



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319137-24**

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### Development

Construction of 352 residential units and provision of part of the Rathnew Inner Relief Road, and all associated site works. The application is accompanied with an EIAR and NIS.

### Location

Tinakilly, Rathnew, Co. Wicklow

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

2360219

### Applicant

Keldrum Ltd.

### Type of Application

Large-Scale Residential Development

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

- Henry & Aoife Clarke, Evelyn & Shay Ryan
- Leslie Armstrong
- Eileen M Howell
- Vincent Collard
- Les & Lynda Martin

**Date of Site Inspection**

9<sup>th</sup> April 2024

**Inspector**

Paul O'Brien

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## 1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 16.8 hectares, consist of an irregular shaped area of land located to the north eastern side of Rathnew and to the north of Tinakilly Lane which provides access to Tinakilly House, which is located to the east of the subject lands. The lands proposed for development are under grass and are in agricultural use and are subdivided by a mature hedgerow. The site is approximately 1.3 km to the south east of the junction of the R772 and the M11 motorway, approximately 2.9 km to the north west of Wicklow town centre and is approximately 1.58 km to the north west of Wicklow train station.
- 1.2. Tinakilly Lane is located to the north east of Main Street/ the R750 and provides for a narrow roadway along its length. A small section is provided with a footpath, though there are grass verges, which are very wide in parts, along its remaining length. The access to Tinakilly Lane is flanked with pillars towards the Rathnew, Main Street end and a second set of pillars is located approximately 160 m in from the public roadside entrance. Mature trees/ hedgerows and the grass verges provide for the character of this laneway/ access to Tinakilly House. Tinakilly House does not form part of the subject development site.
- 1.3. The northern boundary consists of a watercourse that flows along the length of the site. The other boundaries consist of a mix of mature trees and hedgerows. Tinakilly House is in use as hotel and is a protected structure. To the north of Tinakilly House is a glamping site. To the south of Tinakilly Lane/ the subject lands, is the Vartry residential development and which forms the Tinakilly 1 lands. Construction works were underway on the day of the site visit and a number of the residential units were completed.

Note: There is much cross reference between the names Tinakilly and Tinakelly in this application. The protected structure is Tinakilly House and the main driveway from the R750 is Tinakilly Avenue. The townland is Tinakelly. Generally I refer to the site, house and avenue as Tinakilly unless stated otherwise.

## 2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises the construction of 352 residential units, private, public, and communal open space, and all associated site works.
- 2.2. The following tables set out some key elements of the proposed development on these lands:

**Table 1: Key Figures**

|   |                       |
|---|-----------------------|
| <b>Site Area</b>                              | 16.8 hectares         |
| <b>Net Developable Area (R1 and R2 Lands)</b> | 10 hectares           |
| <b>Site Coverage</b>                          | 0.1954                |
| <b>Plot Ratio</b>                             | 0.35                  |
| <b>No. of Units</b>                           | 352                   |
| <b>Apartments</b>                             | 132                   |
| <b>Houses</b>                                 | 220                   |
| <b>Building Height</b>                        | 1 to 4 storeys        |
| <b>Gross Density –</b>                        | 21 units per hectare  |
| <b>Net Density -</b>                          | 35 units per hectare  |
| <b>Open Space Provision</b>                   |                       |
| Communal                                      | 0.1788 hectares       |
| Residential                                   | 0.9075 hectares       |
| Public Park                                   | 4.34 hectares         |
| <b>Total</b>                                  | <b>5.426 hectares</b> |
| <b>Car Parking –</b>                          | 592                   |
| <b>Bicycle Parking –</b>                      |                       |
| Residential                                   | 168                   |
| Visitor                                       | 66                    |
| <b>Total</b>                                  | <b>234</b>            |

**Table 2: Unit Mix – Houses**

| <b>Type</b>   | <b>Bedrooms</b> | <b>Storeys</b> | <b>Total</b> |
|---------------|-----------------|----------------|--------------|
| Detached      | 5               | 2.5            | <b>1</b>     |
| Semi-Detached | 5               | 2.5            | <b>2</b>     |
| Detached      | 4               | 2              | <b>12</b>    |
| Semi-Detached | 4               | 2              | <b>60</b>    |
| Semi-Detached | 3               | 2              | <b>96</b>    |
| Terraced      | 3               | 2              | <b>18</b>    |
| Detached      | 2               | 1              | <b>2</b>     |
| Terraced      | 2               | 2              | <b>29</b>    |
| <b>Total</b>  |                 |                | <b>220</b>   |

**Table 3: Unit Mix – Apartments**

| <b>Type</b>  | <b>1 Bed</b> | <b>2 Bed</b> | <b>3 Bed</b> | <b>Total</b> |
|--------------|--------------|--------------|--------------|--------------|
| Duplex       |              | 14           | 14           | <b>28</b>    |
| Maisonette   | 8            |              |              | <b>8</b>     |
| Apartment    | 48           | 48           |              | <b>96</b>    |
| <b>Total</b> | <b>56</b>    | <b>62</b>    | <b>14</b>    | <b>132</b>   |

2.3. The proposal also provides for a section of the Rathnew Inner Relief Road, between Tinakilly Avenue and the R761 roundabout to the north west of the site, and all internal pedestrian/ cycle and vehicular path and roads. In addition, electricity substations, bin stores, and all associated site works are provided as part of this development.

### 3.0 Planning Authority Pre-Application Opinion

3.1. A LRD/ Section 247 Consultation Meeting took place on the 26<sup>th</sup> of January 2023, between representatives of the applicant and the Planning Authority, Wicklow County Council. The Planning Authority issued an opinion on the 23<sup>rd</sup> of February 2023 and was of the opinion that the documents submitted with the request for an LRD meeting constituted a reasonable basis for an application for a Large- Scale Residential Development, subject to addressing a number of issues in any submitted application. These issues, summarised, were identified as follows:

- Density – Demonstrate that it is in compliance with the county development plan, with a range of 35 – 50 dwellings per hectare and details of calculations to be clearly set out.

- Phasing – A detailed phasing plan to be provided and which accords with the approved Action Area Plan for this area.
- Tinakilly Avenue – Details to be provided on how pedestrian access is to be maintained on the western section of the avenue, details of boundary treatment along the avenue, detail how this section of the development is to integrate with adjoining development, indicate how passive surveillance is to be provide and also outline how the western section of the avenue is to be maintained.
- Creche Provision – Provide full details on how childcare provision for this development is to be met.
- Open Space – Details of site landscaping and boundary treatments to be provided.
- Housing Mix – Provide a justification for the housing mix.
- Apartment Guidelines – A Housing Quality Assessment and details of communal open space to be provided.
- Dwelling Design and Finishes – Details of bin/ cycle storage requested and also details of the finish throughout the scheme.
- Car Parking – Full details of car parking are requested, including details of EV charging points.
- Internal Roads Layout – Provide a DMURS audit and details of speed control measures.
- Link Road – Details requested on boundary treatment, proposed bridge, signage, and adequate sight lines.
- Traffic – Further details on future traffic projections and junction capacity.
- Flooding/ Rivers/ Surface Water Drainage – Details to be provided and also details on pollution control measures for attenuation areas.
- Part V – Demonstrate compliance with Part V requirements.
- Archaeology – Request that an Archaeological Impact Assessment be provided.
- EIA/ AA – To be addressed in full.

- Construction Environmental Management Plan – Request to be submitted and include how water quality in adjoining streams will be protected.

3.2. The applicant has responded to each of these issues in Section 2.1 of their Planning Report, submitted in support of the application.

## 4.0 **Planning Authority Decision**

### 4.1. **Decision**

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. Conditions are generally standard, though I note the following in summary:

- 8. Appointment of an ecologist during the pre/ construction phases of this development and ensure the implementation of the measures outlined in the NIS.
- 11. Specific development phasing details.
- 12. and 13. Details on the proposed Inner Relief Road.
- 23. Open space details.

### 4.2. **Planning Authority Reports**

#### 4.2.1. **Planning Reports**

The Planning Report reflects the decision to grant permission for this development. The Wicklow County Council Executive Planner considered the proposal to be in accordance with the zoning objective for this site and demonstrates compliance with the Wicklow County Development Plan 2022 – 2028. The development would not seriously injure residential amenity or visual amenity and would not impact on traffic or public health.

#### 4.2.2. **Other Technical Reports**

- Fire Service: No objection subject to conditions.
- Transportation, Water and Emergency Services: A long list of technical matters is raised in the original report.



- Housing Department: A number of issues raised in relation to the provision of the proposed Part V unit.

#### 4.2.3. Prescribed Bodies

- Health Service Executive – EHO: A Construction Environmental Management Plan (CEMP) to be prepared and further details are provided on what this should contain. Other environmental issues are identified and are to be addressed.
- Department of Housing, Local Government and Heritage – DAU: No objection subject to recommended archaeological conditions. A second report was submitted in response to the further information response. It was noted that no Archaeological Impact Assessment was prepared but was covered in the submitted EIAR. Conditions are recommended in the event that permission is granted for this development.
- Uisce Éireann: No report received. A ‘Confirmation of Feasibility’ letter, dated October 2022, is included in the applicant’s ‘Engineering Services Report’. A water connection is feasible without the need for upgrades and a wastewater connection is also feasible but will be subject to planned upgrades in the area.
- National Transport Authority (NTA): Revisions requested in relation to pedestrian and cycle connections and to ensure that the development is in accordance with DMURS and the National Cycle Manual. Other issues can be addressed by way of condition.
- Transport Infrastructure Ireland (TII): No observations to make.
- Inland Fisheries Ireland (IFI): Request that Uisce Éireann demonstrate that the foul drainage network can accept/ transport foul waste generated from this development without having a negative impact on the existing network. If Planning Permission is to be granted, all measures outlined in the NIS for the construction and the operational phases shall be implemented in full.

#### 4.2.4. Third Party Observations

A total of 48 valid submissions were received including submissions from Cllr. Mary Kavanagh, Cllr John Snell, and the Woodside Resident’s Group, as well as from

individual members of the public. Further observations were made following the receipt of further information, though issues were similar to those originally made on this application. The issues raised include the following summarised comments, which I have grouped under appropriate headings:

Principle of development:

- Accepted need for housing in the area.
- The site is locally important for nature walks by local schools and as an amenity for the local community.
- The land is not zoned as the Wicklow Local Area Plan 2013 – 2019 is significantly out of date.
- The proposed development is contrary to the Heritage Ireland 2030 plan and the Aarhus Convention.
- Part of the site is owned by third parties and no consent for development has been provided.

Access to Tinakilly Lane:

- Concern about the closing off of a right of way over the laneway to facilitate the development of the Rathnew Inner Relief Road.
- Potential traffic conflict between existing users of the laneway and pedestrians/ cyclists.
- Closing off the laneway will impact on postal and other deliveries to existing properties that are served by it.
- Concern that emergency services may not be able to access existing houses on the laneway if a fob or some other system was introduced to control access.
- Request that a condition be included that ensures that access for existing residents be protected.

Impact on the character of the area:

- The proposed development will negatively impact on Tinakilly Laneway and would adversely affect biodiversity here.
- The character of the area would be negatively impacts by the proposed development.
- The proposed apartment blocks are out of character with the area.

- Request that the area known as the Fairy Field/ Fairy Tree be protected as it is of local importance.
- Request that the tree be replanted elsewhere on site if development is to occur in this area.
- There is no guarantee that this tree will be adequately protected during the construction phase of the development.
- The scale of development is too much for this area.

#### Residential Amenity:

- The development will give rise to overlooking of adjoining properties, leading to a loss of privacy.
- Request that a suitable screened boundary be provided between the proposed development and existing residential units.
- No childcare facilities are proposed to serve this development.
- Request that suitable conditions be provided in order to protect existing residential amenity from construction traffic and noise pollution generated during the construction phase.
- Insufficient public open space is provided to serve the residents of this development.
- Concern about structural impacts to existing residential units during the construction phase of the development.
- If gates are provided on the laneway, they should be conditioned to be decorative and left permanently open, thereby ensuring that the right of way is protected.

#### Traffic and Transport:

- Concern about traffic safety issues in relation to pedestrian/ cyclists and vehicular traffic.
- Provision of two sets of pedestrian lights on inner relief road seems excessive.
- The proposed design of the inner relief road is inadequate and is considered to be flawed. It should connect with the M11 and not terminate/ connect into the Aldi roundabout, as proposed.
- No indication as to where the bus stops are for the 131, 133 and Local Link bus services.

- Traffic is congested in this area.
- Request that the construction site entrance be relocated on completion of the relief road.
- Concern about the impact of a cycle track on existing residential amenity.
- The site should be developed to encourage walking and ensure that permeability is designed within the scheme.
- The submitted Traffic and Transportation Assessment is incorrect for a number of reasons; Wicklow is not served by an hourly train service, only six trains a day serve Wicklow station, and walking distances to bus stops are not accurately provided.

#### Drainage and Water Services:

- Concern about impact of the development on underground services that are located within the Tinakilly Laneway.
- Concern about potential flooding in the area, part of the development is located within a flood plain.
- The proposed cycle and pedestrian routes appear to be located within a flood plain.
- Uncertainty over the proposed foul drainage network and where it discharges to.
- Existing foul drainage network and treatment system is at capacity in the area.
- There are strong odours from an existing pumping station in the area.
- Concern that the development may adversely affect the Broadlough Lakes and the Murrough wetlands.
- No grey water systems are proposed to be provided within the houses or other energy reducing measures.
- Concern about the AA screening as the hydrological conclusion was reached without any indication of field work having been undertaken.

#### General Comments:

- Need to ensure that existing telecoms within Tinakilly Laneway are protected during the development works.

- There is a lack of infrastructure in the area to serve this development with specific reference to schools.
- The proposed development will have a negative impact on the biodiversity of the area.
- The proposed development should be designed to facilitate a nursing home.
- Space should be allocated for the development of allotments.
- The proposed development does not provide for any mixed-use development.
- There is a need for a forum to ensure that there are proper communications between the developer/ builder and the local community.
- The proposed development is not community friendly.
- There is a marl hole in the Broadlough. This was used by the Army as a firing range and there is a potential for unexploded ordinance in this area.
- Potential for an increase in anti-social behaviour in the area.
- Construction of other development in the area was not undertaken using best practice measures.

A number of the letters of objection were supported with photographs, plans and other supporting documentation. Further comments were made about details provided in the further information response and these are similar to the issues originally raised about the proposed development.

## 5.0 Planning History

There are no recent, relevant, valid applications on this site. The following relevant applications are located on adjoining sites:

Lands to the south:

**PA Ref. PR22/837/ ABP Ref. 301261-18** refers to a January 2019 decision to grant permission for part of a residential scheme comprising of 271 dwelling units.

Permission was refused for 84 units as it 'would be premature pending the preparation of an open space strategy for Rathnew and would be contrary to the zoning objectives for this area as set out in the Wicklow Town-Rathnew Development Plan 2013 – 2019,

and would, therefore, be contrary to the proper planning and sustainable development of the area.’

Village Centre area:

**PA Ref. 21/1333** refers to an April 2022 decision to grant permission for amendments to permitted development WCC Reg. Ref. 16/1444 for the replacement of 36 no. permitted units with 41 no. houses and 4 no. apartments. Since the granting of permission under Ref. 16/1444, a section of the new link road extending east from the new roundabout has been redesigned and permission is now sought for these changes. No changes are proposed to the balance of development comprising the fully constructed, completed, and occupied village centre. All associated site development works, new vehicular and pedestrian access from the new link road to the north of the site, pedestrian access from the proposed plaza to the south west of the site and all internal roads and footpaths, open space provision including 3 no. residential open spaces, public plaza and the existing woodland, landscaping, boundary treatment works, tree removal, car parking spaces and bin stores. This application is accompanied by a Natura Impact Statement.

Childcare Provision:

**PA Ref. 22/590** refers to an August 2022 decision to grant permission for (1) Minor alterations to Childcare/ Creche unit including revised elevations, an extension to the ground/ first plan adding a total of 58 sq m to the overall building area. (2) revised site layout plan, parking arrangements and reduction of the site area. (3) An intensification of use to that permitted reg ref 19/853 by increasing childcare numbers to 190 places. All this together with connections to foul/surface water services, an attenuation system, site development works.

The applicants Planning Report includes a detailed list of applications considered relevant to this proposed development.

## 6.0 Policy Context

### 6.1. National Policy

#### 6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Planning Objective 13 provides that "In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

**Chapter 6** of the NPF is entitled 'People, Homes and Communities' and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'.
- National Policy Objective 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.
- National Policy Objective 35 seeks 'To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing

buildings, infill development schemes, area or site-based regeneration and increased building heights’.

### 6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023).
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

#### **Other Relevant Policy Documents include:**

- Permeability Best Practice Guide – National Transport Authority.

## 6.2. **Regional Policy**

### 6.2.1. **Regional Spatial and Economic Strategy (RSES) 2019 – 2031**

The Eastern & Midland Regional Assembly ‘Regional Spatial & Economic Strategy 2019-2031’ provides for the development of nine counties including Wicklow and supports the implementation of the National Development Plan (NDP). Wicklow-Rathnew is listed as a Key Town in the Core Region.

## 6.3. **Local/ County Policy**

**Note:** There is a Wicklow County Development Plan and a Wicklow-Rathnew Development Plan and which I have summarised the relevant parts below. The



county plan is for the entire County of Wicklow, the other plan is specifically for Wicklow and Rathnew and was provided as a function of the former town council which was abolished under Local Government reform. Some aspects of Rathnew are covered in the county plan such as Core Strategy, and development standards. The Wicklow-Rathnew Development Plan remains the statutory plan for Rathnew, providing zoning and land use objectives as well as specific map-based objectives. Preliminary work was started on a Local Area Plan for this area, but the formal process has not commenced to date.

### 6.3.1. **Wicklow County Development Plan**

6.3.2. The Wicklow County Development Plan 2022 - 2028 is the current statutory plan for County Wicklow, including the subject site. The Core Strategy is provided in Chapter 3 and key town such as Wicklow-Rathnew 'are identified for growth rates of c.35% having regard to their identification in the RSES as towns suitable for higher levels of growth.' Table 3.4 provides the 2016 population for Wicklow-Rathnew as 14,114 and the Population target Q2 2028 is 18,515 and Table 3.5 gives a housing growth of 2,392 between 2016 – 2031.

6.3.3. There are a number of chapters in the development plan that are specifically relevant to this development. Chapter 12 refers to Sustainable Transportation, Water Services are covered under Chapter 13 and Chapter 14 deals with Flood Risk Management. Chapter 17 refers to Natural Heritage & Biodiversity and Chapter 18 to Green Infrastructure. Relevant Appendices provided in Volume 3 include Appendix 1 – Development and Design Standards, Appendix 4 – Record of Protected Structures and Appendix 8 – Strategic Flood Risk Assessment. The Strategic Environmental Assessment is provided in Appendix 6.

6.3.4. Tinakilly House is listed on the Record of Protected Structures, RPS no. 25-15 refers.

### 6.4. **Wicklow Town – Rathnew Development Plan 2013 - 2019**

6.4.1. The subject lands contain a number of zonings as follows:

- Lands to the northern and western boundaries are zoned for Passive Open Space (PAS) with an objective 'To preserve, improve and provide for parks, recreational public and private open space, green corridors and ecological buffer zones.' The Description states: 'To facilitate the further development and improvement of existing

parks and other passive / amenity open areas and to facilitate opportunities for the development of new parks, recreational spaces, green corridors and ecological buffers.'

- Lands to the east are zoned Residential (R2) with an objective 'To provide for new residential development at densities up to 28 units per hectare' and a description states: 'To allow for the provision of high quality new residential environments at a medium-high densities with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.'
- The lands to the west/ east of the open space are zoned Residential (R1) with an objective 'To provide for new residential development at densities up to 40 units per hectare' and description states 'To allow for the provision of high quality new residential developments at increased densities with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities'.
- The site is located within the Clermont-Tinakelly Action Area, as per Section 12.2 of the development plan. The following is provided in the plan to describe how the Action Areas work:  

'... Action Areas are to be the subject of comprehensive (not piecemeal) integrated schemes of development that allow for the sustainable, phased and managed development of the Action Area during the plan period. Separate applications for sections of each Action Area will not be considered until an overall Action Area Plan has been agreed in writing with the Planning Authority unless it can be shown that any application will not undermine the achievement of the overall objectives for that Action Area.

The position, location and size of the land use zonings shown on the land-use zoning map associated with this plan are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography, subject to

compliance with the criteria set out for the Action Areas below. However, any lands that are located in Flood Zone A as per the Flood Risk Assessment that forms part of this plan shall be restricted to 'water compatible uses' as set out in Table 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009) and any lands that are located in Flood Zone B as per the Flood Risk Assessment that forms part of this plan shall be restricted to 'less vulnerable uses' and 'water compatible uses' as set out in Table 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009).'

- Within the Clermont-Tinakelly Action Area, Tinnakilly Avenue is an 'Indicative Pedestrian Walkway' and there is a 'Future Road Alignment (Reserve free from development) crossing the site from the western boundary on a north west axis.

6.4.2. The Residential zoned lands are in Flood Zone C and the lands to the west forming Passive Open Space are in Flood Zone A/ B.

6.4.3. The Planning Authority have listed a number of relevant objectives and policies in their report.

## 6.5. **Natural Heritage Designations**

The Murrough SPA, Site Code 004186, is located approximately 530 m to the east of the subject site.

## 7.0 **The Appeal**

7.1. **Third Party Appeal:** Third Party Appeals have been received from:

- Henry & Aoife Clarke, Evelyn & Shay Ryan
- Leslie Armstrong
- Eileen M Howell
- Vincent Collard
- Les & Lynda Martin

7.2. The following points, summarised, are made in support of the appeal from Henry & Aoife Clarke, Evelyn & Shay Ryan:

7.2.1. **Objection to removal of right of way:**

- Condition no.21 refers to the provision of railings and bollards along Tinakilly Avenue, so as to prevent unauthorized vehicular access to the western section of the avenue. This is opposed as it would limit access for existing residents to access their property and the R750 at Rathnew. There are existing gates on this avenue and the applicant has no legal consent to ensure that these gates remain open.
- The removal of traffic from the avenue will not guarantee safety for pedestrians and cyclists who may use this route to access Tinakilly House/ adjoining lands.
- The applicant was willing to provide for measures that would control access to the laneway but would also ensure that existing residents have access. Condition no. 21 removes this option. Request that this condition be removed and failing this, a legal action will be pursued.

Request that the vehicular/ pedestrian access along Tinakilly Avenue be protected.

#### 7.2.2. **Proposed Rathnew Relief Road:**

- This road will negatively impact on the setting of Tinakilly and its historic avenue. The road is considered to be unnecessary and not suitable for its intended purpose. Concern about traffic congestion to the north of this road and also the fact that existing roads provide for a better route than this proposed road will. There are no benefits to this road that would justify the negative impact on the character of the area.
- Request that the proposed section of road be refused.

#### 7.2.3. **Lack of community gain:**

- No childcare provision is included in this development. Whilst a facility is proposed nearby, it is a 10 minutes' walk from the nearest house in this development and at least 30 minutes from the furthest away units. This will result in increased car use and congestion in the wider area.
- The proposed open space areas are not acceptable especially through their location on flood plains.
- The paving and drainage plans will only make the issue of flooding worse in this area.

#### 7.2.4. **The Murrough SAC:**

- The importance of this SAC is outlined in the appeal.
- The applicant through their environmental report indicates that the development will impact on this SAC. The drainage of the site may increase flooding in the area which in turn will negatively impact on the Murrough SAC.

#### 7.2.5. **Fairy Tree:**

- The tree, which is located towards the centre of the site, has a local importance over many decades.
- Concern about the proposal to relocate the tree, no certainty that it would survive such a move.

#### 7.3. The following points, summarised, are made in support of the appeal from Leslie Armstrong:

- The appellant is a director of Claremont Holdings Ltd, who own lands adjoining to the western side of the subject site. This land is zoned POS – Passive Open Space in the Wicklow County Development Plan.
- Seeks to clarify the name of adjoining watercourses and calls it ‘Broomhall watercourse/ Rosanna Lower Stream’ throughout their appeal.
- Requested that Wicklow County Council require the applicant to provide a 2 m high concrete wall along the western boundary of the site. This was disregarded by Wicklow County Council.
- Request that a minimum of 15 m buffer zone be provided along the watercourses on the site in accordance with the Inland Fisheries Ireland dated 11<sup>th</sup> October 2023.
- Note the concerns of Inland Fisheries Ireland in relation to deficiencies in the wastewater network/ system serving Wicklow, Rathnew and Ashford.
- Concern about potential flooding due to the increased volumes of water that the watercourses are now handling. Request that additional measures be taken to ensure that flooding is not an issue.

- Concern about the long-term measures to be undertaken to ensure that settlement ponds and attenuation tanks are maintained into the future. Insufficient details have been provided on this.
- Wicklow County Council should have ensured that the applicant demonstrate how they would comply with the Greater Dublin Strategic Drainage Study (GDSDS)
- Concern about who will maintain two proposed culverts into the future. These will not be maintained by the OPW and the onus may fall on the landowner to ensure their maintenance.

7.4. The following points, summarised, are made in support of the appeal from Eileen Howell:

- The development will impede an existing right of way. The proposed road will cut through the avenue and would sever the right of way. This should be considered in the context of planning and not as a legal issue.
- The proposed development is considered to be premature pending the preparation/ completion of the Wicklow Town Rathnew Local Area Plan 2024.
- Details provided in the 2013 local area plan are now out of date, and the applicant has failed to demonstrate that they comply with the current core strategy for these lands.
- The applicant has failed to consider the impact on the architectural heritage of Tinakilly Avenue and the setting of Tinakilly House. This has not been considered in the submitted EIAR.

7.5. The following points, summarised, are made in support of the appeal from Vincent Collard:

- Prematurity – Local Area Plan is out of date and a new one is in preparation. There is a requirement for the preparation of a LAP for settlements with a population in excess of 5,000 persons.
- Concern about the issue of flooding in the area.

- Concern about the status/ use of an Action Area Plan for Rathnew and which was adopted some time ago.
- The public site notices are incorrect as they indicate that 140 apartment/ duplex/ maisonette units are proposed; the correct figure is 132.
- There are a number of issues with the submitted EIAR including details on the number of units/ population growth, proposed mitigation measures and impact on Material Assets as the development will put pressure on existing services in Rathnew. Query about project splitting as the proposed creche is not provided on site but is located at the Broomhall Business & Enterprise Park. In addition, the submitting of two separate LRDs would indicate a level of project splitting. A standalone Otter survey should have been undertaken if there is evidence of them in the area. No standalone archaeological assessment/ report was undertaken. Some of the proposed mitigation measures cannot be provided with certainty.
- There is an active Badger Sett on site, and it cannot be interfered with.
- There is a lack of infrastructure in Rathnew to serve this development. The appeal outlines this in detail.
- There are a number of errors in the submitted Community Infrastructure Statement. Submitted reports refer to the 2016 census results even though the 2022 census data was available at the time of preparation of the relevant reports.
- There is a shortfall in car parking provision even though the site/ development will rely on car use, as public transport is insufficient in this area.
- A detailed assessment of the NIS is provided with a list of concerns raised.
- The LRD should not be granted in the absence of certainty in relation to energy sources to serve these homes.
- A number of the submitted reports are out of date/ are misleading.
- Concern about potential flooding as a result of this development.

- No creche is provided on site to serve this LRD, though a large creche is provided off site to serve this and adjacent development. Users will have to travel to this location.
- A number of the houses do not make maximum use of solar gain through their location on site.
- Opposed to the closing of the avenue to car users.
- The proposed density is not in keeping with the character of the area.
- The proposed development is overly reliant on car use.
- The submitted tree/ hedgerow assessment is unclear/ misleading. The loss of the Fairy Tree is not acceptable.
- Potential overlooking of existing properties from the new development due to the insufficient separation distances proposed.
- Insufficient details provided in relation to detention basins/ swales.
- A more up to date Engineering Services Report should be provided.
- The unit mix is inappropriate for this location, specific concern about the number of apartments proposed here.
- The Confirmation of Feasibility appears to be out of date.
- The development does not indicate a greater plan for the area.
- Potential for unexploded devices on this site and also unauthorized dumping here.
- There is a lack of green/ amenity space to serve this proposed development.
- The planting of non-native species of trees is inappropriate.
- Potential for negative impact to Tinakilly House from the four storey apartment blocks.



- Access to the drawings etc was difficult as the scale/ size of drawing does not allow for easy printing out.

7.6. The following points, summarised, are made in support of the appeal from Les & Lynda Martin:

- Concern about the loss of the right of way over Tinakilly Avenue.
- Uncertainty over access to the western part of the avenue.
- Walking/ cycling is not possible for all those who currently use Tinakilly Avenue to access Rathnew etc.

#### 7.7. **Planning Authority Response**

Wicklow County Council: No response/ comment made.

#### 7.8. **Third Party comments on third party appeals:**

Eileen Howell, through her agent, commented on the discrepancy in the unit numbers (132 apartment/ duplex/ maisonette units, not the stated 140 units) and agreed that the public notices were misleading, and the application should be deemed to be invalid.

#### 7.9. **First Party comments on appeals:**

The first party through their agent has commented on each of the points made in the appeals by the third parties. These comments are summarised as follows:

- Objection to Right of Way: These are not issues for the Board to consider, but outlines that access is retained for those concerned.
- Objection to Construction of Rathnew Inner Relief Road: Junction/ traffic capacity was considered in the application and no issues of concern were identified.
- Lack of Community Gain: No creche is provided as a suitable alternative is available. Open space is provided for the local community to benefit from, such as walking routes.
- Impact to the Murrough: Assessed in the EIAR and NIS.
- Removal of Fairy Tree: The tree is not protected and the historical importance of this is considered to be low.

- **Premature Development:** There is a plan in place for the area and the proposal does not adversely affect the preparation of a new Local Area Plan for these lands.
- **Architectural Heritage:** Tinakilly House will not be impacted by the development, as outlined in submitted reports in support of the application.
- **Boundary Treatment revision:** Adequate boundary treatments are to be provided including along the western side of the site.
- **Area Action Plan:** Any issues here are for Wicklow County Council to address as they do not form part of this application process.
- **Site Notice:** This was accepted as valid by Wicklow County Council.
- **EIAR:** Full details are provided to demonstrate how the EIAR is acceptable and complies with appropriate requirements. Input provided from the design team to relevant concerns.
- **Badger Sett:** The development will not impact on badgers at any geographical scale.
- **Unsuitability of Rathnew for LRD:** The site is zoned for such development.
- **Community Infrastructure Statement:** Assessment was undertaken and is outlined in the application to determine the available capacity in schools and childcare facilities in the area.
- **Deficient Car Parking/ Reliance on Cars:** Car parking is in accordance with Wicklow County Development Plan 2022 – 2028 requirements.
- **Natura Impact Statement:** Full details of supporting documentation is provided and the assessment was conducted in accordance with relevant guidelines.
- **Utilities and Energy Sustainability Report:** All units comply with Part L.
- **Out of Date Reports:** Baseline conditions were correct when conducted.
- **Misleading Reports:** The comments made are refuted by the applicant.
- **Drainage/ Flooding:** This issue is assessed in the Flood Risk Assessment and in other supporting documents.
- **Creche:** A suitable facility is provided within short distance of the site.
- **Orientation of Dwellings:** Houses are suitably located to make maximum use of the available sun.

- Density: It is outlined in the submitted documentation how density complied with local and national standards.
- Hedgerow Removal: This is addressed in the application documentation.
- Overlooking: Adequate separation distances are provided for.
- Archaeology: The applicant will comply with all relevant requirements.
- Detention Basins/ Swales: Full details are provided for in the application.
- Engineering Services Report: Reports that the date here is incorrect and it should state August 2023, not 2022.
- Confirmation of Feasibility: Full details are provided on the file.
- Possibility of unexploded ordinance on site: There is no evidence of such devices on site.
- Waste on site: Full measures will be taken, and are outlined, as what will happen if such waste is located on site.
- Inappropriate unit mix: This is refuted by the applicant and apartments were included as requested by Wicklow County Council.
- No suitable vision for the area: This is refuted, and the development is considered to be in accordance with the Wicklow-Rathnew Development Plan.
- Insufficient open space: Adequate open space is provided for and is outlined in the application how this will be achieved.
- Landscape Design Report: Full details of tree species etc. have been considered in the making of this application.
- Proximity to Protected Structures: The development will not impact on Tinakilly House, adequate separation distances from the RIRR and the development are provided.
- Accessibility of Planning Drawings: These are available on line and with Wicklow County Council.
- Utilities
-

## 8.0 Assessment

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Impact on the Character of Tinakilly Avenue
- Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic and Car Parking
- Water Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

### 8.2. Principle of Development

8.2.1. The Planning Authority had no issue in relation to residential development on this site and the appeals against the decision to grant permission were not opposed to the general development of housing on these lands. The Planning Authority raised an issue in relation to the phased development of these lands in accordance with the 'Clermont – Tinakelly Action Area' outlined in Section 12.2 of the Wicklow Town - Rathnew Development Plan 2013 – 2019'. This requires that at least 28% of the lands within this area to be developed a public open space and 'The delivery of the Open Space may be on a phased basis, but no more than 70% of the residential development will be permitted in advance of the full completion of the Active Open Space and the riverine park.'

8.2.2. The subject lands are located within the designated area of the Wicklow Town-Rathnew Development Plan 2013-2019. Section 3.5 'Zoning' of the Wicklow County Development Plan 2022 – 2028 indicates that a new local area plan will be prepared for Wicklow Town-Rathnew during the period 2022 – 2024, it is the top priority plan to be done, and from the Wicklow County Council website, preliminary public consultation has taken place. For the purposes of this assessment, the Wicklow Town-Rathnew

Development Plan 2013-2019 is the operative plan for these lands, with particular reference to zoning and map-based objectives such as the provision of the Rathnew Inner Relief Road (RIRR). This development plan has not been revoked by Wicklow County Council.

- 8.2.3. The density of these lands is set out in the Wicklow County Development Plan at a range of 35 – 50 units per hectare for Outer Suburban/ Greenfield sites. A total of 352 units is proposed on a net site area of 10 hectares giving a density of just over 35 units per hectare.
- 8.2.4. A few of the observations/ the appeals referred to consent to make part/ all of this application. I am satisfied that that the applicant has demonstrated that they have suitable consent for the development as proposed.
- 8.2.5. I am therefore satisfied that the nature of the development is acceptable in terms of the Wicklow-Rathnew Development Plan 2013 – 2019 and the overall density at 35 units per hectare is also acceptable.

### **8.3. Impact on the Character of Tinakilly Avenue**

- 8.3.1. The Planning Authority, following the issuing of a further information request, decided to grant permission for the proposed development. In the submitted appeals, the development of the relief road crossing Tinakilly Avenue was one of the major issues of concern. Comment was made that this would adversely affect the character of the area/ Tinakilly House – a protected structure, would impact on access in the area and remove rights of way over the avenue. The Planning Authority included Condition 13, which sought the submission of final details of the proposed road/ associated footpaths/ cycle paths for their written agreement.
- 8.3.2. The proposed road is indicated on the ‘Land Use Zoning Objectives’ map of the Wicklow Town-Rathnew Development Plan 2013 – 2019; the proposed road follows a similar alignment to that on the map. The ‘Heritage Map’ identifies Tinakilly House as a protected structure, but I also note that there is no specific protection on the avenue or on views of the house.
- 8.3.3. The house and its attendant grounds would refer specifically to the lands to the east of Tinakilly Lane which is the road that project northwards to the eastern end of Tinakilly House. Section 12.3 – Cultural Heritage of the EIAR reports:  
‘The gardens immediate to Tinakilly House (sic) have been well maintained and contain mature demesne planting, as does the landscape to the immediate west of the house.

The main house and its immediate gardens are therefore not visible from the proposed development area. The house and immediate setting have become somewhat disconnected from the wider landscape, due to its operation under separate ownership within a smaller plot.’ The house and its lands do not therefore include Tinakilly Avenue. A significant section of the avenue, approximately 250 m, will be retained to the east of the new road ensuring the retention of the character of the area.

8.3.4. At present the avenue consists of a narrow road, with passing areas for vehicles along its length. Wide grass verges and trees line the avenue and there is a noticeable climb towards Tinakilly House/ on a west to east axis. The proposed relief road is in accordance with the Wicklow Town-Rathnew Development Plan 2013 – 2019, and which clearly indicates that it will cross over the avenue. The town development plan does not indicate how this interface will be achieved. I consider it appropriate that the section that crosses over the avenue should be designed to have regard to the current layout, with appropriate boundary treatment and crossing points to be put in place. This can be agreed with the Planning Authority by way of condition.

8.3.5. Concern was also expressed that the layout of the relief road and the severing of the avenue would impact on rights of way over the avenue. Access to and from third party lands will be maintained through access over the new relief road. This provides a connection to the R750 to the north west at the roundabout or to the south via the under-construction residential development. I do not foresee any significant nuisance from having to use the revised routing as road speeds and safety would be much improved over the current situation. The access onto the main public roads would be much improved over the current access/ junction with the R750.

#### **8.4. Impact on the Character of the Area**

8.4.1. The Planning Authority, following the issuing of a further information request, decided to grant permission for the proposed development. In addition to the impact on the avenue, concern was expressed about the impact of the development on Tinakilly House, on the ‘fairy tree’ located within the subject lands and also on the general character of the area.

8.4.2. The proposed development provides for houses that are a similar setback from Tinakilly House as those constructed to the south of the avenue. I have no concern about the impact of these on the protected structure. Adequate setbacks are provided, and suitable buffers zones are provided through the existing local road network separating

the house from the development site. Tinakilly House is only visible, when entering from the avenue side, when you are within the grounds/ curtilage of the house. The proposed development will not impact on its setting. This is reinforced by the submitted CGIs and Verified Views prepared by 3D Design Bureau and which indicate no visual impact on the character and setting of Tinakilly House.

8.4.3. The 'fairy tree' within the site is proposed for removal and the applicant has indicated that they may be able to relocate it to another part on site. In the further information response, a detailed assessment of the status of the tree is provided and in summary it appears that its identification as a fairy tree is relatively recent and local with none of the recognised studies/ sources identifying it as such. Whilst the tree appears to be in good condition, I would agree with the Planning Authority that its relocation may not be successful. Considering the number of trees to be planted as part of this development, its loss from a biodiversity point of view is not significant. I accept that it has a local importance but even retaining it as is would not be the same as much of its character comes from its isolation within a large field. If the applicant can relocate it, then I would not be opposed to this, but I would not recommend that this move be conditioned.

8.4.4. The proposed development will provide for a large residential development of over 350 units on this site to the east of Rathnew. I am satisfied that it can be visually integrated into the developing character of the area considering the similar housing to the south of the site and the smaller scale development underway to the north west. The applicant has proposed a phasing plan that will allow the development to take place in a planned manner, and a separate character area plan has been developed. The relief road will be completed prior to the occupation of any units on this site. Final details on the character areas/ phasing of development can be agreed with the Planning Authority by way of condition.

## 8.5. **Impact on Residential Amenity**

8.5.1. **Impact on third party residential amenity:** The Planning Authority raised no issues of concern in relation to impact from the development on existing residential amenity. Adequate separation distances are proposed. The Planning Authority did raise some concerns about the security of existing boundaries, but these issues were addressed to the satisfaction of the Planning Authority through the further information response. Adequate separation distances are provided to ensure that the privacy of existing

residential units is protected but which also ensure that daylight/ sunlight is also protected.

- 8.5.2. **Proposed residential amenity:** The proposed development will provide for a mix of house types, in addition to also providing for apartments on this site. The proposed houses range from single storey to three storey units and provide for two-to-five-bedroom units. The apartments provide for duplex and single floor units, ranging from three bed duplexes to one-bedroom apartments within a block. One-bedroom maisonettes are also proposed. I consider the proposed mix of unit types to be appropriate and acceptable in this location and will increase the tenure mix in this part of Rathnew.
- 8.5.3. All units are provided with adequate floor areas, with storage areas in accordance with the apartment guidelines in the case of the apartments. Suitable private amenity space is provided in the form of terraces for ground/ lower floor units and balconies for the upper floors, and again the areas of these amenity spaces are in accordance with the requirements of the apartment guidelines. The apartment blocks are a maximum of four storeys in height and are located towards the centre of the site.
- 8.5.4. I am satisfied that the proposed development demonstrates compliance with the relevant SPPRs of the Apartment Guidelines.
- 8.5.5. **Public Open Space:** As part of the Wicklow-Rathnew Development Plan, two Action Areas are identified in the plan, one of which is Clermont – Tinakelly and which includes the subject lands. These Acton Areas seeks to provide for phased and integrated development. In terms of the subject lands, the requirements are for 28 hectares of open space to be provided (passive and active open space) and ‘no more than 70% of the residential development will be permitted in advance of the full completion of the Active Open Space and the riverine park.’ The Planning Authority were generally satisfied that the applicant was demonstrating compliance with this requirement and a phasing condition was provided that limited the number of units to be occupied in advance of the delivery of open space.
- 8.5.6. There are conflicting objectives in the Wicklow-Rathnew Development Plan and this stems from the age of the plan and particularly to reference to the ‘Wicklow County Development Plan 2010-2016’ which has been superseded with the current County plan the 2022 – 2028 version. Population targets for Wicklow-Rathnew have not been



met to date and the Wicklow County Development Plan 2022 – 2028 seeks to meet a target in Q2 of 2028 for 18,515 and Table 3.5 of the plan indicates a housing growth of 2,392 between 2016 – 2031. Previous targets were for a population of 24,000 In 2022. The subject lands are therefore one of the key sites for the meeting of these targets.

8.5.7. The applicant does not control all of the lands that are to be developed as open space but has provided more than adequate open space to serve the needs of the residents of this development, and will comply with the development plan in terms of meeting their obligations.

8.5.8. I am satisfied that the development can be permitted through the phasing of units in conjunction with the provision of the open space. This is a large site and provides for a significant number of residential units in conjunction with the completion of the Rathnew Inner Relief Road. The phasing plan will allow the Planning Authority to control the number of units to be constructed whilst ensuring that the open space requirements of the Action Area Plan are achieved.

8.5.9. **Childcare and Community Space Provision:** No childcare provision is proposed as part of this development, and the Planning Authority noted and accepted this. Childcare is available on an adjacent site and the over provision of space was designed to cater for any demand from the subject development.

8.5.10. The applicant has provided a ‘Community Infrastructure Statement’ in support of the application and Section 5 refers to Childcare Facilities. This includes a detailed breakdown of the number of childcare places, though I would disagree with the figures used by the applicant. They calculate that childcare for 43 children would be required for this development, I have calculated that the requirement is much higher with 71 places to be provided for.

8.5.11. In the interest of clarity, I have summarised the requirements for childcare provision for this development.

|  |  |  |  |
|--|--|--|--|
|  | <b>2001<br/>Childcare<br/>Guidelines</b> | <b>2020 Apartment<br/>Guidelines –<br/>without 1 bed</b> | <b>2023 Apartment<br/>Guidelines – without 1<br/>bed and only 50% of 2<br/>bed apartment units</b> |
|--|--|--|--|

|   |     |     |     |
|---|-----|-----|-----|
| Number of proposed Units                                    | 352 | 296 | 265 |
| 1 Facility with capacity for 20 children for every 75 units | 94  | 79  | 71  |

8.5.12. Planning Reference 22/590 refers to a grant of permission for the increase in a childcare facility from 135 places to 190 places and the developer considers that this facility could accommodate up to 250 children on a full time/ part time/ afterschool basis. Whilst I am not certain that the applicant's calculations are correct, the provision of a facility that can accommodate between 190 and 250 children would be adequate to serve the needs of permitted development and the subject site. The applicant has identified an additional 21 childcare facilities within a 3 km radius of the subject site and whilst no details of capacity is provided, it is likely that additional capacity can be provided to meet any increase in demand in the area.

8.5.13. I am therefore satisfied that the development of a childcare facility at Broomhall would be adequate to serve the needs of this development and that there is no requirement to provide for a standalone facility on this site.

8.5.14. The 'Community Infrastructure Statement' also provides details on primary and post primary school capacity in the area, and again no details on vacancy are provided but it is clear that there is a good choice of such schools in the area, with nine primary and four post primary schools available. Details are provided on community, social, recreation and retail facilities available in the area. It is evident that the proposed development is to be located in an area with a wide range of available services.

8.5.15. **Conclusion on Residential Amenity:** I am satisfied that the proposed development will provide for a suitably high-quality development to the eastern side of Rathnew and which will integrate with the existing development under construction to the south of the site.

## 8.6. Traffic and Car Parking

- 8.6.1. The proposed development will provide for a residential development consisting of a mix of houses and apartments, that is predominantly car orientated, and the northern section of the Rathnew Inner Relief Road between Tinakilly Avenue and the R761 to the north of Rathnew. Public Transport in the form of bus routes between Wicklow and Bray/ Dublin City Centre are located along the R750 to the west of the site and Wicklow railway station is located approximately 1.5 km to the south east of the site. A Local Link bus (route 183) also provides a service between Wicklow town and Sallins in County Kildare. The Planning Authority raised no particular issues of concern regarding the layout of the development, impact on the local road network nor on the design of the Rathnew Inner Relief Road (RIRR). The National Transport Authority raised a number of concerns in that the development did not demonstrate compliance with DMURS in terms of permeability/ integration with the adjoining area, provision of suitable crossing points at likely desire lines and the need for reallocation of road space where a road has been by-passed, which the RIRR will achieve to an extent. Further information was requested with the response detailing proposed and future connections to/ from and within the development site. The third-party appeals refer to the loss of access over Tinakilly Avenue which is to be severed to facilitate the development of the RIRR.
- 8.6.2. RIRR: I have already reported on the crossing/ severing of Tinakilly Avenue. The completion of the RIRR will improve road safety as well as providing for high quality cycle/ pedestrian routes to this side of Rathnew. The roundabout junction with the R761/ R750 is already in place to the north west of the site and the southern section of the RIRR is under construction as part of the development to the south of the site. The proposed development will complete this road, which is an objective of the Wicklow-Rathnew Development Plan 2013 – 2019.
- 8.6.3. The Planning Authority included Condition 11 (a to f) in their decision to grant permission and a similar condition would be appropriate if permission is granted. This would ensure that the RIRR is completed prior to the occupation of the 108<sup>th</sup> residential unit in Phase 1, and the pedestrianisation of Tinakilly Avenue be complete prior to the opening of the relief road.
- 8.6.4. Layout: The internal road layout is clearly orientated such that the RIRR provides the main spine through the site and the residential cul-de-sacs are located off this. The road layout has regard to the topography of the site but also ensures the protection of

the easternmost section of Tinakilly Avenue, through not providing direct links between the new residential streets and it. The layout is similar to that of the site to the south of Tinakilly Avenue, and I not in particular the houses facing onto their own street in front of the RIRR. I am satisfied that this will be acceptable considering the topography of the site and proposed landscaping.

- 8.6.5. I am generally satisfied that the internal layout of this scheme allows for good permeability for pedestrians and cyclists, and this is demonstrated through a number of drawings and the DMURS Report provided by the applicant. Drawing A034-CSC-ZZ-XX-DR-C-0034 – Road Hierarchy and Pedestrian Permeability clearly demonstrates the proposed pedestrian routes within the site and to/ from Tinakilly Avenue and the RIRR. Opportunities exist for the future provision of links between the site and the lands to the east such as from the eastern most point of Road 12. The internal road layout will ensure that a low-speed traffic environment will be provided here.
- 8.6.6. I note the comments of the NTA and any works to be undertaken on the R750 to the west of the site would be outside of the control of the applicant and for the Local Authority to undertake. A cycle track and reasonably good pedestrian facilities are provided along the R750 and which also functions as the main bus corridor in and out of Wicklow town. The RIRR functions as a relief road to this corridor and not as a replacement road.
- 8.6.7. **Parking:** Adequate car parking is provided to serve the proposed houses with most spaces in curtilage to the front of the units. Visitor parking is provided throughout the site area. Parking for the apartments is also acceptable and I also consider that adequate bicycle parking is provided for the apartments. The provided bicycle storage areas are covered, secure and accessible to the relevant apartment units.
- 8.6.8. **Conclusion on Traffic and Car Parking:** I am satisfied that the proposed road layout and access points are acceptable. The RIRR is an objective of the Wicklow-Rathnew Development Plan, and the proposed development will provide for the completion of this road and improve access/ road safety in the area. In general, pedestrian and cyclist provision are good within and to/ from the subject site.
- 8.7. **Water Infrastructure and Flood Risk**

- 8.7.1. Water supply and foul drainage: No report was received from Uisce Éireann in relation to water supply and foul drainage. I note that Appendix B of the 'Engineering Planning Report' prepared by CS Consulting Group includes a 'Confirmation of Feasibility' and a 'Statement of Design Acceptance' from Uisce Éireann. This indicated that connections to the water network can be made without upgrades by Uisce Éireann and wastewater connection is feasible subject to upgrades to a pumping station and some other works. I am satisfied that the development can be connected to the public foul drainage and water supply systems.
- 8.7.2. Surface Water Drainage: The applicant has provided full details of their proposed surface water drainage system. They have provided sufficient details to demonstrate that all storm water outfall locations for the development are within the development site. Drawing A034-CSC-ZZ-XX-DR-C-0053 indicates the location of proposed ponds and other details of the surface water drainage system.
- 8.7.3. The surface water drainage system has been designed for a 1 in 100-year rainfall event and also provides for a 20% climate change factor. I am satisfied that the applicant has demonstrated that a suitable surface water drainage system can be provided to serve this development.
- 8.7.4. Flood Risk: JBA Consulting have prepared a 'Tinakilly FRA Flood Risk Assessment' for this location. This is in accordance with 'The Planning System and Flood Risk Management Guidelines, 2009'. In summary, there is no history of flooding here, though a site 150 m to the south-west of the site does suffer from a recurring flood event. The site is located to the west of an area which is susceptible to groundwater flooding. No flooding events were recorded on the subject site. Concerns were raised by third parties about flooding, but these appear to be localised events and may not be relevant to this site.
- 8.7.5. The lands that contain the residential element of the development are located in flood zone C. The section of the relief road that crosses the Rathnew watercourse is located within a floodplain – this is within flood zone A/ B. Parts of the open space to be provided are within flood zone A/ B, this is zoned as such having regard to previous flood assessments. Whilst this section of the site is impacted by Fluvial flooding, the site is not impacted by Tidal or Groundwater flooding. Suitable surface water drainage measures will be provided to address potential pluvial/ surface water flooding. The

proposed access road to the development is not at risk of flooding and use of 'Greater Dublin Strategic Drainage Study' design standards will ensure that on-site drainage can accommodate stormwater events with discharge to greenfield rates.

8.7.6. **Conclusion on Water Infrastructure and Flood Risk:** From the submitted information and the available information, I am satisfied that the risk of flooding on site is low and that that the proposed development will not adversely affect adjoining lands. The subject lands are located within Flood Zone C and Wicklow County Council did not raise any issues of concern regarding flooding. The proposed development will provide for a comprehensive SUDs scheme ensuring that surface water run-off is at a greenfield rate.

## 8.8. Other Matters

8.8.1. **Archaeology:** Chapter 12 of the EIAR considers the impact of the development on 'Architectural, Archaeological and Cultural Heritage'. This was prepared by IAC Archaeology; no other archaeological impact assessment was undertaken. In summary, one recorded monument is known within the proposed development area. This was first identified by geophysical survey and confirmed by archaeological testing in 2022 and was added to the SMR in July 2023. It is scheduled for inclusion in the next revision of the RMP as an enclosure; however, archaeological investigation has confirmed that this feature is likely to be a barrow of Bronze Age date.

8.8.2. There are a further six archaeological sites within the 500 m study area of the subject development, all of which are scheduled for inclusion in the next revision of the RMP. A number of these will be impacted by the development and these will be subject to preservation by record requiring a full archaeological excavation.

8.8.3. The Department of Housing, Local Government and Heritage noted that no archaeological impact assessment was undertaken, however they also noted the information provided in Chapter 12 of the EIAR. It is recommended that a condition, provided by the Department, be included in the event that permission is granted; this is a standard condition requiring the employment of an archaeologist on site and that development may stop if archaeological material is found during the course of monitoring. The Planning Authority raised no issues of concern.

8.8.4. **Conclusion on Archaeology:** I note the submitted reports and I agree with the recommendation of the Department of Housing, Local Government and Heritage in

respect of the inclusion of a condition. The proposed development will not have a negative impact on archaeology which may be located within the site.

## 9.0 Appropriate Assessment (AA)

9.1 I have considered the proposed residential development of 352 units and a section of the Rathnew Relief Road in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by Scott Cawley on behalf of the applicant and the objective information presented in that report informs this screening determination.

9.2 Following an examination, analysis and evaluation of all available, relevant information and in view of best scientific knowledge, and applying the precautionary principle, it can be concluded that there is the possibility for significant effects on the following European sites, in the absence of mitigation either arising from the project alone or in combination with other plans and projects, as a result of habitat loss/ fragmentation, habitat degradation as a result of hydrological impacts, habitat degradation as a result of introducing/ spreading non-native invasive species, and disturbance/ displacement during the construction/ operational phases of the development:

- Wicklow Mountains SAC,
- The Murrough Wetlands SAC
- The Murrough SPA

A Stage Two Appropriate Assessment was required, and the applicant prepared/ submitted a Natura Impact Statement (NIS) in support of the development. Full details of my assessment are provided in Appendix 1 attached to this report.

9.3 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA.



#### 9.4 Overall Conclusion- Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information,

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA.

Full details of the Appropriate Assessment are provided in Appendix 2 attached to this report.

## 10.0 Environmental Impact Assessment (EIA)

10.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

10.2 The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000, as amended and Schedule 5 of the Planning and Development Regulations 2001 as amended.

10.3 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

10.4 The proposed development is described and consists of 352 residential units in the form of 220 houses and 132 apartment units and a section of the Rathnew Relief Road, in Tinakilly, Rathnew, Co. Wicklow. The site is adjacent to Tinakilly House, which is listed on the Record of Protected Structures, but no development is to take place within the grounds of this house. The subject site area is 16.8 hectares, and the net site area is given as 10 hectares. The subject lands are zoned in accordance with the Wicklow-Rathnew Development Plan 2013 – 2019.

10.5 The proposed development therefore requires mandatory EIA, and an EIAR has been submitted with the application. This has been prepared by Brock McClure Planning and Development Consultants with support from specialists. The contributors/ specialists

are listed in Table 1.1 of the EIAR in relation to the relevant chapter that they contributed to and full details of the contributors are detailed in Section 1.8 – ‘EIAR Project Team’.

10.6 The EIAR is set out as follows:

Volume 1 – EIAR Non-Technical Summary

Volume 2 - Volume II: Environmental Impact Assessment Report

The following chapters are included in the EIAR

1. Introduction
2. Description of Development
3. Planning and Development Context
4. Alternatives
5. Population and Human Health
6. Land, Soils, Geology and Hydrogeology
7. Hydrology
8. Biodiversity
9. Air Quality and Climate
10. Noise and Vibration
11. Landscape and Visual Impact Assessment
12. Architectural, Archaeological and Cultural Heritage
13. Traffic and Transportation
14. Waste Management
15. Material Assets
16. Cumulative Impacts
17. Interrelationships

Volume III: Environmental Impact Assessment Report (EIAR) – Appendices 11A – 14A, 6A – 8F.

- 10.7 Chapter 1 includes an overview of the development, the need for/ purpose of EIA, EIA Methodology including a list of relevant legislation/ guidance, possible outcomes, details on consultation/ scoping, EIAR process, structure of the EIAR, and a list of the EIAR project team and relevant surveys is also provided. A 'Description of Effects' is provided in Section 1.9. Section 1.10 provides 'Site Selection and Consideration of Alternatives'. No difficulties were encountered in the compilation of the required information in order to prepare the EIAR.
- 10.8 Chapter 2 provides a more detailed project description, details on the site environment/ location/ adjoining lands and details on the available services/ infrastructure on/ adjoining the site. The site is located within Flood Zone C and full regard has been had to climate change. Characteristics of the Construction and Operation Phases in provided in Section 2.6.
- 10.9 Chapter 3 provides a detailed overview of relevant 'Planning and Development Context'. This identifies relevant national policy and guidance and indicates how the proposed development will comply with the relevant policy/ guidance. The Wicklow County Development Plan 2022 – 2028 is the statutory plan for the County, and as the lands are zoned for residential/ open space uses, the proposed development is in accordance with the land use zoning that applies here. The Wicklow-Rathnew Development Plan 2013 – 2019 is the operative plan for these lands; the plan was due to be replaced but as this has not happened to date, it remains in force. An 'Action Area Plan' prepared by the applicant was submitted to Wicklow County Council and approved in September 2021. Details of the relevant land use zonings are provided in Section 3.4.2. of the EIAR. Open space provision has been agreed between the applicant and Wicklow County Council.

### **Consideration of Alternatives**

- 10.10 Chapter 4 provides the consideration of alternatives in accordance with Annex IV (2) of the EIA Directive (2014/52/EU) and Schedule 6 of the Planning and Development Regulations, 2001 as amended. The main alternatives considered were:
- Alternative Locations: The subject lands are suitably zoned for the development as proposed. The developer has experience of constructing other residential schemes

in the area. A number of considerations went into the design/ layout of this scheme including topographical surveys, ecological assessments, and test designs for the layout. The site is located on lands planned for residential development and adjoins a similar scaled development to the south of the subject site. No alternative locations were considered in this case.

- Alternative Designs and Layouts: A number of alternative layout designs were considered in the design process. Three options are detailed in the EIAR and Option 3 was progressed to the application stage.
- Do Nothing Alternative: This would result in the site remaining undeveloped and would be contrary to Wicklow County Council's objective for the site.
- Alternative Processes: Not relevant considering the nature of this development.

#### **The Likely significant direct and indirect effects of the proposed development**

10.11 The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters, in the order provided in the EIAR, which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Biodiversity (Flora and Fauna)
- Land, Soil, Water, Air and Climate
- Material Assets, Cultural Heritage and the Landscape
- Interactions
- Mitigation and Monitoring

10.12 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR, and supplementary information provided by the applicant, adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2001, as amended; I have prepared a table to demonstrate this. Each chapter

demonstrates the competency of the assessor, relevant guidance that they have considered, and the assessment criteria. No specific chapter refers to Major Accidents and Disasters, but I am satisfied that relevant likely incidents/ events are assessed in the relevant chapters such as Population and human health, Traffic and Transportation and Material Assets.

**Table: Article 94 Compliance**

| The information specified in Paragraph 1 of Schedule 6 |  |  |
|--|--|--|
|  | Description of proposed development:<br>Site, design, size and other relevant features                         | See Chapter 2. This includes details on the site, design, size and relevant features. The description is adequately detailed to allow assessment of the likely effects on the environment. |
|  | Likely significant effects on the environment  | See Chapters 5 - 17. Each of these chapters describes the relevant significant effects on the environment  |
|  | Design and mitigation measures to avoid, prevent and reduce significant adverse effects                        | See Chapters 5 - 17 and associated appendices. I am satisfied that the mitigation measures are sufficient to minimise the environmental effects  |
|  | Reasonable alternatives and main reasons for the option chosen, taking into account effects on the environment | See Chapter 4. The main alternatives would be in terms of location and design/ layout. The site is suitably zoned and the layout is determined by  |

|  |  |   |
|--|--|---|
|  |  | geography, topography, archaeology and planning requirements.   |
| Any additional information specified in Paragraph 2 of Schedule 6 relevant to the specific characteristics of the development concerned and the environmental features likely to be affected and methods of assessment |  |   |
| (a) Description  | Description of location  | See Chapter 3   |
|  | Physical characteristics including where relevant demolition and land use requirements during construction and operation | See Chapter 4.<br>Please note that there is no demolition involved.   |
|  | Main characteristics of the operational phase  | The development of a residential scheme of 352 units in the form of house and apartments and all associated site works. Also the development of the Rathnew Inner Relief Road between Tinakilly Avenue and the R761 roundabout. |
| (b) Reasonable Alternatives  |  | See Chapter 4. The main alternatives would be in terms of location and design/ layout. The site is suitably zoned and the layout is determined by geography, topography, archaeology and planning requirements.                 |
| (c) Baseline scenario and 'Do Nothing'   |  | The baseline context is provided. The 'Do-Nothing'  |

|   |   |  |
|---|---|--|
|   |   | scenario would leave the lands in agricultural use, therefore not complying with the objectives of the Wicklow County Development Plan 2022 – 2028 and the Wicklow-Rathnew Development Plan 2013 – 2019. |
| (d) Factors likely to be significantly affected | Population and human health   | See Chapter 5  |
|   | Biodiversity  | See Chapter 8  |
|   | Land, Soils, Geology and Hydrogeology                                 | See Chapter 6  |
|   | Traffic and Transportation  | See Chapter 13   |
|   | Hydrology   | See Chapter 7  |
|   | Air Quality & Climate   | See Chapter 9  |
|   | Waste Management  | See Chapter 14   |
|   | Material Assets   | See Chapter 5  |
|   | Noise and Vibration   | See Chapter 10.  |
|   | Architectural, Archaeological and Cultural Heritage                   | See Chapter 12.  |
|   | Landscape and Visual Impact Assessment                                | See Chapter 11.  |
| (e) Significant effects                         |   | See Chapters 5 - 15  |
| (i) Description of:                             | (I) Construction and existence of proposed development and demolition | See Chapter 13   |



|                                 |   |  |
|---------------------------------|---|--|
|                                 | (II) Use of natural resources                                 | See Chapter 6 and 7  |
|                                 | (III) Emissions   | See Chapter 9 and 10   |
|                                 | (IV) Risk from accidents or disasters                         | See Chapter 5 – 10, and 13.  |
|                                 | (V) Cumulative effects with existing or approved developments | Considered under main chapter headings                                     |
|                                 | (VI) Impact on Climate and vulnerability to Climate Change    | See Chapter 9  |
|                                 | (VII) Technology and Substances used                          | See Chapter 3  |
| (ii) Likely Significant Effects | Direct  | Considered under main chapter headings                                     |
|                                 | Indirect / Secondary  | Considered under interactions  |
|                                 | Cumulative  | Considered under main chapter headings                                     |
|                                 | Transboundary   | Not relevant   |
|                                 | Short term  | Most effects are temporary or short term                                   |
|                                 | Medium Term   | Not generally relevant   |
|                                 | Long Term   | Considered under Chapters 5, 11 and 13.                                    |
|                                 | Permanent   | Permanent development of the site including the Rathnew Inner Relief road. |
|                                 | Temporary   | Construction effects are temporary or short term, operational effects are  |

|  |          |  |
|--|----------|--|
|  |          | permanent and generally positive.  |
|  | Positive | Development of new housing, part of the relief road and biodiversity is enhanced through the landscaping plan. |
|  | Negative | Most effects are temporary or short term.  |
| (f) Forecasting methods, evidence, difficulties encounters and main uncertainties  |          | Yes  |
| (g) Measures to avoid, prevent, reduce or offset adverse effects, monitoring during construction and operation   |          | Yes  |
| (h) Significant adverse effects arising from vulnerability to risks of major accidents and/or disasters, mitigation measures and preparedness and response to emergencies arising from such events |          | No   |
| Non-Technical Summary  |          | Yes – the Non-Technical Summary accurately reflects the chapters in the main volume                            |
| Reference list of sources  |          | This is provided for each chapter  |
| List of experts and their competence   |          | This is provided for each chapter  |

I conclude that the EIAR complies with Article 94 of the Planning and Development Regulations, 2001, as amended.

10.13 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out already in this report. This EIA has had regard to the application documentation, including the EIAR, the observations received, and the planning assessment completed above.

10.14 Consultations: Details of the consultations carried out by the applicant as part of the preparation of the application and EIAR are set out in the documentation submitted and these are considered to be adequate. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

10.15 Assessment of Likely Significant Direct and Indirect Effects: My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made during the course of the application, together with my site visit.

### **Population and Human Health**

10.16 Chapter 5 has been prepared by Brock McClure. The technical chapters within the EIAR have also been reviewed by the applicant when assessing the likely effects on population and human health. Relevant chapters include those relating to Land, Soils, Geology and Hydrogeology (Chapter 6), Hydrology (Chapter 7), Noise and Vibration (Chapter 10), Landscape Visual Impact Assessment (Chapter 11) and Traffic and Transport (Chapter 13).

10.17 The Methodology is provided under Section 5.2 and consideration of census data is undertaken within this section of the EIAR. The most recent Census data is from 2022, though small scale/ electoral division data was not available from this census and some 2016 data is used throughout this chapter. The following sections are noted:

- Section 5.3 – Population describes the receiving environment for the subject lands. Urban Population for the Wicklow town area only increased by 1 person between 2011 and 2016 but Wicklow Rural increased by 9.9% over the same period. Extensive details are provided on population trends including growth rates, age profile, and household size. A summary of the Characteristics of the Proposal is

provided in Section 5.3.2. The Potential Impact of the Proposal is considered under Section 5.3.3. of the EIAR. The Construction Phase will have no impact on the existing population as the process is finite and the workforce will not live on site. The Operational Phase will result in an increase in population by approximately 1008 persons, provide for improved housing stock and have a positive impact on demography/ the future economy of the area. Do-nothing impacts would result in stagnation of residential development in the area and would not meet the objectives of the Wicklow-Rathnew Development Plan.

- Section 5.3.4 Remedial and Reductive Measures, none are considered necessary during the construction and operational phases of the development. Under Section 5.3.5 Predicted Impact of the Proposal it is stated that the development will give rise to an population increase of approximately 764 persons; I note that this figure is different to that provided earlier in this chapter with a rise in population of 1008 persons expected.
- Section 5.4 considers Employment and Land Use. Details of population trends nationally and in Co. Wicklow are outlined. Details of existing retail provision is provided. The proposed development will give rise to employment opportunities during the construction phase and the increase in population will provide for job security/ new posts in the local economy. No Remedial or Reductive Measures are necessary in relation to employment.
- Section 5.5 considers Land Use and Social Patterns and in terms of educational facilities there is adequate capacity in primary and post primary schools to serve the potential increase in population. There is no requirement for additional educational facilities to serve this development. It is proposed that childcare facilities will be available in the permitted mixed-use development in Broomhall Business and Enterprise, which is within 300 m of the entrance to the subject site. A list of available community/ social facilities and open space locations is provided. The proposed development will provide for a substantial area of open space available for public use. There will be an increased demand for resources/ services/ the available facilities as a result of the operational phase of the development. The increase in

population will support the viability of existing services/ facilities in the area. Standard measures will be undertaken during the construction phase to ensure that the local population is not impacted, and the operational phase impacts will be an increase in population/ demand on services, however no remedial measures are required during this phase.

- Health and Safety: Potential for dust during the construction phase, measures outlined in the Construction and Environment Management Plan will be deployed to address this. The provision of part of the Rathnew Relief Road will provide for improved traffic flow in the area and there will be improvements to surface water drainage in the area.
- Traffic Congestion: Construction based traffic will be temporary in nature and the operational phase benefits include the provision of new/ improved cycle/ pedestrian facilities in the area. Interactions are considered here, and it is reported that there will be no significant adverse effects on the environment. Suitable mitigation measures will be deployed. Most monitoring measures will be included through other non-planning codes.

10.18 Submissions and Observations: Third parties made reference to a lack of services in the area. Request was made for community gardens to serve the future needs of the area. Welcome was made for the provision of housing in this area.

10.19 Assessment: The submitted information demonstrates that the proposed development as submitted will not negatively impact on Human Health. The submitted EIAR indicates that the development will provide beneficial impacts through the provision of housing within an area with a need for housing, which in turn will give rise to an increase in population, in addition to facilities including public open space, improved sustainable forms of traffic, a section of the Rathnew Relief Road and improvements to surface water drainage.

10.20 I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. The mitigation measures are detailed in other chapters of the submitted EIAR. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts on public health.

## **Land and Soil**

10.21 Chapter 6 was prepared by CS Consulting. The Study Methodology is provided under Section 6.3. Intrusive site investigation was undertaken in July and August 2022 in support of the preparation of this section of the EIAR, findings are provided in Table 6.2 in Section 6.4. Section 6.4 provides details of the Receiving Environment, including Site History, Surrounding Land Uses summarised in Table 6.1, Regional Soils and Geology and Regional Hydrogeology. The site is approximately 29.65 m OD at its highest point and falls to the north west to 8 m OD. The classification of the following features are reported:

- Soils - Urban (Teagasc Database)
- Geology – Maulin Formation, formation comprising of dark blue-grey slate, phyllite & Schist (GSI Database).
- Aquifer – Bedrock Aquifer, Locally Important and moderately productive in local zones. Regional groundwater flow is to the east discharging to the Irish Sea (GSI Database).
- Aquifer Vulnerability – Moderate (GSI Database).
- Groundwater Recharge Calculations – There are no wells on/ within 1 km of the site.
- Surface Water Bodies – The Rathnew Streams forms the northern boundary of the site, and the Rossana Lower Stream joins to the north west corner. The Rathnew Stream flows north east to the Broadlough Estuary and into the Irish Sea at Wicklow Harbour.
- Geological Heritage Areas – There are none known in the area.
- Sensitive Features – 450 m to the east of the site are Murrough Wetlands SAC and Murrough SPA.
- Licences and Permits – None apply to these lands.
- Historic Contamination – There are no records of any such contamination.
- Made Ground – No evident of this.

- Natural Soils – Were encountered to an average depth of 0.4 m.
- Cohesive Deposits – Two deposits were encountered, upper deposits of brown sand/ gravelly clay with cobbles/ boulders and lower cohesive deposits encountered beneath the granular deposits and were described typically as brown sandy or very sandy gravelly clay with occasional cobbles and boulders.
- Granular Deposits - Two granular deposits were encountered, brown gravelly silty fine to coarse sand with occasional cobbles and rare boulders or a grey/black slightly sandy clayey sub-rounded fine to coarse gravel with clay and silt lenses.
- Bedrock – Was not encountered during the site investigations.
- Soil Contamination – No record of this.
- Tidal Influence – Too far from the coast to be an issue.

10.22 Potential Impact of the Proposed Development are considered under Section 6.5 of the EIAR. During the Construction phase, materials (approximately 34,000 m<sup>3</sup>) will be imported to the site, earthworks will take place, temporary storage of fuels and drainage measures will be put in place. Concrete will be used on site including for foundations; the effect on groundwater is considered to be imperceptible/ not significant. Construction traffic may give rise to accidental spills/ leaks, the potential effects are considered to be temporary/ moderate/ slight negative. No issues of concern arise in relation to geological/ hydrogeological environmental impacts at both construction and operation phases.

10.23 Section 6.6 considers 'Ameliorative, Remedial or Reductive Measures' and a list of suitable measures are provided in Section 6.6.1, including limiting hours of operation/ use of equipment, stockpiling of materials in appropriate locations, maintenance of equipment/ roads etc. Section 6.6.2 provides details on 'Excavation of Subsoil Layers' and includes information on asbestos, dust, odours and contaminants. Section 6.6.3 provides details on 'Construction Traffic, Accidental Spills and Leaks'. No mitigation measures are required for the operational phase of this development.

10.24 Section 6.7 - 'Predicted Impact of the Proposed Development' with impacts during the Construction Phase expected to be imperceptible subject to the use of appropriate mitigation measures. At Operational Phase, impacts may be permanent, Moderate

Positive effect. Monitoring will be undertaken as required. Section 6.10 considers 'Interactions and Potential Cumulative Impacts. During the construction phase there will be increased traffic in the area, a temporary attenuation pond for stormwater will be provided for (detailed in Chapter 8 of the EIAR), waste management is further detailed in Chapter 14 of the EIAR and there will be an increase in noise and vibration due to the proposed development, this is further detailed in Chapter 10 of the EIAR. Dust and odours due to piling will be generated and details are provided in Chapter 9, Flora and Fauna details are in Chapter 6 and no cumulative impacts on ground levels, land, soils and groundwater are expected.

10.25 Submissions and Observations: No issues of concern were raised.

10.26 Assessment: The submitted information fully assesses the impact of the development on land, soils, geology, and hydrogeology. The site is located on lands zoned for residential development, which are in agricultural use. Similar residential development is underway on the lands to the south of the site and other sites in the area have undergone recent development. Whilst dust, earthworks and construction will take place, this will be short term and will result in the comprehensive development of the site providing for SUDs measures that will benefit the wider area.

10.27 The proposed mitigation measures are noted, though I would consider these to be standard practice for a development of this nature within such an environment. I am therefore satisfied that the proposed development would not have any unacceptable impact on land and soil.

### **Hydrology**

10.28 Chapter 7, 'Hydrology' has been prepared by CS Consulting. Section 7.2 provides details on the Methodology used in the assessment of this chapter of the EIAR. A number of sources were used to inform the preparation of this chapter including a Site-specific Flood Risk Assessment prepared by JBA Consulting, OPW mapping and flooding information, EPA and Wicklow County Council information. Section 7.3 provides details on the Baseline Environment and provides details on surface water/foul drainage and water supply. Details of the 'Proposed Storm Water Arrangements' are provided in Section 7.4.1. the greenfield runoff is provided here, with further details



in Appendix 7A. Section 7.4.2 provides the 'Proposed Foul Drainage Arrangements' and a new network will be required to serve this development and connect into the public system. This, as with the water supply, will utilise new services in place along the Rathnew Inner Relief Road under construction to the south of the site. Section 7.5 provides details on 'Exiting Flood Risk' with further details in Appendix 7B, 7C and 7D.

10.29 Section 7.6 considers the 'Potential Impacts of the Proposed Development':

Construction Phase Impacts –

- Potential for sedimentation due to ground works and pollution from machinery, use of concrete/ chemicals, however proposed mitigation measures will be employed on site. Impact is low, short term and not significant.
- Surface water may contain increased silt etc. Without mitigation the impact would be slight and temporary adverse.
- Heavy rainfall could give rise to flooding; the impact would be potential moderate, temporary adverse.
- Wash water from vehicles could contaminate groundwater. In the absence of mitigation measures the impact would be short term temporary, moderate adverse.

Operational Phase Impact -

- The development will give rise to increased demand on water services – foul and water supply. The land is suitably zoned for residential development and the demand for services would be planned for. There is a potential for surface water to enter the foul drainage system which would increase the loading on the system, and there is a potential for leakage from the system with a chance of groundwater contamination.
- The increase in hardstanding could give rise to pluvial flooding on site and fluvial flooding downstream. The development of the relief road could alter surface water flows where the road crosses the Rathnew Stream.

Mitigation Measures – Construction Phase:

- Full details of mitigation measures are provided in the Construction Surface water Management Plan prepared by CS Consulting. Details are also provided in Section

7.7.1 of the EIAR, most of which are standard measures taken in a development of this nature.

#### Mitigation Measures – Operational Phase:

- No specific measures are required to mitigate onsite fluvial or tidal flood risk.
- The bridge and culvert over the Rathnew Stream have been designed to ensure that the flow of the stream is not impacted through obstruction.
- Suitable SuDS measures are utilised throughout the design of this development.
- Suitable attenuation storage is provided and designed to cater for 1 in 100 years storm events whilst considering climate change with a 20% allowance built in. Full details are provided in the EIAR with additional SuDS measures also outlined.

#### Residual Impacts – Construction Phase:

Whilst a number of issues have been identified, the proposed mitigation measures will address such issues and the residual impact is considered to be low, short duration and not significant.

#### Residual Impacts – Operational Phase:

- Potential for oil/ fuel leaks from vehicles parked on site, however interceptors such as permeable paving and petrol interceptors will be installed.
- There will be a reduction in spare capacity in water supply and foul drainage, however the lands have been zoned for this form of development with an expectation that there will be a demand on services.

#### Residual Impacts – Flood Risk:

- The site is at negligible risk of flooding and suitable measures have been provided to address on-site and off-site sources of flooding. The potential impact is characterised as long-term, adverse in nature but not significant.

#### Monitoring:

- Regular maintenance will be undertaken of the surface water and foul drainage systems.

- Water supply/ leaks will be monitored by water meters installed on site by Uisce Éireann.

Interactions:

- An interaction is identified between the provision of surface water for the development and water quality of Broadlough Estuary. The provision of mitigation measures will ensure that there are no adverse effects on this estuary during the construction and operational phases of the development.

Monitoring:

- Notes the development to the south of the site and the waste management demand from the combined two developments.
- The cumulative effects of these two developments in terms of water supply, surface water drainage and foul drainage are deemed to not be significant.

10.30 Submissions and Observations: Third Party submissions referred to potential flooding but the flood risk assessment submitted in support of this application and the information provided in this chapter demonstrate that the proposed residential development is located within Flood Zone C and that the proposed development will not give rise to flooding of adjoining properties.

10.31 Assessment: The proposed development is for a residential scheme and a section of the Rathnew Relief Road on suitably zoned lands, located within the plan area of the Wicklow-Rathnew Development plan and appropriate for this form of development. Suitable mitigation measures are proposed that address any concerns in relation to the construction phase and operation phase of the proposed development. Full regard has been had to potential cumulative impacts arising primarily from a similar development to the south of the site.

10.32 I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Water.

## **Biodiversity**

10.33 Chapter 8 considers the impact of the development on Biodiversity and this chapter was prepared by Scott Cawley Ltd. with full details of the authors provided within Section 8.2 – Study Methodology. The Zone of Influence (ZOI) is identified in Section 8.2.2 of the EIAR. Desk Study/ relevant references are provided in Section 8.2.3 and Field Study Methodology, including survey types/ dates is provided in Section 8.2.4 of the EIAR. Section 8.3 provides ‘The Existing Receiving Environment (Baseline)’ and notes the mostly agricultural lands but also the presence of the Rathnew Stream and Tinakilly House to the east. Figure 2-3 locates the ‘European sites in the vicinity of the proposed development site’ and Figure 2-5 locates the ‘Waterbodies in the vicinity of the proposed development site’. 12 pNHAs are located within 15 km of the subject site and are located on Figure 2-6.

10.34 Two rare/ protected species may be located within 2 km of the subject site; however no Annex II flora species have been identified through the desktop study. Table 11.5 provides details on the ‘Records of protected, red-listed or notable flora returned from the NBDC and NPWS databases’. Non-native Invasive Flora are found in the area and on/ adjoining the subject site. Figure 2-9 identifies ‘Habitats recorded within the proposed development site boundary.’ A description of the habitats is provided in the EIAR – the site consisting of Depositing/ lowland rivers (FW2), Scrub (WS1), Treelines (WL2), Hedgerows (WL1), Wet grassland (GS4), Drainage ditch (FW4), Amenity Grassland (GA2), and Arable crops (BC1).

10.35 In terms of Fauna the following is reported:

- Otters are recorded in the area and evidence of them was found in surveys. It is reported ‘the local otter populations are considered to be of International Importance, as they have the potential to be associated with the Wicklow Mountains SAC QI populations due to its proximity to the proposed development site’ and they may travel between sub-catchments.
- A badger sett was recorded towards the centre of the subject site within a treeline. Whilst they are protected under the Wildlife Acts, due to their stable Irish populations, they are considered to be of ‘Least Concern’ in terms of conservation objectives.

- Bats have been recorded within 2 km of the subject site and they are expected to forage and commute within/ through the subject site. The bat activity surveys that were undertaken recorded four bat species: common pipistrelle, soprano pipistrelle unidentified pipistrelle, Leisler's bat and brown long-eared bat. These were found to be foraging and commuting within the subject lands.
- Other small mammals are recorded within 2 km of the site and full details are provided in the EIAR. On-site activity was low due to the nature of the existing site layout. Invasive species such as grey squirrel and bank vole were recorded in the area. Marine mammals are located within 2 km of the site, though the site does not provide for suitable habitats for them, the site is hydrologically connected via the surface water network to their marine habitats towards Wicklow town/ harbour.

10.36 In terms of birds the following are reported:

- All wild birds are protected under the Wildlife Acts.
- A range of breeding birds are identified in the EIAR, with their location provided in Figure 2-13.
- The wintering birds survey found very little activity on site and their locations are provided in Figure 2-14.
- No active raptors nests were recorded within 500 m of the subject site, though raptors were recorded during the surveys.

10.37 Amphibians and Reptiles:

- No common frogs were recorded on site, however their presence cannot be ruled out.
- No newts were recorded on site and relevant databases did not indicate that they would be found in this area.
- One record was returned for the common lizard within 2 km of the subject site.
- The European Eel has been recorded in the Rathnew Stream, within 50 m of the subject site.
- A number of fish types are to be found in the Broadlough and watercourses in the area.

- The NBDC database returned records for three protected and/ or rare invertebrate species, within approximately 2 km of the subject site, of which, the small blue butterfly, is listed as endangered; the small heath butterfly and the large red-tailed bumble bee are listed on the Red List.
- Section 8.3.5 provides a 'Summary of Ecological Evaluation'.

10.38 The proposed construction phase is expected to take 48 months and phasing will be on the following basis:

- Phase R1 – south-east section of Rathnew Inner Relief Road within application boundary.
- Phase R2 – final north-western section of Rathnew Inner Relief Road within application boundary.
- Phase 1 – Infrastructure to serve 217 no. residential units.
- Phase 2 – Infrastructure to serve 76 no. residential units.
- Phase 3 – Infrastructure to serve 59 no. residential units.

10.39 Section 8.5 provides the 'Potential Impact of the Proposed Development':

Construction Phase Impacts on Designated Sites:

- European sites are assessed in the AA Screening Report/ Natura Impact Statement prepared by Scott Cawley Ltd in support of this application. In conclusion, the conservation objectives of designated sites would be potentially affected without the provision of suitable and identified mitigation measures.
- The proposed development does not overpay with any designated national site and the Murrough pNHA is the nearest at within 440 m east of the subject site. There is a hydrological connection with the Murrough through the Rathnew Stream and risks are associated with the development of the Rathnew Inner Relief Road over this watercourse.
- Disturbance and displacement of fauna species could occur during the construction phase of this development and bird could be displaced up to 300 m due to noise levels associated with the development.
- Dust could impact designated sites, however the 440 m separation distance should provide for an adequate buffer to ensure that this is not an issue of concern.

#### Construction Phase Impacts on Habitats:

- The County Development includes specific objectives that seek to protect habitats including woodlands, trees and hedgerows. The EIAR notes Objectives NH1, NH12, NH17, NH18 and NH19. Appendix 8A of the EIAR provides details on relevant policies and objectives of the Wicklow County Development Plan 2022 – 2028.
- The following habitats are of a local importance:
  - Depositing lowland rivers (FW2) – approx. 870 m
  - Scrub (WS1) – approx. 1.23 ha
  - Treelines (WL2) – approx. 1100m
  - Hedgerows (WL1) – approx. 560m
  - Wet grassland (GS4) – approx. 0.36ha

Sections of these are proposed for removal to facilitate the proposed development. The area impacted is small and the loss of habitat type is significant though only at the local scale.

- There is potential during the construction phase for water degradation through accidental spillage or a pollution event, which in turn would impact on water quality. The potential for this is unlikely and if it did occur, it would be temporary and imperceptible in nature. Mitigation measures are proposed to address any such occurrences. There is potential for a silt/ sediment to enter watercourses, and which may over time reach the Broadlough.
  - Adverse effects to groundwater may impact on habitats including within wetland areas. As reported in the EIAR, ‘The potential effects upon the existing hydrogeological regime are not necessarily limited to habitats within the proposed development boundary but can be far-reaching, with significant negative long-term effects.’ As reported in Chapter 6 of the EIAR, impacts to the aquifer and or the existing groundwater regime are not expected due to the nature of the proposed development. Surface water interaction may impact on groundwater, though impact is considered to be negligible. Suitable mitigation measures will be provided here.
  - During the construction phase there is the potential for dust to be generated, though impacts on habitats is unlikely due to the temporary and short-term nature of

this phase of the development. Suitable mitigation measures are proposed to address such issues.

- Suitable Mitigation Measures will be taken to address Non-Native Invasive Plant Species on site, or which may adjoin the site.
- Appropriate measures will be taken to ensure that Fauna are protected as appropriate on site. The construction phase will impact on the available habitat to badgers, but the landscaping plans will provide for suitable habitat and there are abundant areas outside of the subject site. Otters are found in the Rathnew Stream and will not be directly impacted by the development; their breeding sites will not be impacted.
- Impact on water quality could affect habitats and food sources. Suitable mitigation measures will be employed to address such potential occurrences. Similarly suitable measures will be taken to ensure that artificial light sources do not impact on Otter habitats.
- Bats may be impacted by tree/ vegetation removal/ works, though habitat loss will be short-term significant negative effect though at a local scale only. The introduction of artificial light sources may also impact bats though suitable measures will be taken to address this.
- The nature/ location of the proposed development is such that it will not result in a significant impact on small mammals within the area.
- Marine mammals will not be impacted by this development due to the lack of habitats within the subject site. Direct and indirect impacts to Marine Mammals may occur through surface water pollutants, though the effects on mammals would be minor, likely at the local level only. (note: the Broadlough is approximately 900 m to the east of the subject site and the coast is 1.25 km to the east.)
- Appropriate mitigation measures have been developed to protect birds/ and their nests, though most birds found on site are common and are generally plentiful. Site clearance works must be undertaken outside of the nesting period. Birds are further protected by the Wildlife Acts. Water pollution may directly impact birds or on their food source. The effects would be significant, likely at the local level only. Noise



may cause disturbance and displacement up to 300 m from the source. The impact would not be a significant negative effect at the local level. Raptors will benefit from the proposed landscaping plan and can hunt elsewhere on adjoining lands with more appropriate food sources available. Impact on wintering birds would be short-term negative effect at the local scale only.

- Impact on water quality could affect habitats and food sources. Suitable mitigation measures will be employed to address such potential occurrences. An appropriate landscaping plan will be provided, and this will increase the food source range.
- Other fauna such as the Common Frog and Common Lizard may be directly impacted by the loss of habitat associated with the development, though this will not be significant as there are suitable breeding and foraging habitats found in the adjoining area. Water quality effects on the common frog would be significant, likely at the local level only. Disturbance or displacement during construction is unlikely to have a significant effect.
- Fish may suffer from direct and indirect habitat loss/ fragmentation due to the proposed crossing of the Rathnew Stream. As a clear span bridge is proposed the impact would be temporary and limited in nature. Water quality impacts may arise due to a pollution/ contamination event and in the absence of appropriate mitigation measures, the impact would be significant at the national-international geographic level.
- Invertebrates would not suffer from significant impact through habitat loss/ fragmentation due to the proposed development at any level. Water pollution would give rise to significant effects at the local geographic level.

#### 10.40 Operational Phase Impacts:

The following are reported in summary through section 8.5.2 of the EIAR:

- Suitable mitigation measures have been provided to ensure that surface water is protected. These measures are in accordance with the Greater Dublin Strategic Drainage Study (GSDSDS) and the Wicklow County Development Plan 2022 – 2028.

These measures would be provided as part of the design and are not proposed to avoid/ reduce any potential harmful effects to any designated European sites.

- Foul water will be connected to new services on the adjoining lands to the south of the subject site and from there to the public system. Uisce Éireann have provided appropriate approval for this proposal. There is no potential for a significant effect on any European sites as a result of foul water discharge. The above applies to European and National designated sites.
- There will be an increase in noise and human activity on this site at operational stage, however the adjoining area has developed from rural to urban and badgers will have adapted to human activity over time. Any impact will not be significant.
- A pollution event in relation to water could result in a fish kill and which in turn would have a significant likely impact on the badger population at the local level.
- Bats would be impacted by lighting at the operational phase if suitable mitigation measures are not put in place. Considering the existing character of the site, the increase in human activity would not have a significant negative effect on the bat populations at any geographic scale. The proposed development is not considered to give rise to a collision risk for bats.
- Marine mammals may be impacted by water pollution events though the effects on marine mammals are not considered to be significant at any geographic scale.
- Birds would be habituated to human activity/ presence and the potential impacts from disturbance on birds as a consequence of noise and/ or human disturbance are not considered to be significant at any geographic scale. Collisions are unlikely to occur and the impact of this development is unlikely to cause any significant impact above the local level.
- Significant effects on the Common Frog and Common Lizard are not predicted and no specific mitigation measures are required.
- A pollution event would impact on fish and the effect would be significant, likely at the local level only. Similarly, Invertebrates would be impacted by such an event and the effect would also be significant, likely at the local level only.

- 10.41 Section 8.6 provides details of appropriate mitigation measures at the Construction (Section 8.6.1) and Operational (Section 8.6.2) phases of the proposed development.
- 10.42 Section 8.7 identifies the 'Residual Impact of the Proposed Development and subject to the implementation of the Mitigation Measures no significant effects are identified. Table 11.8 provides a 'Summary of the significant residual ecological effects of the proposed development during construction stages' and Table 11.2 (sic) a 'Summary of the significant residual ecological effects of the proposed development during operational stage'.
- 10.43 Cumulative Impacts are considered under Section 8.8 of the EIAR. Specific reference is made to 'in combination' effects on water quality of downstream water bodies including the Broadlough and Irish Sea, and impact due to Habitat Loss and Disturbance and/ or Displacement. The Wicklow County Development Plan 2022 – 2028 provides a number of environmental protective policies and objectives and full regard is had to these. Similarly, the plans of adjoining counties have appropriate policies and objectives for the protection of biodiversity.
- 10.44 Section 8.9 considers Monitoring at Construction stage, including checks on mammals/ identified additional setts/ holts and at Operational stage in terms of maintenance of SuDS measures etc.
- 10.45 Section 8.10 provides information on difficulties encountered in the preparation of this chapter of the EIAR. Habitat, bird and bat surveys were undertaken in the optimal survey periods. Mammal surveys were outside of the optimal period, however this would not impact on the assessment of impacts etc. Winter bird surveys were undertaken over a three month instead of a seven-month period, however a total of nine surveys were carried out and winter arable crops were in place during this period.
- 10.46 Submissions and Observations: Concern was raised about a tree, known as the 'Fairy Tree' located towards the centre of the site, however there is no tree protection order or any other such designation on this site.
- 10.47 Assessment: The submitted details in the EIAR provide a detailed assessment of the current situation in relation to Biodiversity and the potential impact on it through the construction and operational phases of the development. I note that the species found

on site are generally common in the area and nationally and they are not rare or under threat at an Irish level. Development in the area has habituated several of the fauna to human activity and there is a significant area of land adjoining the site that may provide for a more suitable habitat for species.

10.48 The applicant has proposed a detailed range of mitigation measures, and these are considered to be acceptable. Site clearance works would be restricted to the requirements of other non-planning legislation such as the various Wildlife Acts.

10.49 I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on Biodiversity.

### **Air Quality, Climate and Climate**

10.50 Chapter 9 deals with Air Quality, Climate and Climate, AWN Consulting have prepared this chapter of the EIAR, with Study Methodology detailed in Section 9.2 of the EIAR. Details of Air Quality standards are provided in Section 9.2.1. and summarised in Table 9.1. 'WHO Air Quality Guidelines' are provided in Table 9.2. The following sections provide information on 'Dust Deposition Guidelines', 'Air Quality & Traffic Impact Significance Criteria' with additional details provided in Table 9.3. Climate is considered under Section 9.2.1.2. with '5-Year Carbon Budgets' outlined in Table 9.4 and Table 9.5 providing the 'Sectoral Emission Ceilings 2030'. Table 9-7 provides a 'Vulnerability Matrix'.

10.51 Construction Phase Methodology is provided under Section 9.2.2 and considers major sources of dust generation including Demolition, Earthworks, Construction and Trackout – Transportation to/ from the construction site. Operational Phase Methodology is provided under Section 9.2.3. and considers Air Quality with 'Sensitive Receptors used in Air Quality Assessment of Traffic Emissions' located in Figure 9.1 of the EIAR. A 'Climate Change Vulnerability Assessment' is provided in Section 9.2.3.2.1 and 'Climate and Traffic Emissions' are considered under Section 9.2.3.2.2. Details of the receiving environment are provided in section 9.3. and include 'Meteorological Conditions',

'Baseline Air Quality', 'Sensitivity of the Receiving Environment to Dust', and 'Climate Baseline'. Characteristics of the Proposed Development are provided under Section 9.4.

10.52 Section 9.5 outlines the 'Potential Impact of the Proposed Development' and the following are noted:

Construction Phase:

- Air Quality: Construction dust and nuisance dust would have the greatest impact on air quality during the construction phase of the proposed development. As already reported, major dust generating activities are divided into four categories and assessed under those headings:
  - Demolition – No such works therefore no impacts on air quality.
  - Earthworks – Table 9.15 provides the 'Risk of Dust Impacts – Earthworks' and the scale of development is such that dust emission magnitude would be large but due to the phased nature of the development, and use of appropriate mitigation measures, the overall impact would be medium risk of dust soiling impacts and a low risk of dust-related impacts on human health.
  - Construction – Table 9.16 provides the 'Risk of Dust Impacts – Construction' and the dust emission magnitude would be large as the building volume is greater than 100,000 m<sup>3</sup>. Having regard to Table 9.16 there is a medium risk of dust soiling impacts and a low risk of dust-related impacts on human health.
  - Trackout – Table 9.17 provides the 'Risk of Dust Impacts – Trackout' and the dust emission magnitude would be medium and there would be an overall impact would be medium risk of dust soiling impacts and a low risk of dust-related impacts on human health.

Table 9.17 provides a 'Summary of Dust Impact Risk used to Define Site-Specific Mitigation'. It is reported that there is a potential for traffic emissions to impact on air quality over the short-term during the construction phase of the development. Full regard is had to the completion of the Rathnew Inner Relief Road, a section of which forms part of this application. Tables are provided on 'Predicted Annual Mean NO<sub>2</sub> Concentrations' (Table 9.18), 'Predicted Annual Mean PM<sub>10</sub> Concentrations' (Table

9.19), and 'Predicted Annual Mean PM2.5 Concentrations' (Table 9.20). In summary the impact of Construction Phase Traffic on air quality is considered to be short-term, localised, neutral, imperceptible, and non-significant.

- Climate: There is the potential for the release of greenhouse gas emissions to the atmosphere during the construction phase of the development and the following is noted: 'The proposed development is estimated to result in total annualised GHG emissions of 15,021 tonnes embodied CO<sub>2</sub>eq.' Potential impacts of climate change are provided, and mitigation measures are to be employed as appropriate against the effects of extreme events.

#### Operational Phase:

- Air Quality: Traffic originating emissions associated with the development may impact on air quality and this is detailed in Section 9.5.2.1.1 of the EIAR. In conclusion it is found that the impact of the proposed development on ambient air quality during the operational stage is considered long-term, localised, neutral, imperceptible and non-significant.
- Climate: Section 9.5.2.2.1 identifies a number of climate hazards and Table 9.23 provides a 'Climate Change Vulnerability Assessment' with this hazards assessed against 'Sensitivity', 'Exposure' and 'Vulnerability'. The site is not in a location with a risk of landslides and the high quality of the buildings will ensure that they can withstand temperature variations and other climate extremes. In conclusion on this section, the proposed development has at most low vulnerabilities to the identified climate hazards outlines and therefore no detailed risk assessment is required to be undertaken.
- Climate and Traffic Emissions: Increased traffic may impact on climate during the operational phase of this development. Overall impact from this development is low and the development provides for electric vehicle charging and encourages the use of cycling, which in turn will reduce any impacts. Table 9.24 provides a 'Traffic Emissions GHG Impact Assessment'.
- Operational Energy Use: Measures have been incorporated into the design to reduce the demand on energy use. The proposed development will be a 'Nearly

Zero Energy Building (NZEB)' in accordance with the 2022 Part L requirements and further measures will be incorporated into the design of the development and units provided.

10.53 Section 9.6 provides 'Potential Cumulative Impacts' as follows:

- Air Quality – Construction Phase: Development on site and on adjoining sites within 350 m may give rise to cumulative impacts in relation to dust. Appropriate mitigation measures will ensure that such impacts would be short-term, negative and imperceptible.
- Air Quality – Operational Phase: The development will give rise to increased traffic, and this will be combined with traffic generated from the development to the south of the subject site. The proposed development and that to the south will result in the completion of the Rathnew Inner Relief Road to the eastern side of Rathnew. The impact of the proposed development on ambient air quality during the operational stage is considered to be long-term, localised, neutral, imperceptible and non-significant.
- Climate: The development will give rise to increased greenhouse gas emissions, and these will be cumulative in the context of Ireland's carbon budget.
- The do-nothing scenario: would see the land remain in agricultural use and no increase in dust and particulate matter. In terms of climate the situation would remain as is at present.
- Risks to Human Health: Dust particles may negatively affect human health, and in the absence of suitable mitigation measures, the impact would be imperceptible, negative, short-term impacts to human health as a result of the proposed development. Best practice measures will be employed during the construction phase of this development and the impact of construction of the proposed development is likely to be neutral, short-term, localised and imperceptible with respect to human health. In terms of the operational phase, traffic related emissions would be the major source of impact to air quality and in turn on human health and the impact would be long-term, neutral, localised and imperceptible.

- 10.54 Section 9.9 provides Mitigation Measures, and these are provided for the Construction Phase and the Operational Phase. Most of these would be standard measures deployed for a development of this nature and they are adequately identified and described in Section 9.9.
- 10.55 Section 9.10 provides 'Predicted Impacts of the Proposed Development' for the Construction and Operational Phases of the proposed development. These consider the impact on Air Quality and Climate. Section 9.11 provides details on Monitoring and these only apply to the construction stage with consideration given to the dust generation sources, air quality/ dust inspections and having regard to sensitive receptors in the area of the site.
- 10.56 Section 9.13 considers Interactions for Air Quality and Climate, and the proposed mitigation measures will ensure that no issues of concern are expected.
- 10.57 Submissions and Observations: No particular issues of concern were raised by third parties. It was requested that suitable conditions be provided to ensure that traffic and construction activity be controlled during the construction phase of this development.
- 10.58 Assessment: The submitted information demonstrates that the proposed development as submitted will not impact on Air Quality and Climate. Suitable mitigation measures are proposed where they are deemed appropriate.
- 10.59 I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Air Quality and Climate.

### **Noise and Vibration**

- 10.60 Chapter 10 has been prepared by AWN Consulting. The Methodology is provided under Section 10.2 of the EIAR and covers the Construction and Operational Phases of this development. A list of relevant references/ guidance is provided in this section of the submitted EIAR and Table 10.1: provides a 'Threshold of Potential Significant Effect at Dwellings.' This table only refers to dwellings and not commercial units. Table 10.2:



provides details on 'Construction Noise Significance Ratings'. In terms of vibration, this may impact on human comfort or may give rise to cosmetic/ structural damage to buildings. In the absence of Irish statutory guidance on vibration levels, the following were used in the EIAR:

- British Standard BS 5228-2 (BSI 2014b); and
- British Standard BS 7385-2 (BSI 1993)

Vibration levels in buildings are summarised in Table 10.3 and Table 10.4 provides 'Guidance of effects of human response to PPV magnitudes'. Peak Particle Velocity (PPV) is a measure of the velocity of vibration displacement in terms of millimetres per second (mm/s). Table 10.5 provides the 'Classification of magnitude of noise impacts in the short-term.'

10.61 Section 10.2.2 provides details on 'Assessment Criteria and Guidelines' at the operational phase and Table 10.6 provides 'Guidance on Indoor Ambient Noise Levels for Dwellings.' Traffic impacts are also considered in this section of the EIAR with the 'Classification of magnitude of traffic noise impacts in the long term' outlined in Table 10.7. The Existing Receiving Environment is provided in Section 10.3 and details of baseline noise surveys are detailed here with results summarised in Tables 10.9, 10.10, 10.11 for daytime noise.

10.62 Section 10.4 provides 'Potential Impacts of the Proposed Development' for the Construction and Operational phases of the development.

- Construction Phase noise: Generated from the use of plant and equipment on site. Figure 10.4 indicates the location of the nearest Noise Sensitive Locations and Table 10.13 provides 'Potential construction noise levels at NSLs'.
- Construction Phase Traffic: This will vary over time due to the development of the Rathnew Inner Relief Road and the development of new access/ egress points over the course of the construction phase. Table 10.4 provides a summary of traffic flows along the road network, with calculated noise increased provided during the construction phase of the project. Table 10.15 provides the 'Traffic noise levels during construction phase, RIRR road network'.

- Construction Phase Vibration: This is likely to be limited to piling associated with the proposed apartment foundations.

The predicted vibration effect during the construction phase of the residential development and RIRR road is Neutral, Imperceptible and Short Term.

- Operational Phase Impacts: Noise impacts are expected to be minimal, with the biggest impact expected to be from increased traffic movements in the area. A potential pumping station and electrical substations are not expected to give rise to increased noise levels.
- Table 10.16 provides details of 'Traffic noise levels during operational phase surrounding road network'. The resultant impact from traffic is neutral, imperceptible and long-term to negative, not significant to slight and long-term during the operational phase on the surrounding road network. Details of traffic generated noise along the Rathnew Inner Relief Road is provided in Figure 10.5 and 10.6. A list of measures that will ensure that noise levels are acceptable for those living on site are provided and include details of glazing within residential units, wall construction, and ventilation.

10.63 Section 10.5 provides details of Mitigation Measures for the Construction and Operational phases of the development. These include good construction practices, building services plant noise control, and traffic on adjoining roads. Residual effects are considered under Section 10.6 and those listed for the construction phase result in the effect of a neutral, imperceptible and short-term impact and for the operational phase the impact would be neutral for building noise and negative, not significant and long-term for road related noise. Some noise monitoring will occur at the construction phase of development.

10.64 Section 10.8 considers Cumulative Impacts and at construction phase there is potential for cumulative noise if development is underway on adjoining sites and this may give rise to a noise increase of 3dB. Operational phase noise impacts are not foreseen as increased noise levels are already considered throughout the assessment.

- 10.65 Submissions and Observations: No particular issues of concern were raised in the third-party submissions, other than a request for control of construction generated noise levels.
- 10.66 Assessment: The submitted information demonstrates that the proposed development will not give rise to noise and vibration that would impact on sensitive receptors. Potential issues are addressed in terms of appropriate mitigation measures.
- 10.67 I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise and vibration.

### **Landscape Visual Impact Assessment**

- 10.68 Chapter 11 of the EIAR has been prepared by Macro Works Ltd and Section 11.3 provides the Methodology used in this chapter with specific reference to the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). Section 11.3 and Figure 11.18 provide the location of the subject area. Table 11.1 details 'Townscape Sensitivity' and Table 11.2 'Magnitude of Change – Townscape' and in terms of Visual Impact Assessment 'Table 11.3' provides 'Magnitude of Change – Visual'. A 'Significance Matrix' is provided in Table 11.4 and Table 11.5 provides an 'Indicative significance of effect criteria descriptions'.
- 10.69 Details of 'The Receiving Environment' are outlined in section 11.4 and the 'Planning Context' in section 11.5. Table 11.6 provides of the 'Outline Description of Representative Viewpoints' and which are located in Figure 11.21. Section 11.7 outlines 'The Design Proposals and Embedded Mitigation' and includes a number of CGIs of the proposed development. Extensive use will be made of landscaping to integrate the proposed development into the surrounding area whilst also providing for accessible/ attractive public open space areas.
- 10.70 The 'Townscape Impact Assessment' is provided in Section 11.8 and considers Construction and Operation phase impacts. At present the townscape sensitivity of the site/ its surroundings is considered to be Medium-Low. Construction phase impacts will

be localised to the site and its approach roads and will be short-term, lasting one to seven years. The Construction Phase significance of effect is considered to be Moderate-Slight/ Negative. At operational stage, the result is a relatively low-rise development that will integrate with its surroundings. The overall significance of effect at Operational Phase is considered to be Moderate-Slight/ Positive.

10.71 The 'Visual Impact Assessment' is provided in Section 11.9. Construction Phase impacts will be localised, and the main approach roads will experience an increase in traffic with a short-term effect. The overall significance is considered to be Moderate-slight/ Negative. Operational effects range from no effect to slight/ neutral.

10.72 Section 11.10 considers 'Landscape Visual impact Mitigation Measures' for the Construction and Operation phases of this development. No particular measures are proposed at the construction phase and landscaping/ planting will ensure that the development integrates with its surroundings with no additional measures proposed. Monitoring details are provided in Section 11.10.3 and include ensuring that planting is established over the initial three-year period with replacements provided as necessary. Plant failures may occur, and details are provided in Section 11.11.1.

10.73 Section 11.12 outlines 'Residual Effects' and notes that the site/ development is located in an area with similar development on-going. Change will be from agricultural use of these lands to urban/ residential development. The proposed development will result in some 'short-term' and 'negative' construction stage impacts which are of 'Moderate-Slight' significance and 'Adverse' quality, the permanent operational stage impacts that result from the development are deemed to be of 'Moderate-Slight' significance and 'Positive' quality. In terms of Visual Effects, in all instances where the development was visible, the quality of the effects was considered Neutral.

10.74 Section 11.13 considers 'Interactions' with other chapters of the EIAR and it is considered that none of these have the potential to be notable. The following are reported in summary:

- Population and Human Health: Existing residents and those travelling in the area may be aware of a change in the visual appearance of this site, though the development has been designed to integrate with the existing form of the area.

- Biodiversity: New open space will benefit biodiversity and have a long-term positive impact on the area.
- Air Quality and Climate: Additional trees and landscaping will benefit air quality.
- Architectural, Archaeological and Cultural Heritage: Retained trees/ hedgerows augmented with new planting will ensure that the character/ setting of Tinakilly House etc. is protected.
- Material Assets: The development is proposed to integrate with its existing surroundings and is consistent with the zonings on site.

10.75 The Potential Cumulative Impacts are provided in Section 11.14 and reports that there are other similar developments underway in the area. It is considered that the proposal will not result in any additional townscape effects. The subject site will change at the immediate level, but the nature of the development is such that it will integrate with the existing character of the area.

10.76 Submissions and Observations: No particular issues of concern were raised by third parties in relation to visual impact.

10.77 Assessment: The submitted information demonstrates that the site can be developed without impact on the visual amenity of the area. The site is located on lands which are in agricultural use which are zoned for residential development and proposed that the Rathnew Inner Relief Road cross through these lands. Full regard has been had to cumulative impacts associated with the development of adjoining lands and I agree that the overall development of these lands will integrate with the existing Rathnew village.

10.78 The submitted information is considered to be acceptable and I am therefore satisfied that the proposed development would not have any unacceptable impacts on Townscape and Visual amenity.

### **Architectural, Archaeological and Cultural Heritage**

10.79 Chapter 12 has been prepared by IAC Archaeology and the 'Methodology'. Under Section 12.2 details are provided on relevant Guidance and Legislation, Definitions, Consultations, and studies. Section 12.2.7 provides the 'Impact Assessment

Methodology’ outlines the quality/ type of an effect on a heritage asset from a development with three classes provided:

Negative Effect, Neutral Effect and Positive Effect.

The following terms are used to define if a site will be physically affected or not:

Direct Effect, Indirect Effect and Neutral.

Table 12.1 provides the ‘Significance of Effect Definitions (as defined by the EPA 2022 Guidelines, 50-52)’.

10.80 Section 12.3 of the EIAR provides ‘The Existing Receiving Environment: Archaeology and Cultural Heritage.’ This describes the character of the site and any recorded monuments in the area; one has been located and was due to be added to the SMR in July 2023. Six other sites are identified in the immediate area; these are all detailed in Table 12.3 of the EIAR

10.81 Figure 12.2 provides the location of the ‘Recorded monuments in the study area’. Full details of relevant historical periods are provided/ outlined and evidence of human activity over these periods is provided. Geophysical and archaeological testing were undertaken in this area over time and full details are provided in Appendices 12A and 12B, further details of more recent testing is provided in Sections 12.3.7 and 12.3.8. Cartographic Analysis is outlined in Section 12.3.3. The Cultural Heritage Section – 12.4 provides an assessment of Place Analysis – 12.4.1, and Town Boundaries – 12.4.2.

10.82 The potential effects of the development on archaeology and cultural heritage are considered under section 12.7 of the EIAR, this includes both construction and operational phases of the development. The Do-Nothing Impact is that there would be no negative impact on archaeological or cultural heritage. No cumulative impacts are foreseen as other developments in the area have already considered relevant impacts. Section 12.8 provides mitigation measures, and which include preservation by record through an employed qualified archaeologist, the carrying out of a wade survey on the section of the stream impacted by the proposed bridge, and monitoring of topsoil

removal. A written/ photographic survey of townland boundaries will be undertaken. No significant residual impacts on archaeology/ cultural heritage are foreseen.

10.83 Submissions and Observations: The Department of Housing, Local Government and Heritage have recommended that an archaeologist be employed during the construction phase and that archaeological monitoring be undertaken in the event that permission is granted for the proposed development.

10.84 Assessment: The submitted information demonstrates that the proposed development as submitted will not impact on Archaeology and Cultural Heritage. I note the comments of the Department and their recommendations can be provided in the form of a suitable condition.

10.85 I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. The subject lands and adjoining lands have undergone archaeological testing/ geo-physical surveys and there is a good understanding of what archaeological material may be found in the area. In terms of Cultural Heritage, I am satisfied that the character and setting of Tinakilly House and its attendant grounds would not be impacted by this development. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts on archaeology and cultural heritage.

### **Traffic and Transportation**

10.86 Section 13.1 provides an Introduction to this part of the EIAR, which has been prepared by Cronin & Sutton Consulting Engineers. Traffic impact is analysed in this chapter, with much of the information similar to that provided in the separate Traffic and Transportation Assessment (TTA). Full regard has been had to the development on the adjoining lands especially those to the south of the subject site – detailed in Section 13.2 of the EIAR. The Characteristics of the Proposed Development are provided in Section 13.3. Table 13.3 provides the 'Overall Car Parking Provision' with a total of 592 spaces provided for. In terms of Bicycle Parking, a total of 358 spaces are to be provided, the majority of which (191) are within the curtilage of the proposed houses.

Details of 'Electric Vehicle Charging Facilities' are provided in Table 13.6 and in addition to available facilities, provision will be made for future proofing.

- 10.87 Section 13.4 provides the Assessment Methodology and Figure 13.6 indicates the location of 'Surveyed road junction sites'. Surveys were undertaken over a seven day period in February 2023 and a summary of total traffic flows is provided in Table 13.7 of the EIAR. Section 13.4.2 provides details of 'Background Traffic Growth' including TRICS information which is further detailed in Appendix 13B. Detail of the 'Proposed Development Trip Generation' is provided in Table 13.11. Details of existing traffic flows are provided in Table 13.14 and 13.15. Tables 13.16 and 13.17 provide 'Subject Development Weekday Peak' arrivals and departures distribution.
- 10.88 Construction Phase trip generation/ distribution is outlined in Section 13.4.5 and takes account of other permitted development in the area. Full details, mostly in tabular form, are provided of redistribution of traffic movements including those of the hotel. This is primarily due to the restriction of vehicular traffic along Tinakilly Avenue. Section 13.4.9 provides 'Proportional Changes in Junction Traffic Flows – Operational Phase' and a 'Junction Performance Assessment' is provided under Section 13.4.10.
- 10.89 Section 13.5 provides details on the 'Receiving Environment' including the local road network. Public Transport provision in the area is limited. Section 13.5.4 outlines 'Planned Local Infrastructure Improvements' and which include the Rathnew Inner Relief Road. Section 13.6 details the 'Baseline Assessment' and Section 13.7 considers the 'Do Nothing Scenario'. Section 13.8 outlines the 'Predicted Impacts' for the Construction and Operation phases of the development with a significant amount of detail provided in tabular form. During the construction phase, the proposed development is predicted to result overall in a short-term slight adverse impact on the operation of the surrounding local road network. During the operational stage of the scheme, the development including completion of the RIRR is predicted to result in an overall long-term moderate/ positive impact on the operation of the surrounding road network. Cumulative impacts have been considered throughout this section of the EIAR and similarly the Worse Case Scenario has been considered. Mitigation Measures are outlined in Section 13.11. and Monitoring details in Section 13.12.



- 10.90 Submissions and Observations: Concern was raised about traffic flows in the area and the closure of Tinakilly Lane, though this was more in the context of nuisance and disturbance to existing residents/ users of this avenue to reach the R750.
- 10.91 Assessment: The submitted information demonstrates that the proposed development will not adversely impact on traffic in the area. The proposed development includes the completion of the Rathnew Inner Relief Road with the southern section forming part of the development underway to the south of the subject site.
- 10.92 I am satisfied that the identified impacts would not have an adverse impact on Traffic and Transportation in the area.

### **Waste Management**

- 10.93 Chapter 14 has been prepared by Awn Consulting and details of the Baseline Environment are provided in Section 14.2 with Figure 14.7 indicating the location of 'Nearby Waste Disposal Facilities'. Details of waste storage arrangements at the operational phase are provided in Section 14.3.1 of the EIAR and waste collection arrangements are outlined in Section 14.3.2.
- 10.94 In terms of waste, 'Potential Impacts of the Proposed Development' for both the construction and operation phases are outlined in Section 14.4 of the EIAR. Mitigation Measures are provided in Section 14.5. Residual Impacts are considered under Section 14.6 and for both phases, it is not expected that there will be a significant environmental impact. Details of proposed 'Monitoring' are outlined in Section 14.7. and 'Cumulative Impacts' are provided in section 14.10.
- 10.95 Submissions and Observations: Third Party submissions did not raise any issues of concern.
- 10.96 Assessment: The submitted information demonstrates that the applicant has considered all relevant issues in relation to Waste Management. These are considered for the construction and operational phases of the proposed development.
- 10.97 I am therefore satisfied that the proposed development would not give rise to concern in relation to Waste Management.

## **Material Assets**

10.98 Chapter 15 was prepared by Brock McClure and details of the 'Material Assets of Natural Origins' are provided in Section 15.2 and 'Material Assets of Human Origins' in Section 15.3 of the EIAR. This chapter has full regard to interactions with other Chapters of the EIAR such as Traffic and Transportation in Chapter 13 and Hydrology in Chapter 7. Mitigation Measures are provided in Section 15.4, and these have been outlined in previous chapters of the EIAR. Under Section 15.5 – 'Residual Assessment' it is stated:

'The proposed development will not have any significant impact on material assets including, most notably, public utilities and natural resources. The overall predicted impact of the proposed developments can be classed as long term and negligible with respect to material assets.'

10.99 Assessment: The submitted information is noted and no issues of concern are raised.

## **Cumulative Impacts**

10.100 This chapter considers the impact of the development taken in account with other permitted/ future development in the vicinity of the subject site. The lands are suitably zoned for development of the nature proposed and the Rathnew Inner Relief Road is indicated in the Wicklow-Rathnew Development Plan and the Tinakilly Action Area Plan. Section 16.4 provides an 'Assessment of Potential Cumulative Impacts' under the following headings:

- Human Health and Population: The proposal is designed to ensure that there are no impacts on human health/ population during the construction/ operation phase of the development.
- Land, Soils, Geology and Hydrogeology: Excavations are limited to shallow digs into the made ground in the site and no cumulative impacts are foreseen.
- Hydrology: Regards is had to the under-construction development to the south of the subject site. The two developments are located on lands zoned for residential development of the nature indicated. It is reported that the cumulative effects of

these two developments in terms of water supply and foul drainage are not deemed to be significant.

- Biodiversity: It is concluded under this section that ‘The predicted impacts associated with the proposed development, the mitigation measures proposed to protect local biodiversity and the receiving environment and the protective policies outlined in the county Development Plan will direct future local development. Significant cumulative negative impacts on biodiversity are not predicted.’
- Air Quality and Climate: No long-term negative impacts are predicted.
- Noise and Vibration: Mitigation measures are proposed that will ensure that there are no significant effects.
- Landscape and Visual Impact: In conjunction with the development to the south, the operational phase impact will be a positive addition to the area.
- Archaeology and Cultural Heritage: There will be a neutral and not significant cumulative impact on Archaeology and Cultural Heritage as a result of the proposed construction and operation phase of the subject development, taken in conjunction with other development in the area.
- Traffic and Transportation: As part of the development, a section of the Rathnew Inner Relief Road will be provided. The overall result is a moderate positive impact on the local road network in the long-term.
- Material Assets: The cumulative impact of the proposed development in combination with other permitted/ planned projects is considered to be short term and not significant during the construction phase if any planned service interruptions are required, and long term not significant during the operational phase.
- Waste Management: Full regard is taken of the development to the south of the subject site and

10.101 **Assessment:** The submitted information is noted and no issues of concern are raised.

## **Interrelationships Between the Aspects**

10.102 As reported in the EIAR, Section 171A of the Planning and Development Act requires that the interactions between the following be assessed:

- Population and Human Health
- Land, Soil, Water, Air and Climate
- Biodiversity, with particular attention to species and habitats protected under the habitats Directive and the Birds Directive
- Material assets, cultural heritage and the landscape

Consideration is given to Positive Impacts, Neutral Impacts and Negative Impacts. This chapter concludes that 'it is concluded that the proposed development will not result in any significant synergistic effects on the environment.' Table 17.1 provides a 'Comparison of Interrelationships'.

10.103 **Appendices:**

- The EIAR includes Appendices in support of the EIAR.
- The EIAR is also accompanied by a Non-Technical Summary (NTS) as is required.

## **11.0 Reasoned Conclusion on Significant Effects:**

11.1 I consider that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow a reasoned conclusion to be reached on the significant effects of the proposed development on the environment, having taken into account, current knowledge and methods of assessment.

11.2 I am satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the Planning Authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and Human Health: Impacts are likely to be positive with the provision of additional housing and an increased local population that will avail of services/ facilities in the area. The increased demand on services is likely to require the upgrading of existing services and this will benefit the wider community. No significant negative impacts from the development and no significant residual effects are identified.
- Biodiversity: Impacts to be mitigated by the provision of a suitable surface water drainage network and best practice measures to be fully operated during the construction phase of the development. Suitable bat friendly lighting will be provided on site and lighting will be controlled to ensure that there is no spillage onto adjoining lands. No significant negative impacts from the development and no significant residual effects are identified.
- Land & Soils: The impacts to be mitigated by construction management measures including control/ management of water/ surface water runoff, management of works in the vicinity of water courses, management of material removal/ delivery, control of use of fuel/ chemicals/ plant and machinery and management processes for unanticipated discharges on site. A Construction Environment Management Plan (CEMP) will be put in place during the construction phase of this development. No specific measures are required at the operational stage of this development. No significant negative impacts from the development and no significant residual effects are identified, subject to appropriate mitigation measures.
- Water: The impacts to be mitigated by management of surface water run-off during construction; management/ control of materials from off-site sources, appropriate fuel/ chemical handling, and management of accidental discharges on site. Suitable monitoring measures will be put in place during the construction phase of this development. No significant negative impacts from the development are identified.
- Air Quality & Climate: The impacts will be mitigated by suitable measures taken on site during the construction phase of development. These will be detailed in the adopted Construction Environment Management Plan (CEMP). The list of measures is standard for a development of this nature. No specific measures are required at operational stage of this development.

- Noise & Vibration: Impacts will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations and through the use of suitable noise control techniques on site such as the use of acoustic screening.
- Landscape & Visual Impact: No mitigation or monitoring measures are proposed during the construction phase. Operational phase measures will rely on the design and type of materials that will be used for the proposed units and a suitable landscaping proposal is included with the application. No monitoring measures are required during the operational phase of the development.
- Archaeology and Cultural Heritage: Archaeological testing will be undertaken prior to the commencement of development and will be in accordance with the requirements of the National Monuments Service. Ongoing monitoring will take place during the construction phase and no specific measures will be required in the operational phase of this development. The character of Tinakilly House and its attendant ground would not be impacted by construction and operational phase of the proposed development.
- Material Assets – Traffic: Impacts to be mitigated by implementation of a suitable construction traffic management measures during the construction phase, and the promotion of sustainable travel by residents during the operational phase of this development.
- Material Assets – Waste & Utilities: Impacts will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum.

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying our Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015).

In conclusion, the submitted details have sufficiently demonstrated that the proposed development would not adversely impact on the existing environment. The proposed

development is located on lands that are suitably zoned for residential development and these zoned lands have undergone Strategic Environment Assessment (SEA) as part of the county and local plan processes.

## **12.0 Recommendation**

12.1 Having regard to the above assessment, I recommend that permission be Granted for the Large-Scale Residential Development (LRD) on a site at Tinakilly, Rathnew, Co. Wicklow, for the conditions and reasons as follows.

## **13.0 Reasons and Considerations**

Having regard to the provisions of the Wicklow-Rathnew Development Plan 2013 – 2019 and the Wicklow County Development Plan 2022 - 2028, and the zoning for a mix of purposes including residential and open space, to the location of the site and to the nature, form, scale, and design of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and would be in compliance with the statutory plans of the area.

## **14.0 Recommended Draft Order**

### **14.1 Application:**

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with Wicklow County Council on the 14<sup>th</sup> of August 2023 and appealed to An Bord Pleanála on the 26<sup>th</sup> of February 2024.

### **Proposed Large Scale Residential Development:**

- The provision of 352 residential units in the form of 220 houses, and 132 apartments. Also includes a section of the Rathnew Inner Relief Road, car/ bicycle parking, open space, internal road network, junctions with the public road network, and all associated site works.
- It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2023 and a Housing Quality Assessment is submitted which provides details on



compliance with all relevant standards including private open space, room sizes, storage, and residential amenity areas.

- An Appropriate Assessment Screening Report, a Natura Impact Statement and an Environmental Impact Assessment Report have been included with the application.

### **Appeal:**

Third Party appeals from:

- Henry & Aoife Clarke, Evelyn & Shay Ryan
- Leslie Armstrong
- Eileen M Howell
- Vincent Collard
- Les & Lynda Martin

### **14.2 Decision:**

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

### **14.3 Matters Considered:**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

(i) the provisions and policies of the Wicklow-Rathnew Development Plan 2013 – 2019 and the Wicklow County Development Plan 2022 - 2028,

(ii) The zoning objective R1 - New Residential of the Wicklow-Rathnew Development Plan 2013 – 2019 and which seeks 'To provide for new residential development at densities up to 40 units per hectare',

(iii) The zoning objective R2 - New Residential of the Wicklow-Rathnew Development Plan 2013 – 2019 and which seeks ‘To provide for new residential development at densities up to 28 units per hectare’,

(iv) The zoning objective AOS – Active Open Space of the Wicklow-Rathnew Development Plan 2013 – 2019 and which seeks ‘To preserve, improve and provide for recreational public and private open space’,

(v) The zoning objective POS – Passive Open Space of the Wicklow-Rathnew Development Plan 2013 – 2019 and which seeks ‘To preserve, improve and provide for parks, recreational public and private open space, green corridors and ecological buffer zones’,

(vi) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(vii) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage, January 2024,

(viii) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, December 2023,

(ix) the availability in the area of a wide range of social and transport infrastructure,

(x) to the pattern of existing and permitted development in the area, and

(xi) Submissions received, and

(xii) the Inspectors Report

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area, and comply with the statutory plans of the area.

#### **14.4 Appropriate Assessment (AA) – Stage 1:**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Wicklow Mountains SAC (site code 002122), The Murrough Wetlands SAC (site code 002249) and the Murrough SPA (site code 004186).

#### **14.5 Appropriate Assessment - Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Wicklow Mountains SAC (site code 002122), The Murrough Wetlands SAC (site code 002249) and the Murrough SPA (site code 004186) in view of these sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

#### **14.6 Environmental Impact Assessment (EIA):**

The Board completed an environmental impact assessment of the proposed development, taking into account:

(a) The nature, scale and extent of the proposed development. The site is located on lands governed by zoning objective R1, R2, AOS and POS in the Wicklow-Rathnew Development Plan 2013 - 2019;

(b) The environmental impact assessment report and associated documentation submitted in support of the planning application;

(c) The submissions from the Planning Authority, and the prescribed bodies in the course of the application;

and

(d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated

documentation submitted by the applicant and submissions made in the course of the planning application.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, compliant with the Wicklow-Rathnew Development Plan 2013 – 2019 and the Wicklow County Development Plan 2022 - 2028, and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and

completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The development shall be carried out on a phased basis, which shall be agreed in writing with the Planning Authority.

**Reason:** To ensure that adequate public open space, road and pedestrian/ cycle infrastructure be provided in accordance with the development of housing and in accordance with the plans of the Local Authority.

3. The Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report and the Natura Impact Statement submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. An Ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the Ecologist shall be present on-site during construction works, ensuring that the identified mitigation measures are fully implemented.

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

4. Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

**Reason:** In the interests of sustainable development and proper planning.

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

**Reason:** In the interest of public health.

6. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

7. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

8. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit and demonstrate that it is bat friendly.

**Reason:** In the interests of amenity and public safety, and to ensure the protection of bats.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or

features which may exist within the site. In this regard, the developer shall:

- (a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

**Reason:** In the interests of visual and residential amenity.

12. a) The road network serving the proposed development, including turning bays, junction with the public road, footpaths and kerbs, shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of



agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

b) The eastern most cul-de-sac on Road 12 shall be designed to allow for future connections to the lands to the east. The road to continue to the boundary edge and the boundary treatment to be designed to clearly indicate that this road may continue to the east in the future.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

13. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

14. A minimum of 10% of all car parking spaces serving the apartments shall be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

15. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application

submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

16. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

**Reason:** In the interest of amenities, public health and safety.

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

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

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

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

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

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

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

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

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

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Paul O'Brien  
Inspectorate  
30<sup>th</sup> May 2024

## **Appendix 1: Screening for Appropriate Assessment**

### **Description of the Project:**

- 14.1 I have considered the proposed Large Scale Residential Development, of 220 houses and 132 apartments, including all associated site works and a section of the Rathnew Inner Relief Road, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by Scott Cawley on behalf of the applicant and the objective information presented in that report informs this screening determination.
- 14.2 The subject site is located at Tinakilly, Rathnew, Co. Wicklow, lands located to the east of the R750 road. The site of approximately 16.8 hectares contains predominantly rural/ agricultural lands which includes hedgerows and trees. The adjoining lands to the north and east are similar, but those to the south consist of lands where residential development has been completed/ is under construction at present. Included on these southern lands is a section of the Rathnew Inner Relief Road. To the east of the subject site is Tinakilly House which is listed on the Record of Protected Structures.
- 14.3 The nearest European Sites are The Murrough Wetlands SAC (002249) and The Murrough SPA (004186); both of which are located approximately 440 m to the east of the subject site.

### **Potential Impact Mechanisms from the Project**

- 14.4 The following impacts could occur because of this development:

#### Construction Phase:

- Potential for habitat loss of QI species including Otter, due to construction of the Rathnew Relief Road – Northern Section across the Rathnew Stream – Effect A
- Potential for habitat severance/ barrier effects to QI species including Otter, due to construction of the Rathnew Relief Road – Northern Section along the Rathnew Stream – Effect A

Note: These two effects can be combined to be defined as habitat loss/ fragmentation

- Uncontrolled releases of silt, sediments and/ or other pollutants to water due to earthworks on site/ crossing of the Rathnew Stream, with direct impact to this stream – Effect B

- Potential for habitat degradation due to hydrogeological impacts.
- Potential for habitat degradation due to the introduction/ spreading of non-native invasive species – Effect C.
- Uncontrolled release of sediments etc to air
- Waste generation during the Construction Phase comprising soils and construction wastes
- Disturbance and displacement impacts due to levels of noise, vibration and visual disturbance associated with the development of this site – Effect D.
- Increased human presence and activity as a result of construction activity.

#### Operational Phase:

- Without mitigation any other large-scale projects acting in combination with the proposed development has the potential to give rise to significant effects on any European site in, or associated with, the Irish Sea.
- Increased human activity.
- Disturbance and displacement impacts due to levels of noise, vibration and visual disturbance associated with the operation of this site – Effect E.

Having regard to the above potential impacts, the following can be excluded at this stage.

- There are no European sites at risk of hydrogeological effects associated with the proposed development.
- Uncontrolled release of sediments etc to air would not impact on designated sites due to the separation distance.
- Waste Generation during the construction phase – This will be controlled by best practice. There is no direct link that would result in an impact on designated European sites.

A total of five impacts have been identified that may effect the Conservation Objectives of designated sites – labelled as Effect A to E.

#### **Likely significant effects on European Sites –**



14.5 The following table identifies European Sites that may be at risk of impact due to the proposed development, full details of the qualifying features at risk are provided in Appendix 1 of the applicant's report:

| <b>Table 1 – European Sites at risk of impacts from the proposed development</b>             |  |   |  |
|--|--|---|--|
| <b>Effect Mechanism</b>  | <b>Impact Pathway/<br/>Zone of Influence</b>                           | <b>European Site</b>                      | <b>Qualifying features at risk</b>   |
| <b>Habitat loss/ fragmentation</b>   | The proposed development lies approx. 12.4 km from this European site. | <b>Wicklow Mountains SAC [002122]</b>     | There are ex-situ habitats utilised by a QI mammal species, otter, potentially associated with the Wicklow Mountains SAC.                      |
| <b>Habitat degradation as a result of hydrological impacts.</b>                              | The proposed development lies approx. 12.4 km from this European site. | <b>Wicklow Mountains SAC [002122]</b>     | Otter  |
|  | Linear Distance to Proposed Development: approx. 440 m to the east.    | <b>The Murrough SPA [004186]</b>          | Wetland and Waterbirds   |
|  | Linear Distance to Proposed Development: approx. 440 m to the east.    | <b>The Murrough Wetlands SAC [002249]</b> | Wetland vegetation and fens  |
| <b>Habitat degradation as a result of introducing/spreading non-native invasive species.</b> | Linear Distance to Proposed Development: approx. 440 m to the east.    | <b>The Murrough SPA [004186]</b>          | Himalayan Balsam and Spanish bluebell or its hybrid could degrade existing habitats thereby negatively impacting on the Wetland and Waterbirds |
|  | Linear Distance to Proposed Development: approx. 440 m to the east.    | <b>The Murrough Wetlands SAC [002249]</b> | Himalayan Balsam and Spanish bluebell or its hybrid could degrade existing habitats thereby negatively impacting on the                        |

|  |  |                                       |   |
|--|--|---------------------------------------|---|
|  |  |                                       | Wetland Vegetation.   |
| <b>Disturbance and displacement impacts at construction stage.</b> | The proposed development lies approx. 12.4 km from this European site. | <b>Wicklow Mountains SAC [002122]</b> | There are ex-situ habitats utilised by a QI mammal species, otter, potentially associated with the Wicklow Mountains SAC.   |
|  | Linear Distance to Proposed Development: approx. 440 m to the east.    | <b>The Murrough SPA [004186]</b>      | Short term (48 months) reduction in suitability of non-designated adjacent habitats to support ex-situ SCI species that may utilise suitable foraging habitat in the locality of the proposed development, mainly to the east and north-east of the proposed development. |
| <b>Disturbance and displacement impacts at operational stage.</b>  | The proposed development lies approx. 12.4 km from this European site. | <b>Wicklow Mountains SAC [002122]</b> | There are ex-situ habitats utilised by a QI mammal species, otter, potentially associated with the Wicklow Mountains SAC.   |
|  | Linear Distance to Proposed Development: approx. 440 m to the east.    | <b>The Murrough SPA [004186]</b>      | Potential impact on Wetland and Waterbirds.   |

All other European sites can be excluded from further assessment due to distance, dilution affects, lack of hydrological connection and lack of ecological connection between the designated site and the subject lands.

**Likely significant effects on the European sites ‘alone’ –**

14.6 This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

14.7 The following table provides the relevant information:

| <b>Table 2 – Could the project undermine the Conservation Objectives ‘alone’</b> |  |   |                 |                 |                 |                 |
|--|--|---|-----------------|-----------------|-----------------|-----------------|
| <b>European Site and qualifying feature</b>                                      | <b>Conservation Objective</b>  | <b>Could the Conservation Objectives be undermined?</b> |                 |                 |                 |                 |
|  |  | <b>Effect A</b>   | <b>Effect B</b> | <b>Effect C</b> | <b>Effect D</b> | <b>Effect E</b> |
| Wicklow Mountains SAC [002122]   | To maintain the favourable conservation condition of the habitat in the SAC, which are defined by a list of attributes and targets. Otter is the relevant QI.                    | Y   | Y               | N               | Y               | Y               |
| Reason:  | Habitat loss, impact on water quality, and disturbance at construction/ operational phases may undermine the Conservation Objectives of this SAC.                                |   |                 |                 |                 |                 |
| The Murrrough Wetlands SAC [002249]  | To restore the favourable conservation condition of the habitat in the SAC which is defined by a list of attributes and targets.   | N   | Y               | Y               | N               | N               |
| Reason:  | Impact on water quality and the introduction of invasive species may undermine the Conservation Objectives of this SAC.  |   |                 |                 |                 |                 |
| The Murrrough Wetlands SPA [002249]  | To maintain or restore the favourable conservation condition of the special conservation interests of the SPA.   | N   | Y               | Y               | Y               | Y               |
| Reason:  | Impact on water quality, the introduction of invasive species and disturbance during the construction/ operational phases may undermine the Conservation Objectives of this SAC. |   |                 |                 |                 |                 |

I conclude that the proposed development would have a likely significant effect 'alone' on Otters associated with the Wicklow Mountains SAC due to loss of habitat, water degradation and disturbance, on Wetland and Waterbirds of the Murrough SPA due to water degradation, introduction of invasive species and disturbance and to Wetland Vegetation of the Murrough SAC due to water degradation and the introduction of invasive species.

An Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and other projects is not required at this time.

## **Appendix 2: Stage 2 – Appropriate Assessment**

- 15.1 The applicant has provided a Natura Impact Statement in accordance with the requirements of the Stage 2 Appropriate Assessment process.
- 15.2 I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on Wicklow Mountains SAC, The Murrough Wetlands SAC and the Murrough SPA, where it has been established that there is a possibility for significant effects on the European sites, in the absence of mitigation either arising from the project alone or in combination with other plans and projects, as a result habitat loss/ fragmentation, habitat degradation as a result of hydrological impacts, habitat degradation as a result of introducing/spreading non-native invasive species, and disturbance/ displacement impacts. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.
- 15.3 The NIS identifies and assesses possible adverse effects of the proposed development on specific Qualifying Interests and Conservation Objectives of these designated sites. A summary description of all European sites in the vicinity of the subject site is provided in Table 1 of the NIS and a summary of the potential impact of the development are provided in Table 2. The significant effects on European Sites are identified, in summary as follows:
- Habitat Loss
  - Habitat degradation due to hydrological reasons
  - Habitat degradation due to the introduction of invasive species
  - Disturbance during the construction and operational phase
- 15.4 The main project that may give rise to cumulative effects is the development on the adjacent lands – Tinakilly Phase 1 permitted under PA ref. 17/219/ ABP ref. 301261. An EIAR and AA Screening was provided in support of this application and ruled out effects on European sites. In-combination effects with the subject development can therefore be ruled out at this stage.

15.5 Specific mitigation measures are outlined for each of the designated sites in the submitted NIS. These measures are summarised as follows:

| Impacts requiring mitigation  | Mitigation measures:   |
|---|--|
| <ul style="list-style-type: none"> <li>Habitat Loss</li> </ul>  | <ul style="list-style-type: none"> <li>There will be a loss of habitat to facilitate the development of the relief road over the Rathnew Stream.</li> <li>Much of the impact will be short term and in daytime. Otters have been shown to be able to adapt to such development works.</li> <li>The extent of impact is not significant considering the scale of development in this location and should impact on Otter foraging/ and or commuting.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Habitat degradation due to hydrological reasons</li> </ul>                 | <ul style="list-style-type: none"> <li>Provision of suitable buffer zones between the site and designated lands.</li> <li>Use of appropriate measures in construction including silt fences/ curtains and settlement lagoons.</li> <li>Temporary construction surface drainage measures.</li> <li>Take account of weather and environmental conditions.</li> <li>Suitable storage of fuels, chemicals and cement.</li> <li>Covering up of materials.</li> <li>Provision of an Emergency Response Plan.</li> <li>Attenuation to have regard to climate change and historical storm events.</li> </ul> |
| <ul style="list-style-type: none"> <li>Habitat degradation due to the introduction of invasive species</li> </ul> | <ul style="list-style-type: none"> <li>Pre-development invasive species survey to be undertaken by a suitably qualified person.</li> <li>Where identified, a non-native invasive species management plan (ISMP) to be implemented.</li> <li>Post construction, no further mitigation is required as the development would be subject to Local Authority requirements.</li> </ul>   |
| <ul style="list-style-type: none"> <li>Disturbance during the construction and operational phase</li> </ul>       | <ul style="list-style-type: none"> <li>Disturbance may extend to 150 m from the edge of the development site.</li> <li>Otters have been shown to be able to adapt to such activity.</li> </ul>   |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• There are no records of winter birds using lands adjacent to the development site and therefore there is no potential for significant effects on the Conservation Objectives of the Murrough SPA.</li> </ul> |
|--|---|

15.6 In conclusion, the NIS reports 'It has been objectively concluded by Scott Cawley Ltd., following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development, and the effective implementation of the mitigation measures prescribed that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.'

**15.7 NIS Assessment:**

15.8 I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

15.9 The Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

15.10 **Aspects of the Development that could adversely affect the designated sites:** The main aspects of the development that could impact the conservation objectives of the European sites are through habitat loss, deterioration of water quality, potential negative impacts from Invasive Species and disturbance during the construction and operational phases of the development.

15.11 **Mitigation:** A range of mitigation measures are provided in the NIS, and these are noted. These primarily refer to the construction phase of development but also refer to the operational phase as provided in the applicant's report.

15.12 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the Murrough SAC and SPA and also through connections to the Wicklow Mountains. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

15.13 In Combination Effects: No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

15.14 Appropriate Assessment Conclusion:

15.15 The proposed residential development at Tinakilly, Rathnew, Co. Wicklow has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

15.16 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

15.17 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA

15.18 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.



- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA.

15.19 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA.