



An  
Bord  
Pleanála

## Inspector's Report ABP-316320-23

---

<b>Development</b>	Modifications to previously granted Strategic Housing Development under ABP-305476-19 as amended by ABP-311676-19.
<b>Location</b>	Farrankelly and Killincarrig, Delgany , Greystones, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	23/131
<b>Applicant(s)</b>	Cairn Home Properties Limited
<b>Type of Application</b>	Permission for Large Scale Residential Development.
<b>Planning Authority Decision</b>	Grant permission.
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Lourda Scott
<b>Observers</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> June 2023
<b>Inspector</b>	Rónán O'Connor

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Pre-Application Opinion .....	3
4.0 Planning Authority Decision .....	3
4.1. Decision .....	3
4.2. Planning Authority Reports .....	3
4.3. Prescribed Bodies .....	4
4.4. Third Party Observations .....	4
5.0 Planning History.....	5
6.0 Policy Context.....	5
7.0 Screening .....	8
8.0 The Appeal .....	8
8.2. Applicant Response .....	9
8.3. Planning Authority Response .....	11
8.4. Observations .....	11
8.5. Further Responses.....	11
9.0 Assessment .....	12
10.0 Conclusion and Recommendation .....	14
11.0 Conditions .....	14

## 1.0 Site Location and Description

- 1.1. The subject site (21ha) is located c. 2.5km south west of the town centre of Greystones, Co. Wicklow. The previously permitted development (ABP-305476-19 as amended by ABP-311676-19) is currently under construction.

## 2.0 Proposed Development

- 2.1. The development will consist of:

Large-scale Residential Development - proposed modifications to the previously approved Strategic Housing Development permitted under ABP-305476-19 as amended by ABP-311676-19, currently under construction which will consist of:

The omission of a 2-storey split level residential amenity building of c.325 sqm and the reconfiguration of the open space area located to the east of the apartment buildings to include the provision of active outdoor gym equipment, enhanced passive open space and all associated site works at Farrankelly & Killincarrig, Delgany, Greystones, Co. Wicklow

## 3.0 Planning Authority Pre-Application Opinion

- 3.1.1. Consultation under Section 247(1A) is not required.

## 4.0 Planning Authority Decision

### 4.1. Decision

- 4.1.1. The Planning Authority Granted Permission on the 14<sup>th</sup> February 2023, subject to 2 no. conditions.

### 4.2. Planning Authority Reports

#### Planning Report

- Reference is made to the LAP and it is stated that the LAP includes specific objectives for the phased delivery of housing and infrastructure of the AP6 site.

- Such objectives require the delivery of 4.5ha of active open space and a greenway as well as delivery of public open spaces, play facilities and a childcare facility.
- The AP6 Action Plan for Farrankelly does not include any specific objectives for a community building/building was proposed by the developer to provide for the needs of the overall development.
- Note deficiencies in the Social Infrastructure Audit/states that there appears to be demand in the area for additional community space.
- No objective definitively requiring developer to construct new community floorspace within the development.
- Notes that the developer has constructed a significant amount of high quality/recreational infrastructure.
- Notes condition 20 and 21 require contributions in respect of new community infrastructure
- Proposal to omit the community building and build outdoor gym and play facilities is acceptable.
- It was recommend that permission be granted.

#### Other Technical Reports

- None on file. Planner's reports note that there is no objection from EHO.

### 4.3. **Prescribed Bodies**

- 4.3.1. None.

### 4.4. **Third Party Observations**

- 4.4.1. 12 no. Third Party observations were received at planning application stage. The issues raised by third parties are similar to those raised in the grounds of appeal.

## 5.0 Planning History

305476-19 – SHD Application – Permission Granted for 426 no. residential units (245 no. houses and 181 no. apartments), a creche and associated site works. [Decision date 15/01/2020].

311676 - Alteration - Housing Act 2017 Alteration - Alterations to previously permitted development ABP-305476-19 to include the replacement of permitted plant and refusal storage at ground floor level at apartment Block C with a single 1-bedroom unit 'Type 1C' (56 sqm). Decision: Alter decision - Not a material Alteration [Decision date 29/11/2020]

## 6.0 Policy Context

6.1.1. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. I also note the Government’s Housing for All Plan (2021) which identifies the need to increase housing supply as a critical action.

### 6.1.2. **Project Ireland 2040 - National Planning Framework (2018)**

The National Planning Framework ‘Project Ireland 2040’ 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.

### **Section 28 Ministerial Guidelines**

6.1.3. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (December 2022).
  - Section 4.5 Communal Facilities

- Communal rooms may be provided in apartment schemes, particularly in some larger developments. For example, communal laundry facilities and for drying clothes may be provided in well-ventilated areas. Other communal facilities may include community or meeting rooms or a management/maintenance office on-site. The provision of facilities within an apartment development could also extend to childcare or gym uses that may be open to non-residents.
- Communal or other facilities within apartment schemes should be subject to negotiation and agreement with the developer as part of the planning process. They should not generally be imposed as requirements by the planning authority in the absence of proposals from and/or the agreement of an applicant. The provision of such facilities is likely to have significant implications for management and maintenance costs for future residents

## **Regional**

### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)**

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

## **Local**

### **Wicklow County Development Plan 2022-2028**

Greystones-Delgany is level 3 Self Sustaining Growth Town in the metropolitan area.

#### Chapter 7 Social and Community Development

CPO 7.3 To support and facilitate the delivery and improvement of community facilities in accordance with the "Hierarchy Model of Community Facilities' prepared under the Development Levy Scheme (under Section 48 of the Planning and Development Acts) (as set out on Table 7.1 of this chapter).

CPO 7.5 Housing development shall be managed and phased to ensure that infrastructure is adequate or is being provided to match the needs of new residents.

CPO 7.6 To require as part of any Social Infrastructure Audit process that the cumulative effects of similar large scale developments be appropriately factored as part of the audit when determining the capacity of the assessed infrastructure that will be affected by the increase in population.

CPO 7.7 To require that as part of Social Infrastructure Audit the applicant submit supporting documentation from any social/community infrastructure providers, educational institutions, community organisations and other social service providers, verifying the assessment set out in the audit.

CPO 7.36 In accordance with Objective CPO 7.5, where a deficiency in facilities for teenagers/young adults and/or indoor community space is identified in an area, the proposed development should include proposals to address this deficiency in consultation with young people and appropriate stakeholders.

#### Greystones/ Delgany & Kilcoole Local Area Plan 2013

The site is zoned as a mix of residential (R22), Active Open Space (AOS) and Open space (OS), as detailed below, and included within an area designated as APS which requires the submission of an action plan .

- R22-To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity
- AOS-To provide for active recreational open space
- OS To preserve, provide for and improve public and private open space for recreational amenity and passive open space .

#### Section 107 AP6 Farrankelly Action Plan

This action plan is located at Farrankelly, on a site approximately 24ha in size. This area shall be developed for a mix of uses including residential and active open space, in accordance with the following:

#### Section 7 Social Infrastructure

SOC1: Social infrastructure shall be progressed in tandem with residential development and the latter will only be permitted on the basis of satisfactory provision of land and/or facilities for the former

## Community Buildings/Facilities

SOC13. 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. A site shall be reserved at Charlesland for a new Garda station (see AP7 Charlesland Action Plan).

## 7.0 Screening

### EIA Screening

- 7.1.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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 at preliminary examination and a screening determination is not required.

### AA Screening

- 7.1.2. Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 The Appeal

### Third Party Appeals

- 8.1.1. 1 no. third party appeal was received from Cllr. Lourda Scott, Greystones Municipal District Offices, Mill Road, Greystones, Co. Wicklow. The issues raised are as follows:
- Does not comply with the County Development Plan 2022-2028 or the Provisions of the Greystones/Delgany & Kilcoole Local Area Plan 2013 including
  - CPO 7.3 – residential amenity of future occupants will be undermined if they do not have adequate community infrastructure/an outdoor gym will not provide



adequate community gain/not accessible to all members of the community/is not long lasting

- CPO 7.6 – applicant has not provided documentation to support CPO 7.6/of the 8 community facilities listed, only 2 are facilities with halls and rooms that can be rented by residents
- Majority of the indoor facilities are to the north-east within the Greystones area/planner noted the audit may have deficiencies/stated that there was clear demand for additional community space.
- CPO 7.7 – applicant has not provided documentation/planner has stated that the audit does not consider the cumulative impact of other developments.
- CP0 7.36 – Adopted Development Plan promises community indoor space for young people/removal of this facility undermines the sustainability of the entire development.
- SOC1/SOC13 – clearly state the need for social infrastructure growth alongside residential development/specifically mentioning community buildings as part of that required need
- Apartment Guidelines (2022) do not apply
- Under LRD legislation a larger proportion of floorspace is dedicated to non-residential use/removal of the amenity building from this development is contrary to this legislation

## 8.2. Applicant Response

- The proposed residential amenity was not a requirement of the County Development Plan, the LAP nor was it requested by the Local Authority.
- It is now unviable.
- No a specific requirement of the Apartment Guidelines/Would place an additional burden on the Management Company and future resident's management fees.
- Will be replaced with enhanced landscape amenity along with durable outdoor exercise equipment.

- Proposed building is unnecessarily duplicating facilities in the area
- Developer has provided substantial social infrastructure on the site as part of the SHD application
- Developer is providing 4.5ha of active open space including a soccer pitch, tennis court, multi-use pitch as well as running trails and a 2.4ha Greenway along Three Trouts stream
- In relation to Objective 7.3 of the County Development Plan (as relates to delivery and improvement community facilities/development levies) , the developer is required to pay development contributions in accordance with the Section 48 Development Contribution Scheme, as well as a special contribution of 200,000 under Section 48(2)(c) in relation to a new sports facility with indoor changing facilities/this latter contribution has already been paid by the developer.
- Assertion by the appellant that the proposed development is not in compliance with CPO 7.3 is unfounded.
- Wide range of facilities in the town, which includes the Charlesland Community Centre and the Shoreline Sports Park which includes an Athletics Tracks and Field Arena, outdoor five-a-side pitches and tennis courts.
- In relation to Objective CPO 7.7, it is noted that the residential amenity building proposed was only to be available to members of the public or residents of the surrounding area/proposed to meet the future needs of residents of the development only, if required.
- Would not be feasible to provide the supporting documentation as referred to in CPO 7.7 given the wide array of sporting, educational and social organisations in the area.
- In relation COP 7.36, the Social Infrastructure Audit notes there are 37 no. facilities which are easily accessible and available to young people/There are 8 no. community facility buildings in the local area.
- The Kilcoole Community Centre is located just 1.6km from the subject site and not 4km as incorrectly stated in the appeal.

- Can rent out rooms in the other organisations in the town/e.g. Charlesland Community Centre and the Shoreline Sports Park.
- Wide range of gym/fitness/yoga facilities in the area
- Many options open to residents which can be rented out at relatively low cost/better than the ongoing cost of maintaining of a building which would place additional burden on future residents
- In relation to SOC1 and SOC13 of the LAP, both of these objectives are addressed in the Social Infrastructure Audit that was submitted as part of the application.
- Development as approved increases the network of social infrastructure in the area
- In relation the SHD Legislation and the LRD Legislation, the inclusion of non-residential floorspace is optional under both sets of legislation, and is not a specific requirement of either system
- The applicant response includes a response to observations made on the initial planning application.

### **8.3. Planning Authority Response**

8.3.1. None on files.

### **8.4. Observations**

8.4.1. None on file.

### **8.5. Further Responses**

8.5.1. None on file.

## 9.0 Assessment

- 9.1.1. The main issue in this appeal case pertains to the provision of social and community infrastructure, as raised in the third party appeal submission. I am satisfied that no other substantive issues arise.

### Social and Community Infrastructure

- 9.1.2. The provisions of the Wicklow County Development Plan 2022-2028 (“the Development Plan”), and the Greystones/ Delgany & Kilcoole Local Area Plan (“the LAP”) 2013 apply here, noting the parent SHD application was assessed under the provisions of the previous County Development Plan but under the same provisions of the LAP.
- 9.1.3. The main contention of the appellant is that there is insufficient community infrastructure within Greystones, especially of the type that was proposed under the original parent permission and which is it now proposed to remove. It is generally contended that the omission of the residential amenities building is not in keeping with the policies and objectives of the Development Plan and the LAP.
- 9.1.4. It is the applicant’s contention that that there is no specific policy objective for this residential amenity building, the upkeep of same would place a financial burden on the management company (and subsequently future residents) and that the building was not proposed to be rented out to the wider community, rather it was proposed to be utilised solely by residents of the proposed development. It is further set out that there is sufficient community infrastructure within the local area, and within the wider area generally.
- 9.1.5. The application seeks to remove the approved Residential Amenity building, and replace it with landscaped open space and an outdoor gym. Of note is the building as proposed (and as permitted) was not intended to be a community building i.e. available for use by the wider community, but rather it was proposed to be utilised as communal space and amenity for residents of the proposed development as approved. As such, to my mind, the key points under consideration here are the policy requirements for such a building, and also the contribution of the building as approved to the residential amenity of the development, balanced against the contribution of the proposed replacement outdoor gym and the landscaping

proposed. The availability of other similar facilities in the area to that being proposed to be omitted under this application, is of relevance also.

- 9.1.6. In terms of the specific policy requirement for the Residential Amenity Facility, I concur with the view of the Planning Authority, and of the applicant, that there is no specific policy requirement contained either within the Development Plan or within the LAP, nor within any relevant or Section 28 Guidance, to provide same. Rather the policies of relevance generally seek to ensure that there is adequate community and social infrastructure provision in the wider area to serve any proposed residential developments. I note that it was generally accepted that this was the case under the parent permission, and it is not the case that this wider issue needs to be revisited in this application.
- 9.1.7. I note also the provisions of Policy CPO 7.3 of the Development Plan which relate to the delivery of community facilities through the Development Levy Scheme. In this regard, conditions No. 20 and 21 of the parent permission, requires the applicant to make development contributions via Section 48, and as such I am not of the view that the provisions of this policy are directly relevant to the current proposal.
- 9.1.8. The originally proposed Residential Amenity Building was 325 sq. m. in area, and was a two storey split level building located in the centre of the site. It was proposed to house a multi-purpose facility including a gym, and was to be managed by the apartment management company.
- 9.1.9. The omission of the Residential Amenity Building would result in the loss of a facility to rent for community activities for the residents of the proposed development, although, as it was not available for use by the wider community, it is not a loss of a community facility in the wider sense. A key issue is then if there are similar facilities in the area that could be utilised by the residents of this proposed development. The application is accompanied by a Social Infrastructure Assessment, in line with Policy CPO 7.5 of the Development Plan. In terms of community facilities, it is set out that there are a number of similar community centres in the area, the Kilcoole Community Centre (1.7 km from the site) and the Charlesland Community Centre (1.2km from the site). As set out in the applicant's response to the appeal, these centres have rooms that are available to rent for community activities. I am of the view, therefore, that there is adequate provision for the proposed residents in the area, and that the

provision of a dedicated Residential Amenity Building is unnecessary, and as set out by the applicant, would represent a financial burden on future residents in relation to its maintenance and upkeep.

9.1.10. I am satisfied also that the proposed outdoor gym and landscaped area will provide an adequate amenity to the proposed development, and such facilities are generally well used and contribute significantly to the amenity of the area. In addition, they are free to use, and as such can be accessed by a wide cross section of the community.

9.1.11. Overall then I am satisfied that the omission of the Residential Amenity, and its replacement with the outdoor gym and landscaped area, would be acceptable, and would not have a negative impact on the overall standard of amenity of the proposed development, and would in accordance with the proper planning and sustainable development of the area.

## 10.0 Conclusion and Recommendation

10.1. Having regard to the above assessment, I recommend that permission be GRANTED for the proposed development, subject to the conditions below.

## 11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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, such issues may be referred to An Bord Pleanála for determination.  <b>Reason:</b> In the interest of clarity.
2.	(a) Apart from any departure specifically authorised by this permission, the development shall be carried out and completed in accordance with the

	<p>terms and conditions of the permitted Strategic Housing Development reference number ABP-305476-19 (as amended by ABP-311676-19).</p> <p>(b) The duration of the permission granted herein shall expire with the expiration of permitted Strategic Housing Development ABP-305476-19 (as amended by ABP-311676-19).</p> <p>Reason: In the interest of clarity.</p>
--	---

I confirm that this report represents my professional planning assessment, judgement and opinion of 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.

---

Ronan O'Connor  
Senior Planning Inspector

23<sup>rd</sup> June 2023