



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317445-23

<b>Development</b>	Construction of 98 houses, creche and all associated site works. Includes Natura Impact Statement.
<b>Location</b>	Coolagad, Greystones, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	23342
<b>Applicant(s)</b>	Cairn Homes Limited.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First / Third Party
<b>Appellant(s)</b>	Cairn Homes Limited.
<b>Observer(s)</b>	Susan O'Toole & Fergus O'Carroll Marcel Michal (Coolagad Environmental) Keith Scanlon Orla Finn Carina Holmes Councillor Derek Mitchell

**Date of Site Inspection**

23<sup>rd</sup> of October 2024.

**Inspector**

Elaine Sullivan

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## **1.0 Site Location and Description**

- 1.1. The site is in the townland of Coolagad to the north-west of Greystones town centre. It is approximately 8km south of Bray and 27km south of Dublin. It is located on the western side of the R761, approx. 2.3km from Greystones DART station and 2.6km north-east of the N11 junction with Glen Road (Delgany). The site is generally L-shape with a stated area of 8.47ha. It is a greenfield site, which is elevated and undulating with topography that slopes from north to south and from west to east. It comprises a number of agricultural fields mainly subdivided by hedges and trees and on the occasion of the site inspection, it was in use for grazing. It is bound to the north and west by agricultural lands and associated dwellings and farm buildings.
- 1.2. To the south the site is bounded by the Temple Carrig School campus and playing pitch, with Greystones Educate Together National School and the Blacklion Neighbourhood Centre further to the south. Beyond this again are the recently completed residential developments of Waverly and Seagreen. To the east the site is bounded by the R761 with Redford Cemetery and the established residential developments of Redford Park and Sea View.
- 1.3. The subject site forms part of a wider landholding which extends to the west of the Temple Carrig and Educate Together schools and the Waverly and Seagreen estate. The proposed development is on the most easterly part of the site and represents Phase 1 of the overall development.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for Phase 1 of a housing development on a greenfield site to the north of Greystones. The planning application is for 98 two storey houses, (62 no. 3 -bed, 34 no. 4-bed and 2 no. 5-bed), a creche building of 734 sq. m. with 23 car parking spaces and 12 bicycle spaces.
- 2.2. A new vehicular entrance with signalised junction would be provided from the R761, Rathdown Road. Additional road works would include the provision of cycle lanes on both sides of the R761 and a footpath along the western side. 3 no. on-street, car spaces would also be provided in front of Redford Cemetery on the eastern side of the R761.

- 2.3. The development would also include a new distributor road along the northern site boundary, a hierarchy of internal streets, cycle paths and footpaths. It is proposed to provide c. 4 ha of public open space, with a public park, wetlands, a play area and 2.2 ha of active open space incorporating a sport field and a MUGA.
- 2.4. Additional infrastructure works would comprise a new watermain connection and foul and surface water drainage, new boundary treatments, lighting, site drainage works and 3 no. ESB kiosks.
- 2.5. As part of the appeal and in response to the decision of the PA, the applicant submitted a revised development to the Board for their consideration. The revised development comprises alterations to the site layout which would result in the provision of an additional 30 residential units.
- 2.6. This would be achieved by replacing 34 houses, (18 no. 3-bed and 16 no. 4-bed) with 32 no. 3-bed duplex units above 32 no. 2-bed ground floor apartments in the north-western corner of the site, (identified as Cell 1 and Cell 2 on the planning drawings). The revised layout would yield a density of 35.7 units per hectare and would result in the provision of 128 units with a housing mix of 2 no. 5 bed units, 16 no. 4 beds, 76 no. 3 beds and 32 no. 2 beds.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority (PA) refused permission for the development for the following reason,

*Having regard to*

- a. the core strategy set out in the Wicklow County Development Plan 2022-2028 including tables 3.5 (housing targets) and 3.6 (development completed, underway and permitted) which indicate that the housing targets for the Greystones-Delgany settlement in the plan period have already been reached;*
- b. The settlement strategy set out in the Wicklow County Development Plan 2022-2028 which sets out the strategic role and function of Greystones-*

*Delgany as a level 3 self sustaining town, wherein the priority is for balanced growth and a focus on the consolidation of the existing built up area;*

- c. The scale and quantum of new housing being proposed, in excess of the housing growth targets for the settlement over the CDP period,*
- d. The location of the proposed development on peripheral greenfield lands outside of the existing built up footprint of the existing settlement,*
- e. RPO 4.83 of Eastern & Midland Regional Spatial and Economic Strategy 2019-2031: 'Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans',*
- f. Objectives CPO4.1, 4.2, 4.5, 4.7 and 6.19 of the Wicklow County Development Plan 2022-2028,*
- g. Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities 2009,*

*It is considered that the development proposed, notwithstanding the residential zoning of the site, would conflict with the core strategy and settlement strategy in the Development Plan and would materially contravene objectives CPO4.1, 4.2, 4.5, 4.7 and 6.19 of the Wicklow County Development Plan 2022 and would be contrary to the objectives of the Regional Spatial and Economic Strategy. The scale of development being proposed would be excessive and would result in unbalanced and unsustainable growth of this level 3 settlement. The proposed development would therefore seriously injure the amenities of the area, would be premature resulting in development that is not in accordance with the order of priority for sequential development of lands and would be contrary to Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities 2009. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planning report of the Planning Officer (PO) dated the 25<sup>th</sup> of May 2023 informed the decision of the Planning Authority and includes the following,

- Greystones is defined as a Level 3 – Self-Sustaining Growth Town in the Settlement Strategy for the County. The designation as a ‘growth town’ reflects the growth that has occurred in the previous Development Plan period and is not a reflection of the development aspirations for the current plan.
- The focus for development during the current Development Plan period will be on infill development and consolidation of the built-up area.
- Level 3 towns are targeted for growth rates of 25-30% with some variance allowed. It is estimated that growth in Greystones - Delgany will exceed this target range before the end of the current plan period due to legacy housing development under construction.
- The site comprises three zoning objectives, Active Open Space, Open Space and New Residential.
- The Coolagad Action Plan states that a minimum of 4ha is required for active open space including public park and playground. The Greystones-Delgany & Kilcoole Local Area Plan (GDK LAP) includes an objective for a minimum of 4 ha for expressly open space uses. The schedule of development for the application states that 1.98ha is given to open space and 2.20ha for active open space.
- From the plans, the creche, future community building and road seems to be encroaching into the quantum of land required for open space. Further information (FI) would be required to show how a minimum of 4ha is provided for the open space uses listed in the LAP.
- The proposed development would result in growth that would materially exceed the growth targets set out in the core strategy of the Development Plan.

- Development Plan objectives, CPO 4.2, 4.3 and 4.6 support the consolidation of the existing urban area. Chapter 4, Section 4.2 states that the focus for growth within Greystones – Delgany is to be infill development and the consolidation of the urban area. The proposed development is on a greenfield site, outside of the existing built-up area.
- The subject site is not within a flood risk area.
- The development would yield a net density of 27.3 units per ha. The Sustainable Residential Development in Urban Areas 2009, (now replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities), recommend that outer-suburban, greenfield sites should aim for a density of 35-50 units per ha, with densities of less than 30 units per ha to be discouraged on sites larger than 0.5ha. The PO notes that the proposed density is not in accordance with national guidance.
- SPPR 4 of the Building Height Guidelines states that planning authorities must avoid monotype building typologies for suburban locations. The PO notes that all units are two-storey houses and considers that a greater mix of typologies and unit mix is required.
- The development would integrate visually with the surrounding area and would not impact on existing residential amenity.
- The proposals for a creche, car parking and cycle parking are acceptable.
- Objective RO1 of the Development Plan is for a new road from the R761 to serve the lands designated as Action Plan Area 1 (AP1) in the GDK LAP, which is to be designed to allow for future possible northern access route from Greystones to the N11. A new distributor road is proposed. The Roads section of the PA recommended that FI was sought on the design of the road.
- The lack of pedestrian connectivity from the site to adjoining sites and existing services in Blacklion is noted. It is recommended that further consideration be given to the provision of a cycle lane or enhanced connectivity.

- The PO considered that FI was required regarding boundary treatments, the design and size of playing pitches, Part V provision, the provision of universally designed units and the extent of the riparian corridor.
- It is noted in the report that under SHD application, (313229-22, currently awaiting decision before the Board), the Chief Executive of the PA recommended a refusal of planning permission relating to increased risk of flooding downstream from surface water runoff. The subject development includes a new surface water drainage system to address the issues raised.

### 3.2.2. Other Technical Reports

- Water and Environmental Services – No objection subject to planning conditions.
- Roads Department – The report makes observations on overall design of the internal road network, including the proposed distributor road the junction with the R761 and pedestrian and cycle provision. Further information was not specifically requested in the report, however, the PO considered that additional information was required and included that recommendation in the report.
- Drainage - Observations were made on the surface water system proposed with some clarification sought on proposals for Nature Based Sustainable Urban Drainage Systems (NBSUDS). Regarding the foul drainage, it is noted that the existing sewer connection from the school campus site to the public network at the Redford Junction could clash with the proposed route for the foul sewer connection along the R761. The foul sewer outfall line along the R761 should be relocated to the western verge of the R761 once the proposed upgrade works to the R761 are complete. The relocation of some foul manholes is also required.
- Community, Cultural and Social Development Section – The proposals are appropriate for the sporting and recreational needs of the area, and in line with the recently commissioned sports & recreational audit of the Greystones MD area.

- Environmental Health Officer – A construction management plan (CMP) for the development shall be submitted to ensure noise and dust nuisance are not created for neighbouring houses, schools and businesses. The CMP shall adhere to standards for noise and air quality.

### 3.3. Prescribed Bodies

- Úisce Eireann – No objection.
- Department of Housing Local Government & Heritage – The greenfield site incorporates a number of identified archaeological sites. The Department agrees with the findings of the Archaeological Assessment submitted with the application and with the mitigation measures proposed. It is recommended that specific archaeological conditions be attached to any grant of planning.
- National Transport Authority (NTA) – No objection to the principle of the development but there are concerns regarding the active travel infrastructure proposed. The cycling infrastructure proposed for the link road is not in accordance with the National Cycle Manual and will not accommodate safe movement of cyclists. Segregated pedestrian and cycle facilities should be provided on both sides of the carriageway and additional raised crossing points for pedestrians should also be provided along the length of the road. The proposed junction with the R761 should be amended to provide better facilities for pedestrians and cyclists. The level of car parking proposed should be reduced to align with national policy. Although adjacent sites are in different ownership, provision should be made for future walking and cycling routes to ensure active travel is prioritised within the site.
- Inland Fisheries Ireland (IFI) – There will be a direct hydrological connection from the proposed development to the Greystones Stream. If appropriate mitigation measures are not adopted and SUDS measures not maintained, there is a potential for the development to impact the open sections of the watercourse. If SUDS measures are not taken in charge by the PA, a planning condition should be attached to prescribe adequate and appropriate maintenance measures. These measures should be agreed prior to the commencement of construction on the site. Any instream works that may be

required should only be undertaken at a suitable time of the year, between the 1<sup>st</sup> of July and the 30<sup>th</sup> of September inclusive and shall be agreed with IFI prior to commencement.

- Transport Infrastructure Ireland (TII) – No objection subject to planning condition.

### 3.4. Third Party Observations

A total of 10 observations were received by the PA during the public consultation period. The issue raised include the following,

- Public infrastructure in the town is at capacity.
- Growth targets for the town exceeded.
- Greenfield development is not sustainable development.
- Impact on existing traffic levels.
- Impact on biodiversity and protected sites.
- Visual impact on the town.
- Excessive scale and density.
- Drainage and flooding from the development.
- Lack of connection to the town.
- Impact on existing development.
- Project splitting.

## 4.0 Planning History

On the subject site -

**SHD Ref. ABP-313229** - refers to an application for a 7-year permission for construction of 586 no. residential units (351 no. houses, 235 no. apartments), childcare facilities and associated site works. No decision has been made to date.

**ABP Ref. 316656-23** - refers to a decision to 'Confirm the determination of the local authority' to retain the lands on the RZLT map.

**ABP Ref. 320366-24** – refers to a decision by the Board to review the determination of the local authority for inclusion on the RZLT map. The Board decided to set aside the determination of the local authority as the lands are not zoned as they are not indicated on the Wicklow County Development Plan 2022-2028, and there is no Local Area Plan in place for the zoning of the lands.

## 5.0 Policy Context

### 5.1. County Development Plan

The subject site is in the settlement of Greystones, Co. Wicklow. The operative development plan for the site is the Wicklow County Development Plan 2022-2028, (WCDP).

The combined settlement of Greystones – Delgany is categorised as a Level 3, Self-Sustaining Growth Town in the WCDP.

The subject site was within the boundary of the Greystones – Delgany & Kilcoole Local Area Plan 2013-2019 (GDK LAP). This LAP expired in 2019 and was not incorporated into the WCDP 2022-2028. The WCDP contains a commitment to prepare a new LAP for Greystones – Delgany and Kilcoole during the lifetime of the plan.

I note to the Board that at the time of writing Variation No. 2 of the WCDP is on public display, (from the 9<sup>th</sup> of October to the 20<sup>th</sup> of November 2024). Variation No. 2 seeks to incorporate the land use zoning and key development objectives maps for the LAP settlements, including the GDK LAP, into the Development Plan.

**Chapter 2 – Development Plan Strategy** - The Development Plan Strategy is guided by three strategic principles, Healthy Placemaking, Climate Action and Economic Opportunity. Regarding Climate Action – the plan states that, *‘The County Development Plan plays an important role in influencing a reduction in GHG emissions by guiding the sustainable growth of the County, encouraging more compact mixed-use development and greater use of sustainable transport options such as cycling, walking and public transport...’*.

There are 10 Strategic County Outcomes (SCO) that inform the Plan. SCO1 – Sustainable Settlement Patterns & Compact Growth is for, *‘The delivery of compact*

*growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy’.*

### **Chapter 3 – Core Strategy**

This section of the plan notes that the Core Strategy should be specific in setting population targets and housing requirements across the overall area and the settlement hierarchy should act as a framework for amendments to existing zonings or new zonings in lower-level plans. In turn the population targets and housing figures in lower-level plans should be consistent with the Core Strategy and will be achieved through amendments or the preparation of new plans.

**3.1 – Population** - Population projections for Wicklow were calculated based on Department of Housing Planning and Local Government guidance set out in the ‘Implementation Roadmap for the NPF’ 2018 and the Metropolitan Area Strategic Plan (MASP). The background to the applied methodology is provided in Section 3.1 of the WCDP. Population targets for the entire county are set out in Table 3.1 – Population targets Co. Wicklow 2026. 2031.

**3.2 – Housing** - The methodology for translating the population targets of the NPF Roadmap into housing targets is set out in Ministerial Guidelines ‘Housing Supply Target Methodology for Development Planning’ (DHLGH December 2020).

Table 3.2 sets out the Housing Completions & Targets Co. Wicklow 2020, 2022, 2028, 2031.

**3.3 Settlement Hierarchy** – Greystones – Delgany is categorised as a Level 3, Self-Sustaining Growth Town. These towns are identified as having a moderate level of jobs and services – including sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.

**3.4 – Population & Housing Allocations** – This section of the plan sets out the population and housing unit targets for each settlement / aggregate settlement in the county for the period of Q3 2022 to Q2 2028. The targets have been derived from

the population targets set out in Table 3.1 and the housing targets set out in Table 3.2.

Level 3 towns are targeted for growth rates of 25 – 30%. It is estimated that growth in Greystones - Delgany will exceed this target range before the end of the plan period due to legacy housing developments under construction.

Table 3.4 – Wicklow Settlement / Aggregate Settlement Population Targets 2016, Q2 2028 sets out the population target for Greystones – Delgany to Q4 2028 at 21,727 persons.

Table 3.5 contains the Wicklow Settlement / Aggregate Settlement Housing Targets to Q2 2028 and Q4 2031.

Table 3.6 contains Housing development completed, underway and permitted in Co. Wicklow.

**3.5 – Zoning** – This section states that a new Local Area Plan will be made for Greystones – Delgany – Rathcoole in the period 2022-2024.

The Core Strategy Tables in this section shows the housing unit requirements for the LAP towns, up to the year 2031 and the housing unit capacity of lands zoned in current LAP's.

Table A of the Core Strategy contains the relevant population information and housing targets for Greystones – Delgany. Table A shows the Housing Target for the settlement from 2016-2031, less completed units 2017-2020, as 1,078. The development capacity of zoned land within, and outside, of the built-up area of the settlement was calculated as 1,700 units and 1,900 units respectively. The units required to be provided outside of the built-up area are shown as zero.

Core Strategy 'Table A' shows that the majority of current LAPs have a surplus of zoned land having regard to the revised 2031 targets set out in the NPF Roadmap and the RSES for the EMRA.

Section 3.5 states that, *'Prior to the adoption of new LAPs reflecting the targets set out in this plan, in the assessment of applications for new housing development (or mixed use development of which housing forms a significant component) the Council will strictly adhere to the compact growth, sequential development and phasing principles set out in this plan'.*

The Zoning Principles listed in the Plan are;

- Principle 1 – Compact Growth – For Level 1-5 towns, the amount of land zoned for the housing development outside of the built-up envelope of any existing settlement shall not exceed 70% of the total housing target for that settlement.
- Principle 2: Delivery of Population and Housing Targets, - Where the targets set out in Table A of the Core Strategy can't be fulfilled within the quantum of land identified due the lack of infrastructure as set out in Appendix 9, prioritisation will be given to fulfilling the targets on land identified within Local Area Plans where infrastructure is or will be available and based on the sequential approach set out in Principle 4.
- Principle 3 – Higher Densities – higher densities at suitable locations will be encouraged.
- Principle 4 – Sequential approach – Priority locations for new residential development are;

Priority 1 – in the designated town and village / built-up area;

Priority 2 – Strategic Sites identified by the RSES and MASP;

Priority 3 – Infill within the existing built envelope of the town;

Priority 4 – where a need for 'greenfield' residential development is identified, the 'two-tier approach' to land zoning as set out in the NPA will be taken, (i.e. Tier 1 = Serviced zoned land, and Tier 2 = Serviceable zoned land).

#### **Chapter 4 – Settlement Strategy**

Greystones – Delgany is designated as a Level 3, Self-Sustaining Growth Town within the metropolitan area. The text for the Greystones – Delgany settlement states, *While the 'growth town' designation would suggest that significant new population growth is planned for Greystones – Delgany for the duration of this development plan; in fact this designation is intended to reflect the growth that has already occurred in the 2016-2022 period having regard to housing development completed, underway and due for completion within this timeframe. The focus during*

*the period of this development plan therefore for the settlement will be on infill development and consolidation of the built up area’.*

Chapter 4 acknowledges the attractiveness of the area given its character, location and proximity to Dublin but also notes that there is a lack of employment opportunities and as such the town has developed as a commuter town. Addressing the employment deficit is a priority for the future.

4.3 – Settlement Strategy Objectives -**CPO 4.1, 4.2, 4.5 & 4.7** are referenced in the PA’s reason for refusal.

CPO 4.1 - To implement the County Wicklow Core Strategy and Settlement Strategy, having regard to the availability of services and infrastructure and in particular, to direct growth into key towns, self-sustaining growth towns, self-sustaining towns and small towns.

CPO 4.2 - To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.5 - To ensure that all settlements, as far as is practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.

CPO 4.6 - To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.

CPO 4.7 - To implement the Core Strategy and Settlement Strategy, to monitor development and the delivery of services on an ongoing basis and to review population targets where service delivery is impeded.

## **Chapter 5 – Town & Village Centres – Placemaking & Regeneration**

The overall strategy of the plan as it relates to settlements is to, *‘Activate the potential for regeneration and renewal of our town and village centres, creating resilient, adaptable and vibrant places with a strong focus on creating compact towns and villages’.*

With regard to Greystones, it is a Town and Village Regeneration & Rejuvenation Priority to, *‘Capitalise on the potential of underutilised sites and brownfield sites to deliver compact growth, new economic opportunities and to strengthen the Greystones urban structure’.*

## **Chapter 6 – Housing**

### **6.3 - Key Housing Principles –**

6.3.1 - Sustainable Communities – to provide well designed homes in the right locations with accessible community facilities, public open space, mix of land uses, mix of housing typologies and tenures etc.

6.3.2 – Location of new residential development – ‘The priority for new residential development shall be in the designated town / village / neighbourhood centres...Where insufficient land is available in the centres of settlements, new housing development shall also be permitted on greenfield lands that are zoned / designated for housing’.

### **6.3.3 – Compact Growth & Active Land Management –**

6.3.4 – Phasing - ‘The development of zoned / designated land should generally be phased in accordance with the sequential approach’. Which is set out as follows,

- Development shall extend outwards from the centre of settlements – leapfrogging to peripheral areas shall be resisted,
- A strong emphasis shall be place on encouraging infill opportunities,
- Areas to be developed shall be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved.

Table 6.1 – Sets out the density standards for new developments and recommends that Outer Suburban / Greenfield Sites in Greystones-Delgany should have a minimum density of 35 – 50 dwellings per hectare. The density standards are taken from the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)’.

**CPO 6.1** - New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside

when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.

**CPO 6.19** – The development of zoned land should generally be phased in accordance with the sequential approach as set out in this chapter. The Council reserves the right to refuse permission for any development that is not consistent with these principles. (Note to the Board – CPO 6.19 is referenced in the PA's reason for refusal).

CPO 6.27 - To require new multi-unit residential development to provide an appropriate mix of unit types and sizes to ensure that there is a range of unit types available to suit the needs of the various households in the county, in accordance with the Design Standards for new Apartments, Guidelines for Planning Authorities (2020).

## **Chapter 7 – Community Development**

CPO 7.33 - In all new residential development in excess of 50 units, where considered necessary by the Planning Authority, the developer shall provide, in the residential public open space area, a dedicated children's play area, of a type and with such features to be determined following consultation with Community, Cultural & Social Development Office of Wicklow County Council. The location of any such proposal shall be situated within a centrally located area capable of being passively supervised by surrounding developments.

CPO 7.37 - All-new neighbourhood parks or active open space zones shall include a 'mixed-use games area' (MUGA) of an appropriate size and nature to be determined in, pre-consultation with the Community, Cultural & Social Development Office of Wicklow County Council.

## **Appendix 1 – Development & Design Standards**

1.4.1 – Water Quality - Measures to protect rivers, streams and other water courses will be required to avoid interference with river / stream beds, banks and channels and a core riparian buffer zone of generally 25m along watercourses (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban location) will be required to be maintained free from inappropriate development, with

undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible.

Table 2.3 – Car parking standards – Childcare facilities – 0.5 car space per staff member + 1 car space per 10 children.

Table 3.1 – Density Standards – Greystones – Delgany – outer suburban sites should have a minimum density of 35-50 units per hectare. Development at net densities of less than 30 units per hectare should generally be discouraged.

3.1.4 – Open space – Houses of 1-2 bedrooms shall generally have a minimum of 50sqm private open space and houses of 3+ bedrooms shall have a minimum of 60-75sqm.

Public open space will normally be provided at a rate of 15% of the total site area. New organised sports areas shall be in proximity to existing or planned community or neighbourhood facilities such as neighbourhood retail centres, schools etc.

3.1.5 – Car Parking - 2 off-street, car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size. For every 5 residential units provided with only 1 space, 1 visitor space shall be provided.

### **Greystones – Delgany – Kilcoole LAP 2013-2019**

As noted above the GDK LAP has expired and has not been incorporated into the 2022 Development Plan. A Pre-draft public consultation for a new GDK LAP was held in January 2024.

Variation No. 2 of the Development Plan is on public display until the 20<sup>th</sup> of November 2024 and seeks to integrate the LAP land use maps into Volume 2 of the Development Plan.

**Zoning** - In the GDK LAP, the site has three separate zoning objectives. The land closest to the R761 is zoned AOS – Active Open Space – *‘To provide for active recreational open space’*. The land adjoining this to the east is zoned OS – Open Space, *‘To preserve, provide for and improve public and private open space for recreational amenity and passive open space’*. The eastern part of the site is zoned R22 – Residential, *‘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’.*

The site is also within Action Plan Area 1 – Coolagad Action Plan, (AP1).

The development strategy for the AP1 lands is set out in Section 10.2 of the LAP and includes the following,

- The area should be developed for a mix of uses including residential, community and open space.
- c. 29ha shall be for residential development
- A minimum of 4ha shall be provided for active open space including public park, MUGA and playground in accordance with the requirements of the Community and Enterprise Section of the Council.
- A community centre and/or other community facility shall be provided.
- A new road shall be provided for local access to zoned lands and shall be designed to facilitate the achievement of the long-term objective to provide a northern access route from Greystones to the N11, in accordance with roads objective R01, ‘Section 7: Transport and Service Infrastructure.
- Green routes shall be provided to link residential areas with community infrastructure and the Blacklion area.
- The residential amenity of adjoining properties shall be protected.
- The natural and built heritage shall be protected, including rivers and trees.
- Attention should be paid to reducing the visual impact of any development on views towards Kindlestown Hill, from the R761. Development on lands to the west of the Blacklion Action Plan shall be of a design and layout that is appropriate to the topography of the site and shall ensure there is a visual transition between the development lands and the unzoned agricultural lands / Kindlestown Hill to the rear of the site.
- Appropriate links and transitions of scale shall be provided with lands adjoining the boundary of the Action Plan including lands within the AP2 – Blacklion Action Plan, and lands zoned for housing to the south of Kindlestown Upper.

- A schedule for the phasing of development is also set out to ensure that infrastructure is delivered in tandem with housing.

## 5.2. National Policy

### 5.2.1. Project Ireland 2040, National Planning Framework, (NPF).

The NPF provides a series of National Policy Objectives (NPOs) which seek to strengthen and consolidate existing settlements. Some of the NPO's are listed below.

- NPO 3a, b and c which seek the delivery of new homes within the footprint of existing settlements.
- NPO 3a, Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3c Deliver at least 30% of all new homes that are targeted in settlements, within their existing built-up footprints.

### 5.2.2. Sustainable Residential Development and Compact Settlement Guidelines 2024

These Section 28 Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements. Section 3.3 of the Guidelines refers to Settlements, Area Types and Density Ranges. For each settlement tier it sets out,

- priorities for compact growth,
- areas common to settlements at each tier, and
- recommended density ranges for each area.

For each application it is necessary for the planning authority to identify,

- the most applicable settlement category based on the categories described in Section 3.34,
- the most applicable area type based on the area descriptions detailed in Section 3.3 (e.g. central, urban, suburban or edge- refer also Figure 3.1), and
- the recommended density range for that area.

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- priorities for compact growth,
- areas common to settlements at each tier, and
- recommended density ranges for each area.

For each application it will be necessary for the planning authority to identify,

- the most applicable settlement category based on the categories described in Section 3.34,
- the most applicable area type based on the area descriptions detailed in Section 3.3 (e.g. central, urban, suburban or edge- refer also Figure 3.1), and
- the recommended density range for that area.

### **Section 3.3.3 – Key Towns and Large Towns (5,000+ population)**

The Settlement Strategy for the county categorises Greystones as a ‘Self-Sustaining Growth Town’ in the Core Region, which is one level below the Core Region Key Towns in the hierarchy. The settlement does not directly align with the categories set out in Section 3.3 of the Guidelines. However, given the population and location of the Greystones – Delgany settlement, I consider the most applicable category to be ‘Key Towns and Large Towns (5,000+ population).

The strategy for Key Towns and Large Towns is to support consolidation within and close to the existing built-up footprint. In order of priority the key principles for their development are,

- a. plan for an integrated and connected settlement overall
- b. strengthen town centres,
- c. protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality,
- d. realise opportunities for adaptation and reuse of existing buildings and for incremental backland, brownfield and infill development, and
- e. deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.

Density – Within the ‘Key Town’ settlement, the site would be further categorised as a Suburban/Urban Extension. It is an objective of the Guidelines that residential densities of 35-50 units per hectare (net) shall generally be applied at suburban and urban extension locations.

- SPPR 1 – relates to separation distances between buildings and requires a minimum of 16 metres between opposing windows above ground level.
- SPPR 2 – sets out the minimum private open space standards for houses; 1 bed – 20sqm, 2 bed – 30sqm, 3 bed – 40sqm and 4bed + - 50sqm.
- SPPR 3 – relates to car parking standards. In city centres car parking should be minimised, substantially reduced or wholly eliminated. In accessible location (defined in Table 3.8) the maximum rate should be 1.5 car spaces per dwelling. In intermediate and peripheral locations (defined in Table 3.8) the maximum rate of car parking shall be 2 spaces per dwelling. The subject site is categorised as a ‘peripheral location’.
- SPPR 4 – relates to cycle parking and storage facilities.

**5.2.3. Sustainable Urban Housing - Design Standards for New Apartments  
(Guidelines for Planning Authorities), 2023.**

- The guidelines support the use of infill sites in urban locations to provide higher density apartment developments.
- SPPR1 - Apartment developments may include up to 50% one-bedroom or studio type units, (with no more than 25% as studios).
- SPPR2 – For urban infill schemes on sites of up to 0.25ha, where up to 9 residential units are proposed, (notwithstanding SPPR1), there shall be no restriction on dwelling mix.
- SPPR3 – Sets out the standards for minimum apartment floor areas.
- SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- SPPR5 – Specifies floor to ceiling heights.
- SPPR6 – Specified maximum number of apartments per floor core.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.
- Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options is in close proximity.

**5.3. Natural Heritage Designations**

**5.3.1. No designations apply to the subject site.**

The closest European sites are,

- Bray Head SAC, (Site Code 000714), approximately 0.6km to the north-east of the site,
- Glen of the Downs SAC, (Site Code 000719), approximately 1.9km to the south-west of the site,
- The Murrough SPA, (Site Code 004186), approximately 3.6km to the south-east of the site.

5.3.2. There are no Natural Heritage Areas (NHAs) in proximity to the site. The closest proposed NHAs (pNHAs) are,

- Bray Head pNHA - approximately 0.6km to the north-east of the site,
- Glen of the Downs pNHA - approximately 1.9km to the south-west of the site, and the
- Kilmacanogue Marsh pNHA and the Great Sugar Loaf pNHA – approximately 3km to the west of the site.

5.3.3. The Development Plan includes the following designations in proximity to the site,

- Bray Head – Special Amenity Area Order
- Glen of the Downs – Nature Reserve

#### **5.4. EIA Screening**

5.4.1. The proposed development is for 98 houses (or 128 housing units as submitted in the appeal for the Boards consideration), a creche, public park and sports facilities. It comprises Phase 1 of a larger development site for which a masterplan has been prepared. An application for SHD, (ABP-313229) for 586 residential units was lodged with the Board and a decision is pending. The SHD was for the entire site and was submitted with a mandatory EIAR. Whilst the subject proposal is part of a masterplan site, there are no other extant permissions for the site and it represents a stand-alone development which is sub-threshold under Part 2, Schedule 5 of the Planning and Development Regulations 2000 (as amended). An EIAR Screening Report was submitted with the application and concluded that the proposed development would not be likely to have significant effects on the environment and it

was recommended that EIAR was not required. I have carried out an EIA screening determination on the project which is set out in Appendix 2 of this report.

- 5.4.2. I consider that the location and scale of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. Therefore, the development would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report.
- 5.4.3. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal primarily respond to the PA's reason for refusal. They also address the issues raised in departmental reports that may require additional information and put forward an alternative design to address the concerns regarding density.

The grounds of appeal were set out and submitted in point form and in numerical order. The response from the PA directly addressed the applicants points in the same numerical order. In the interest of clarity and for ease of reference, I will summarise each point in the appeal as they have been numbered.

#### Response to Reasons for Refusal

- Grounds 1 and 2 – The PA's decision is contrary to national policy set out in Rebuilding Ireland Action Plan for Housing and Homelessness (July 2016), Housing for All 2021, and the National Planning Framework, all of which seek to increase the output of housing across all sectors and to deliver a range of homes in suitable locations.

- Ground 3 - The PA's decision is contrary to Ministerial Guidelines as set out in Section 4.4.1 of the Development Plan Guidelines 2022, which states that zoned land that is serviced and can be developed for housing within the life of the new development plan should not be subject to de-zoning. The decision to refuse permission on zoned lands entails the de-facto de-zoning of the Coolagad landbank.
- Ground 4 – The decision of the PA is contrary to Section 3.5 of the Development Plan, Delivery of Population and Housing Targets, which clearly states that the targets are to guide the future zoning of land in the LAP areas and are not applied retrospectively to lands already designated for development.
- Ground 5 – The decision of the PA is contrary to the transitional provisions set out under Principle 1 of Section 3.5 of the Development Plan, (which refers to Compact Growth and allows for the zoning of up to 70% of land outside the built up envelope of the town centre).
- Ground 6 - The decision of the PA is not based on any analysis of Principle 1 – Compact Growth of Principle 4 – Sequential Approach, of Section 3.5 of the Development Plan.
- Ground 7 – The scale and quantum of new housing proposed is wholly appropriate to the population and housing need, where growth targets for the settlement are currently under legal challenge.
- Ground 8 – The proposed development is consistent with objectives CPO 4.1, 4.2, 4.5, 4.7 and 6.19 of the Development Plan, which are referenced in the reason for refusal.
- Ground 9 – The development is consistent with the Eastern and Midland Regional Spatial and Economic Strategy (RSES) 2019-2031, as it supports the consolidation of the town and village network to ensure that development proceeds sustainably and at a level in line with core strategies of the county development plans.
- Ground 10 – The scale of development would not be excessive and would not result in unbalanced and unsustainable growth in the Level 3 settlement.

- Ground 11 – The proposed development would not seriously injure the amenities of the area and would not be premature, resulting in development that is not in accordance with the order of priority for sequential development of lands that would be contrary to the Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities 2009.
- Ground 12 – The PA's decision to refuse permission is contrary to its position that the subject site is taxable as developable lands for the purposes of RZLT.
- The applicant submits that the development as proposed is in compliance with the provisions of the WCDP but notes that, should the Board consider that issues of material contravention arise, the provisions of Section 37(2) of the Planning and Development Act 2000 (as amended) are applicable. The applicant is of the opinion that all four clauses of Section 37(2)(b) are applicable for this decision.

#### Responses to FI issues

- Density – The report of the PO noted that the density proposed was not in accordance with the minimum standards in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). The applicant states that the density of the development was in accordance with the LAP, where the zoning for residential development requires a density of 22 units per ha. However, the provisions of the new Development Plan differ, and as such the applicant is proposing a higher density scheme with a revised layout for the Boards consideration. The revised scheme would increase the number of units from 98 to 128 which would yield a density of 35.7 units per hectare. The typology mix would be altered by providing 64 duplex units and by reducing the number of 3 and 4-bed houses. Drawings submitted with the appeal show the full extent of the changes.
- The revised layout would yield a density of 35.7 units per hectare and would result in the provision of 128 units, which would provide a housing mix of 2 no. 5 bed units, 16 no. 4 beds, 78 no. 3 beds and 32 no. 2 beds.
- Open space – The report of the PO states that the applicants would be required to submit additional information to show that a minimum of 4

hectares is provided for the open space uses referred to in the LAP action plan. The applicant notes the planning history for the site includes an SHD application for 586 residential units which has not yet been decided. (I note to the Board that the layout of the subject application is generally the same as the SHD layout as it relates to the location of the creche, housing and open space). It is argued by the applicant that the report of the Chief Executive of Wicklow County Council had no issue with the quantum of open space provided or the location of the creche, community centre and road. It is unclear why the PA considers the provision of the access road and future community centre to be misaligned as both are indicated on the Greystones Local Area Plan 2013-2019 zoning map and are objectives of the Coolagad Action Plan 1 (AP1).

- Public Open Space – The proposed development would have 1.9ha of open space in the form of a public park and 2.2ha of active open space in the form of a MUGA and playing field. Two strips of open space are also provided. The proposed development is part of a master plan which was submitted with the application and will provide part of a phased development based on the layout of the SHD. As part of the SHD the applicant proposed 10 hectares of open space across the landbank, which is in excess of the 7.5% envisaged by the WCDP. Should the Board be minded considering the amended scheme it is proposed that an additional 300 sqm of communal open space would serve the duplex units. This means that the most western units would not be located adjacent to open space.
- Play Facilities and Sports Facilities - the applicant notes that the provisions of AP1 Coolagad Action Plan in the LAP specifically states that the provision of active open space, including public park, MUGA and playground shall be 'in accordance with the requirements of the Community and Enterprise Section of the Council'. The applicant states that they have agreed proposals for open space and active open space with the Council's Community and Enterprise section as evidenced in the letter submitted as part of the SHD. No changes are proposed. The design and size of the individual items are identical and therefore still in accordance with the Council's requirements as specified by the LAP.

## 6.2. Planning Authority Response

A response was received from the PA on the 12<sup>th</sup> of July 2024. The PA considers that the planning reports forwarded to the Board adequately set out the reasons and considerations for the decision. However, the PA would like to address some issues raised in the appeal. Their submission directly responds to the grounds as set out by the applicant.

- The PA is fully aware of national planning and housing policy and the various and relevant ministerial guidelines which it had regard to when preparing and making its County Development Plan 2022.
- The PA is also fully aware of the current housing crisis and in its role as a planning authority it has supported the zoning of land for residential purposes and granted permission for numerous residential developments. There are currently more than 60 residential developments underway in county Wicklow which would deliver over 4000 residential units. Census 2022 Shows that County Wicklow achieved significant population growth over the period from 2016 to 2022 and has exceeded its anticipated annual population growth targets for the years 2020 to 2022.

The PA wish to respond to the grounds of appeal on the point-by-point basis.

- Grounds 1 & 2 - The PA considers that the highlighting of national policy by the applicant is of relevance but does not concur with the assertion that its decision is contrary to national policy. The PA notes that several of the applicants references to National Policy refer to the provision of housing in the right location. The concept of balanced regional growth which is location dependent is a fundamental tenet of national and regional policy. It is also a fundamental objective of the PA and was considered in formulating and adopting the core strategy of the Development Plan. The OPR and the Minister for Housing Local Government and Heritage were involved in the plan making process and did not express concerns that the plan was contrary to national policy.
- Ground 3 - It is incorrect for the applicant to allege but the refusal of permission entails a de-facto de-zoning of the land bank as the zoning of land

and the decision on a planning application are two distinctly separate statutory planning processes. The PA note that the Development Plan Guidelines 2022 relate to the making of the development plans, including the zoning of land are not relevant Ministerial Guidelines for the purposes of assessing a planning application.

- Ground 4 - The PA does not agree with the assertion that the report of the PO provides a misguided review of the Core Strategy and Settlement Strategy of its County Development Plan. The report refers to the relevant information in Chapters 3 and 4 of the plan. Furthermore, the applicant refers to a quote from the OPR in their appeal. No context is given, and the meaning applied to it in the appeal is contrary to the correspondence received from the OPR regarding the adopted Development Plan. The applicant refers to examples of development permitted in Wicklow Town and Blessington within the current plan period where permission was not refused based on the Core Strategy. The PA note that three of the developments are within the compact growth area of the respective settlements and towns. Therefore, in accordance with the objectives of the CDP the issue of population does not arise.
- Ground 5 - The PA has not applied the population targets to proposed development in the compact growth area, which is in accordance with the provisions of Section 3.5 of the Development Plan.
- Ground 6 – The PA refutes the assertion that it made misguided assumptions in relation to Compact Growth and the Sequential Approach. The planning report clearly identified the peripheral location of the and highlighted the content of Chapter 4 – Settlement Strategy of the Development Plan which states that the focus for Greystones – Delgany will be on infill development and consolidation of the built-up area.
- Ground 7 – The CDP accords with national policy and the status of the CDP is not affected by the judicial review referenced in the appeal.
- Ground 8 - The Core Strategy of the CDP is an overall strategy to achieve both balanced regional growth and balanced sustainable growth within the county. It sets growth targets for the entire county and for each settlement within the county so that the growth is balanced throughout the county based

on the settlement hierarchy of the CDP. If the majority of the growth were to be achieved in one or two settlements this would result in an unbalanced and unsustainable growth contrary to national policy an objective CPO 4.1 of the CDP. Similarly, to develop peripheral Greenfield sites in one settlement in advance of sites in the built-up area of other settlements would be contrary to objective CPO 4.2 of the CDP. Having regard to the low job ratio in Greystones – Delgany, a significant increase in population in the absence of employment development would be contrary to objective CPO 4.5.

- Ground 9 - The PA acknowledges the error referring to or RPO 4.83 of the RSES as this objective parity refers to rural areas and associated towns and villages which is not relevant to the site. The reference should be to RPO 4.1, which states that, *'In preparing core strategies for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c'*.
- Ground 10 – The assessment of lands for the purpose of RZLT is governed by part 22 A of the Taxes Consolidation Act 1997 (as introduced by the Finance Act 2021) and guided by the Section 28 Ministerial Guidelines 'Residential Zoned Land Tax- Guidelines for Planning Authorities 2022'. It is an entirely separate statutory process to the assessment of planning applications. Therefore, while on the surface the assertion that the PA's decision in relation to the subject application is inconsistent and contradictory to its assessment in relation to RZLT may seem plausible, the assertion is incorrect. Furthermore, the PA notes that the applicant's submission in relation to the RZLT map, as it relates to the subject site. In the submission the applicant states that, *'We contend that the subject lands do not fall within the scope of the RZLT as they do not have access to public infrastructure in the form of roads surface water management and wastewater treatment*

*facilities, they did not come within the scope on the 1st of January 2022 and we request that the subject lands be removed from the RZLT map'. This case was appealed to the Board under ABP-316656-23.*

- The PA were generally happy with the design of the development subject to some items which were identified as requiring further information. The PA notes that some reasonable modifications were proposed as part of the appeal submission.
- In conclusion the PA refute the assertion that its decision was misguided, or that it interpreted its own CDP, and request that the Board uphold their decision.

### 6.3. Observations

A total of six third party submissions were received. The submissions were from Marcel Michal, Orla Finn, Keith Scanlon, Councillor Derek Mitchell, Carina Holmes, Suzanne O'Toole and Fergus O'Carroll. Some of the same issues were raised in different submissions. In the interest of clarity and brevity, I have grouped the issues raised and summarised them under the following headings.

- **Population and Housing Targets** - Greystones has exceeded the target for additional housing up to 2031. There have been over 2,000 new housing units delivered in Delgany-Greystones in the last 5 years. The area has achieved its 2030 population targets with more sites under construction.

In response to the grounds of appeal regarding population figures Cllr. Derek Mitchell noted that the development plan was finalised in Q4 of 2022 but the 2022 census figures for Greystones – Delgany, (22,009) only became available in the last week of June 2023. Therefore, they could not have been used in the making of the plan. Early indications of exceeding the target were incorporated into the plan and the core strategy. Section 3.4 of the Development Plan acknowledges that the estimated growth of Greystones - Delgany will exceed the target range before the end of the plan, due to legacy housing developments under construction.

- **Planning Policy & Sustainable Development** – Developments on greenfield sites is not in accordance with national policy regarding climate change. It is at odds with the national Climate Action Plan and the targets that are a key pillar in the Programme for Government.
- **Biodiversity** - Coolagad is a greenfield site, rich in biodiversity, including bats and would be better suited to becoming a public park. Several springs are located in the site and the Greystones Stream flows through the site and into the Irish Sea. The details of the hydrological connections from the site are not accurate. The Templecarig (St. Crispin's) Stream, (referred to as the Kilruddery\_Deerpark\_10 stream in the application) directly connects the site to the to the coast at the southernmost point of the Bray Head SAC cliffs. The stream partly or fully flows into the SAC. The Glen of the Downs SAC is not considered in the NIS screening despite being within the zone of influence. The development is part of a wider development site. The impact of development on the entire site should have been considered in the NIS. The existing riparian corridor needs to be protected and widened. The buffer zone should be 25-30m as given in the IFI Planning for Watercourses in the Urban Environment (2020). It is known that there are bats in the region and no bat survey was carried out which is in contravention of EU law. In addition to the bats recorded on the site, Daubenton bats have been observed on the site in 2022.
- **Culture / Visual impact** – The site is adjacent to Coolagad Ancient Hillfort which is a listed monument. Coolagad is one of a matching pair of hillforts that are important to the identity and heritage of Delgany. Both hillforts can be seen from Delgany Village. Any change to Coolagad hilltop would materially impact the Delgany Heritage Village and Architectural Conservation Area.
- **Existing Infrastructure** - There is a deficit in infrastructure such as roads, water, sewerage because of the level of development in recent years. All facilities in the area are overstretched and local employment and community spaces don't exist. Schools are at capacity.
- **Public Transport** - Public transport is not efficient. Greystones is a commuter town and is served by the DART, which is c. 2km away from the

site. The DART service is infrequent with trains every 30 minutes at peak times. The 84 bus is slow and unreliable at peak times. Given the lack of employment in the area people must commute and the poor public transport service forces people into cars. The applicant referred to the planned upgrades for the M11/N11, the DART and public transport, none of which are happening in the foreseeable future. The development is premature pending a new roadlink with the N11 and improvements to public transport

- **Traffic** - Local roads are inadequate for all the additional traffic. The traffic survey was carried out during Covid. The R761 Windgates Road is congested with particularly so at the junction of the Blacklion Retail Centre. The upgrade to the Redford junction will not be sufficient to prevent congestion.
- **Density** - The density of the development and the style of housing on the elevated site would be unsuitable for the rural location and would spoil the vista of Coolagad from the town and the marina.
- **Flooding** - There are existing flooding problems at the Grove and Redford estates. Additional development would exacerbate the flood risk. The central, low, wetland areas of the site have been flooded most years.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Core Strategy & Settlement Strategy
- Density & Design
- Traffic & Transport
- Drainage & Flooding
- Biodiversity

## 7.2. Principle of Development

- 7.2.1. The subject site is located within the boundary of the Greystones – Delgany & Kilcoole Local Area Plan (GDK LAP) 2013-2019. It forms part of a wider landholding which is identified as Action Plan Area 1 (AP1) in the LAP. An application for a SHD (ABP-313229) on the entire site is currently with the Board and a decision is pending. The subject application represents Phase 1 of the SHD.
- 7.2.2. The GDK LAP has expired and was not incorporated into the Wicklow County Development Plan 2022-2028 (WCDP). Section 1.2 of the WCDP states that, *‘Separate Local Area Plans are in place, which will be reviewed after the adoption of this plan, for the following towns / areas: Bray Municipal District, Wicklow Town - Rathnew, Arklow, Greystones – Delgany - Kilcoole and Blessington. These Local Area Plans are reviewed and made under Sections 18, 19 and 20 of the Planning and Development Act, and as such do not form part of the CDP. However, the CDP does provide the key parameters for these Local Area Plans such as the future population and housing targets and sets out the broad strategy for the future economic and social development of these towns.’*
- 7.2.3. I note to the Board that Variation No. 2 of the WCDP is currently on public display (until the 20<sup>th</sup> of November 2024) and seeks to incorporate the land use zoning maps of the LAP areas into the Development Plan pending the adoption of new LAPs. With regard to the preparation of a new GDK LAP, an initial consultation phase was completed in January 2024, but a draft plan has not yet been displayed.
- 7.2.4. The design of the development has followed the overall guidance for the site as set out in the 2013 LAP. In the LAP, three different zoning objectives cover the site. The land closest to the R761 is zoned AOS – Active Open Space – *‘To provide for active recreational open space’*. The land adjoining this to the east is zoned OS – Open Space, *‘To preserve, provide for and improve public and private open space for recreational amenity and passive open space’*. The eastern part of the site is zoned R22 – Residential, *‘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’*. The proposed development has been laid out to accord with the zoning objectives with playing pitches proposed for the AOS zone, a park to be located in the OS zone and housing for the R22 area.

- 7.2.5. As the subject lands were zoned under the GDK LAP, their current status is unzoned. This alone does not preclude the consideration of the development in accordance with the WCDP. For instance, Level 10 of the Settlement Strategy addresses development in the 'open countryside' outside of the designated rural settlements. On lands designated as 'open countryside' the settlement strategy states that the '*key parameter in the rural area is to facilitate appropriate and necessary activities and development, but to protect the natural environment within which these activities are undertaken*'. Chapter 6 of the WCDP sets out the housing objectives for rural areas and include the following:

*CPO 6.1 - New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.*

- 7.2.6. As the development represents 'new housing development' on unzoned lands outside of a settlement boundary, it would contravene CPO 6.1 of the WCDP. I note that the PA made no reference to zoning status of the land and did not consider it an impediment to development. Furthermore, the applicant had engaged in pre-application consultations with the PA and has designed the site layout in accordance with the provisions of the LAP. As the issue of zoning did not form part of the reasons for refusal and the grounds of appeal, I will continue my assessment to include the issues raised.

#### National Planning Policy

- 7.2.7. The grounds of appeal argue that the decision of the PA is not in accordance with national planning policy as set out in Rebuilding Ireland Action Plan for Housing and Homelessness (July 2016), Housing for All 2021, and the National Planning Framework, all of which seek to increase the output of housing across all sectors and to deliver a range of homes in suitable locations. The appeal also submits that the decision is contrary to Ministerial Guidelines as set out in Section 4.4.1 of the Development Plan Guidelines 2022, which states that zoned land that is serviced and can be developed for housing within the life of the new development plan should not be subject to de-zoning.

7.2.8. Section 1.1 of the WCDP sets out the Statutory Content of the Development Plan and states that, *‘As required by the Act, the Wicklow CDP 2022-2028 is consistent, in so far as is practicable, with such national plans, policies and strategies as the Minister determines that relate to proper planning and sustainable development’*. Furthermore, Appendix 10 of the WCDP contains a statement to demonstrate how the PA has implemented the policies and objectives of the Minister, contained in Ministerial Guidelines, when considering their application to the area of the development plan. I acknowledge the overarching role of national policy in prioritising, accelerating and encouraging the delivery of housing. However, within the strategic planning hierarchy the role of the Development Plan is to guide development at a local level. The County Development Plan (CDP) sets out a strategic spatial framework for the proper planning and sustainable development of County Wicklow for the period between 2022 and 2028. Chapter 1 – Introduction & Strategic Context, of the WCDP states that the, *‘CDP provides for, and controls, the physical, economic and social development of the County, in the interests of the overall common good and in compliance with environmental controls. It includes a set of development objectives and standards, which set out where land is to be developed, and for what purposes’*. On this basis, I am satisfied that national planning policy has been considered by the PA in the formulation of their decision.

### **7.3. Core Strategy & Settlement Strategy**

7.3.1. The decision of the PA to refuse permission for the development directly relates to the Core Strategy and the Settlement Strategy of the Development Plan. The grounds of appeal argue that the decision is not in accordance with the provisions of Section 3.5 of the Core Strategy as the housing targets have not been applied correctly and should be used to inform the future zoning of land instead of retrospectively. It further states that the Core Strategy allows for the development of greenfield sites and, as there are no development sites left in the built-up area, the sequential approach has been applied. An argument is also put forward that the population figures used to inform the Development Plan are out of date with the Census 2022 figures and projections which require an increased level of growth for the county.

- 7.3.2. Section 3.5 as referenced in the appeal, relates to Zoning. The methodology for calculating the population targets for the county is set out in Section 3.1 and refers to the projections and guidance contained in the NPF and RSES. Section 3.2 sets out the housing targets for the county as calculated using the Ministerial Guidelines 'Housing Supply Target Methodology for Development Planning' (DHLGH December 2020). The text also states that '*As part of the understanding and implementation of these guidelines, additional County specific tabulations and calculations were provided by the Department, in order to assist in the accurate determination of housing targets for the lifetime of the development plan, which will be the 6-year period Q3 2022 to Q2 2028*'. A full set of tables and calculations are set out in the Housing Strategy appended to the Development Plan.
- 7.3.3. The applicant argues that the Core Strategy of the WCDP did not consider the most recent census data from the Census 2022 or include the early indications from the Census that the projections from the 2016 Census and the NPF and RSES has been superseded. The 2022 population figures shows that the population of Wicklow has grown by around 9.4% between 2016 and 2022 with Greystones experiencing a 10.9% increase and an increase of 29.1% for Delgany. On this basis the applicant contends that the housing targets are inconsistent with the level of actual growth for the area and with the increased levels of in-migration experienced in recent years. The applicant notes the ongoing process to review the NPF to update figures and projections. (Note to the Board - the Draft First Revision to the National Planning Framework went on public display from the 10<sup>th</sup> of July 2024 to the 12<sup>th</sup> of September 2024). A third-party observation from Cllr Derek Mitchell noted that the Development Plan was finalised in Q4 of 2022 but the census figures for Greystones – Delgany were not available until June 2023. Early indications of exceeding the target were incorporated into the Core Strategy, (Table 3.4), which acknowledges that the estimated growth of Greystones – Delgany would exceed the target range before the end of the plan due to legacy housing under construction.
- 7.3.4. The Development Plan review process is bound by statutory timelines, and as noted above, the Plan was evaluated by the OPR under their statutory functions and was found to be in accordance with the proper planning and sustainable development of the area. Chapter 3 of the Development Plan, and the Housing Strategy, clearly set out the basis for the determination of the projections used in the Core Strategy. It is

not within the remit of this appeal to assess the Development Plan review process. However, based on the description of the process followed by the PA and the evaluation of the Development Plan by the OPR I am satisfied that the information contained within the WCDP is sufficient to inform the appeal. Furthermore, I note that it is within the remit of the PA to vary the Development Plan through a statutory process during its lifetime should they believe it is required.

#### Housing Targets

- 7.3.5. I am satisfied that the housing growth rates have been applied appropriately in the Core Strategy. Section 3.5 of the Core Strategy clearly states that the *'Development Plan provides the population and housing targets for all 21 settlements in the County up to 2031'*. This section also states that, although LAPs will be prepared for settlements where historic plans have expired, zoning for these areas will be provided on the basis of the land needed to meet the 2031 population targets, with clear objectives to ensure 2026 targets can be reached. Table A of the Core Strategy shows the housing unit requirements for the LAP towns, up to the year 2031 and the housing unit capacity of lands zoned in current LAPs. Based on this text and the expansive text and assessment set out in the Core Strategy, I am satisfied that the Plan clearly states that the housing growth targets have been applied to show the housing requirements for the existing Development Plan period and beyond that to 2031 and have not been applied retrospectively.
- 7.3.6. The Core Strategy notes that Table A shows that *'the majority of current LAPs have a surplus of zoned land having regard to the revised 2031 targets set out in the NPF Roadmap and the RSES for the EMRA. Prior to the adoption of new LAPs reflecting the targets set out in this plan, in the assessment of applications for new housing development (or mixed use development of which housing forms a significant component) the Council will strictly adhere to the compact growth, sequential development and phasing principles set out in this plan'*.
- 7.3.7. Greystones – Delgany is defined as a Level 3 settlement in the Core Strategy. These towns are targeted for growth rates of 25%-30%, with slight variations based on capacity / past trends. The Core Strategy states that, it is estimated that growth in Greystones – Delgany will exceed this target range before the end of the plan period due to legacy housing developments under construction.

7.3.8. Tables 3.4, 3.5 and 3.6 contain the relevant information for the Greystones – Delgany settlement.

- Table 3.4 identifies a population target of 21,727 for Q2 2028 for Greystones-Delgany. (I note to the Board that the 2022 Census gives a population of 22,009).
- Table 3.5 shows that an aggregate total housing growth of 1,953 is estimated for the settlement between 2016-2031.
- Table 3.6 shows that, as of the 31<sup>st</sup> of March 2021, there were 1050 residential units under construction with extant permission for a further 688.

7.3.9. Table A relates to LAP Towns and utilises the 2031 housing targets having regard to the likely time frames of future LAP's due to be adopted in the 2023-2025 period. For Greystones -Delgany the Housing Target from 2016-2031 (less completed units from 2017-2020) is 1,078 units. The development capacity of existing zoned land within built-up areas is 1,700 and the development capacity of existing zoned land outside the built-up area is 1,200. Table A table shows that 0 units are required to be built outside of the built-up area and that there is a surplus of 30 hectares of land outside of the existing built-up area.

7.3.10. I am satisfied that the Core Strategy clearly states that the LAP area for Greystones – Delgany has a surplus of zoned land and that no further units are required on land outside of the built-up area. Based on this conclusion the Development Plan states that prior to the adoption of new LAPs, reflecting the targets set out in the WCDP, the PA will strictly adhere to the compact growth, sequential development and phasing principles set out in the Development Plan when assessing applications for housing.

7.3.11. Section 3.5 of the Development Plan sets out the principles applied to the zoning of lands. Principle 1 relates to Compact Growth and states that in accordance with National Policy Objective 3c of the NPF, a minimum of 30% of the housing growth targeted for any settlement shall be delivered within the built-up footprint of that settlement. Principle 2 relates to the Delivery of Population and Housing Targets and states that town centre, infill and brownfield development will be prioritised. Where a need for new housing development outside of the 'compact growth boundary' is identified, the quantum of land zoned shall accord with the targets set out in the Core

Strategy Tables, having regard to density assumptions made in accordance with Principle 3 to follow and the sequential approach set out in Principle 4. Principle 3 encourages higher densities at suitable locations and Principle 4 sets out the requirements for the application of the Sequential approach. In accordance with Principle 4 priority locations for new residential development will be as follows,

- 1 – in the designated town and village centres and built-up areas
- 2 – on Strategic Sites identified in the RSES and MASP
- 3 – infill within the built envelope of the town
- 4 – where a need for 'greenfield' residential development is identified, the 'two-tier' approach to land zoning as set out in the NPS will be taken, i.e. Tier 1 is Serviced Zoned Land and Tier 2 is 'Serviceable Zoned Land'.

7.3.12. The grounds of appeal argue that the LAP has been successful in delivering housing developments in accordance with the sequential principle as planning permissions and development have been directed to infill and edge of settlement locations over a period of 10 years. A mapping exercise to demonstrate the locations of permitted development in Greystones since the adoption of the LAP was included. On the basis that infill development has been permitted and delivered, the applicant is of the opinion that the development of the subject site, which is located on the edge of the settlement would not be 'leapfrogging' and would instead be a natural progression in the of development from the centre of the settlement outwards.

7.3.13. Notwithstanding the information presented by the applicant, Table A in the Core Strategy Tables of the WCDP states that the housing target for Greystones-Delgany to 2031 is 1,078 units, with a capacity for 1,700 units within the built-up areas. No additional units are required outside of the built-up area. The subject site is a greenfield site on the edge of the settlement and is clearly outside of the built-up area of the settlement and outside of the town centre. As the Development Plan is clear that there is capacity for development within the core settlement / built-up area, I am satisfied that the principle of sequential development has been considered and applied in accordance with the Principle 4 of the Core Strategy whereby Priority 1 sites are within the designated town and village. The subject lands would constitute Priority 4 lands as they are greenfield lands. Furthermore the Settlement Strategy for Greystones – Delgany is set out in Chapter 4 of the WCDP and clearly states

that, *‘While the ‘growth town’ designation would suggest that significant new population growth is planned for Greystones – Delgany for the duration of this development plan; in fact this designation is intended to reflect the growth that has already occurred in the 2016-2022 period having regard to housing development completed, underway and due for completion within this timeframe. The focus during the period of this development plan therefore for the settlement will be on infill development and consolidation of the built up area’.*

- 7.3.14. The PA considered that the proposal would materially contravene objectives CPO4.1, 4. 2, 4.5, 4.7 and 6.19 of the WCDP. The objectives referenced are fully set out in Section 5.1 above, along with Objective CPO 4.6 which I also consider to be relevant. In summary they relate to the implementation of the Core Strategy and the Settlement Strategy of the Development Plan, the delivery of compact growth by prioritising infill development instead of greenfield sites and the delivery of sustainable development in tandem with infrastructure and economic development. As noted in Section 7.2 of this report, I also consider that the proposed development would contravene objective CPO 6.1 which requires new housing development to be located on suitably zoned or designated land in settlements.
- 7.3.15. The Core Strategy and Settlement Strategy clearly state that the focus of future development in Greystones – Delgany should be on infill development and consolidation of the built-up area and that no further development is required on lands outside of this area. Where a need for housing is identified, the Core Strategy is clear that the principles of sequential development must be applied. I consider that the proposed development would contravene the Core Strategy and the Settlement Strategy as it is on unzoned land on a peripheral site on the outskirts of the built-up area of the settlement and would not follow the principles of sequential development as the development would take place on a greenfield, Priority 4 site, where no need for housing has been identified. This would not be in accordance with Objective CPO 4.6 which requires new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement. On this basis I consider that planning permission should be refused for the development.

#### **7.4. Design & Density**

- 7.4.1. The proposed development has been laid out in accordance with the provisions of the GDK LAP as it relates to the site. The sports facilities / active open space would be provided to the front of the site with parkland / open space behind and housing at a density of 27.3 units per hectare. I consider the layout of the development to be generally acceptable. The long access road to the houses is not usually promoted in urban design terms and the houses at the back of the site would have a distance of approximately 0.6km to the site access. However, due to the existing site conditions, the presence of a spring and wetlands on the site and the requirements of the PA, this design approach is acceptable. I also note that the subject proposal is Phase 1 of a masterplan area which would provide future connections to existing developments. I consider the provision of the sports facilities / active open space and the creche at the front of the site to be appropriate as it would provide active use and deliver a physical edge to the site. The layout and design of the houses are in accordance with the requirements of the WCDP as per Section 3.0 of Appendix 1.
- 7.4.2. The application states that the proposal would provide a density of 27.3dph, which is lower than the density range of 35 -50dph for outer suburban / greenfield sites in Greystones – Delgany as set out in Table 3.1 of Appendix 1. To increase the density of the development the applicant submitted a revised proposal in the appeal for the Boards consideration. The revised layout would involve the replacement of 34 houses in the north-western corner of the site with 64 duplex units. This would increase the number of units from 98 to 128 and would provide a housing mix of 2 x 5 bed units, 16 x 4 beds, 78 x 3 beds and 32 x 2 beds. The additional units would increase the proposed density from 27.3dph to 37.5dph.
- 7.4.3. The revised design would comprise a 3-bedroom duplex unit over a 2 bedroom apartment at ground floor level. The 2 bed apartments would be in accordance with the Apartment Guidelines in terms of floor area and private open space which would be provided by way of a terrace accessed through the bedrooms to the rear.
- 7.4.4. All three-bedroom duplex units would be more than the required minimum floor areas set out in Appendix 1 of the Apartment Guidelines. Private open space would be accommodated through balconies of 20 – 21 sqm accessed from the living area.

- 7.4.5. I note to the Board that the Compact Settlements Guidelines came into effect after the WCDP was adopted and has replaced the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009), which is referenced in the Development Plan. The Compact Settlement Guidelines recommend a density range of 35-50 units per hectare (net) for the subject site, which is in accordance with the Development Plan.
- 7.4.6. Whilst the additional units would be in accordance with the standards set out in the Apartment Guidelines, the applicant has not provided a detailed layout to show the number of car parking spaces to serve the units or included this information in the text. The draft layout indicates that there is sufficient space to provide car parking along the internal street and the around the communal open space to the front. Should the Board be minded to grant permission for the development this issue could be addressed by condition or it is within their remit to request clarification on this matter. I consider that the revised layout would bring the development proposal in accordance with the Development Plan in terms of density.

#### Open Space and Public Open Space

- 7.4.7. Section 8.5 of Appendix 1 – Residential public open space, states that public open space will normally be required at a rate of 15% of the site area. Where a public park is being provided by the same developer (or by a group of developers in a combined Action Area) in close proximity to the residential development site, the public open space provided on site may be reduced to 7.5% of the residential site area, with the remainder being made up in the park. The report of the PO noted that at least 7.5% of the net site area is required for the use of the residents with at least one, flat space with dimensions of not less than 20m x 40m. Two strips of open space are shown along the northern and southern site boundaries and would not be in accordance with the Development Plan. The report stated that additional information would be required to demonstrate how adequate levels of public open space would be provided.
- 7.4.8. The report of the PO also states that the GDK LAP / Coolagad Action Plan requires a playground and MUGA in accordance with the requirements of the Community Section. The Wicklow County Council Community Cultural Social Development (CCDS) report indicated that the proposals were appropriate for the sporting and

recreational needs of the area but the Municipal District Engineer and third parties, raised the issue of the design and size of the playing pitches. The PO required additional information to resolve the issue.

- 7.4.9. The applicant responded to these issues in the grounds of appeal and stated that the development would provide 1.9ha of open space in the form of a public park and 2.2ha of active open space in the form of MUGA and playing field. It is requested by the applicant that the Board acknowledge that the quantum of lands dedicated to active open space will make a significant contribution to both Greystones and the future residents. The provision of open space should also be considered within the context of the wider masterplan site. Approximately 10ha of open space is proposed as across the overall site which is in excess of the 7.5% required in the Development Plan. Furthermore, if the Board found the revised layout acceptable, an additional 300sqm would be provided to the front of the duplex units.
- 7.4.10. Regarding the points raised about the public open space, the applicant notes that the GDK LAP states that the provision of active open space, including public park, MUGA and playground shall be in accordance with the requirements of the Community and Enterprise Section of the Council (CESC). The proposals were agreed with the CESC and a letter to that effect was submitted with the SHD application. The design of the subject development does not vary with regard to the public open space and as such the applicant considers it to be acceptable to the PA.
- 7.4.11. In their response to the appeal the PA note that it was generally happy with the overall design of the proposed development, subject to some issues which were deemed to require further information. The PA also notes that some reasonable modifications are proposed as part of the appeal submission to address some of the issues.
- 7.4.12. The subject site has a stated area of 8.47ha and the development proposal includes 1.9ha of parkland / public open space and 2.2ha of MUGA and playing field. Based on the requirement of the Development Plan, a site of 8.47ha would require c. 1.27ha of public open space to deliver 15 %of the site area. The public park / wetland area would cover an area of 1.9ha with an additional 2.2ha of active open space. Whilst the overall provision of open space is in accordance with the requirements of the Development Plan and with the previous GDK LAP, I

acknowledge that the public open space within the housing development would be provided along the site boundaries to the north and south and would be mainly passive rather than functional. However, the proximity of the houses to the public park area is advantageous and should be considered. Within the context of the overall masterplan area this section of the site is one of the more compact areas with additional parklands and amenity areas to be provided throughout the site, and to the west and south of the subject site should the masterplan be delivered. Within the context of the stand-alone development, I consider the provision of public open space to be sufficient to serve the residential development proposed.

#### Visual Impact & Cultural Heritage

The subject site does not have any protected structures or national monuments within its boundary, and it is not subject to protected views or prospects. An Archaeological Impact Assessment was carried out for the site and noted that some archaeological features will be disturbed by the development. Mitigation measures are recommended to deal with this should it occur. I have reviewed the Verified Views and CGI images of the development and I am satisfied that the proposal would not have a significant impact on any protected views in the area.

### **7.5. Traffic & Transport**

- 7.5.1. Third party submissions raised concerns regarding the impact the development would have on the existing levels of traffic in the area. It was contended that the public transport options in the area are not sufficient to cater for the existing population and the levels of commuting required due to the lack of employment in the area. The proposed development is Phase 1 of the development of a wider Masterplan site and would comprise 98 houses, a creche, playing pitch and MUGA. Each house would have off street parking for two cars. The creche would have 23 car parking spaces and the playing pitch & MUGA would have 29 spaces.
- 7.5.2. A Traffic and Transport Assessment was submitted with the application. Although the site forms part of a wider landholding that has a Masterplan for phased development, the TTA assesses the impact of Phase 1 only. The TTA notes that a SHD application for the entire site for the development of 586 residential units, (351 no. houses and

235 no. apartments), and a childcare facility was lodged in 2022 with a decision still pending. A full TTA was prepared for this development.

7.5.3. The principal objective of the traffic assessment is to quantify any level of impact across the local road network and to determine both the existing and future operational performance of the local road network. A Traffic Impact Assessment was required for the development in accordance with Development Plan objective CPO 12.30 and the thresholds set out in the TII Traffic and Transport Assessment Guidelines (2014). The assessment assumes that the development will open in 2025.

7.5.4. The four closest junctions were deemed to be critical to the development –

- Junction 1 is approximately 3.5km to the north of the site and comprises the R761 & R768 roundabout.
- Junction 2 is c. 250m to the north of the site at the R761 / The Grove / Lower Windgates staggered T-junction.
- Junction 3 is 200m to the south of the site at the R761 / Redford Park / Blacklion Manor Rd signalised junction.
- Junction 4 is 650m to the south of the site, is the last major junction before Greystones centre and comprises the R761 / Rathdown Lawn / Kindlestown Lower Road signalised junction.

7.5.5. Third party submissions submitted that the traffic surveys took place during covid restrictions. However, the TTA states that the 4 no. critical junctions were surveyed over a 24-hour period on the 17<sup>th</sup> of January 2023. The surveys found that the times when the junctions were most heavily loaded were during the morning peak time of 0800-0900 and evening peak of 1700-1800.

7.5.6. The analysis took 2023 as the relevant / existing year, 2025 as the year of opening and the design year as 2030, (i.e. the year of opening +5). An annual growth rate of 1.6% was assumed for the period late 2016-2030 – decreasing to 0.5% for 2031 to 2041 based on the TII growth estimate for Wicklow. The traffic impact of the development was derived by assessing the trips generated by the proposed 98-unit development and creche and distributing the flows within the local road network. Information on the number of trips generated by the development is taken from the

TRICS database, which is an industry standard. For the creche element of the development the TTA assumes that 75% of the trips would be generated by residents of the development and is the approach taken in the TTA for all phases of the development as prepared for the SHD.

- 7.5.7. The 2014 Traffic and Transport Assessment Guidelines requires the impact of the additional traffic volumes on the critical nearby junctions to be assessed in detail if development flows from the development exceed 10% of existing turning movements at the two relevant junctions, and /or, development flow exceed 5% of turning movements if the location has the potential to become congested.
- 7.5.8. Table 5.1 of the TTA details the anticipated network and development traffic flows for the year of opening, design year 1 (2030) and design year 2 (2040). None of the scenarios exceeded the 5% threshold on any of the 4 junctions included in the traffic model. (Note – the TTA took the lower threshold as the area has the potential to become congested). In the interest of robustness, the TTA carried out a full analysis on the entrance to the development. The TTA notes that the junction at the entrance to the development will be signalised to accommodate future development on the site as it is not required for a development of 98 houses.
- 7.5.9. The access junction was analysed using the PICADY programme which determines the capacity of a junction by assessing the extent to which traffic flows through the junction approach capacity. The outputs of a PICADY assessment are Ratio to Flow Capacity (RFC) and a Queue value for each arm of the intersection. For example, an intersection arm operating at capacity would have an RFC value of 1.0 and a priority intersection is said to be operating satisfactorily if all arms of the intersection operate with RFC values below 0.85. Table 5.7 of the TTA summarises the critical flows, capacities, RFC's and queue lengths for the morning and evening peaks at the access junction with the 98-unit development and the creche in place and for the opening year, design year 1 and design year 2. The maximum RFC at the junction was 0.21 and would occur in the AM peak hour in the 2040 scenario. During the PM peak hour the maximum RFC at the junction would be 0.12. In all scenarios, queueing at the junction would not exceed 1.
- 7.5.10. The analysis indicates that the proposed development access junction would operate within capacity during the morning peak hour, with a minimum 79% spare capacity at

its busiest time with queueing never exceeding 1 vehicle. The results of the TTA show that the proposed development (Phase 1) would have an imperceptibly small impact on the local road network and that by the year 2040 (the projected year of opening +15) the development entrance will operate within capacity with minimal levels of congestion from generated traffic flows. Based on the results of the TTA, I am satisfied that the proposed development would not have a significant impact on the capacity of the existing road network.

## **7.6. Drainage & Flooding**

- 7.6.1. Third parties raised concerns regarding the potential for the development to contribute to flooding in the surrounding areas. Observers note that housing estates to the east of the site and on the opposite side of the R761 have experienced flooding from surface water runoff and are concerned that additional development would exacerbate the flood risk. It is also noted by third parties that the central, low, wetland area of the site has been flooded most years.
- 7.6.2. The site is undulating in nature with a topography that slopes from the local high point at Kindlestown Hill to the west, towards Southwestern Irish Sea – Killiney Bay coastal water body to the east of the site. The highest elevation on the site is approximately 74mOD along the western boundary and the lowest is 38.5m OD along the eastern site boundary. Underlying soil has been mapped by the Geological Survey of Ireland (GSI) as 'Surface water Gleys, Ground water Gleys' and are described as 'Mineral poorly drained (Mainly acidic)'. Soils encountered during the site investigations are summarised as brown and dark brown silty Clay soils with various levels of gravel content.
- 7.6.3. Existing surface water drainage in and around the site include the Greystones Stream which flows through lands to the south of the site, and which is located within the wider masterplan site. An unnamed stream (Stream A) runs along the northern site boundary and sources at a spring to the northwest of the site. A culverted drain beneath the northeastern part of the site flows from north to south, exiting at the outfall at the R761. A second culvert drains from the residential property to the South of the site also drains into the culvert drain an outfall. There is a spring in the central portion of the site to the east of the proposed houses, that sources a stream

that joins another unnamed stream (Stream B) which rises from an area to the south of the site and flows in a northeasterly direction before being culverted under a portion of land in the eastern portion of the site. The Kilruddery – Deerpark Stream is located to the north of the site.

- 7.6.4. A Hydrogeological Assessment and a Site Specific Flood Risk Assessment (SSFRA) was prepared for the development. The SSFRA identified that the subject site is not within risk of coastal flooding and is not within Flood Zone A, (where the probability of flooding is highest and would be greater than 1%, or 1 in 100), or Flood Zone B, (where the probability of flooding is moderate and would be between 0.1% or 1 in 1000), for fluvial flooding, (i.e. flooding from watercourses).
- 7.6.5. The SSFRA acknowledges that sections of the housing estates to the east of the site area are in Flood Zone A and Flood Zone B for fluvial flooding. Section 3.3.2 of the SSFRA notes that discussions took place between the applicant and the PA regarding the overall drainage for the site. The PA identified that flooding had occurred at Redford Rise and notes that no flooding has been reported since the cause of the flooding (a blocked culvert) had been cleared.
- 7.6.6. Regarding fluvial flood risk the SSFRA notes that OPW maps (CFRAM maps) show no flood events occurring within the site. Levels on the site are higher than the anticipated flood levels for the 0.1% Annual Exceedance Probability (AEP) flood event. Therefore, there is no significant risk associated with fluvial flooding for the site. Fluvial flooding is predicted to occur in the vicinity of the site in a watercourse to the north of the site, Kilruddery/Deerpark stream, and the Greystones Stream. The SSFRA examined the predicted flood levels from the Greystones stream to the south and the Kilruddery/Deerpark stream to the north and found that there would be no risk of fluvial flooding to the subject site.
- 7.6.7. Regarding pluvial flooding (flooding from rainfall) the SSFRA states that the CFRAMS maps on the OPW website suggest that no study has been carried out for pluvial flooding on the subject site. The development is at the bottom of Kindlestown Hill, and it is predicted that during heavy rainfall events, the surface water runoff flows in an easterly direction towards the proposed development. Section 3.3.4 of the SSFRA states that any overland flows that may be generated from higher up lands will be intercepted by new swales along the western boundary. These will

collect and attenuate the rainwater flow through storage and infiltration. Attenuation devices will be provided to ensure that greenfield runoff rates are not exceeded into the receiving system, and in particular the small watercourse that runs through the site in an easterly direction towards the Irish Sea. It is also noted that the Greystones Stream is subject to flooding downstream. However, the SSFRA states that the proposed development is not considered to increase the risk of flooding downstream in this watercourse because of the extensive use of SuDS drainage measures to capture and attenuate the overflow from the site to greenfield rates which will minimise the flood risk downstream. The SSFRA states that overland flows of rainwater to third party lands are not considered to be significant due to the design of the surface water management system. A review of the groundwater system was undertaken using the results of the site investigations and the risk of groundwater ingress was not considered to be significant.

- 7.6.8. I have reviewed the SSFRA, the Hydrogeological Assessment and the Infrastructure Report and I acknowledge that whilst the greatest risk to flooding within the site would be from pluvial flooding, this risk would be low. I am satisfied that this has been adequately considered in the drainage plans for the site which involve incorporating the existing wetland area and providing two attenuation ponds, one attenuation tank and a number of additional SuDS measures prior to discharging to the existing network at a greenfield runoff rate. I also accept that the implementation of the drainage plans would not increase the flood risk to adjoining lands. It is also noted that the PA had no objection to the drainage proposals for the site.

## **7.7. Biodiversity**

- 7.7.1. The loss of biodiversity through the development of the greenfield site was raised in third party observations. An Ecological Impact Assessment (EclA) was prepared for the development site and submitted with the application. Five habitat types were identified within the red line area. The predominant habitat type was found to be Improved Agricultural Grassland, with Hedgerows, Treelines and Scrub also present within the site and along its boundaries. Towards the centre of the site a small area of 'Wet willow-alder-ash woodland' was identified. The EclA notes that this area is

fed by a spring and, during the summer this area goes dry while in winter it is waterlogged. No invasive species were identified on the site.

- 7.7.2. Three mammal assessments were carried, (Nov. 2020, Feb 2021 and Jan. 2022) and Bat surveys were also carried out on the 31<sup>st</sup> of August 2020 and 2021. No animal species of conservation importance were noted on the site during the EclA surveys or by the National Biodiversity Data Centre (NBDC) or National Parks & Wildlife Service (NPWS) data. Tracks of sika deer, rabbit and fox were observed on the site. Sika deer are non-native but are protected under the Wildlife Act. No amphibians or reptiles were noted on the site. However, the EclA notes that, as there is a watercourse, springs, wet woodland and a pond on the site it is likely that frogs are present. These habitats would be considered locally important due to the likelihood of the habitats to support frogs. All birds observed on the site were of a 'Green' conservation status. No qualifying interests of designated sites were observed on the site and the EclA does not consider that the site is suitable as an ex-situ site.
- 7.7.3. Bat surveys carried out for the assessment found no evidence of bat roosts in any of the onsite trees. However, several trees of bat roosting potential were noted on the site. Foraging activity for the soprano pipistrelle, Leisler's bat and the common pipistrelle was noted on the site and was concentrated along the treelines and hedgerows along the northern portion of the site. I note that third parties identified additional bat species within the site which were not observed during the bat surveys.
- 7.7.4. The watercourse (acting as a biodiversity corridor), drainage ditches, springs, wetland, pond hedgerows and treelines would be seen as the most important habitats on the site as they form refuges and food sources for local biodiversity and provide biodiversity for corridors for the surrounding areas. The EclA notes that prior to the commencement of the design stage of the development, the biodiversity value of these habitats was noted. As a result, the development has been designed around the retention of these features where possible.
- 7.7.5. Potential construction and operational impacts of the development were identified in the EclA which also sets out mitigation measures to address the impacts. The site is not within or adjoining any designated site and the potential impact of the

development on any designated site is addressed in Section 8.0 of this report. The EclA notes that the proposed development would result in the loss of species of low biodiversity importance through the removal of habitats within the site. Pollution to surface waters and/or watercourses could also impact on biodiversity downstream.

7.7.6. The EclA notes that there is a potential for protected mammals to enter the site prior to development and although bats were not found to be roosting in the trees on the site, there is a potential for bats to roost in trees to be felled. Therefore, additional mammal and bat surveys should be carried out prior to the commencement of development. The felling of trees could also impact on nesting birds if carried out during the nesting period.

7.7.7. I am satisfied that the potential impacts on biodiversity from the development have been identified. Whilst the loss of habitats within the site would be permanent, no protected species were identified within the site, and the mitigation measures outlined would be sufficient to prevent significant impacts to the populations of identified species. Should the Board be minded to grant permission for the development, I recommend that a planning condition is attached for additional mammal and bat surveys to be carried out prior to the commencement of development.

7.7.8. Third party submissions were also of the opinion that insufficient riparian corridors, as per Inland Fisheries Ireland (IFI) guidance set out in their document 'Planning for Watercourses in the Urban Environment', would be provided by the development. It is not clear which watercourses this refers to but the Greystones Stream and the Kilruddery Stream do not flow through the subject site. Smaller streams have been identified in the site and would either be culverted or bounded by a hedgerow. I note that a submission was received by the PA from the IFI and made no reference or objection to riparian corridors on the site. I am satisfied that sufficient distance has been provided along the watercourses to support the identified wildlife within the site.

## **8.0 AA Screening**

8.1. A Stage 1 Screening Report and a Natura Impact Statement was submitted by the applicant in response to the grounds of appeal. The Screening Report concluded that,

- 8.2. *‘Acting on a strictly precautionary basis, an NIS is required in respect of the effects of the project on the Bray Head SAC because it cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on Bray Head SAC. An NIS or Stage 2 Appropriate Assessment is not required for the effects of the project on all other listed European sites above because it can be excluded on the basis of the best objective scientific information following screening that the project, individually and/or in combination with other plans or projects, will have a significant effect on those European Sites’.*
- 8.3. Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have carried out a full Screening Determination for the development and it is attached to this report in Appendix 1.
- 8.4. As per Appendix 1 of this report, the proposed development was considered in accordance with the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on the European Site of the Bray Head SAC (Site Code 000714) in view of the site’s Conservation Objectives, and Appropriate Assessment (Stage 2) is therefore required.
- 8.5. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would have a likely significant effect ‘alone’ on the qualifying interest, Vegetated Sea Cliffs of the Atlantic and Baltic coasts [1230] of the Bray Head SAC (Site Code 000714), as a result of the effects associated with the uncontrolled discharge of pollutants in surface waters. An appropriate assessment is required on the basis of the effects of the project ‘alone’.

### **Stage 2 – Appropriate Assessment**

- 8.6. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (COs) of Bray Head SAC based on the scientific

information provided by the applicant and taking into account expert opinion and submissions on nature conservation. It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings conclusions. A final determination will be made by the Board.

- 8.7. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development and the potential impacts from the construction and operational phases are set out on in the NIS. A full list of the Attributes, Measures and Targets for each of the QIs in the site are also listed in Table 6 of the NIS.

#### **Relevant European Sites –**

- 8.8. In the absence of mitigation, the potential for significant effects could not be excluded for:

- Bray Head SAC (Site Code 000714)

- 8.9. A description of the sites and their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including relevant attributes and targets for these sites, are set out in the NIS. I have also reviewed the Conservation Objectives listed for each of the sites on the NPWS website ([www.npws.ie](http://www.npws.ie)). Table 8.1 below summarises the information considered for the Appropriate Assessment and the site integrity test. This information has been compiled from the information contained in the NIS as well as information from the NPWS.

<b>Bray Head SAC (Site Code 000714)</b>			
		<b>Summary of Appropriate Assessment</b>	
<b>Special Conservation Interest (SCI)</b>	<b>Conservation Objectives</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition of the SCI –	Habitat degradation through the deterioration of water quality from pollution	Mitigation measures are listed in Table 8 of the NIS and in the Construction and

<p>European dry heaths [4030]</p>	<p>To restore the favourable conservation conditions of the SCI –</p>	<p>of surface and/or ground water during the construction and operational phases.</p> <p>Silt deposition on vegetative habitats.</p> <p>Deterioration of water quality in the mrairie environment and the SAC.</p>	<p>Environmental Management Plan which accompanied the application.</p> <p>Detailed pollution control measures are outlined in Table 8 of the NIS. The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.</p> <p>All works to be carried out to the riparian corridor to be overseen by the IFI and a suite of water management measures are included for the control and management of water and open watercourses in the site.</p> <p>Mitigation measures to treat wastewater from</p>
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			the site during the operational stage relate to the onsite wastewater treatment system which includes an attenuation tank with restricted flow rates and SuDS measures.
<p><b>Overall Conclusion – Integrity Test</b></p> <p>The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site. In-combination effects were considered in the NIS, and a list of planning permissions granted in the areas surrounding the site were set out in Table 4. The NIS concluded that <i>‘No significant projects are proposed or currently under construction that could potentially cause in combination effects on European sites. Given this, it is considered that in combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant, and localised. It is concluded that in the view of best scientific knowledge and in view of the sites’ conservation objectives, no in combination effects will adversely affect the integrity of Bray Head SAC.’</i></p> <p>I have reviewed the mitigation measures proposed for the subject development and I am satisfied that impacts from the development in terms of pollution from surface water runoff containing silt, sediment, hydrocarbons or other pollutants would be unlikely following the implementation of the mitigation measures proposed. Therefore, the proposed development is not likely to have a significant impact on the No residual impacts are identified in the NIS, however it is noted that, <i>‘Residual impacts of the proposed project will be localised to the immediate vicinity of the proposed works’</i>.</p>			

### Appropriate Assessment Conclusion

- 8.10. In screening the need for Appropriate Assessment, it was determined that the proposal for a mixed-use development including housing, a creche, public park and sports facilities, had the potential to result in significant effects on the Bray Head SAC and that Appropriate Assessment was required in view of the conservation objectives of those sites.

8.11. Following a detailed examination and evaluation of the NIS, all associated material submitted with the planning appeal as relevant to the Appropriate Assessment process, and taking into account submissions of third parties, I am satisfied that the design of the proposed development, combined with the proposed mitigation measures to address impacts from surface water runoff pollution during the construction and operational phase would prevent adverse effects on the integrity of the Bray Head SAC. This conclusion is based on,

- A full assessment of the surface water disposal and treatment system proposed and the characteristics of the site.
- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
- A full assessment of risks to the conservation objectives of the qualifying interest habitats.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- Consideration and assessment of in-combination effects with other plans and projects.

## **9.0 Recommendation**

I recommend that planning permission is refused for the development.

## **10.0 Reasons and Considerations**

10.1. The site of the proposed development is located on unzoned lands outside of the built-up area of the Greystones – Delgany settlement, which is designated as a Level 3 town in the Settlement Strategy of the Wicklow County Development Plan 2022-

2028. The Core Strategy and Settlement Strategy for Greystones – Delgany requires no further residential development outside of the built-up areas of the settlement. Given the location of the development on a peripheral site, outside of the built-up area of the settlement, the proposed development would be contrary to the Core Strategy and Settlement Strategy of the Wicklow County Development Plan 2022-2028 and would be contrary to Objective CPO 4.6, which requires new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- 10.2. Having regard to the relevant provisions of the Wicklow County Development Plan 2022-2028, which notes that a new Local Area Plan will be made for the settlement of Greystones, Delgany and Kilcoole (with the future LAP listed as second in the order of priority of plans to be made – Section 3.5 of the Plan refers) and to the associated Core Strategy Table A: LAP Towns, which refers to a surplus of previously zoned land in this settlement and notes that, ‘...remaining surplus land will be addressed in the next LAP’, it is considered that the proposed development would be premature pending the making of a statutory local area for this overall settlement and which will confirm the final appropriate quantum and location of residential zoned lands. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

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Elaine Sullivan  
Senior Planning Inspector

1<sup>st</sup> of November 2024

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

<b>An Bord Pleanála</b> <b>Case Reference</b>			
<b>Proposed Development Summary</b>	The construction of 98 houses, creche, public park, sports pitches, new access roads and all associated works.		
<b>Development Address</b>	Coolagad, Greystones. Co. Wicklow.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	<b>X</b>	Class 10(b)(i) – Threshold 500 units	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	<b>X</b>	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	<b>ABP- 317445-23</b>
<b>Proposed Development Summary</b>	The construction of 98 houses, creche, public park, sports pitches, new access roads and all associated works.
<b>Development Address</b>	Coolagad, Greystones, Co. Wicklow.
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b>	The proposed development is for a stand-alone project on a greenfield site at the edge of the settlement of Greystones. There are residential developments to the east and west and a school complex directly to the south. It does not require demolition works but would require earthworks and reprofiling of the existing landscape. It would not require the use of substantial resources or give rise to significant risk of pollution or nuisance. The nature of the development does not pose a risk of major accident and/or disaster, and the development is not vulnerable to climate change. It presents no risk to human health.
<b>Location of development</b>	<p>The proposed development is on a greenfield site on the edge of an urban development. The site comprises land that is currently in use for grazing with 'Agricultural Grassland' as the predominant habitat.</p> <p>The site does not have any conservation designations and is not</p>

	located within or adjoining an NHA, pNHA, SAC or SPA. There are no Protected Structures or National Monuments within the site, however, 11 archaeological sites are within 500m of the site. There are no protected views or prospects across the site and the landscape has not been designated for protection or conservation.	
<b>Types and characteristics of potential impacts</b>	Having regard to the nature of the proposed development, which includes extensive landscaping and residential and commercial development, its location on the edge of an urban settlement, removed from sensitive habitats and conservation sites, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b> <b>EIA not required</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

Inspector:

Date: \_\_\_\_\_

## Appendix 1

## AA Screening Determination Template

### Screening for Appropriate Assessment Screening Determination

#### Step 1: Description of the project

The subject site has a stated area of 8.47 hectares and is located on the northern outskirts of Greystones, Co. Wicklow. It forms part of a wider greenfield site which was earmarked for development in the Greystones – Delgany & Kilcoole LAP 2013-2019 (now expired). A full description of the proposed development is set out in the Stage 1 Screening Assessment submitted with the application. In summary the proposal is for a residential development of 98 two-storey houses, (an alternative layout to increase the number of units to 128 by including duplex units was submitted in the appeal for the Boards consideration), a creche building of 734 sq. m. with 23 surface car parking spaces and 12 bicycle spaces, a new vehicular junction from the R761 with new distributor road and internal road network, c. 4 ha of public open space incorporating 2.2 ha of active open space, a public park, wetland area, sport field and a MUGA, which would be served by 29 parking spaces. Additional works would include new connections to the public water and foul water system. The construction of a foul drain from the site entrance along the R761 and connecting to the sewer in Redford Park. A surface water management plan for the site to include SuDS, attenuation and infiltration systems. Landscaping and boundary treatments, 3 no. ESB kiosks and public lighting.

The site itself is a greenfield site on the outskirts of Greystones and on the western side of the R761. Directly to the south of the site is the Temple Carrig School campus, with open agricultural fields to the north and west. On the opposite side of the R761 is the Redford Cemetery with suburban type residential development to the north, south and east of the graveyard.

The site is located within the of the Hydrometric area of the Ovoca – Vartry Catchment (10), the Newcastle (Wicklow) Sub-Catchment (10\_01) and the Kilruddery - Deerpark Sub-Basin. The status of the Greystones Stream and the Kilruddery – Deerpark stream in the Water Framework Directive is 'Good'. The AA Screening Report states that several springs are located within the subject site and the Greystones Stream flows to the south of the subject site from west to east before discharging to the Irish Sea at Greystones North Beach. One spring is located outside the north-eastern corner of the site and drains along the northern boundary. Another spring was identified within the centre of the proposed open space area and flows into an area of Willow woodland. A high water table was

identified on the site and the locations are shown on Figure 13 of the Screening Report. The Killruddery - Deerpark stream is located approximately 145 metres from the northern boundary off the site along Redford Rd. An unnamed stream flows along the northern site boundary.

Foul water drainage from the site will connect to the upgraded foul sewer and then to the existing sewer that flows east towards Victoria Rd, to the existing pumping station and then onto Greystones Wastewater Treatment Facility where it will be treated before being discharged to the Irish Sea.

The closest European Sites to the subject site are,

- Bray Head SAC, (Site Code 000714), approximately 0.6km to the north-east of the site,
- Glen of the Downs SAC, (Site Code 000719), approximately 1.9km to the south-west of the site,
- The Murrough SPA, (Site Code 004186), approximately 3.6km to the south-east of the site.

## **Step 2: Potential impact mechanisms from the project**

The Screening Assessment applied the source-pathway-receptor model in determining possible impacts and effects of the apartment development. The proposed development will not result in any direct effects on any European Site.

There is a potential for pollutants, dust or silt laden runoff to enter the drainage ditches on site, the surface water network within the R761, and the Greystones and Kilruddery – Deerpark Stream during the construction phase. Both the Greystones and Kilruddery – Deerpark stream outfall to the Irish Sea at Greystones north beach at 455m and 153m respectively to the south of the Bray Head SAC.

During the operational phase surface water drainage will be managed on the site through the attenuation in the proposed wetlands, attenuation tank to the south of the site, and the surface water network which will be discharged to the Greystones Stream and on to the Irish Sea.

There is a potential for indirect impacts during the construction and operational phases of the development through the release of uncontrolled surface water runoff to the watercourses on and around the site.

During the construction and operational phase potential impacts would be limited to pollution entering the watercourse on the site and travelling downstream to the river Boyne. This could occur from,

- Surface water runoff which has been contaminated with dust, silt, cement or other contaminants entering the watercourse / stream and travelling downstream to the Irish Sea.
- Spills from plant or machinery and/or from the storage of construction materials, oils fuels and chemicals entering the stream on the site.

### **Step 3: European Sites at risk**

The AA Screening Report determined that the Zone of Influence (Zol) would be limited to the site boundary for potential impacts from noise, dust, disturbance and light. This was extended to include the Bray Head SAC given the presence of a hydrological connection from the site. The site is not within or directly adjoining any designated European site and only one hydrological pathway exists to a European site. Given the location of the site, at the edge of an urban area and surrounded by open fields and the distance between the site and any other designated SAC's, I am satisfied that no overland or ecological pathways existing between the site and the closest SAC's.

The closest SPAs are The Murrough SPA, (c. 3.6km away), and the Wicklow Mountains SPA, (c. 8.7 km away). Given the dynamic nature of the qualifying interests (QIs) of the SPA's, consideration is given as to whether the site could be considered an ex-situ site. Wintering bird walkover assessments were carried out to inform the Ecological Impact Assessment (EclA). During the five separate assessments carried out for the EclA, no qualifying interests of designated sites were noted on the site and the EclA determined that the site was not suitable as an ex-situ site. I am satisfied that based on the findings of the field surveys carried out for the EclA that the subject site is not an ex-situ site for the QIs of the closest SPAs, (i.e. The Murrough SPA and the Wicklow Mountains SPA). It is also noted that the greenfield character of the site is not unique and that the land surrounding the site to the north and west are of similar nature. If the site was used for foraging by any QIs, they would be displaced to adjoining sites.

The closest European Sites to the subject site are,

- Bray Head SAC, (Site Code 000714), approximately 0.6km to the north-east of the site,

- Glen of the Downs SAC, (Site Code 000719), approximately 1.9km to the south-west of the site,
- The Murrough SPA, (Site Code 004186), approximately 3.6km to the south-east of the site.

An indirect hydrological pathway exists from the subject site to the Bray Head SAC via the existing watercourses on and adjoining the site. Surface water from the R761 and the site currently drains to the Greystones Stream and on to the Irish Sea at a point to the south of the Bray Head SAC. Given the connection to the subject site this warrants further consideration.

There is no direct or indirect hydrological or ecological pathway between the site and the Glen of the Downs SAC. There is only one QI for this SAC, 'Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]'. Based on the characteristics of the QI, the targets and attributes supporting its conservation objective, and the nature of the proposed development, I am satisfied that the development would not be likely to impact on the conservation objectives of this SAC.

As noted above, none of the QIs for the Murrough SPA were noted on the site during field surveys carried out for the EcIA. The SPA is designated for its wetlands and waterbirds, which makes the site unsuitable as an ex-situ site. Some of the QIs for the SPA are known to forage on arable land and short grass. However, the site is not used for arable farming and on the occasion of the site inspection was in use for animal grazing.

Therefore, I am satisfied that the site is not of value or suitable as an ex-situ site.

Likewise, the site would be unsuitable as an ex-situ site for the QIs for the Wicklow Mountains SPA, which are Merlin and Peregrine Falcon. (Merlin forage in moors, heathland, peat bogs and semi-natural grassland and nest in tall trees. Peregrine Falcon use ledges and rock faces for breeding sites and mostly feed on smaller birds in flight).

The Stage 1 Screening Assessment submitted with the application included a number of European sites that are at a further remove from the three closest sites listed above.

These are,

European Sites	Site Code	Distance
The Murrough Wetlands SAC	002249	4.3km
Ballyman Glen SAC	000713	6.1km
Carriggower Bog SAC	000716	6.3km
Knocksink Wood SAC	000725	6.7km
Rockabill to Dalkey Island SAC	003000	10.2km

Dalkey Islands SPA	004172	12.5km
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Based on the nature of the development, its potential impacts, the distance between the subject site and the sites listed above and, the absence of pathway from the subject site to the European sites, I am satisfied that the potential for significant impacts on any of the sites listed above can be excluded.

**Table 1: European Sites at risk from impacts of the proposed project**

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of downstream water quality through contaminated surface water runoff from silt, hydrocarbons and/or oil during the operational stage.	Drainage ditches / Watercourses on the site / Greystones Stream & tributaries / Kilruddery – Deerpark Stream and tributaries	Bray Head SAC	Vegetated Sea Cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]

**Bray Head SAC** (SC 002299) comprises a coastal site situated in the north-east of Co. Wicklow between the towns of Greystones and Bray. Bray Head consists of a plateau of high ground, with five prominent quartzite knolls and has a maximum height of 241 m. The more exposed higher ground has a covering of shallow acidic soils, with protruding bedrock and scree. Elsewhere, deeper soils are formed by drift deposits and are calcareous in character.

Dry heath is the principal habitat over much of Bray Head. The vegetation on the upper plateau area is dominated by dwarf shrubs. The heath communities which occur on the dry slopes above the sea cliffs, especially those south-facing, are more open in character and dominated by grasses rather than dwarf shrubs.

Rocky sea cliffs, another Annex I habitat, form most of the seaward boundary at this site and extend for approximately 2 km. Steep clay cliffs extend southwards for a further 1 km, with a small area of clay cliff also at the northernmost part of site. The rocky cliffs are divided by a railway track built in the 1800s. The lower cliffs are fairly steep in places but

above the track they are less steep, and often support heath or dry grassland vegetation. In parts the cliffs are up to 60 m in height. The clay cliffs in the southern part of the site are steep and unstable and have little vegetation.

Bray Head has an important seabird colony. Peregrine Falcon, an Annex I species of the E.U. Birds Directive, breeds at the site, as do Raven and Kestrel. Characteristic bird species of the heath areas include Stonechat, Whitethroat, Linnet and Skylark.

The heath and grassland habitats at this site are threatened by reclamation for agriculture and also by frequent burning. The site is a popular recreational area and is especially used by walkers.

#### Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'					
Bray Head SAC	To maintain or restore the favourable conservation condition of the Qualifying Interests	Could the conservation objectives be undermined (Y/N)?			
		Deterioration of Water quality	Effect B	Effect C	Effect D
Vegetated Sea Cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Bray Head SAC.	Y			
European dry heaths [4030]	To restore the favourable conservation condition of European dry heaths in Bray Head SAC	N			

#### Bray Head SAC

There are two QIs listed for Bray Head SAC, both of which are terrestrial habitats. The Screening Report submitted with the application notes the indirect pathway between the proposed development and the Bray Head SAC via the watercourse on site and the surface water drainage network. It states that, 'All drainage networks and watercourses

flow easterly to the marine environment at the North Beach in Greystones and in the absence of mitigation measures, silt or pollution could enter the watercourses and surface water networks which lead to the marine environment. There is potential for pollution of the watercourses to occur during these works. It further states that, 'Despite the discharging of watercourses and the public surface water network to the marine environment, due to the proximity of Bray Head SAC it is considered that there is an indirect hydrological pathway to this conservation site. The potential impacts on the features of interest of the Bray Head SAC (Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] and European dry heaths [4030]), in the absence of mitigation would be considered to be imperceptible. This is primarily as a result of the Qualifying interests being terrestrial habitats and the indirect pathway being via the marine environment'. However, the report concludes that 'If the proposed works were to be carried out in the absence of mitigation within storm events where there is potential for seaspray to be transferred to the terrestrial habitats there is potential for fine silt to enter the terrestrial environment and deposit on plant material, which could have a significant impact on the QIs of the SAC'.

Having examined the submitted information, I agree with the conclusion of the Screening Report that there is an indirect hydrological connection between the subject site and Bray Head SAC and that there is a potential for pollution in uncontrolled surface water runoff to enter the marine environment at a point, or points, c. 153m and 455m to the south of the SAC. Whilst I accept that the applicant has applied an abundance of caution in their conclusion regarding silt, I would have a greater concern regarding the potential impact of the release of oil or hydrocarbons on the splash zone of the vegetated sea cliffs. The NPWS states that the splash zone in Bray Head SAC generally has a well-developed lichen flora, which can be susceptible to pollution. Upon application of the precautionary principle, I consider that in the absence of mitigation measures significant effects on the QIs for the Bray Head SAC are likely.

I conclude that the proposed development would have a likely significant effect 'alone' on the qualifying interest, Vegetated Sea Cliffs of the Atlantic and Baltic coasts [1230] of the Bray Head SAC (Site Code 000714) as a result of the effects associated with the uncontrolled discharge of pollutants in surface waters. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would have a likely significant effect 'alone' on the qualifying interest, Vegetated Sea Cliffs of the Atlantic and Baltic coasts [1230] of the Bray Head SAC (Site Code 000714), as a result of the effects associated with the uncontrolled discharge of pollutants in surface waters. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

It is therefore determined that Appropriate Assessment (stage 2) is required on the basis of the effects of the project 'alone'.