a new terrace to side of house;
- localised changes to plan form;
- removal of a floor in annexe;
- renewal of all heating, plumbing and electrical services and associated repairs; and erection of photovoltaic/solar panels on shed and old school house.

4.2.6. **126605:** Planning permission granted for lowering the top of stone garden wall as part of rebuilding and repairs to collapsed section of the wall and demolition of derelict stone built outbuildings abutting the wall to the southern side of the lower yard. The stone wall and outbuildings are within the curtilage of a protected structure RPS 13-

5.0 Policy and Context

5.1. Wicklow County Development Plan (CDP), 2022-2028.

- 5.1.1. The Wicklow County Development Plan (CDP), 2022-2028 is the operative plan for the purposes of the appeal determination. The appeal site is located within the settlement boundary of the Self-Sustaining Town (Level 4) of Kilcoole. The Plan notes that Kilcoole has strong links to Greystones, illustrated by the 'vision' set out in the Greystones-Delgany and Kilcoole LAP which aims to capitalise on the dynamism between the settlements so that the combined area functions as a successful and sustainable entity, whereby each settlement retains their own separate identity and provides services and facilities for its own local population.
- 5.1.2. Section 1.2 (Structure of the Plan) indicates that a Local Area Plan is in place for Greystones – Delgany - Kilcoole which will be reviewed after the adoption of the plan.
- 5.1.3. Given the nature of the proposal, Objective CPO 6.32 is relevant to the consideration of the appeal which seeks to facilitate the provision of nursing homes, retirement villages, residential care facilities at appropriate locations in towns and villages in the County. These facilities must be well served by infrastructure and amenities including accessible footpaths, local shops and public transport in order to allow the residents to be socially included and to allow better care in the community, independence and access.
- 5.1.4. Section 7.3.2 (Health, Care & Development) of the Plan recognises that the provision of residential / daycare and nursing homes are an essential community requirement and that this area is underdeveloped in this County. Residential and daycare facilities can take many forms, ranging from day time activities / services to care / nursing homes, supported living facilities, assisted living units to independent (but supervised) living units and it is not therefore always possible to craft policies that will address all development types. The policy notes that all applications for development will be considered on their merits with particular regard to their location and the type of service being provided. The policy (CPO 7.20) seeks 'To facilitate the establishment of new

or expansion of existing hospitals, nursing homes, centres of medical excellence, hospices, wellness/holistic health centres, respite care facilities or facilities for those with long term illness.'

5.1.5. Given the site is located within the curtilage of a Protected Structure, regard must be given the following objectives:

- CPO 8.13: To ensure the protection of all structures, items and features contained in the Record of Protected Structures.
- CPO 8.15: All development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures / site that render it worthy of protection.
- CPO 8.17: To strongly resist the demolition of protected structures or features of special interest unless it can be demonstrated that exceptional circumstances exist. All such cases will be subject to full heritage impact assessment and mitigation.

5.1.6. As a TPO is located within the attendant grounds of the Protected Structure, regard is also given to:

- CPO 17.4: To contribute, as appropriate, towards the protection of designated ecological sites including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs).

Relevant Appendices

- Appendix 1: Development and Design Standards.

5.1.7. Section 7.4 (Nursing home & 'step down' care developments) is relevant to the subject proposal and is detailed as follows:

- Nursing home developments and facilities for the elderly shall be located close to local amenities and where adequate pedestrian infrastructure has been or is

capable of being provided...

- ...Facilities shall be so laid and designed to meet standards and obligations specified in Nursing Homes (Care and Welfare) Regulations, (1993) and the Building Regulations, in particular Part M.

5.2. Greystones-Delgany & Kilcoole Local Area Plan (LAP), 2013-2019.

- 5.2.1. Under the LAP, the appeal site is located on lands zoned CE (Community and Education). The objective of CE zoned land is 'To provide for civic, community, institutional, health, educational facilities and burial grounds'. The policy notes that uses which are generally appropriate for community and educational zoned land include community, educational and institutional uses include burial grounds, places of worship, schools, training facilities, community hall, sports and recreational facilities, residential institutions, utility installations and ancillary developments for community, educational and institutional uses in accordance with the CDP.
- 5.2.2. Lands to the south-east of the appeal site, on the opposite side of the laneway serving Darraghville House are zoned OS (Open Space). Darraghville House is a designated Protected Structure (Ref. No. 13-08) and a Tree Preservation Order applies to the existing stand of trees along the main road to the east of the house.
- 5.2.3. Given the nature of the proposed development, Policy SOC13 is relevant to the consideration of the appeal which seeks to 'Allow for the development of new and improved community services, for health, welfare, community, education, civic and institutional uses including schools, childcare, nursing homes, community buildings, churches, Garda station, health centre etc. on suitably zoned lands.'

5.3. Section 28 Ministerial Guidelines.

- 5.3.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:
- Architectural Heritage Protection Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2011. (updated in 2022)

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.4. Climate Action Plan (CAP) 2023

5.5. Project Ireland 2040 National Planning Framework (NPF)

5.6. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

5.7. Natural Heritage Designations

- 5.7.1. The closest European site is the Murrough Wetlands SAC (Site Code: 002249), which is located c. 1.4km to the east of the site. The Murrough SPA (Site Code: 004186) and pNHA is located c. 1.8km to the south-east and the Glen of the Downs SAC (Site Code: 000719) is c. 3km to the north-west.

5.8. EIA Screening

- 5.8.1. My assessment is that the form of development proposed, and which is the subject of this appeal, is such that it would not be of a class for the purposes of EIA as per the classes of development set out in the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a sub threshold assessment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A Third Party appeal has been prepared and submitted by Charlie Keddy with an address at Kilcoole, Co. Wicklow. The main points raised in the appeal can be summarised as follows:

- The submission contends that the Regional Plan, 1999, restricted development south of Rathdown Lower and in effect had the aim of making Kilcoole a greenbelt.
- No development should be permitted within the greenbelt and it is in the common good to stop urban sprawl.
- The submission holds the view that the 1999 Regional Plan is the current and valid planning guidelines for the area and that all Development Plans, Local Area Plans and Regional Plans after the "Regional Plan 1999" are therefore illegal, as are all subsequent developments granted under these illegal plans.
- Additional commentary is included within the appeal submission with respect to historical legal cases.
- The submission requests an oral hearing to take place.

6.2. Planning Authority Response

6.2.1. None.

6.3. First Party Response

6.3.1. A response has been prepared and submitted on behalf of the Applicant. The points raised in the response can be summarised as follows:

- It is contended that the appeal is both vexatious and without foundation and the Board is requested, as per its powers under Section 138 of the Planning & Development Act, 2000 (as amended), to dismiss this appeal.
- In response to the points raised that the Regional Plan 1999 is law and determining applications against more subsequent plans is inappropriate, it is stated that this Plan (assumed to be the Strategic Planning Guidelines for the Greater Dublin Area 1999) is no longer a functioning regional policy and was superseded by the Regional Planning Guidelines, as established under the Planning & Development Act, 2000 (as amended). The current suite of planning documents which are in force and are valid planning considerations for this area include, but are not limited to:

- The National Planning Framework, "Project Ireland 2040",
- The Regional Spatial and Economic Strategy 2019-2031 (RSES),
- Wicklow County Development Plan 2022- 2028, and,
- Greystones-Delgany and Kilcoole Local Area Plan 2013-2019

The response to the appeal outlines how the development proposal is in compliance with the forementioned policy documents.

- The submission highlights that the proposals were supported by the Planning Authority, and it is outlined how the development was modified at further information stage to address the concerns raised.
- The submission sets out the rationale for development which includes demographic analysis to support a proposal of this nature.
- A rationale is also provided for the design of the development.
- The submission concludes that the issues raised in the appeal relate to the planning system in general and historic frustrations with Wicklow County Council on the Appellants behalf. It is stated that they do not relate to the development as permitted by Wicklow County Council in terms of its height, scale, form, visual impact, servicing, etc. and the current appeal merely serves to delay the development.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

The main issues are those raised in the Third Party's grounds of appeal and the Planning Report on file, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. On the basis of the foregoing, the core items to be addressed within this assessment will be considered under the following headings:

- Policy & Principle of Development
- Built Heritage, Design and Visual Impact

- Residential Amenity
- Drainage
- Appropriate Assessment

7.1. Policy & Principle of Development

- 7.1.1. The proposal seeks planning consent for development comprising the construction of a part two/part three storey nursing home facility and all associated site works. As noted, the appeal site is located within the settlement boundary of the Self-Sustaining Town of Kilcoole and is zoned CE under the Greystones-Delgany and Kilcoole LAP. Within their assessment of the application, the Planning Authority was satisfied that the proposed use was compatible with the applicable zoning objective where amongst others, community, institutional and health uses are generally deemed to be acceptable. In support of the application, a Demand & Demographic Analysis has been submitted which examines the needs of the local area. In terms of the existing stock, the analysis finds that it is 'predominantly old, inefficiently sized and will not cater for residents needs in medium to long term'. It is outlined within the report that 6 no. nursing homes are located within c. 20 km of the appeal site which provide a total of 428 no beds. It goes on to note that this is an insufficient supply for the local catchment within a 10-, 15- and 20-minute drivetime and demand analysis assumptions indicate an under provision in the amount of nursing home beds available to the existing population. The report also notes that many of the existing nursing homes in the area do not meet HIQA requirements and as such will be required to upgrade their facilities or alternatively shut down.
- 7.1.2. In terms of the nature of the proposed development, Objective CPO 6.32 of the current Plan seeks to facilitate the provision of nursing homes at appropriate locations in towns and villages in the County and the policy highlights that these facilities must be well served by infrastructure and amenities including accessible footpaths, local shops and public transport in order to allow the residents to be socially included and to allow better care in the community, independence and access. Section 7.3.2 (Health, Care & Development) of the Plan also recognises that the provision of residential / daycare and nursing homes are an essential community requirement, and that this area is underdeveloped in this County. In terms of the relevant 'Development and Design

Standards' (Appendix 1 of the current Plan), it is again highlighted that nursing home developments shall be located close to local amenities and where adequate pedestrian infrastructure has been or is capable of being provided. Policy SOC13 of the LAP for Kilcoole also seeks to facilitate development of this nature on suitably zoned lands.

- 7.1.3. Whilst it is recognised that nursing homes are an essential community requirement and there is strong policy support for development of this nature, it is evident that developments such as this must be suitably located with the overall aim for them to be fully integrated into established communities. In this regard, I note that the appeal site is located on zoned and serviced lands within the town of Kilcoole. The site is located within walking distance of range of services, facilities and amenities in the town and the site is also served by public transport, with existing bus stops located proximate to the site entrance. I would therefore agree with the Planning Authority that the principle of development is acceptable at this location and is fully supported by the policy provisions of the current Plan and the LAP. Notwithstanding the concerns of the appellant, The Wicklow County Development Plan (2022-2028), and by extension the Greystones-Delgany and Kilcoole Local Area Plan, 2013-2019 are the operative plans for the purposes of the appeal determination. The site is located on zoned lands where there is a presumption in favour of a development of this nature as I have outlined in the foregoing. I therefore consider the proposed development to be acceptable and in accordance with the proper planning and sustainable development of the site and surrounding area.

7.2. Built Heritage, Design & Visual Impact

- 7.2.1. The appeal site is located within a field in the attendant grounds of Darraghville House (formerly St. Patrick's Convent), a designated Protected Structure (RPS Ref. No. 13-08) under the current Plan. The NIAH record rates the building as of Regional Importance and the building is described as a detached five-bay, two-storey over basement Georgian house, built c.1780 with a further one-bay two-storey extension at northern end. The hipped roofs have a natural slate covering and the original brick facade has been rendered. The building has also timber sliding sash windows. The appeal site is accessed via the northern entrance to Darraghville House and the

proposed building will be set back c. 110m from the boundary with the R761. The building has adopted a 'U' shaped plan with a centrally located south-facing courtyard area. The height of the building has been designed to follow the sloping topography of the site with the two storey element to the east and the three storey element to the west. As a result, the building will typically read as a double storey volume when viewed from the R761 to the east. The proposed building is located to the north of Darraghville House and is separated from it by a cluster of agricultural buildings and a stand of mature trees.

7.2.2. The Applicant's Heritage Impact Assessment Report notes that as the new nursing home building is proposed as a detached building set in its own site, there will be no direct impact on the Protected Structure nor on the outbuildings associated with it. It is highlighted within the report that the new building will be sufficiently removed from the historic house and the retention of the stand of mature trees to the immediate north of the house will frame the house and provide a visual separation between the historic building and the new development. The building has adopted a contemporary architectural expression and a restricted palette of materials and finishes has been utilised, comprising a combination of a render, brick and powder coated aluminium spandrel panels for the principal elevations. It is also noted that building is subservient in scale to Darraghville House when viewed from the east. Having regard to the scale, height and architectural form of the proposed building and the separation distances provided, I am satisfied that the proposed development does not compete with or detract from the character or setting of the existing Protected Structure. The building has been the subject of a carefully considered architectural response which is sympathetic to the sensitivities of the site, and it is my view that the proposal is in accordance with the relevant policy provisions of the current Plan, namely CPO 8.13 which seeks 'To ensure the protection of all structures, items and features contained in the Record of Protected Structures'. The proposals are therefore considered to be acceptable having regard to the visual amenities of the area and the architectural character of the site and surrounds.

7.2.3. The proposal originally sought to widen the existing entrance to the site in order to accommodate traffic and emergency services. The Heritage Impact Assessment

Report indicated that it was proposed to retain the existing curved entrance screen and pier on the north side of the entrance and to take down and re-build the pier on the south side of the entrance. The southern curved screen wall will be shortened in length, and it was proposed to install gates to the widened entrance. In addition, the existing pedestrian gate through the northern curved screen will be retained and a new pedestrian gate incorporated into the southern curved screen in order to ensure that pedestrian and vehicular traffic is separated. However, the Applicant was requested by the Planning Authority to consider whether it was viable to retain the existing original pillars/wing walls associated with the site entrance to the Protected Structure.

- 7.2.4. In response to the Planning Authority's concerns, the revised layout retains the original pillars and boundary wall. Vehicles exiting will now be required to yield to entering traffic from the R761 Kilcoole Road. In addition, the width of the access road carriageway has been reduced to 5m and the footpath on the eastern side of the access road was omitted. I note that the existing sightlines from the entrance are not impacted by the modifications to the proposed development. Overall, I am satisfied that amendments are appropriate in this context given the existing pillars and wall form part of the curtilage of the Protected Structure and I am conscious of CPO 8.17 of the current Plan which seeks 'to strongly resist the demolition of protected structures or features of special interest unless it can be demonstrated that exceptional circumstances exist'. The proposed development is therefore considered to be acceptable subject to compliance with appropriate conditions.

7.3. Residential Amenity

- 7.3.1. The proposed building has a maximum height of c. 10.6m and a separation distance of c. 80m is provided from Darraghville House to the south. I note that additional residences are located further to the east of the site on the opposite side of the R761. Having regard to the overall scale, height and form of the development and the separation distances from established residences, I am satisfied that the proposed development will not adversely impact the residential amenity of properties within the vicinity of the site. The proposed development is therefore considered to be acceptable having regard to the residential amenity of the site and surrounding area.

7.3.2. I note that the application was supported by Acoustic Design Statement. The assessment included a daytime noise survey with 2 no. measurement locations which represented the proposed building façade location that is close to the Kilcoole main street. In terms of indoor noise levels, the assessment concludes that suitable indoor levels as outlined by the WHO and BS 8233 will be achieved with windows open or closed. It is not required to advise acoustic window ratings due to the very low noise characteristic of the site. For outdoor noise levels, the assessment notes that the noise levels for external amenity spaces (communal gardens, patios etc.) at the subject site have been measured to comply with the 50 & 55 dB LAeq,16h guide values proposed by the WHO. The report concludes that the proposed building and site location therefore complies with the Wicklow County Council Noise Action Plan level thresholds. Notwithstanding this, I note that planning permission has been granted under Ref. 221064 (ABP-315732-23) for the construction of a school to the immediate north of the appeal site. Whilst I note that nursing home provides an external amenity area on the southern side of the building and a physical buffer is therefore provided from the amenity areas associated with the permitted school, I note there are a large number of north facing bedrooms positioned in relatively close proximity to the common boundary. Although currently not constructed, the potential noise impacts associated with children's play areas has not been considered or addressed in the Applicant's Acoustic Design Statement. Generally, noise associated with the operation of a school would not be objectionable or problematic and is typical in residential areas across the country. However, I am conscious of the nature of the proposed development and its future patronage, and it is unclear whether the play areas associated with the school may be utilised at times beyond the typical school operating hours. Therefore, I consider it reasonable in this instance for the Applicant to be required to submit a revised acoustic design statement prior to the commencement of development. The revised statement should have regard to the location of the site relative to the permitted school and include appropriate mitigation measures if necessary for e.g. acoustically treated windows. Subject to compliance with this condition, I am satisfied that the proposed development is acceptable and in accordance with the proper planning and sustainable development of the area.

7.3.3. In terms of internal amenity, the Applicant confirms that the bedrooms have been designed in line with HIQA standards. Each bedroom has an ensuite and is designed

for individual occupancy. The bedrooms within the development range in size from 18sq.m. to 20.7sq.m. for standard ensuite bedrooms and 23.6sq.m. for accessible bedrooms. The development is also served by lounge rooms, a TV room, activity area, visitor areas and a café. Overall, I am satisfied that the rooms are generously sized, and the future patrons will benefit from a good standard of amenity. The proposals are therefore considered to be acceptable.

7.4. Drainage

7.4.1. In terms of the foul drainage system, a gravity piped network discharging to a wastewater pumping station located to the south-west of the site will serve the proposed development. The Applicant's engineering report notes that the pumping station will in turn discharge via a rising main to the existing 225mm diameter foul sewer located on the R761. The peak foul water discharge from the proposed development has been estimated at 2.65 litres per second. The report on file indicates that the wastewater pumping station will be equipped with appropriate emergency storage and fault alarms and a contract will be entered into with a specialist maintenance contractor to ensure that any failure at the pump station will be immediately addressed. As noted, the Planning Authority's engineer at further information stage requested the Applicant to investigate whether it would be feasible and more suitable to connect via a gravity connection to the south rather than pumping foul effluent to the rising main to the north. As part of their response, the Applicant noted that a gravity foul drainage discharge from the proposed development would need to traverse through lands that are not in the control of the Applicant and thus a gravity foul drainage outfall was not an option. The Applicant in their response also noted that permitted developments to the north of the site utilised a similar arrangement. This was deemed to be acceptable by the Planning Authority on this particular occasion given Irish Water had no concerns with the development and that there appears to be no 'Network Plan' in place by Irish Water. As the Applicant would be required to connect via a gravity connection through lands outside their control, I deem the Applicant's proposals in this instance to be acceptable.

7.4.2. The Applicant has confirmed that the proposed development will have separate foul and surface water drainage networks. In terms of surface water, it is proposed to

discharge the surface water runoff from the proposed development to the Kilcoole Stream to the west of the site via an existing field drain. The Applicant's engineer notes that 2 no. soakaway tests were undertaken on the site in accordance with BRE Digest 365 and results of these tests indicated that the ground was suitable for surface water infiltration. It is also noted that the design of the surface water drainage network to serve the proposed development has taken cognisance of the objectives and guidance contained in the Greater Dublin Strategic Drainage Study (GDSDS) and measures provided include;

- Reducing the rate of run-off to the appropriate GDSDS rate of runoff to the calculated Qbar value (2.30 2.30l/s/ha) by a combination of underground cellular storage, permeable paving, filter trenches and a green roof with the flow control devices,
- Using the site critical duration storm for the 1 in 100-year return period in infiltration/attenuation storage volume calculations,
- Providing treatment via the use of Sustainable Drainage Systems,
- Ensuring that the majority of the rain falling on the site will pass through at least one type of interception storage in the form of green roofs, filter drains, filter trenches and water butts,
- Increase in rainfall event depth by 20% to take account of climate change.

Following the submission of the additional information which included the introduction of additional SuDS measures, the Planning Authority was satisfied that the Applicant's proposals were acceptable subject to compliance with appropriate conditions. I would concur with this finding, and I am satisfied that the Applicant's proposals are acceptable.

7.5. Appropriate Assessment

7.5.1. Introduction

7.5.1.1. This section of my report considers the likely significant effects of the proposal on European sites, with each of the potential significant effects assessed in respect of each of the Natura 2000 sites which are considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) prepared by NM Ecology Ltd, dated June 2022. I have also had regard to the Outline Construction Environmental Management Plan, the Resource & Waste Management

Plan, the Outline Operational Waste Management Plan and the Site-Specific Flood Risk Assessment prepared by Altere Limited. The NIS concludes that if a precautionary approach is adopted, it is possible that pollutants (suspended sediments, concrete / cement and hydrocarbons) generated during the construction phase of the proposed development could have an impact on aquatic habitats and fauna in The Murrough Wetlands SAC and / or The Murrough SPA. Therefore, a range of mitigation measures are proposed to be implemented during the construction phase in order to avoid or minimise the risk that any pollutants could reach the SAC or SPA. Subject to the successful implementation of these measures, it is concluded that the proposed development will not cause significant impacts on any Natura 2000 sites.

- 7.5.1.2. I note that the Planning Authority concluded that that the proposed development would be unlikely to give rise to any adverse impacts on the qualifying interests and conservation objectives of any Natura 2000 site and, therefore, would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.

7.5.2. The Project and its Characteristics

- 7.5.2.1. The proposed development relates to the construction of a new nursing home and associated site works on the appeal site and a detailed description of the proposal can be found in Section 2 of this report. This is expanded upon in the assessment above and within the submitted application and further information documents submitted by the Applicant. The site is serviced by public water supply and foul drainage networks. A gravity piped network discharging to a wastewater pumping station located to the south-west site will serve the proposed development. The Applicant's engineering report notes that the pumping station will in turn discharge via a rising main to the existing 225mm diameter foul sewer located on the R761. In terms of surface water, it is proposed to discharge the surface water runoff from the proposed development to the Kilcoole Stream to the west of the site via an existing field drain. The Applicant's engineer notes that 2 no. soakaway tests were undertaken on the site in accordance with BRE Digest 365 and results of these tests indicated that the ground was suitable for surface water infiltration.

7.5.3. Zone of Influence

- 7.5.3.1. I have had regard to the submitted NIS which notes that while the site is not located within or directly adjacent to any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or indirectly linked to the site which require consideration of potential effects. The NIS identifies the following 3 no. European sites which are located within the appeal site's potential zone of influence. The closest European site is the Murrough Wetlands SAC (Site Code: 002249), which is located c. 1.3km to the east of the site. The Murrough SPA (Site Code: 004186) is located c. 1.3km to the east and the Glen of the Downs SAC (Site Code: 000719) is c. 3km to the north-west, all of which are identified on Figure 2 of the NIS.
- 7.5.3.2. In terms of potential pathways for indirect impacts, it is acknowledged that indirect impacts can occur if there is a viable pathway between the source (the Site) and the receptor (the habitats and species for which a Natura 2000 site has been designated). The most common pathway is surface water, e.g. if a pollutant is washed into a river and carried downstream into a Natura 2000 site. Other potential pathways are groundwater, air (e.g. airborne dust or sound waves), or land (e.g. flow of liquids, vibration).
- 7.5.3.3. The Murrough Wetlands SAC is located approx. 1.3 km east of the appeal site and has been designated to protect a range of freshwater and coastal habitats, including drift lines, shingle, saltmarsh and freshwater fens. The closest watercourse to the appeal site is the Kilcoole Stream, which is located c. 250m to the west of the site. It flows south and then east and meets the coast in 'The Murrough' wetland complex c. 2.8km downstream. The Kilcoole Stream therefore provides a surface water pathway between the Site and the SAC. The NIS notes that pathways via groundwater, land and air can be ruled out due to the distances involved. I would concur with this finding.
- 7.5.3.4. The Murrough SPA is also located c. 1.3km to the east of the site and has been designated to protect a range of over-wintering bird species, and one breeding species (little tern). As noted in the foregoing, the Kilcoole Stream would provide a surface water pathway to the SPA. The NIS also concludes that all other pathways can be ruled out due to distance.

7.5.3.5. The Glen of the Downs SAC is located 3km to the north-west of the appeal site and it has been designated to protect ancient oak woodlands, which are located in a steep-sided valley. The proposed development site and the SAC are in different river catchments, so surface water pathways can be ruled out. The NIS also notes that pathways via groundwater, land and air can be ruled out due to the distances involved. I would also concur with this finding.

7.5.3.6. In carrying out my assessment, I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file. I have also visited the appeal site. I am satisfied that the potential for impacts on The Glen of the Downs SAC can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works, the absence of ecological and hydrological pathways and to the conservation objectives of the designated sites.

7.5.4. **Inspector's Screening Report**

7.5.4.1. Having regard to the potential Zol and the submitted NIS, the following Natura 2000 sites are identified as requiring further consideration for potential impacts due to possible indirect hydrological connections between the development site and the European Sites in 'The Murrough' wetland complex via the surface water drainage network and the foul sewer network. The qualifying interests and conservation objectives of the relevant sites are included as follows:

Table 7.1

European Site	Qualifying Interest/ Conservation Objectives	Distance to Development
The Murrough SPA (004186)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Qualifying Interests	1.3km

	A001 Red-throated Diver <i>Gavia stellata</i> A043 Greylag Goose <i>Anser anser</i> A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> A050 Wigeon <i>Anas penelope</i> A052 Teal <i>Anas crecca</i> A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> A184 Herring Gull <i>Larus argentatus</i> A195 Little Tern <i>Sterna albifrons</i>	
The Murrough Wetlands SAC (002249)	To maintain the favourable conservation condition of the qualifying interests. Qualifying Interests 1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> * 7230 Alkaline fens Redshank	1.3km

Potential effects on Designated Sites

7.5.4.2. In terms of potential impacts, the appeal site is not directly connected to, or necessary to the management of any European site, and the proposed development would not result in the direct loss of habitats within any European sites.

7.5.4.3. In terms of indirect impacts and potential changes in water quality during the construction phase of the development, the NIS indicates that construction of the proposed development will involve a range of activities, including the clearance of vegetation, substantial groundworks, and the construction of new buildings and roads. These activities have potential to generate pollutants which includes –

- Concrete and cement, which are composed of highly alkaline, corrosive fine sediments that are very harmful for aquatic fauna.
- Suspended silt or other sediments, which can reduce water quality, harm aquatic fauna, and/or alter the flow of watercourses.

- Hydrocarbons (oil, petrol, diesel, etc), solvents and other chemicals, which can be toxic to aquatic fauna.

The NIS notes that minor pollution incidents would be diluted by other surface water or groundwater sources, reducing their concentration to negligible levels before they could affect any of the qualifying interests of the SAC or SPA. Only a very large pollution event (e.g. a significant fuel spill, or a prolonged release of suspended sediments) could potentially cause a significant effect on the SAC or SPA. In accordance with the precautionary principle, the NIS concludes that there is a risk that a pollution incident during the construction of the proposed development could reach the SAC / SPA in sufficient quantities to have a significant impact on the qualifying interests of one or both sites.

7.5.4.4. In terms of the operational phase of the development and potential changes in water quality, foul water from the proposed development will be pumped to a local authority foul sewer and treated in the Kilcoole Waste Water Treatment Works (WWTW). The WWTW has a capacity of 4000 P.E. and incorporates tertiary treatment. A pre-connection enquiry with Irish Water confirms that there is capacity within their system to accommodate the foul water discharge from the proposed development.

7.5.4.5. Surface water will be discharged along an existing field drain to the Kilcoole Stream to the west of the appeal site. As detailed in the Applicant's Engineering Report, sustainable drainage design measures will include attenuation tanks, permeable paving, green roofs, and hydrocarbon interceptors for roads and parking areas. The discharge will therefore consist of unpolluted rainwater, so it will not have negative impacts on receiving waters. In this regard, I would agree with the conclusions in the NIS that foul water and surface water discharges during the operation of the development will not cause significant impacts on any Natura 2000 sites within the Zone of Influence.

Potential effects on Designated Sites

7.5.4.6. As detailed in the foregoing, a surface water pathway (the Kilcoole Stream) exists between the appeal site and two Natura 2000 sites (The Murrough Wetlands SAC and The Murrough SPA). In the absence of mitigation measures, it is possible that

pollutants generated during the construction of the proposed development could be carried along the watercourse to reach the SAC and SPA. Depending on the quantities of pollutants that reach the SAC or SPA, it is possible that they could have impacts on the qualifying interest of one or both sites. Therefore, significant effects are uncertain, and the project must proceed to Stage 2 (AA).

7.5.5. Appropriate Assessment

7.5.5.1. Section 5.0 of the Applicant's NIS sets out the various mitigation measures for the proposed development. The mitigation measures have been designed to avoid or minimise any negative impacts on water quality in the Kilcoole Stream and downstream Natura 2000 sites by preventing fine sediments, concrete / cement, hydrocarbons or any other pollutants from reaching nearby drainage ditches or groundwater.

Concrete & Cement

7.5.5.2. As noted previously, concrete and cement are highly toxic to fauna, particularly fish and other aquatic / marine species. As on-site pouring and/or mixing of concrete or cement will be required during construction works, the following measures will be implemented in order to retain all cement-based materials within the boundaries of the appeal site:

- Concrete pouring / mixing will only take place in dry weather conditions. It will be suspended if high-intensity local rainfall events are forecast (e.g. >10 mm/hr, >25 mm in a 24 hour period or high winds).
- If any on-site mixing of concrete is required, it will be carried out at least 50m from the field drain in the west of the site. If any cement-based products will be stored on-site, they will be kept in a sheltered area at least 50m from the field drain in the west of the Site, and will be covered (e.g. with a thick plastic membrane) to prevent spread by wind.
- Ready-mix lorries and larger plant will not be cleaned on-site; they will be taken to an appropriate off-site facility with capacity to capture and treat contaminated wash waters.
- If any on-site cleaning of tools or concrete-batching plant is required, it will take place at least 50m from the field drain in the west of the Site. Wash waters will

be discharged to a soakaway.

Suspended sediments

7.5.5.3. Suspended sediments refers to any silt, mud or other fine sediment that becomes dissolved in water. It is indicated within the NIS that water can be contaminated by suspended sediments (SS) from open earthworks and excavations (either from rainfall or groundwater seepage), from rainfall on soil/sediment stockpiles, or from the tyres / tracks of construction vehicles. The following measures are proposed be implemented in order to retain all contaminated waters within the boundary of the appeal site:

- Excavation works will be suspended if high intensity local rainfall events are forecast (e.g. >10 mm/hr, >25 mm in a 24 hour period, or high winds).
- If any excavations need to be dewatered, the SS-contaminated water will be retained and treated within the boundary of the site. It will be collected and pumped into a settlement tank / pond (or similar feature), left undisturbed until sediments have settled, and then discharged via a buffered outflow to a soakaway that is at least 50m from the field drain in the west of the site.
- Stockpiles of mud, sand or other fine sediments will be stored at least 50m from the field drain in the west of the Site. Stockpiles will be levelled and compacted, and will be covered with thick plastic membranes in order to limit wind/rainwater erosion.
- Dust suppression and road cleaning measures will be implemented, as outlined in Section 8 of the IFI guidelines.

Hydrocarbons & Chemicals

7.5.5.4. Hydrocarbons include substances such as oil, petrol, diesel, etc which are toxic to fauna. Like with concrete and cement, these chemicals can enter surface water or groundwater if they are accidentally spilled (e.g. during re-fuelling of machinery), or from leaking containers. The following measures will be applied throughout the construction works so to retain such materials within the boundaries of the site.

- Any fuel, oil or chemical containers will be kept at least 50m from the field drain in the west of the site. These pollutants are hazardous and must be stored in a designated bunded area that has sufficient capacity to retain any spills.

- All machinery should be protected from vandalism and unauthorised interference and will be turned off and securely locked overnight.
- If any on-site re-fuelling is required, it will take place at least 50m from the field drain in the west of the site. Immobile plant will be refuelled over drip-trays.
- While in operation, diesel pumps, generators or other similar equipment will be placed on drip trays to catch any leaks.
- A spill kit will be kept on-site. If any spills occur, appropriate measures will be taken to intercept hydrocarbons or chemicals on-site before they can leave the site.

Cumulative Effects

7.5.5.5. The expansion of Kilcoole is catered for through land use planning, including the Wicklow County Development Plan, 2022-2028 covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is located on zoned and serviced lands under the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.

7.5.5.6. Section 2.2 of the Applicant's NIS indicates that planning applications have been granted for some other moderate-scale developments on adjacent lands. I have outlined the relevant permissions in section 4.2 of this report. Screening for Appropriate Assessment was carried out by the Planning Authority and the Board in these cases, and it was concluded that there was no risk of impacts on any Natura 2000 sites. Given the overall scale and nature of the development, their locations relative to the Designated European Sites and the suite of mitigation measures proposed as part of the current development, it is my view that there are no predicted in-combination effects.

Conclusion

7.5.6. The NIS has assessed the potential impact of the proposed development on European Sites within the appeal site's Potential Zone of Influence (i.e. The Murrough Wetlands

SAC and The Murrough SPA). The NIS concluded that once the mitigation measures set out within the report are established and operative, there would be no likelihood of significant negative effects on the integrity of either of these sites, or any of the Natura 2000 Network. The appeal site is not located within a designated site and there will be no fragmentation/loss or disturbance of any designated site.

7.5.7. In summary, the NIS, and its supporting documentation, provides adequate information in respect of baseline conditions, identifies the potential impacts of the proposed development, uses best scientific information and knowledge, and provides details of proposed mitigation measures. Having regard to the totality of the documentation on file, I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the forementioned European Sites in view of their Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

8.0 Recommendation

8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

9.1. Having regard to:

- The location, nature, scale and design of the proposed development,
- The policy provisions and objectives of the Wicklow County Development Plan (CDP), 2022-2028 and the Greystones-Delgany & Kilcoole Local Area Plan (LAP), 2013-2019, and,
- The specific characteristics of the site and surrounds,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, is sympathetic to the architectural character of the site and surrounds, is acceptable in terms of public health and traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further plans and particulars received on 14th February 2023, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Materials, colours and textures of all external finishes shall be in accordance with the drawings and specifications hereby approved.

Reason: in the interest of visual amenity.

3. The landscaping scheme, as submitted to the Planning Authority shall be carried out within the first planting season following substantial completion of external construction works. 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 5 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.

4. Prior to the commencement of development, the Applicant shall submit a revised Acoustic Design Statement which has regard to the location of the site relative to the permitted school (Ref. 221064 (ABP-315732-23)) located to the immediate north of the site. The revised Acoustic Design Statement shall include appropriate mitigation measures to the design of the development where required for e.g. acoustically treated windows.

Reason: In the interest of residential and visual amenity.

5. Noise Control

- a. Construction Stage - Noise limits for construction activity of 70 dB(A) (LAeq 1 hour) apply between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location* in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

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

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority (Greystones MD Engineer) for such works and services.

Reason: In the interest of public health.

7. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. Prior to commencement of development, detailed proposals for public lighting, design and layout, to serve the development permitted under this application shall be submitted to and agreed in writing with the Planning Authority. The design and layout shall comply with the document Guidance for Public Lighting Works for Developers: Wicklow County Council: 2017 and the requirements of the Road Authority.

Reason: In the interest of residential amenity and proper construction.

9. Prior to the commencement of development, the Applicant shall prepare and submit a Construction Management Plan to the Planning Authority for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, site hoarding and security, details of construction lighting and waste minimisation.

Reason: In the interest of clarity and to safeguard the amenities of property in

the vicinity.

10. Prior to commencement of development, the developer shall submit final details for the proposed access road and its junction with the public road, including pedestrian facilities and works to the public road. The works shall be to the specifications of the Roads Authority and Municipal District Engineer, Greystones.

Reason: In the interest of traffic safety and proper planning and sustainable development.

11. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fit out of charging points.

Reason: In the interest of traffic safety and orderly development and proper planning and sustainable development.

12. No advertising signs, or devices shall be erected outside the premises without a prior grant of permission. No display of goods or materials or advertising boards shall take place on the adjoining footpaths.

Reason: In order to prevent advertising clutter and in the interest of visual amenity.

13. 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

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- b. employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. 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.

16. 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 or 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.

Enda Duignan
Planning Inspector

02/04/2024

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

An Bord Pleanála Case Reference	ABP-316137-23		
Proposed Development Summary	Construction of 3-storey, 109 bed nursing home, car and bicycle parking, amendments to existing access, vehicle and pedestrian access, landscaping and associated site development works. A Natura Impact Statement was submitted with the planning application.		
Development Address	Lands to the north of Darraghville House/Holy Faith Saint Patrick's Convent and to the south and west of the Convent Lodge, Main Street, Kilcoole, Co. Wicklow.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	x		No EIAR or Preliminary Examination required

Yes				Proceed to Q.4
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4. Has Schedule 7A information been submitted?				
No			Preliminary Examination required	
Yes			Screening Determination required	

Inspector: _____

Date: 02/04/2024