



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319604-24

<b>Development</b>	86 residential units, alterations to Kilbride Road, pedestrian and cyclist access and all associated site works.
<b>Location</b>	Lands at Kilbride, Arklow, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	23756
<b>Applicant(s)</b>	Certain Assets of Dawnhill and Windhill Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Yvonne Gager and Others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	04/12/2024.
<b>Inspector</b>	Bébhinn O'Shea

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## 1.0 Site Location and Description

- 1.1 The site is located on the northwestern side of Arklow Town and is greenfield/open pasture. The site is irregularly shaped due to the inclusion of transport infrastructure, i.e. the main proposed residential area is at the south and roads infrastructure creates a 'leg' of the site boundary from this area to the north.
- 1.2 The site gently slopes from north to south. There are agricultural lands to the west and north and Arklow Marsh is located to the south. To the east of the proposed residential area there is existing residential development with the rear gardens of a number of dwellings backing on to part of the application site. The Marshlands Sports Club is also located to the southeast of the portion of the application site, and current access to same is proposed to be used for part of the proposed development. There are limited hedgerows/treelines, largely at perimeter locations and crossing the site at the location of the proposed roads. Powerlines cross part of the site in the north.

## 2.0 Proposed Development

### 2.1 Key figures

Site Area	5.75 ha	
No. of Res. Units	86	84 (following FI)
Density	35/hect (net)	33.8/hect (net)
Height	Houses: 2 storey Duplex: 3 storey	Houses: 1 - 2 storey Duplex: 3 storey
Mix	1 bed x 8 (9%) 2 bed x18 (21%) 3 bed x60 (70%)	1 bed x 8 (9.6%) (following FI) 2 bed x11 (13.1%) (following FI) 3 bed x 65 (77.3%) (following FI)
Part V	9 units proposed on site	9 units proposed on site
Public Open Space	14.1 %	14.1%
Parking Provision	151 spaces, on-street	149 largely within curtilage

2.2 The application was also accompanied by the following supporting documentation:

Phasing Justification Report	Residential Travel Plan
Community & Infrastructure Audit	DMURS Statement of Consistency
Public Lighting Report	Construction Management Plan
Sustainability & Energy Report	AA Screening Report
Road Safety Assessment	Ecological Impact Assessment Report
Landscape Design Assessment	Arboricultural Tree Survey
Traffic Impact Assessment	Infrastructure Design Report
Residential Travel Plan	Verified Views Report
Site Specific Flood Risk Assessment	Architectural Design Statement

2.3 The application represents Phase 1 of a wider residential/mixed use development, which is described in a Masterplan Document submitted at Further Information stage.

2.4 The development is laid out as a dual aspect crescent facing towards the Arklow Marsh, with inner norther face of crescent facing onto an avenue type street of blocks of terraced units and southern face onto the park and Arklow Town Marsh.

2.5 Access is off the Kilbride Road (L6179) providing a section of the new road (referred to in places as the western distributor road) into the wider Kilbride Masterplan lands with vehicular, pedestrian and cycle access

2.6 Pedestrian and cyclist access is to the south-east of the development via Marshland's sports club lands, through Avondale Crescent and Dewadden Drive to the Dublin Road R772.

2.7 An ecological public park is indicated to south and a pocket park within western portion of the development. Landscaping, public open spaces and all associated site development works are proposed including boundary treatments, attenuation storage area and other service provision

## 3.0 Planning Authority Decision

### 3.1 Decision

The Planning Authority, following a Further Information request, granted permission for the development with a reduction of 2 units and otherwise without significant changes to the application as proposed. Further details as per Planning Reports below.

### **3.1.1 Conditions**

23 No. conditions were applied; some of note below:

- Condition 4: Requires occupation by individual purchasers or social/affordable housing occupants, and not a corporate entity.
- Condition 9: Requires details of proposed pedestrian/cycle route and upgrades to road and pedestrian cycle infrastructure to be agreed prior to commencement and no occupation of any dwellings until such time as works carried out to written agreement of the Planning Authority.
- Condition 15: Requires details of hard and soft landscaping and boundary treatments to be agreed, catering in particular for along the pedestrian/cyclist path adjoining residential properties and the treatment of the Marshlands Sports Club.
- Condition 20: Requires specific detail for bin storage areas and walls facing public areas.

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Reports**

3.2.1.1 The first planning report sets out the relevant policy of the Arklow & Environs Local Area Plan (LAP) and Wicklow County Development Plan (WCDDP) along with site specific features. The proposed development was assessed against the criteria of the LAP Action Area Plan (AAP) No. 3 for Kilbride, where the site is located. The report notes among other matters:

- The vehicular access point proposed is in accordance with LAP objectives and the application will provide the first 280m of the access route which will lead to a future Avoca River crossing.
- Pedestrian access routes are provided with the development and indicated (within a masterplan) for the wider AA3 lands. The report considered the proposed

pedestrian/cycle path connection at Marshlands Sports Club of benefit to existing residential areas in terms of access to the permitted school campus and of benefit for the AAP3 lands in terms of access towards the town centre. It was noted that safety/security was an issue.

- Increased footfall is positive; safety issues relating to use of e-scooters is a national issue, not specific to this site; it is unlikely given the circuitous route that the Avondale Crescent would become a drop off point for the school campus.
- AAP3 requirements relating to size of housing schemes, provision of school campus, local shops and services (LSS) centre provision, open space provision were addressed, and the proposal and masterplan were consistent with the requirements for AAP3.
- That the principle of allowing the AAP3 lands to proceed in advance of AAP 1 and AAP2 was acceptable but that details of phasing to the remainder of the AAP3 required to be addressed.

3.2.1.2 Density and visual impact were considered acceptable. Dwelling mix, design, landscaping, boundary treatment, open space, parking, impact on amenities were largely acceptable but some elements of each required to be addressed.

3.2.1.3 No childcare facility is proposed; this was considered acceptable having regard to the community and Social Infrastructure Audit (SIA) and planned future provision in later phases of the AAP3 lands.

3.2.1.4 Apartment design guidance, Surface water, Flooding, Part V and Traffic considerations were all considered acceptable.

3.2.1.5 Further Information was requested regarding:

- Phasing within AAP3 lands
- Proposals to secure boundaries between site and residential dwellings to east.
- Engineering Report on adequacy of the pedestrian and cycle network in the adjoining residential area.
- Consent for removal of gates to sports complex and for future security of this facility.

- Taking in charge - provision for EV charging and allocation of car-parking.
- Revised design of duplexes to avoid overlooking.
- Bin storage/collection arrangement
- Redesign of 2 No. Type E dwellings to single storey
- Archaeological Impact Assessment.

3.2.1.6 The second planning report considered the response to the Further Information request and had regard to a further third-party submission. It is noted that, along with addressing the FI request, in response the applicant introduced a new house type, which requires a reduction in units by 2 No. and a revised housing mix.

3.2.1.7 The applicant was considered to have addressed the matters of FI adequately and a grant of permission was recommended.

### **3.2.2 Other Technical Reports**

- Fire Service: Some requirements outstanding but may be dealt with separately to planning.
- Housing: No specific issues; notes requirements

### **3.3 Prescribed Bodies**

- TII: No observations
- DoHLGH: Requests archaeological impact assessment by way of further information
- Uisce Éireann: Water connection feasible subject to local upgrades. Wastewater connection feasible subject to customer entering into project work service agreement and subject to trunk sewer project and wastewater treatment plant being complete (due in 2025)

### **3.4 Third Party Observations**

A number of submissions were received primarily from residents of estates to the east. Most issues raised are set out in the appeal grounds below. Other matters raised were:

- Adequacy of sewerage infrastructure and potential disturbance from new path causing flooding.
- Traffic congestion on Beech Road/Dublin Road
- Provision of new roads/footpaths and a financial contribution for a bridge across the Avoca or the provision of a cycle/pedestrian bridge
- An Environmental Impact Report should be requested.

## 4.0 Planning History

- **ABP Ref 305175-19** Pre-application consultation request for a Strategic Housing Development for 759 residential units, retail units, creche and associated site works. (This area includes the subject site). Notice of Pre-Application Consultation Opinion issued in October 2019 stating that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.
- **22/1006** (lands north of access to the current application within same landholding) Refusal for residential development comprising 98 residential units, alterations to Kilbride Road L6179 to provide a section of the regional road and upgrades to provide pedestrian facilities, landscaping, public open spaces and all associated site development works
- **Reasons:** Peripheral site; inadequate pedestrian/cycle links to town core; Inappropriate phasing/sequential approach; Social Infrastructure Audit and Accessibility Report lacking; Endangering public safety by reason of traffic hazard for pedestrian/cyclists towards town centre; Prejudicial to public health due to private wastewater treatment plant proposed and drainage issues/possible pollution of groundwater
- **22/213 Kildare/Wicklow Education and Training Board (KWETB)** (north of subject site, see Appendix 3). Permission granted for construction of a new educational campus with a primary and secondary school and a new link road that will serve the school campus.



- **11/610042** (Current Marshland Sports Club) **Part 8** development by Arklow Town Council of 15mx10mx5m high building, new access road, hard surfaced areas and parking facilities, fencing, lighting.

## 5.0 Policy Context

### 5.1 National Guidance

- National Climate Action Plan 2024

While primarily concerned with carbon emissions, this Plan also notes the impact of climate change in Ireland in terms of substantial increase in the frequency of heavy precipitation events in winter and autumn.

- National Biodiversity Action Plan 2024

This Plan sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which nature is valued and protected. It notes residential development, is one of the main forms of development driving biodiversity loss. Several actions and objectives relate to use of nature-based solutions (as defined by the UNEA). Another significant objective is a move towards no net loss of biodiversity by public authorities and private sector bodies.

### 5.2 Section 28 Guidelines

- **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).**

Section 3.3.3 and Appendix B set out Density Ranges and Methodology for calculating density. Strategic Planning Policy Requirements (SPPRs) set minimum requirements for Separation Distances (SPPR 1) Minimum Private Open Space (SPPR 2) and standards for Car Parking (SPPR3) and cycle parking (SPPR4)

- **Guidelines for Planning Authorities - Design Standards for New Apartments (2022)**

SPPR 1 relates to apartment mix.

SPPRs 3 -7 relate to minimum apartment floor areas, provision of dual aspect

- The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009)

### 5.3 Wicklow County Development Plan 2022-2028 (WCDP)

#### 5.3.1 The following sections are most relevant:

- **Chapter 3:** Identifies Arklow as a Level 3 Self-Sustaining Growth Town with a population target of 14,419 by Q2 2028 and target housing growth of 1,221 2016 – 2031. An allocation of 790 units is identified to Q2 2028 and a further 161 units to Q4 2031. Section 3.5 sets out zoning principles, including the provision of at least 30% of targeted housing growth within the built-up area of settlements.
- **Chapter 6 Housing** has wide relevance in terms of density, design/mix, phasing, regard to existing residential areas. Section 6.3.4 relates to Phasing. The following objectives are referred to in the appeal
  - CPO 6.3 *New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.*
  - CPO 6.5 requires that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with key principles of urban design:
  - CPO 6.7 requires the design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice.
  - CPO 6.19 *The development of zoned land should generally be phased in accordance with the sequential approach as set out in this chapter. The Council reserves the right to refuse permission for any development that is not consistent with these principles.*
  - CPO 6.20 requires that housing development be managed and phased to ensure that infrastructure is adequate or is being provided to match the needs

of new residents, requires the submission of a Social Infrastructure Audit (SIA) and any deficiencies to be addressed.

- Table 6.1 sets out Density parameters.

- **Chapter 7 Community Development** including childcare facilities.
- **Chapter 12 Sustainable Transportation** in terms of Accessibility Report, EV charging provision, general road objectives, cycling and walking objectives. CPO12.35 M/N1 Objectives includes Provision of a third interchange on the Arklow by-pass, linking the M11 to Vale Road.
- **Chapter 17 Natural Heritage & Biodiversity** and **Chapter 28 Green Infrastructure** have wide relevance in particular to Arklow Town Marsh.
- **Appendix 1** Development and Design Standards.

5.3.2 Proposed **Variations No. 2 and 3 of the Wicklow County Development Plan** are noted. These variations propose to include within Volume 2 of the CDP *“the land use zoning and key development objectives maps for the Local Area Plan settlements / areas of Bray Municipal District, Wicklow Town - Rathnew, Greystones – Delgany & Kilcoole, Arklow and Blessington which have separate Local Area Plans.”*

*“The land use zoning and key development objectives maps are adopted by way of variation into the County Development Plan during the making of each LAP.”*

Variation 2 relates to Wicklow Town/Rathnew LAP. Variation 3 relates to Blessington LAP.

#### **5.4 Arklow and Environs LAP**

5.4.1 Arklow and Environs LAP 2018-2024 which came into effect on 04/03/2018 has now expired. Submissions were invited from 1st of March 2024 to 2nd of April 2024 for the new Arklow and Environs Local Area Plan. This plan remains at pre-draft stage.

5.4.2 Under the Arklow and Environs LAP 2018-2024 (LAP) the site was primarily zoned Mixed Use (MU) with the objective “To provide for mixed use development” and the

description is “The nature of the mixed use development envisaged for any particular site is set out in the text of the plan.” The mix of uses sought for this location is set out further in the Action Area Plan sections.

- 5.4.3 A portion of the site where the proposed pedestrian/cycle path is located is zoned Open Space (OS2) where the objective is “*To protect and enhance existing open, undeveloped lands*” and the description is “*To protect, enhance and manage existing open, undeveloped lands that comprise flood plains, buffer zones along EU and nationally protected sites (Natura 2000 sites, NHAs etc), watercourses and rivers, steep banks, green breaks between built up areas, green corridors and areas of natural biodiversity.*”

- 5.4.4 Page 56 sets out a table of typical uses for each zoned area.

Mixed Use (MU) – Uses generally appropriate for any mixed use area will be specified in the plan.

Open space (OS2) zoned land are uses that protect and enhance the function of these areas as flood plains, buffer zones along watercourses and rivers, green breaks between built up areas, green corridors and areas of natural biodiversity. As these open lands are not identified or deemed necessary for development for recreational purposes, other uses that are deemed compatible with proper planning and sustainable development may be open for consideration where they do not undermine the purpose of this zoning.

- 5.4.5 Transportation and Movement Objective IT5 affected the site:

*“To facilitate the provision of a western distributor route in order to provide alternative movement routes through the town. The route which shall be subject to route option assessment will incorporate a New River crossing linking Kilbride to the Vale Road, Lamberton Avenue and onto the Coolgreaney Road”.*

- 5.4.6 The site was within a larger area of c. 81 hectares referred to as Kilbride, identified for Action Area Plan (AAP) 3

*“This Action Area Plan is located in the townland of Kilbride. This Action Area measures c. 81ha and is bounded to the north by local secondary road L-6179 Ticknock – Kilbride (the Kilbride – old IFI plant road) to the east by existing developed areas mainly in residential and community / educational use, to the south by Arklow Marsh and to the west by the M11. This Action Area shall be developed as a mixed residential (R28<sup>1</sup>), community (CE) and open space zone (AOS, OS1, OS2) in accordance with the following criteria:*

- i. Vehicular access to the Action Area shall be provided from the L-6179 or from the Regional Road if it is possible, with the roads configuration of the development providing / facilitating a possible future third Avoca river crossing; other, secondary access routes from the adjacent road network shall also be provided as may be possible;*
- ii. A number of pedestrian access routes into the action area shall be provided where possible from adjacent developed areas;*
- iii. A maximum of 1,500 residential units shall be provided, in a range of development formats, densities, unit sizes and designs.*
- iv. To achieve a sense of place and allow for visual diversity any residential application should provide for a number of identifiable and distinct housing estates (not exceeding 200 units), each containing materially different house designs within an overall unified theme.;*
- v. A minimum of 5ha shall be reserved for the provision of a school campus (CE Community and Education Zone) on lands zoned CE to the northeast of the AAP, subject to consultation and agreement with relevant stakeholders, including the Department of Education and Skills;*
- vi. A local shops and services centre (LSS zone), of scale commensurate with the needs of the future population of the Action Area shall be provided, on a site of c. 1ha.*

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<sup>1</sup> Table 3.1 of the LAP indicates that R28 relates to a density parameter of 28 units/hectare. While gross/net density is not specified, this is net density as it is based on the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas where all densities quoted are net densities.

- vii. *A minimum area of 12ha shall be developed as public open space, of which a minimum area of 4.5ha shall be laid for active sports uses (AOS zone); remaining open areas shall been laid out as informal parks and walks, and shall include a minimum of 2 equipped children's play areas;*
- viii. *The development shall be delivered in phases such that adequate road infrastructure and local services are provided for each phase; in particular, the road infrastructure to serve the action area plan and local shops & services sites shall be provided in Phase 1 accompanied by no more than 50% of the residential development; and the open space and strategic road infrastructure shall be provided no later than Phase 2 accompanied by no more than 75% of the residential units (an additional 25% on top of Phase 1).*
- ix. *Any development proposals shall have regard to the setting and curtilage of structures and sites of heritage value, and habitats of biodiversity value and appropriate buffer zones-/mitigating measures shall be provided as required.*

5.4.7 A Concept Plan was provided for Action Areas 3 and 4 together. The 'concept plan' for Kilbride is set out on the [map sketch (map 11.5)] along with a concept plan for the adjoining lands at Coolboy (AAP4), the land use zones shown on the concept plan reflect a 2D land use concept for the layout of these lands. Key parameters that have led to this concept include:

- *The possible provision of a future third Avoca river crossing and the provision of access routes from the adjacent road network.*
- *AAP3 will require a 'local shops and services centre' which will provide for the local retail and services needs of the resident population but will also include a school campus with the need for new active open space to serve both the future residents of the area and the wider area.*
- *AAP4 has a lower density zoning to reflect its location on the periphery of the plan, buffer zones will be required along existing power lines, along the M11 and the stream. AAP4 will also require the provision of the active open space to serve both the future residents of the area and the wider area.*
- *In this conceptual layout, the lands have been laid out to allow the new developments to enhance the existing neighbourhood (Templerrainey Church, St*

*Joseph's National School and the employment lands at Kilbride Industrial Estate). The 'local shops and services' are located adjacent to the proposed school site and the existing employment lands; this will enhance the sense of place and identity of Kilbride/Templeraine as a neighbourhood within Arklow.*

- *The school site is located close to the existing St Joseph's School and in the centre of the residential areas. The location of the active open space and the open space buffers enhance the green infrastructure links within the neighbourhood. This concept plan also includes lands in between the Action Area Plans.*

5.4.8 The following objectives are also referred to in the appeal.

- **HT1** *To maintain the favourable conservation status of all proposed and future Natural Heritage Areas (NHAs) in the plan area in particular the Arklow Marsh and to support environmentally sensitive measures to enhance the understanding and enjoyment of such natural areas*
- **H4** *The development of zoned land should generally be phased in accordance with the sequential approach as set out in the County Development Plan. The Council reserves the right to refuse permission for any development that is not consistent with these principles.*
- **H8** *Lands at Tinahask (Action Area Plans 1 & 2), Kilbride (Action Area Plan 3) and Coolboy (AAP4) shall be developed as comprehensive (not piecemeal) integrated schemes that allow for the sustainable phased and managed development of each action area plan during the plan period.*
- **VP5** relating to public transport
- **HT1** *To maintain the favourable conservation status of all proposed and future Natural Heritage Areas (NHAs) in the plan area in particular the Arklow Marsh and to support environmentally sensitive measures to enhance the understanding and enjoyment of such natural areas.*

## 5.5 Natural Heritage Designations

- Arklow Town Marsh pNHA adjoining the site.
- Avoca River Valley pNHA 2km west.

- Buckroney-Brittas Dunes and Fen SAC c. 4km northeast.
- Kilpatrick Sandhills SAC c. 7.5km from the site southeast.

## 5.6 EIA Screening

See Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1 Grounds of Appeal

The appeal grounds are summarised below:

- **Compliance with planning legislation/technical concerns:** The description in public notices was not detailed enough. Measures to improve road network are outside red site boundary. The Masterplan was not referenced on site notices. EIAR should be required as the overall quantum will be above threshold.
- **Zoning concerns:** The development of pedestrian cycle path is not supported on lands zoned OS2 for Open Space. It adjoins Arklow town Marsh pNHA. It would not be appropriate to develop the OS zoned lands. A buffer is required. The construction of the path which would require excavation, cut/fill, fencing immediately adjacent which will replace an existing soft attractive buffer, with associated problems. These works are contrary to objectives of the CDP and contrary to objective HT1 of the LAP. The proposal is contrary to the mixed-use (R28 and LSS) zoning
- **Cycle/footpath connection not necessary:** The proposed development does not have to include appellants' estate. It does not benefit existing residents in terms of access to the town centre. There are other options than entering the appellants' estate as per the masterplan.
- **Cycle/footpath connection impact on residents unacceptable:** The proposed path will fundamentally change the nature of this cul-de-sac to a through route. It is



not linking two immediately adjoining sites like typical links. The applicant will have no responsibility towards the link once constructed. The link will create safety and security issues for residents of Avondale Crescent and Willow Grove and lighting will encroach. It will impact upon safety and privacy of Sports Club members including children. There would be overlooking of rear private properties from the path and security concerns. Anti-social behaviour and loitering is likely on the path and also on open grassed areas to the south/southwest now rendered accessible. The proposal will be contrary to CPO 6.3 of the WCDP in terms of impact on visual and residential amenity. The existing residential area will become a drop off point for people accessing schools.

- **Connecting infrastructure not adequate for cyclists:** There is no cycling infrastructure in the existing adjoining streets which connect uphill through a bend to a dangerous junction. The proposal will be hazardous to pedestrians and cyclists. Cycle lanes should be provided along the masterplan spine road and connect to the Dublin Rd. Cycle lanes should be provided on the Dublin Road during work to upgrade the water main
- **Traffic/transport:** The scheme is not public transport accessible. This is car based development. There is no proposal or condition requiring a mini bus link to the town centre. There is a lot of congestion already at the access point to Marshlands sports club. TIA and Residential Travel Plan not reliable or credible; distances to town incorrect, scheme will be dormitory given proximity to national routes/lack of additional bridge.
- **Phasing/sequencing/Masterplan:** The development of the site would be premature due to peripheral location (see history application 22/1006). The site fails the sequential approach as per objective H4 of the LAP and section 6.3.4 of the CDP, objective CPO 6.19. This proposal fails to comply with the objective of VP5 of the LAP. The proposal is premature pending delivery of the new bridge having regard to the LAP and in particular the vision for AAP3. The site is leapfrogging other more suitable sites across the river. The proposal is inconsistent with the Action Area Plan criteria and the development is piecemeal and contrary to objective H8 of the LAP.

- **Social Infrastructure:** The proposal is premature pending delivery of social infrastructure
- **Density/Design:** The density is not appropriate, and the development should be limited to two-story design. The proposal is contrary to objectives CPO 6.5 and CPO 6.7 of the CDP.
- **Drainage/flooding:** The site is mostly marshy ground with a high water table. Pluvial flooding has not been fully addressed and it is likely that the proposal may cause surface water to flow into the adjoining estate. The development is located in an inappropriate flood risk category. The proposals are in insufficiently sensitive to outflow to the Marsh pNHA.
- **Sewerage infrastructure.** The proposal is premature or pending the completion of the Arklow WWTP completion. Existing foul water pipes in the appellants' estate may be disturbed
- **Appropriate Assessment** is incomplete/flawed

## 6.2 Applicant Response

- The proposed path is a permitted development with Open Space zoned land as it facilitates access to and through open space. Chapter 11 of the LAP sets out typical uses for each zoned area and states that *other uses that are deemed compatible with proper planning and sustainable development may be open for consideration where they do not undermine the purpose of this zoning.*
- The excessive works claimed to be required for the path are not accurate. Proposed levels are designed to match the existing. Width is consistent with DMURS. Trees to be removed are of little arboriculture value. High quality landscaping is proposed.
- The proposed route is beyond the marsh and is not relevant to provision of a buffer. The pathway is not a sensitive use and therefore acceptable in this flood zone category.
- The claims regarding noise and anti-social behaviour are unsubstantiated. The route will increase passive surveillance and safety. The lands will be taken in

charge by Wicklow County Council. Lighting has been selected to be bat friendly with no upward light and will not impact on existing residents.

- The TRICS data and 2023 Cycle design manual demonstrates that mixed traffic or shared surface arrangement is suitable in terms of speed limit and traffic flows at this location. The FI response acknowledged matters relating to existing infrastructure and a condition was applied to the grant to secure this.
- Vehicular traffic will not use the junction of Dewadden Drive and the Dublin Road. The need for a public transport capacity assessment does not arise in respect of this site. TRICS modelling is robust.
- Development is not premature/piecemeal. Justification for phasing and rationale is re-stated. WCC was satisfied with phasing approach. The delivery of the bridge is a long-term objective as set out in the LAP. Social infrastructure provision/ requirement is set out within the audit and masterplan. The masterplan is an overview of the applicants intended approach for upcoming phases of the development. It should be regarded as a vision for the area.
- The development is well connected in terms of public transport and community amenities. Cyclist improvement works as part of the development will improve existing cycling infrastructure.
- The density is appropriate having regard to the CDP and LAP.
- There will be no devaluation of property. The AA3 lands will including school campus, shops, services, open space and connectivity to same will enhance the area. The pathway will benefit existing residents as outlined in the planning report.
- Issues in relation to the WWTP are addressed in the application and condition of grant of permission.
- A NIS was not required. The development has been designed to maintain flows to the marsh as per the Ecological Impact Assessment (EclA). The appellants have not submitted their own AA screening or EclA by a qualified ecologist to re-enforce their claims. There is no discharge to ground and the Surface Water Strategy has been designed to protect the receiving environment. The site is located within Flood Zone C.

### **6.3 Planning Authority Response**

#### **6.3.1** A response was received stating

- The public notices complied with legislation. The planning report notes the existence of the Arklow Town Marsh pNHA to the south.
- The proposed pedestrian/cycleway is on lands zoned OS2. The planning report had regard to the setting of the OS2 zoned lands. The lands do not provide a buffer to the pNHA to the south. The proposed cycle pedestrian path does not undermine the achievement of the overall OS2 lands in the area, or the purpose of the zoning objective. It does not materially contravene the zoning objective.

### **6.4 Observations/ Further Responses**

None

## **7.0 Assessment**

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

- Technical/procedural issues
- Principle of Development
- Zoning/LAP
- Phasing/Sequencing and Masterplan
- Traffic/transport
- Impact on adjacent residential amenities
- Social Infrastructure.
- Density/Design
- Drainage/Flooding and impact on Arklow Town Marsh

- Appropriate Assessment

## **7.2 Technical/Procedural issues**

- I consider that description of development contained within public notices was adequate, and met the requirement of the Regulations, to provide a brief description of the nature and extent of the development. I note that the development description was deemed acceptable by the Planning Authority.
- A reference to the Masterplan is included in the development description which, while not necessary, was of benefit in making the public aware of wider development intentions for lands in this area, as partially progressed through earlier SHD pre-application consultation.
- Works to improve the public road network did not form part of the initial application, and therefore were not inside the red site boundary. These have been sought by the Local Authority and attached by condition in the decision to grant.
- The requirement for EIA is addressed in the report below.

## **7.3 Principle of Development**

- 7.3.1 The Arklow and Environs LAP has recently expired. The zoning and objectives of the LAP do not form part of the County Development Plan. However, the Core Strategy and Settlement Strategy identify Arklow as a Self Sustaining Growth town; these towns are targeted for growth rates of 25%-30%. An allocation of 790 units is identified to Q2 2028 for Arklow, and a further 161 units to Q4 2031.
- 7.3.2 I have reviewed planning permissions granted since the adoption of the CDP and note application 24/325 for 476 units (granted by Wicklow County Council on 12/12/2024) as the only significant development since the adoption of the CDP. Therefore, there remains capacity as per the Core Strategy for the number of units within the proposed development.
- 7.3.3 I note:

- The general approach set out in S28 guidelines on development plans and LAPs specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and on public transport routes being given preference, encouraging infill opportunities.
- NFP National Policy NPO 6 is to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints ('built up areas' as defined by the CSO).

7.3.4 The Core Strategy Table A of the CDP for LAP Towns identifies that there is a surplus of zoned lands in Arklow to facilitate targeted growth, which will be addressed in the next LAP. However, it indicates that the built up area has a capacity to cater for 40% of targeted growth, therefore lands outside the built up area will require to be considered for zoning in the next LAP.

7.3.5 The development location meets the requirements of CPO 6.19 of the CDP in relation to phasing and sequential growth: it is located adjacent the existing built up urban area and provides key/transport infrastructure (access point, road, cycle/footpath) in conjunction with development (see 7.5 below for further detail). It also responds to the permission granted for the school campus and can integrate with the CDP objective for the provision of a third interchange on the Arklow by-pass. Noting the statutory plan context for the site, the consistency with the CDP provisions relating to Arklow, and consistency with national policy context set out above in terms of the NPF and S28 Guidelines, I am satisfied that the principle of development on the site would not conflict with the CDP, and therefore is acceptable.

## **7.4 Zoning/LAP**

7.4.1 Notwithstanding the expired nature of the LAP, I will consider compliance with same, in the interest of completeness, and having regard to the nature of issues raised in the appeal, and the level of detail set out for the proposed development site within the LAP.

- 7.4.2 The majority of the site is zoned Mixed Use under the LAP. The MU objective is refined for each Action Area in the LAP, with the amount of residential development required set out. Table 3.1 of the LAP refers. Action Area Plan 3 Kilbride is allocated MU (R28 + LSS). R28 is *“To protect, provide and improve residential amenities at a density up to 28 units/ha.”* Therefore, residential development would be acceptable in principle. Density (in terms of R28) is addressed further in this report below.
- 7.4.3 The OS2 zoning applies to a portion of the site providing the connection pedestrian cycle pathway from the residential development to Avondale Crescent. The objective of the OS2 zoning is to protect, enhance and manage existing open, undeveloped lands that comprise flood plains, buffer zones along EU and nationally protected sites (Natura 2000 sites, NHAs etc), watercourses and rivers, steep banks, green breaks between built up areas, green corridors and areas of natural biodiversity. The LAP continues (p.56) *As these open lands are not identified or deemed necessary for development for recreational purposes, other uses that are deemed compatible with proper planning and sustainable development may be open for consideration where they do not undermine the purpose of this zoning.*
- 7.4.4 I note that the OS2 lands the subject of this development are located between Marshlands Sports Club and the rear of nos. 1-11 Willow Grove. I do not consider these to be open lands and nor do the lands themselves act as a buffer for the Arklow Town Marsh, given the location of the sports club in between. I consider that existing vegetation and planting along boundaries contributes to a wider sense of assimilation of structures into the landscape and contribute to a visual buffer. I note that proposed works respond to existing levels at this location, with some cut and fill as indicated on section drawings and photomontages. I do not consider the works involve significant intervention in ground levels.
- 7.4.5 Having regard to the landscaping and planting proposals of the applicant along this proposed pathway, I consider that the visual buffer will be improved under the proposed development. Therefore, as the proposed pathway would not undermine the purpose of this zoning, the proposed pedestrian/cycle path would be open for consideration.

7.4.6 I therefore conclude that the proposed development would not be contrary to the MU, R28 or OS2 zoning or to objective HT1 of the LAP, which although now expired is indicative of the nature of development considered appropriate for the site.

## **7.5 Phasing/Sequencing and Masterplan**

7.5.1 The appeal challenges the appropriateness of the development in terms of phasing and sequencing, both within the LAP area and within AA3.

7.5.2 In terms of the wider LAP area, I note the provisions of the LAP in relation to AAP1 and AAP2 and that Appendix D of the LAP sets out Phasing and Implementation. I acknowledge, as stated by the appellant that Action Area 3 is within Priority Level 3 after the town centre, waterfront and AAP1 and AAP2. However, I note that the LAP on Page 56 states that the principals of phasing may contravened in exceptional circumstances e.g. if there is a barrier to development.

7.5.3 The applicants submitted a Phasing Justification with the application. It sets out that

- Population and growth targets for the town are not being achieved.
- AAP1 and AAP2 lands are not coming forward for development, and no planning permission has been sought on these lands. (Recent permission granted at Tinahisk is however noted WCC ref. 24/325)
- No Action Area Plan has been prepared for AAP1/AAP2 lands. (I note this has been achieved for AAP3 lands. I also note that an approved AAP for AAP2 is available dated June 2023 on the WCC website)
- The development of AAP1 and AAP2 lands are severely restricted by road infrastructure deficits (I note constraints are also detailed in the LAP).
- No infrastructure in place in the AAP1/AAP2 lands while a school campus has been progressed in AAP3 lands
- Town centre and waterfront higher priority lands are within Flood Zones A and B



- 7.5.4 I consider that the above establishes a reasonable justification for the proposed development of AAP3 lands in advance of other lands within the LAP area. I note that the Planning Authority was also satisfied in this respect.
- 7.5.5 In terms of phasing/sequencing within AAP3, I note that the Phasing Justification submitted by the applicant sets out that that an Action Plan for AAP3 Kilbride was agreed with the Council as part of SHD application in 2019. Written confirmation from WCC is included. This meets the requirements of the LAP as set out on p. 56. (An excerpt of the agreed masterplan is included on page 8 of the applicant's planning report. What appears to be an updated version of the masterplan forms part of the FI response.)
- 7.5.6 The Planning Authority sought, at Further Information stage, a detailed phasing plan for the entire AAP3 lands and report setting out how it accords with the phasing requirements of the LAP. The applicant's response sets out a schedule of phasing, correlating with the masterplan strategy and indicating how it meets the criteria of the LAP for AAP3:
- Phase 1 delivering 762 units, vehicular access to L6179 and local shops, creche and services.
  - Phase 2 a delivering 363 units, remainder of the road, sports area, parks, playgrounds and open spaces
  - Phase 2b delivering the remaining 375 units.
- 7.5.7 The proposed development is within Phase 1, Subphase 1a. I note that the site is adjacent the built up area of the town and differs from previous applications in this respect, in terms of sequential development. It provides key/transport infrastructure (access point, road, cycle/footpath), open space areas and that it also responds to the permission granted for the school campus. I consider the phasing and sequencing approach suitable in this regard. I consider the level of delivery of aspects relating to the wider AAP area reasonable having regard to the number of dwellings proposed. I note the location of existing local shops which will be accessible to the proposed

development to the east for this phase until later more centralised delivery within the AAP3. I note that the provision of a creche is proposed to follow in the next phasing stage and local shops and services also within Phase 1.

- 7.5.9 I therefore consider the proposal represents a phased, coherent approach, and that while it allows for development in stages, the approach is not piecemeal. This complies with the requirements of Section 6.3.4 and Objective CPO 6.19 of the WCDP and would comply with objective H4 of the LAP, and the vision for AAP3. I consider that the response of the applicant has adequately addressed the matters raised in the appeal and I note that the Planning Authority was also satisfied with the proposed approach.

## **7.6 Social Infrastructure.**

- 7.6.1 The appeal states the proposal is premature pending delivery of social infrastructure, that the proposals fails objective CPO 6.20 of the WCDP and objective H5 of the LAP. These objectives relate to the provision of social and community infrastructure in tandem with development, the submission of a Social Infrastructure Audit (SIA) and the requirement to address any deficiencies identified in such an audit. I am satisfied that the SIA submitted meets this objective and, as above, the phasing plan sets out a schedule of the delivery of infrastructure in tandem with housing. I note that the Planning Authority was satisfied with the SIA and phasing. The appeal does not specify any particular issue with social/community infrastructure proposed or its phasing, but places an emphasis on accessibility to services by means other than by car. I note that exiting local facilities i.e. local shop/school are with walking distance, and future local shops and services within AAP3, including the permitted school campus, will all be accessible by foot/bicycle. I therefore consider the proposal would meet the requirements of objective CPO 6.20 of the WCDP and objective H5 of the LAP.

## **7.7 Traffic/transport**

- 7.7.1 The appeal states that proposed development is a dormitory scheme given proximity to national routes and lack of an additional bridge. While I note the proximity of the site to national routes, the lands were zoned within the town as part

of the LAP process, in the context of the role of the Arklow and its housing allocation/target for growth. This role and level of growth was determined by national and regional policy, and the core strategy of the CDP. The regional role of the town is acknowledged in the LAP and the economic function of 'Large Growth Towns' is to be an attractor for inward investment. The subject lands were therefore considered appropriate for development in principle under the LAP. How the development would function in relation to the town will depend on availability of/access to retail and community services, employment, amenities, etc within the town. The development proposes to establish pedestrian/cycle connections from the development to the town centre, and proposes permeability within the development and the wider AAP area

7.7.2 With regard to the proposed bridge, it is noted from Appendix D of the LAP that the proposed Avoca River Bridge is to be a long term objective, to be funded by developer, state and Wicklow County Council. The bridge is identified (p. 6) as being with Phase 2 of Action Area Plan 3. Phase 1 requires the following in terms of Roads Infrastructure: *Vehicular access to the action area shall be provided from the L- 6179 or from the Regional Road if it is possible, with the roads configuration of the development providing/facilitating a possible future 3rd Avoca river crossing; Other, secondary access routes from the adjacent Rd. network should also be provided as may be possible.* The application meets these requirements, incorporates the access point and first section of the road. The development therefore would not be premature pending the provision of the bridge.

7.7.3 The appeal states that the existing connecting infrastructure in adjacent residential estate is not adequate for cyclists and as such the proposal will be hazardous to pedestrians and cyclists. I note the Further Information request of the Planning Authority sought an assessment of existing infrastructure, including junctions, to cater for increased pedestrian/cyclist traffic and measures to address any deficiencies. A number of deficiencies were identified by the applicant, and improvements put forward including widening of footpath on Dewadden Drive and other locations, relocation of existing speed ramp, provision of raised uncontrolled pedestrian crossing, cyclist bypass, cycle symbols, and amended junction with the R772. I note that having regard to existing traffic levels, the speed limit and the

guidance of the Cycle Manual that a mixed traffic scenario is in principle acceptable at this location.

- 7.7.4 I have viewed and travelled the access route from the junction of Dewadden Drive to the site by car and by foot. The roadway is 6m in width, the road surface was of good standard and visibility was good along the route, and at junctions/crossing points, as both driver and pedestrian. The foot path is generally 1.5m in width and not obstructed by vegetation or (on the day of inspection) parking. I do not consider this infrastructure poor or inadequate for cyclists. I observed that the junction with Windemere Avenue was quite open and consider it may benefit from reduced corner radii for slower traffic movements, in order to benefit vulnerable road users along Avondale Crescent, and a review of priority of traffic movements at this junction. I agree with the appellant that that the junction of Dewadden Drive and the Dublin Road dangerous, I observed that it was uncontrolled in nature and confusing.
- 7.7.5 I note that the Pedestrian and Cyclist Infrastructure Report acknowledged and addressed these matters (other than the junction with Windemere Avenue). I note the attachment of Condition 9 in the grant of planning permission require the proposed improvement works to be carried out to the written agreement of the Planning Authority, prior to the occupation of any dwellings. Based on my site inspection and the details submitted in response to FI, I consider that the applicant has adequately addressed this matter, subject to the inclusion of Windemere Junction in proposed works. It is noted that the adequacy of the link for later Masterplan stages may need to be re-assessed during those planning applications.
- 7.7.6 The appeal states that the Residential Travel Plan and Transport Impact Assessment are not reliable/credible. I do not concur with this statement, and I note that the Planning Authority considered the TIA methodology and the TIA submitted reasonable and acceptable. I note that different walking times from the site to the town centre arise due to variation in end points selected and whether on the ground or 'as the crow flies' routes are used; I do not consider misrepresentation has occurred. I also note that cycle lanes to the north are reflected on drawings.

- 7.7.7 The proposed development incorporates a new junction, in accordance with Transportation and Movement Objective IT5 of the LAP, and realignment of the road infrastructure in the vicinity to integrate with same. This access point was previously permitted under PL 22/213, having been subject to Transportation and Mobility Management Plan and agreed by compliance submission with the Planning Authority. The permitted junction under PL 22/213 includes the extension and cycle track and footpath along the L6179 Kilbride Road as far as the new junction and realigned road. An access road is permitted as far as two entrances to the school campus, with cycle lane/footpath on southern site, and associated crossing points, with carriageway typically 6.5m in width.
- 7.7.8 The proposed development incorporates this permitted section, and proposes its continuation to achieve c. 280m of what was referred to in the LAP as the western distributor road, before serving the proposed development and includes junction spurs consistent with the masterplan layout. The width of the carriageway is typically 6.5 m (two way single lane) which is consistent with the upper limits of the standard carriageway widths for Arterial and Link street (range for low to moderate design speeds) set out in DMURS and consistent with the lower limits upper limits of the carriageway width for Arterial and Link streets frequently used by larger vehicles. I consider this satisfactory in terms of the future extension of the roadway and connection to other infrastructure, under separate application. I note that renewed TIA would be required at this stage.
- 7.7.9 The TIA submitted was prepared in line with Traffic and Transport Assessment Guidelines (2014 NRA) Traffic Management Guidelines' DTO & DOELG (2003) and Guidelines for Traffic Impact Assessments – Institute of Highways & Transportation (UK guidance) and the WCDP. The TIA analysed the existing surrounding road network, focusing on key road junctions in the vicinity of the development site. Three junctions were analysed, (1) Kilbride Road/Beech Road (2) Beech Road/R772 (3) R772 North/North Quay Road/R772 South (roundabout intersection). The junction between Dewadden Drive and the R772 is not analysed, as raised in the appeal. However, this junction is not intended to take vehicular traffic, therefore I consider its omission acceptable.

- 7.7.10 The baseline traffic volumes on the surrounding road network were obtained by traffic counts at Junctions 1 & 2 over a 12 hour period in February 2023. Data for junction 3 is based on survey from Sept 2022 (due to roadworks present in Feb 2023). Morning and evening peak times were identified.
- 7.7.11 Anticipated traffic generation for the development was calculated using industry databases. In this case TRICS trip rate was used. The distribution of flows onto the road network are set out, including split of traffic flow in each direction. The TIA also includes recently permitted development, i.e. school campus and data centre and in addition modelled for the remaining masterplan area.
- 7.7.12 Relevant junctions are analysed for the existing situation and year of opening (2026) plus 15 years (2041 - Design year 2) using growth rates published by the TII for the Dublin Metropolitan Regions and using PICADY and ARCADY programmes.
- 7.7.13 The Traffic and Transport Assessment Guidelines 2014 define congestion: A junction or link is considered to be congested when traffic flows are at 85% of the estimated capacity of the junction or link. Saturation levels are provided for each junction which indicate that at present the junctions are working within capacity. The TIA sets out that on the year of the opening of the proposed development, the junctions will continue to operate within capacity. By 2041 the junctions would remain within capacity with the proposed development and permitted development adjacent. However, the construction of the full masterplan area would push the junctions beyond capacity.
- 7.7.14 I consider that the TIA methodology is clearly set out, is in compliance with the requirements of the Guidelines, has ensured data is representative and industry standard tools and programmes have been used. I consider that it demonstrates a conservative approach, particularly considering no reduction in vehicular traffic is assumed from the walking cycling mode; no allowance is made for the western distributor road which will in time serve the site and masterplan area; and higher growth rates for the Dublin Metropolitan Region (rather than Wicklow County) have been incorporated from TII Travel Demand Projections. The appellant has not

submitted any alternative expert analysis to challenge the findings of the TIA, which I find acceptable.

- 7.7.15 A public transport capacity assessment is not required under the WCDP, LAP or other S28 Guidelines. I note that the site (from the entrance point to the proposed development on Avondale Crescent) is served by rail in terms of Arklow Train Station (33 minute walk, 8 minute cycle, 6 minute drive to Park & Ride) with connections to Dublin and Wexford. I calculate a 13-15 min walk to the nearest bus stop (Stop 351491 / 106121 at Arklow Methodist Church) which offers connections to Wicklow Town and onward to Dublin, and to Wexford, with both Bus Eireann and Dublin Bus. Further routes are available to Carlow and Sallins, from the town centre bus stops 351481, at a 33 minute walk/8 minute cycle. I consider that these represent reasonable public transport options, which render the site accessible by modes other than the car. I note TFI indicates a bus stop on the Dublin Road at the junction of Dewadden Drive, but this does not appear to be operational.
- 7.7.16 I consider the provision of a link bus from the development would be an onerous requirement for this scale and location of development, given the number of houses, location adjacent urban edge and pedestrian/cycle links. I also consider that, as the masterplan area is developed, critical mass will develop which may lead to expansion of services in the area, or the (re-)introduction of a bus stop in the vicinity of the junction of Dewadden Drive/Dublin Road, on existing routes. However, this is the remit of public transport providers. On the basis of the above, I consider access to public transport acceptable.
- 7.7.17 Many other matters such as the proposed river crossing, and improvement works within the existing estate are again raised in the context of these reports; these matters are addressed above in this report. I consider the Residential Travel Plan and Traffic Impact Assessment acceptable.

## **7.8 Impact on adjacent residential amenities.**

- 7.8.1 The proposed cycle/footpath link at the southeast of the site runs immediately to the rear of c. 11 properties on Willow Grove. While the area is currently accessed through the gates of Marshland Sports Club, it is also evident from site inspection

that this area can be informally accessed from various other locations and properties.

- 7.8.2 The rear boundaries to these dwellings are fragmented and low in places and, in their current form, the pedestrian/cycle pathway would present security concerns. I note this matter was raised by the Planning Authority at Further Information stage and proposals to address same were submitted by the applicant in response. These are also secured in the grant of planning permission in Condition 15. I note that Condition 15 also requires the extension of fencing to the rear of properties 15-22 Avondale Crescent.
- 7.8.3 I note the pathway continues in a north-westerly direction, where there is greater separation distance and/or vegetation present between the pathway and boundaries and where housing within the proposed development will offer additional surveillance. Additional boundary treatment is also proposed here.
- 7.8.4 The presence of the sports club to the west (of the narrowest section of the pathway) is also relevant to the setting of the pathway. This, along with the removal of the gates from Avondale Crescent and maintenance/improvements of the boundaries with the existing dwellings provides an increased sense of width and openness in nature, which along with lighting and increased use, will discourage loitering/anti-social behaviour. The area is intended to be taken in charge by WCC.
- 7.8.5 I believe the improved boundary treatments proposed are adequate to address security concerns at this location in term of boundary treatments. I therefore do not consider that significant impact on adjacent residential amenities is likely to arise and also note the connectivity this route will offer existing residential areas to amenities, services and community facilities, in particular schools, within the AAP3 area.

## **7.9 Density/Design:**

- 7.9.1 The appeal considers that the proposed density should be kept in line with existing surrounding development. I note that the density of the proposed development



based on the net developable area is (following FI) c. 34 dwellings/hectare. This is in accordance with the 6.1 of the WCDP.

- 7.9.2 The LAP set out a density of R28 in this AAP area. However, it provides for a range of densities across the AAP, stating that residential units shall be provided, “in a range of development formats, densities, unit sizes and designs”. In achieving an average overall density, some areas within the AAP lands may therefore have a higher density than 28 per hectare, and I consider it appropriate that higher densities be located in closest proximity to the town centre/existing urban edge, which is the case in this instance.
- 7.9.3 The buildings proposed are largely two storey, and there is a proposed open space element allowing for transition between the development and the existing built environment. Having regard to the existing and proposed built character, I also consider density acceptable.
- 7.9.4 I also note that the S28 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which came into effect since the making of the application. Density ranges are set out in Section 3.3. The site is within a Suburban/Urban Extension area of a large town. In these areas it is a policy and objective of the Guidelines that residential densities in the range 30 – 50 dwellings per hectare (net) be applied. The proposed density is within this range.
- 7.9.5 The density is therefore acceptable, would not therefore materially contravene the WCDP or LAP and would be consistent with the S28 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- 7.9.6 The appeal states that the proposal is contrary to objectives CPO 6.5 and CPO 6.7 of the CDP which seeks high quality design and layout, coherent urban form, attractive built environment, highly permeable and well connected streets facilitating active street frontage. It is stated that the manner in which the development fails to comply with the above is through the failure to address strategic roads/infrastructure concerns, development on the OS2 zoned lands, the principle of the proposed pedestrian/cycle path, the inaccessible nature of its route, potential impact on safety

from proposed pedestrian cycle-path. These matters are all addressed elsewhere in Section 7 of this report. The appeal does not raise otherwise raise issues with overall built form, layout, active street frontage etc. The proposed development has a distinctive crescent shaped form, with active street frontages, proposing linkages to existing and future development. The housing quality assessment has been deemed acceptable and I note that the Planning Authority sought some revisions to design/layout at Further Information stage and has attached a condition in relation to agreement of materials and finishes. In this regard I am satisfied the proposed development represents acceptable built form and satisfies Objectives CPO 6.5 and CPO 6.7 of the WCDP.

#### **7.10 Flooding/Drainage/Impact Arklow Marsh pNHA**

- 7.10.1 I note that issues of capacity in terms of the WWTP have been addressed in the application and also by condition of planning; Irish Water has confirmed feasibility subject to the completion of the Arklow WWTP and provided conditions in the event of a grant of planning permission. The Arklow Waste Water Treatment Plant is at an advanced staged, and due for completion in 2025. There is no basis to conclude that the proposal would damage existing foul network.
- 7.10.2 The appeal states that the site is marshy with a high water table and while engineering, flood and environmental reports are acknowledged, the appellants remain concerned that surface water will flow into their estate and that polluted waters will flow into Arklow Town Marsh.
- 7.10.3 A Site Specific Flood Risk Assessment (SSFRA) accompanied the application which has considered the Preliminary Flood Risk Assessment (PFRA) mapping, Catchment Flood Risk Assessment & Management (CFRAM) mapping and Strategic Flood Risk Assessment (SFRA) of the LAP. This indicates that a small portion of the site at the southeast is within Flood Zone A/B. This area is limited to a portion of green open area/landscaping plus a portion of the cycle path. Having regard to the S28 Flood Risk Management Guidelines (FRMG) Table 3, amenity space is considered Water Compatible Development, and 'appropriate' in Flood

Zone A and B. Local transport infrastructure is considered 'less vulnerable'.

Applying the requirements of Box 5.1 Justification Test of the FRMG, and having regard to the SSFRA submitted, in particular noting the proposed road levels are such that in 1/1000 flood events access to and from residential units will remain possible by road, I also consider the location of part of the cycle/footpath within Flood Zone A/B acceptable.

- 7.10.4 I note the Infrastructure Report submitted with the application, which provides an examination of existing surface water drainage and ground conditions along with testing results. A SuDS strategy and management train is set out based on interception, treatment, attenuation. Permeable surfaces and bio retention/tree pits are proposed, supplemented by rainwater harvesting, petrol interceptors, flow control devices and underground attenuation. Linear filter drains provide a second treatment to run-off. Proposals incorporate a climate change factor of 20%. A riparian buffer from the watercourse on the eastern site boundary is included following consultation with IFI. Calculations for inception storage, surface water attenuation storage are clearly set out. The need for a culvert of the watercourse is acknowledged at the location of the proposed cycleway/footpath and detailed. All features are indicated on a Combined Services drawing. Having reviewed the above, I consider that a thorough assessment of the proposal has been carried out in terms of pluvial flood risk and the management of surface water has been fully considered and integrated with other considerations e.g. layout, landscaping etc. I cannot find any basis to conclude that surface water would flow into adjoining properties, or, in an uncontrolled manner, into the Arklow
- 7.10.5 The Arklow Town Marsh (Site Code: 001931) Site Synopsis outlines that the importance of this pNHA site is that it is a good example of a relatively large wetland, despite the impacts of atmospheric pollution and its proximity to Arklow town. The presence of at least one scarce plant species increases the interest of the site (the scarce Broad-leaved Cottongrass (*Eriophorum latifolium*)). The site is not designated for any fauna or bird species.
- 7.10.6 An Ecological Impact Assessment Report (EcIA) also accompanied the application, based on desk and field surveys including bat, bird and fauna and flora surveys. No

protected terrestrial mammals or flora were noted on site. No bat roosts, badger setts or otter holts were found. Ledges on the culvert (at the location of the proposed cycleway/footpath) for mammals are recommended. Wintering bird surveys (2020/2021) concluded that while there were a small number of Redwing and Snipe recordings, the site is not an ex-situ foraging or roosting site for species of qualifying interests from nearby SPAs. An Arboriculture Assessment surveyed identified few Class A or B trees and most of the trees of having a remaining life expectancy of less than 10 years. Hedgerows running through the site are noted as fragmented and sporadic. A Construction Management Plan is also contained within the application. I note the mitigation measures within same.

7.10.7 The appeal states that the application is insufficiently sensitive to Arklow Marsh pNHA. However, the sensitivities of concern are not specified, and it is not indicated that an individual with expertise in these areas has formed such conclusion. I am satisfied regarding the adequacy of the that the EclA based on the following:

- The EclA was carried out in by qualified person, and a statement of competency of the assessor is included.
- The EclA methodology has had regard to relevant guidance including the Guidelines for Ecological Impact Assessment (IEEM 2019), Guidelines on the Information to be contained in Environmental Impact Statements (EPA 2002) and other guidance
- Desk study has had regard to NPWS and other relevant data
- Surveys were carried out during the appropriate seasons and included the marsh area in so far as it was accessible
- An integrated approach was taken, and the EclA had regard to other aspects of the development including lighting proposals, drainage infrastructure, construction management etc,

- Page 37 of the EclA sets out specific recommendations for the Marsh pNHA which adjoins the site. In this regard I note that a 25m buffer is already provided within the proposed development layout; The proposed cycle pathway does not cross the marsh; The public lighting scheme has been prepared with regard to the EclA.

7.10.8 I consider that the assessments outlined above have had due regard to the sensitivities of the Arklow Town Marsh pNHA, which adjoins the site. As a wetland, the main consideration is the quality and quantity of surface water entering the pNHA, and, as set out in Section 7.10.4 above, a robust surface water management approach has been provided to address this matter. Furthermore, having regard to the Ecological Impact Assessment, subject to mitigation measures outlined including lighting design, construction management etc., there is no basis to conclude that the development would impact significantly on the pNHA in terms of ecology.

## **8.0 Appropriate Assessment Screening**

8.1.1 In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) is not required. This conclusion is based on:

This conclusion is based on:

- Distance from European Sites,
- Lack of direct connections to European Sites
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development

- Objective information presented in the Screening Report
- The AA Screening conclusions of the Planning Authority

8.1.2 No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion. See Appendix 2 Appropriate Assessment Screening.

## **9.0 Recommendation**

I recommend that permission be granted, subject to conditions, for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

10.1 Having regard to

- the provisions of the Wicklow County Development Plan 2022-2028,
- the nature, scale and design of the proposed development and pattern of development in the surrounding area,
- the planning history relating to the lands and adjoining lands, and
- the phasing and phasing justification provided by the applicant in relation to the suitability of the site for development,

the proposed development, including proposed pedestrian/cycle pathway, is considered acceptable in principle.

- 10.2 It is considered that that the proposed pedestrian/cycle pathway will provide important permeability within the Kilbride Area which will benefit both existing and future residents. Having regard to the setting and design of the pathway, proposed boundary treatments and landscaping, and improvements proposed to adjoining infrastructure, required by condition of grant of planning, the proposed development will not detract unduly from the amenities or safety of adjacent residents.
- 10.3 Having regard to the Site Specific Flood Risk Assessment, Infrastructure Report, SuDS strategy, Ecological Impact Assessment Report, Construction Management Plan and other plans and particulars, the development would not impact significantly on Arklow Town Marsh pNHA.
- 10.4 The proposed development would therefore, subject to the conditions below, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 6<sup>th</sup> day of October 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2	<p>(a) Prior to the commencement of development, the final details of the proposed pedestrian/cycle route and upgrades to the existing road and pedestrian infrastructure along Avondale Crescent and Dewadden Drive, and the junction of Dewadden Drive with the R772 (as per the Pedestrian and Cyclist Infrastructure</p>

	<p>Report submitted to the planning authority on 12/02/2024) shall be submitted to and agreed in writing with the Planning Authority.</p> <p>(b) The above upgrades shall be revised to include a review of the junction of Avondale Crescent with Windmere Avenue/Dewadden Drive, including an assessment of need for revised movement priority, and a reduction in corner radii, at this location, as required by the Planning Authority.</p> <p>(c) No occupation of any dwellings shall take place until the works agreed under (a) above have been completed to the written satisfaction of the planning authority.</p> <p>Reason: In the interest of orderly development and traffic safety.</p>
3	<p>(a) The internal road network serving the proposed development including carriageway width, turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p>(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
4	<p>(a) Boundary treatments shall be in accordance with the details of the Boundary Treatment Plan Drawing No. 19133-D-1-103BTP submitted the Planning Authority on 06/10/5023 and as revised by the drawings submitted on 12/13/2024</p> <p>(b) All bow top and vertical bar railings shall be black.</p> <p>(c) The proposed 1.5m high black railings shall continue along the eastern side of the access road between Avondale Crescent and the Marshlands Sportsground, in order to secure the lands to the rear of the Nos 15-22 Avondale Crescent.</p> <p>Reason: In the interest of visual and residential amenity.</p>
5	<p>(a) The landscaping scheme shown on the Landscaping Design Statement and the landscaping drawings, as submitted to the Planning Authority on 06/10/2023 and as revised by the drawings submitted on 12/3/2024, shall be carried out within the</p>



	<p>first planting season following the commencement of development, unless otherwise agreed with the planning authority.</p> <p>(b) No landscaping or hedging shall be planted along the northern side of the existing c 1.8m high security fence on the north side of the MUGA associated with the Marshlands Sports facility and no additional screening shall be erected on or along this boundary.</p> <p>(c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>(d) The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In the interest of residential and visual amenity, and to maximise passive surveillance over the pedestrian/cycle path to the north.</p>
6.	<p>(a) The communal open spaces, including hard and soft landscaping, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(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.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>

7	<p>All communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
8	<p>Prior to the occupation of the development, a Stage 3 Road Safety Audit, including a Final Audit Report, for the proposed development together with associated junctions, prepared in accordance with TII standards, shall be submitted for the written agreement of the Planning Authority. Where the audit identifies the need for design changes, revised design details shall be submitted to and agreed in writing with the Planning Authority. The developer shall carry out all necessary works in accordance with the agreed revised design.</p> <p>Reason: In the interests of traffic safety.</p>
9	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10	<p>(a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Greater Dublin Strategic Drainage Study' and the Ciria SuDs Manual 753 for interception storage.</p> <p>(b) Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>(c) Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or</p>

	<p>damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>
11	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
12	<p>(a) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to monitor all site clearance works, topsoil stripping and groundworks associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.</p> <p>(b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].</p> <p>(c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.</p> <p>(d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report</p>

	<p>describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest,</p>
13	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, traffic management, construction lighting, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. Access and security for Marshlands Sports Club during construction shall be addressed.</p> <p>Reason: In the interest of residential amenities, public health and safety and environmental protection.</p>
14	<p>Details of the materials, colours and textures of all the external finishes to the proposed structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
15	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>

	<p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
16	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant 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.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>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.</p>

17	<p>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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p>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 for the area.</p>
18	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
19	<p>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</p>

	<p>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.</p> <p>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.</p>

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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Bébhinn O'Shea  
Senior Planning Inspector

23<sup>rd</sup> December 2024

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

<b>An Bord Pleanála Case Reference</b>	319604-24		
<b>Proposed Development Summary</b>	86 no. residential units with access off the Kilbride Road (L6179) providing a section of the new road into the wider Kilbride Masterplan lands, Pedestrian and cyclist lane, associated site works.		
<b>Development Address</b>	Kilbride, Arklow, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	√		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	√	Class 10 (b) (1) construction of more than 500 dwelling units	Proceed to Q.4



		Class 10 (b) (4) Urban development, area >10 hectares in the case of other parts of a built-up area (dd) All private roads which would exceed 2000 metres in length		
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319604-24</b>	
<b>Proposed Development Summary</b>	86 residential units with access off the Kilbride Road (L6179) providing a section of the new road into the wider Kilbride Masterplan lands, Pedestrian/cyclist lane, associated site works.	
<b>Development Address</b>	Lands at Kilbride, Arklow, Co. Wicklow	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Adjacent built up area in key town</p> <p>None other than standard construction waste.</p>	No
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>Site of c. 5 hectares of a masterplan area edge of town</p> <p>Only other recent development of significance is school campus adjacent. Not a significant cumulative matter.</p> <p>It is noted that there is an overall Masterplan for lands in this area with a projection of</p>	No

	<p>500+ houses and distributor road with potential bridge.</p> <p>However, this is not relevant development in terms of screening at this time. The cumulative impact of the proposed development with later development will be considered at later stages once the masterplan and road (if considered private) build-out reaches a point where it is considered likely to constitute significant effects, thus triggering the need for EIA.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The development is adjacent of Arklow Town Marsh pNHA. An Ecological Impact Statement was submitted with the application. Notwithstanding the proximity of the proposed development to a pNHA, the nature and scale of development would not result in a real likelihood of significant effects on the environment.</p> <p>Sufficiently removed from national monuments/protected structure. No archaeological features in vicinity. AIA carried out.</p>	No
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

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

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

## Appendix 2

Screening for Appropriate Assessment
Screening Determination
<p><b>Step 1: Description of the project</b></p> <p>I have considered the proposed housing development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.</p> <p>The subject site is located c. 4km south west of Buckroney-Brittias Dunes and Fen SAC, 7.5 km from Kilpatrick Sandhills SAC and over 20 km from SPAs.</p> <p>The proposed development comprises 86 residential units with access off the Kilbride Road (L6179) providing a section of the new road into the wider Kilbride Masterplan lands, pedestrian/cyclist lane and associated site works</p> <p>No comments were received from Prescribed Bodies.</p>
<p><b>Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]</b></p> <p>The proposal will not result in any direct impacts on SACs or SPAs. Potential impacts to be considered are as follows:</p> <p><u>Construction</u></p> <ul style="list-style-type: none"><li>• <u>Habitat impact</u> Vegetation clearance for the construction of structures, and to provide areas for storage of materials and access to site during construction, causing ex situ habitat loss</li></ul> <p>Construction activities causing visual, noise, lighting disturbance of foraging and roosting activities.</p> <ul style="list-style-type: none"><li>• <u>Water quality</u> Possible sediment release into watercourses during excavations, earthworks, landscaping in the site.</li></ul> <p>Potential for contaminated run off e.g. hydrocarbons, cement residues during construction.</p> <p><u>Operation</u></p>

- Habitat impact  
Visual, noise, lighting disturbance from people, vehicles, activities occupying the development.
- Water quality  
Potential for pollution from contaminated surface water run off or increased surface water run-off from the operational development.  
Ground water pollution/ alteration of flows.  
Potential for pollution from wastewater discharge.

### Step 3: European Sites at risk

I have considered the Sites in the zone of influence, and other than those below have excluded other sites, including the Seas off Wexford SPA, on the basis of distance and lack of or weak ecological connection.

Table 1 outlines European Sites at risk.

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

#### Conservation objectives:

To maintain favourable conservation condition **M**

To restore favourable conservation condition **R**

European Site	Effect mechanism	Impact pathway/Zone of influence	Qualifying interest features at risk
Buckroney-Brittas Dunes and Fen SAC c. 4km from site	A Habitat loss	None. No direct habitat loss. Attributes of the SAC are area, vegetation, physical structure etc. - no species relying on ex situ habitat	1210 Annual vegetation of drift lines <b>M</b> 1220 Perennial vegetation of stony banks <b>R</b> 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) <b>M</b>
	B Habitat disturbance	None. Attributes of the SAC are area, vegetation, physical structure etc. No species to be affected by disturbance. Also too remote.	2110 Embryonic shifting dunes <b>R</b> 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) <b>R</b> 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) <b>R</b>
	C Water quality	No direct hydrological connection. Surface water discharges to Arklow Town Marsh and ultimately through the	2150 Atlantic decalcified fixed dunes ( <i>Calluno-Ulicetea</i> )

		Avoca river to the sea, at Arklow. Wastewater discharges to Arklow WWTP, discharging to sea.	2170 Dunes with Salix repens sso. Argentea (Salicion arenariae) 2190 Humid dune slacks 7230 Alkaline fens
Kilpatrick Sandhills SAC c. 7.5 km from site	A Habitat loss	None. No direct habitat loss. Attributes of the SAC are area, vegetation, physical structure etc. - no species relying on ex situ habitat	Annual vegetation of drift lines [1210] <b>M</b> Embryonic shifting dunes [2110] <b>R</b> Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] <b>R</b> Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] <b>R</b> Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150] <b>R</b>
	B Habitat disturbance	None. Attributes of the SAC are area, vegetation, physical structure etc. No species to be affected by disturbance. Also too remote.	
	C Water quality	No direct hydrological connection. Surface water discharges to Arklow Town Marsh and ultimately through the Avoca river to the sea, at Arklow. Wastewater discharges to Arklow WWTP, discharging to sea.	

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

**Table 2: Could the project undermine the conservation objectives 'alone'**

European Site and qualifying feature	Conservation objectives: To maintain favourable conservation condition <b>M</b> To restore favourable conservation condition <b>R</b>	Could the conservation objectives be undermined (Y/N)?
		Effect <b>C</b> Water quality

Buckroney-Brittas Dunes and Fen SAC	1210 Annual vegetation of drift lines <b>M</b> 1220 Perennial vegetation of stony banks <b>R</b> 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) <b>M</b> 2110 Embryonic shifting dunes <b>R</b> 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) <b>R</b> 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) <b>R</b>	<b>No.</b> Distance (c. 5km) and dilution affects would rule out indirect impacts from surface water. Wastewater goes to WWTP
Kilpatrick Sandhills SAC	Annual vegetation of drift lines [1210] <b>M</b> Embryonic shifting dunes [2110] <b>R</b> Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] <b>R</b> Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] <b>R</b> Atlantic decalcified fixed dunes ( <i>Calluno-Ulicetea</i> ) [2150] <b>R</b>	<b>No.</b> Distance (c. 5km) and dilution affects would rule out indirect impacts from surface water. Wastewater goes to WWTP
<p>I conclude that the proposed development would have no likely significant effect ‘alone’ on any qualifying feature(s) of Buckroney-Brittas Dunes and Fen SAC and Kilpatrick Sandhills SAC.</p> <p>Further AA screening in-combination with other plans and projects is required.</p>		



**Step 5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’**

**Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.**

e.g. approved but uncompleted, or proposed

Plan /Project	Effect mechanism
<p><b>22/213 Kildare/Wicklow Education and Training Board (KWETB)</b>                      Permission granted for construction of a new educational campus and a new link road that will serve the school campus which will include the provision of two school buildings. Gaelscoil an Imbhir Mhóir a two-storey, 16 classrooms primary school. Gaelchólaiste na Mara a three-storey, post primary school with two special needs rooms, PE hall and ancillary spaces with a total floor area of circa 6585sqm serving 400 pupils.</p>	<p>Surface water and wastewater discharge impact on SACs</p>

I have reviewed planning applications in the immediate vicinity. The only significant recent grant of permission is for an educational campus north of the development site. The proposed educational campus has separate surface water disposal arrangements to the marsh area, which discharges to sea through the Avoca river. The foul water is also proposed to discharge to the Arklow WWTP.

The considerations in terms of impact on water quality is similar to that of the proposed development. Distance (c. 5km/6km) and dilution affects would rule out cumulative impacts from surface water quality.

In terms of wastewater, the Arklow trunk sewer project and Wastewater Treatment Plant will need to be completed also before a connection can be made, this is due to be completed c.2025, subject to change. While noting the matter of scheduling in this regard, the new WWTP will operate under licence and as such there should not be likely impacts on European Sites arising from the cumulative disposal of foul water to the WWTP an onward to the Irish Sea.

Therefore no in-combination issues arise.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

**Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Distance from European Sites,
- Lack of direct connections to European Sites
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development
- Objective information presented in the Screening Report
- The AA Screening conclusions of the Planning Authority

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

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

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