



An
Bord
Pleanála

Inspector's Report

ABP-319711-24

Development	Construction of 19 bungalows, pedestrian links, vehicular entrances off R752, connection to all public services and ancillary site works.
Location	Ballymanus Lower & Ballyfree East, Glenealy, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21840
Applicant(s)	Peter King and Milltown Construction
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Peter King and Milltown Construction
Observer(s)	John Shorten Suzanne O'Flaherty Raymond and Margaret O'Flaherty Nicola Faull

Date of Site Inspection

8th August 2024

Inspector

Elaine Power

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1.0 Introduction & Background

- 1.1. The Board previously made a decision on this appeal by order dated 22nd June 2023 and under appeal reference number ABP-312844-22. The correspondence on file dated 27th June 2024 confirms that this decision was quashed by order of the High Court and the case was remitted by that Court back to the Board for a fresh determination. The appeal has now been reactivated under ABP Ref: 319711-24.

2.0 Site Location and Description

- 2.1. The appeal site comprises a backland site within the village centre of Glenealy. It is irregular in shape with a stated area of 1.3ha. The site slopes from southwest to north-east with a level difference of c. 6m within the site. The vast majority of the site comprises a greenfield, which is currently overgrown and vacant. The north-western portion of the site includes an area of hard standing, which is used for informal car parking and an elevated area of open space, which is bound by mature trees and vegetation. The site is generally bound to the southwest (front) by single storey cottages and dormer style bungalows fronting onto the R752. To the north-east the site is bound by a 2-storey public house 'Glenealy Lodge' and the rear of residential and commercial properties. The rear of the site is bound by the Dublin-Wexford railway line. There is an existing residential estate, Belard Manor located on the opposite side of the railway line.

3.0 Proposed Development

- 3.1. The proposed development comprises the construction of 19 no. bungalows (12 no. 3-beds and 7 no. 4-beds). This was amended by way of further information to 20 no. bungalows (13 no. 3-bed and 7 no. 4-beds), new pedestrian links, new vehicular access from the R752 and all associated works to facilitate the development.

4.0 Planning Authority Decision

4.1. Decision

Permission was refused for the following reason:

1. *Having regard to the existing deficiency in public wastewater capacity in the area of the proposed development, it is considered that the proposed development would be premature by reference to the timescale within which this deficiency is likely to be made good. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.2. **Planning Authority Reports**

4.2.1. **Planning Reports**

The initial planners report dated 31st August 2021 raised some concerns regarding the proposed development and recommended that 11 no. items of further information be requested. These items of further information are summarised below:

1. Revised drawings clarifying the locations of pedestrian crossings, boundary treatments, parking provision for the public house and the orientation of the proposed dwellings.
2. (a) Detailed drawings of proposed works to the R752.
(b) Demonstrate that the scheme is compliant with DMURS.
(c) Detailed drawings for all crossing points, traffic calming measures and corner radii throughout the site.
3. Submit an Archaeological Impact Assessment.
4. In accordance with development policy, indicate willingness to restrict sale of 50% of the proposed houses to persons either a resident for at least 3 years duration in Wicklow or in permanent employment for at least 3 years duration in Wicklow.
5. Submit a revised site layout plan accurately displaying the dimensions between the proposed dwellings and existing site boundaries.
6. Address concerns raised regarding the poor design approach and associated poor quality residential and visual amenity of units 11 and 12.

7. (a) Clarify if the applicant has sufficient interest to propose an excluded attenuation reserve area to the front of the site on lands currently used for public amenity.
(b) Submit an Engineering Assessment
8. Submit Part V proposals
9. Clarify the following on the planning application form: -
 - (a) if the applicant is a company
 - (b) the total site area
 - (c) a breakdown of the residential mix and car parking proposals
 - (d) Social and Affordable Housing
 - (e) development details
 - (f) site history
10. Liaise with Irish Water and submit a report in relation to the capacity of the Glenealy WWTP to accommodate the proposed development.
11. Having regard to the above the planning authority cannot complete its AA Screening in the absence of relevant information relating to discharges to a water course that connects to an SAC / SPA. An AA Screening report to address the concerns raised in Item 10 should be submitted.

The response to the further information request was considered to be significant and the public notices were re-advertised on the 5th January 2022.

The planners report dated 25th January 2022 considered that all items of further information had not been adequately addressed and recommended that permission be refused for the reason outlined above.

4.2.2. **Other Technical Reports**

Roads Engineer: Report dated 29th July 2021 raised some concerns regarding the proposed scheme. These concerns are reflected in the request for further information. No further report on file.

Municipal Engineer: Email dated 1st September 2021 recommends that additional details regarding works at the R752 be submitted. No further report on file.

Water and Environmental Services: Email dated 3rd September 2021 raised concerns regarding the capacity of the wastewater network to accommodate the development. No further report on file.

Chief Fire Officer: Emails dated 29th July 2021 and the 16th December 2021 raised no objection subject to conditions.

4.3. Prescribed Bodies

Uisce Eireann: Report dated 14th August 2021 raised no objection subject to conditions.

Report dated 14th December 2021 states:

The current head room at Ballymanus Wastewater Treatment Plant (Glenealy) is currently to be reserved to assimilate (by means of a collection system should funds become available), the effluent from the existing non-sewered development within the village centre, as per the conditions of the relevant wastewater certificate. There are currently no plans in the Irish Water Current Investment Plan to carry out these works.

Report dated 18th January 2022 acknowledged the pre-connection enquiry with the applicant and confirmed that the proposed water and wastewater connections could be facilitated. The report states that there is capacity equating to c. 144 pe. Since the pre-connection agreement capacity issues at the Ballymanus WWTP were identified. Additional capacity could be provided at the Ballymanus WWTP by adding a 3rd aeration tank

Iarnrod Eireann: Report dated 10th August 2021 raised no objection subject to conditions.

Development Applications Unit (DAU), Department of Housing, Local Government and Heritage: Report dated 17th August 2021 recommended that an Archaeological Impact Assessment be submitted. This was requested by way of further information. Report dated 20th December 2021 notes the submission of an Archaeological Impact Assessment and raised no objection subject to archaeological monitoring conditions.

4.4. Third Party Observations

4 no. submissions were received to the original application and 5 no. additional submissions were received following readvertising of significant information. The concerns raised are similar to those raised by the observations summarised below.

5.0 Relevant Planning History

Appeal Site

ABP. PL27.214109. Reg. Ref. 05/3197: Permission was refused in 2006 for the demolition of an existing house and the construction of 23 no. dwellings. The 3 no. reasons for refusal related to (1) the demolition of the existing cottage would negatively impact on the visual amenity and architectural heritage of the village, (2) traffic hazard and (3) the proposed scheme is out of character with the village and would result in a poor-quality development.

Surrounding Sites

There are a number of applications for extensions and alterations to existing dwellings in Glenealy in close proximity to the appeal site. The most relevant planning history for the surrounding sites are outlined below:

Reg. Ref. 18/233: Permission was granted in 2018 for the demolition of an existing office building (524 sqm) and the construction of 4 no. houses with individual domestic wastewater treatment systems on the opposite side of the R752. These houses are currently under construction.

Reg. Ref. 17/706: Permission was granted in 2017 for sports facility comprising 2 no. GAA pitches, 2 no. juvenile pitches, handball alley, running tract, outdoor gym, all weather training pitch, clubhouse, dressing room and all associated works to facility the proposed facility located c. 400m south-west of the appeal site, on the opposite side of the R752.

ABP. PL.27.246232, Reg. Ref. 15/1314: Permission was granted in 2016 for the demolition of an existing extension and the construction of a new side extension, roof,

wastewater treatment system and vehicular entrance at 'The Old Post Office' which is residential dwelling located immediately adjacent to the site.

6.0 Policy Context

6.1. Wicklow County Development Plan 2022 – 2028

Section 4.2 County Wicklow Settlement Strategy identifies Glenealy as a Level 7 Village (Type 1). These settlements are rural villages with a moderate level of existing infrastructural services, both physical and social, and are of such a size as to accommodate a moderate amount of new housing. These settlements generally have a population of less than 500, with many considerably smaller. The scale of new residential development should be in proportion to the scale, pattern and grain of the existing village. Expansion of the village should be commensurate within the existing village structure and should proceed on the basis of a number of well-integrated sites including infill sites within and around the village centre rather than focusing on one very large site. In order to facilitate commensurate growth, any individual scheme for new housing should not be larger than 10 units.

Housing Occupancy Controls: Multi-house Development:

- 50% no restriction
- 50% Applicant / purchaser of any new home must be either:

a resident for at least 3 years duration in County Wicklow or in permanent employment for at least 3 years duration in County Wicklow, within 30km of the Type 1 Village in question prior to making of application / purchase of new house.

The following policies and objectives are considered relevant: -

Strategic County Outcome: SCO1: Sustainable Settlement Patterns and Compact Growth: The delivery of compact growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy.

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

CPO 4.3: Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

CPO 4.13 To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.

- For Level 7 Villages, any multi-unit housing development should not be larger than 10 units

CPO 7.46 To require open space to be provided in tandem with new residential development (in accordance with the standards set out in the Development & Design Standards Appendix).

CPO 13.15 In order to fulfil the objectives of the Core Strategy, Wicklow County Council will work alongside and facilitate the delivery of Irish Water's Water Services Investment Programme, to ensure that all lands zoned or identified for development are serviced by an adequate wastewater collection and treatment system and in particular, to endeavour to secure the delivery of regional and strategic wastewater schemes. In particular, to support and facilitate the delivery of new / improved wastewater treatment plants in the following settlements: - Arklow - Blessington - Aughrim - Tinahely - Avoca - Laragh – Glendalough - Lakes area around Blessington - Large and Small Villages

Chapter 2: Overall Strategy, Chapter 3: Core Strategy, Chapter 4: Settlement Strategy, Chapter 6: Housing and Chapter 14: Flood Management are also considered relevant.

6.2. ***National Planning Framework***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements
- National Policy Objective 3c: 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
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.3. ***Section 28 Ministerial Guidelines***

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Quality Housing for Sustainable Communities: Design Guidelines, 2007
- Urban Design Manual, A Best Practice, 2009

6.4. **Other Relevant Guidance**

- Design Manual for Urban Roads and Streets, 2013

6.5. **Natural Heritage Designations**

The appeal site is not located within or immediately adjacent to any designated site. The nearest designated site is Deputy's Pass Nature Reserve SAC located c. 1.3km southwest of the appeal site.

6.6. **EIA Screening**

6.6.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Class 10 (b)(i): Construction of more than 500 dwelling units
- Class 10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Class 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

6.6.2. The proposed development comprises the construction of 19 no. houses and all associated infrastructure to accommodate the development, on a site with a stated area of 1.3 ha. The site is located on a greenfield site within the urban settlement of Glenealy (other parts of a built-up area) and is, therefore, below the applicable thresholds. There are no excavation works proposed. Having regard to the relatively

limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Uisce Eireann and Wicklow County Council.

- 6.6.3. Given the information submitted by the applicant, having carried out a site visit on the 8th of August 2024 and to the nature and limited scale of the proposed development, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and is attached as Appendix 1 below, a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal against the planning authority's decision to refuse permission. The main grounds of the appeal are summarised below:

- A pre-connection agreement was approved by Uisce Eireann in October 2020.
- Uisce Eireann's submission to the planning authority in August 2021 stated that there was no objection in principle to a connection to the public network subject to conditions.
- In December 2021, Uisce Eireann made a further submission to the planning authority stating that "*the current headroom at the Ballymanus Wastewater Treatment Plant (Glenealy) is currently to be reserved to assimilate (by means of a connection system should funds become available) the effluent from the existing non-sewered development within the village centre, as per the conditions of the relevant wastewater certificate. There are currently no plans in the Irish Water Current Investment Plan to carry out these works*".

- A further submission was made in January 2022 by Uisce Eireann to the planning authority. This report acknowledged the pre-connection enquiry with the applicant and confirmed that the proposed water and wastewater connections could be facilitated. The report states that there is capacity equating to c. 144 pe. Since the pre-connection agreement capacity issues at the Ballymanus WWTP were identified. Additional capacity could be provided at the Ballymanus WWTP by adding a 3rd aeration tank
- This correspondence makes clear that there is adequate capacity in the Ballymanus WWTP to accommodate effluent from the proposed development.
- It would appear that the final submission to the planning authority (date 18th January 2022) was not considered in the final planner's report in this case dated 25th January 2022.
- It is reasonable to allow new development which can access this WWTP capacity with no additional costs to the public rather than waiting for unavailable finance to connect existing development. The Board adopted this principle in a Louth County Council appeal PL15.203758.

7.2. Planning Authority Response

The planning authority did not provide a response to the original appeal.

7.3. Observations

4 no. observations were received from John Shorten, Suzanne O'Flaherty, Raymond and Margaret O'Flaherty and Nicola Faull. The concerns raised in the submissions are similar and are summarised below:

Principle of Development

- The planning history of the appeal site has not been fully considered.
- The site is essentially landlocked and unsuitable for development.
- The proposed development does not comply with the Core Strategy set out in the development plan and provides 100% of the indicative growth envisaged in the period 2011 to 2022.

Design Approach

- The proposed scheme should include a greater mix of units, including 1 and 2-beds.
- The applicant has not provided any evidence that the proposed houses meet the relevant standards.
- The proximity of the vehicular access to existing residential dwellings would negatively impact on the existing residential amenity of these dwellings in terms of noise, loss of privacy, light spill etc.
- The landscaping proposals are inadequate.

Visual Impact

- Railway Cottage and Ballyfree Cottage (The Old Post Office) are the oldest dwellings in Glenealy and will be negatively impacted by the proposed development.
- The proposed development is out of character with the village and would devalue property in the area.

Wastewater

- Concerns raised regarding the capacity of the wastewater treatment plant and the conflicting reports of Irish Water. Priority should be given to connecting existing dwellings and the local school in the village with septic tanks to the wastewater treatment plant.
- The proposed scheme could potentially impact on private wastewater treatment systems for existing houses adjacent to the site.

Traffic and Transportation

- Traffic safety concerns have not been adequately addressed.
- The proposed access road is too narrow, and its construction would negatively impact on mature boundary hedge and a beech tree.

- Traffic turning movements generated by the development would result in a traffic hazard.
- The proposed scheme, which includes widen footpaths in the village and the provision of bollards would exacerbate haphazard parking in the village and narrow a busy road.
- Sightlines at the location of the car park for the public house are inadequate.
- Consideration of improved public transport within the village.
- Concerns regarding the negative impact of construction traffic.

Other Issues

- Concerns are raised regarding errors and discrepancies within reports.
- Concerns that the reports submitted are not specific to this latest application.

7.4. Further Responses

7.4.1. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considered that it was appropriate in the interests of justice to request relevant parties under Sections 131 of the Planning and Development Act 2000 (as amended) to make any further general submissions/observations in relation to the appeal and to make submissions on the Wicklow County Development Plan 2022-2028 in the context of the proposed development which was subject of the appeal.

7.4.2. All parties were invited to make a submission in relation to the matters raised above on or before the 17th of June 2024. Submissions were received from the applicant, the planning authority and the 4 no. Observers.

Applicants Response

The applicant's response is summarised below:

- The quashing of the previous decision relates to a legal requirement and does not change the fact that the Board have already assessed the merits of the proposed development against the provisions of the Wicklow County Development Plan 2022-2028.

- This proposal would make a positive contribution towards the national housing shortage.
- The site is an under-utilised site within the settlement boundary of Glenealy, which is designated for development.
- The Board are not bound by the development plan it would be unnecessary for a phasing arrangement to be artificially imposed on the basis of a restrictive policy which limits the size of any multi-unit scheme.
- Appendix A of the submission includes a proposed phasing layout. The number of units per phase would comply with the requirements of the development plan and would be an acceptable condition to the applicant.
- The proposed scheme is in accordance with the provisions of the Core Strategy.
- The proposed development is considerably below the threshold for EIAR.
- having regard to the urban location, the proposed separation distances between existing and proposed dwellings and the proximity to the railway line it is considered that the scheme would not unduly impact on the amenities of adjacent residents.
- The scale of the scheme is appropriate for the location within the core of Glenealy village.
- The architectural design approach is acceptable in a village location, in particular the stone external finish.
- The design and layout of the houses are appropriate having regard to the local market.
- The proposed scheme would not be visually dominant and would not impact on the streetscape of Glenealy.
- The reports from Uisce Eireann confirm that there is capacity within the wastewater network to accommodate the proposed scheme.

7.4.3. **Observers Response**

The response from the 4 no. Observers raised similar concerns. The concerns raised are summarised below:

Principle of Development

- The proposed scheme would materially contravene Objective CPO 4.13. Glenealy is a Level 7 Village, the development plan allows for a maximum of 10 no. units in any multi-unit scheme.
- The design and scale are not proportionate to the existing settlement, and it does not respect the character of the village.
- A piecemeal development of just 10 houses on this site would also be inappropriate.
- There are more suitable sites for residential development in the surrounding area and within the village.
- The need for residential accommodation is being addressed by the construction of 100's of housing in County Wicklow.

Traffic and Transportation

- The proposed scheme would result in a traffic hazard and needs to be considered in combination with other recently approved schemes.
- The proposed works to the R752 would not result in traffic calming and would endanger public safety.
- The proposed scheme would add to commuter traffic to Dublin.
- The access too narrow to accommodate the trips generated by the scheme.

Wastewater

- There is no capacity in the Ballymanus WWTP to accommodate the proposed scheme.
- Inland Fisheries Ireland submitted a report relating to Reg. Ref. 23/60169 raising concerns that the Ballymanus WWTP is negatively impacting on Rathnew Stream due to a lack of assimilative capacity in the stream for the level

of treatment provided by the WWTP. The ambient monitoring levels show elevated levels of Orthophosphate and Ammonia downstream of the Ballymanus WWTP discharge point.

- Rathnew Stream is connected to the Murrough SAC. Any additional loading to the Ballymanus WWTP could negatively impact on the qualifying interests of the SAC.

Design Approach

- The proposed scheme would unduly overlook existing residential properties.
- Clarification is required regarding retention of boundary treatments.

Other Issues

- There are existing buildings on site which are not included in the architectural drawings.

7.4.4. Planning Authority Response

The planning authority's response dated 17th June 2024 is summarised below:

- The commentary is confined to any new material matters that would arise since the planning authority's decision on the subject application on 27th January 2022, having regard to the current County Development Plan 2022. All other relevant planning considerations are contained in its planning reports.

Principle of Development

- The principle of the proposed development complies with the Settlement Strategy set out in the development plan, other than in relation to the scale of the development, given the restriction of individual schemes being not larger than 10 units. Therefore, the proposed development would contravene Objective CPO 4.1 to implement the County Wicklow Core Strategy.
- Such a contravention would not be material and would not undermine the Settlement Strategy as the proposed development would be located in a village centre site and would represent infill development. Such development would assist in achieving Compact Growth in accordance with Objective CPO 4.2.

- The configuration of the site and its physical boundaries means the development of the site as a single entity would positively contribute to the development of the core area of the village. A piecemeal development of this site would not represent sustainable planning.
- Restricting the development to 2 no. separate applications with a maximum of 10 no. dwellings each would be contrary to the development plan and national objectives to develop core areas and achieve compact growth and to develop from the centre out, with a preference for infill sites over peripheral greenfield sites. This is particularly relevant to Glenealy given its elongated ribbon / linear nature.
- The development would be in compliance with Objective COP 4.6 to require new development to locate on designated lands within the boundary of settlements.
- The proposed development would not fully comply with Objective COP 4.54 to ensure that all settlements develop in self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and to support compact urban form. The current deficiency in the wastewater capacity would undermine the requirement for population growth to occur in tandem with physical infrastructure and hence the proposed development would not comply with this part of the objective.
- While the proposed development does not fully comply with objectives of the development plan having regard to the overriding vision and objectives of the development plan to allow for residential development on designated lands and to achieve compact growth it is considered that the principle of the development is acceptable.

Core Strategy

- Level 7 villages are grouped with Levels 8, 9 and 10. Therefore, there is no specific target set for Glenealy. Having regard to the location of the subject site which would support compact urban form / compact growth it is considered that the proposed development complies with the Core Strategy.

Housing Objectives

- Table 6.1 identifies that the density standard for a village with a population of under 400 is in effect the limitation of any individual scheme to not being larger than 10 units. This is similar to the requirements of the Settlement Strategy set out in Chapter 4.
- Having regard to the central location and the existing grain and pattern of Glenealy village the development would generally comply with the various relevant housing objectives set out in Chapter 6.
- Objective CPO 6.2 requires that the sale of residential units to commercial institutional investment bodies be prohibited. This should be addressed by way of condition.

Other Relevant Considerations

- The public realm works would assist in creating an enhanced village centre.
- The scheme generally complies with the provisions of Appendix 1 – Development and Design Standards. However, Section 3.3.1 states that no single application shall increase the existing housing stock in the settlement by more than 10%. For Level 7 villages this will usually mean a maximum size of c. 10 units.
- The scheme generally complies with other relevant objectives and policies set out in the development plan.

8.0 Assessment

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

- Policy Context
- Wastewater
- Traffic and Transportation

- Design Approach
- Archaeology
- Other Issues

8.1.1. In the interest of clarity this assessment relates to the revised design and layout of the scheme, for 20 no. residential units, as submitted by way of further information.

8.2. **Policy Context**

Principle of Development

8.2.1. The proposed scheme comprises the construction of 20 no. houses on a 1.3ha greenfield site in the centre of Glenealy village. The appeal site is not zoned. However, it is located within the settlement boundary for Glenealy, as indicated on Map No. 04.06b of the development plan. Therefore, the principle of residential development on the site is considered acceptable and in accordance with the provisions of the Objective COP 4.6 to require new development to locate on designated lands within the boundary of settlements.

Quantum of Development – Material Contravention

8.2.2. Chapter 4 of the development plan sets out the Settlement Strategy for the County. Glenealy is identified as a Level 7 Village (Type 1). Objective CPO 4.13 requires that *the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place. For Level 7 Villages, any multi-unit housing development should not be larger than 10 units.* The observers raised concerns that the proposed scheme, which comprises 20 no. houses, would be a material contravention of Objective CPO 4.13. I agree with the concerns raised by the third parties and consider that the proposed 20 no. residential units would materially contravene Policy CPO 4.13.

8.2.3. The submission from the planning authority raised no concerns regarding a material contravention of Objective 4.13 and states that due to the configuration of the site and its physical boundaries, the development of the site as a single entity would positively contribute to the development of the core area of the village and a piecemeal development of this site would not represent sustainable planning.

8.2.4. Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that: -

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

8.2.5. As planning authority's reason for refusal does not relate to a material contravention of Objective CPO 4.13, Section 37(b) does not have to be relied upon. Notwithstanding this, taking each of these in turn I conclude:

- (i) While I note the development of the site would support compact growth, the proposed development of 20 no. houses would not in my view be considered of national or strategic importance.
- (ii) In my opinion there are no conflicting objectives in the development plan in so far as the proposed development are considered.
- (iii) In my opinion the proposed material contravention would be justified by reference to the National Planning Framework. This is addressed below.
- (iv) The pattern of development and permissions granted in the area since the making of the development plan does not suggest a predisposition to such type of development

8.2.6. Having regard to the characteristics of the proposed development Section 37(2)(b)(iii) is considered relevant in this instance. In my opinion the provision of 20 no. residential units on a serviced site within the urban area of Glenealy would be justified by National

Policy Objective 3a to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements, National Policy Objective 3c 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 and National Policy Objective 33 to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- 8.2.7. Therefore, having regard to the provisions of Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to material contravene the limitation of 10 no. residential units for any Level 7 Village as set out in Objective CPO 4.13 of the Wicklow Development Plan 2022-2028, would be justified in this instance by the provisions of National Policy Objectives 3a, 3c and 33 of the National Planning Framework, 2018. However, should the Board disagree, Appendix A of the applicant's submission includes a potential phasing plan, which would limit the number of units to 10 per phase and would be an acceptable condition to the applicant.

Objective CPO 4.1

- 8.2.8. In response to the appeal the planning authority consider that the proposed development would contravene Objective CPO 4.1, to implement the County Wicklow Core Strategy. However, the contravention would not be material as it would not undermine the Settlement Strategy and would be in accordance with Objective CPO 4.2 to achieve Compact Growth and Objective COP 4.6 to require new development to locate on designated lands within the boundary of settlements.
- 8.2.9. Chapter 3 of the development plan sets out the Core Strategy for the County. Population and housing targets for Level 7 villages are not provided. However, the development plan states that for Level 7- 10, villages / clusters and open countryside a growth rate of 5% - 10% is appropriate. Section 3.3.1 of Appendix 1 of the development plan also states that that the scale of any development shall be proportional to the location and that no single application shall increase the existing housing stock by more than 10% and that for a Level 7 village this would usually mean a maximum of around 10 units.

8.2.10. The settlement boundary for Glenealy, as outlined in Map No. 04.06b of the development plan, generally relates to 2 no. small areas (A257038001 and A257038007) of the CSO. The information available on the CSO (www.cso.ie) indicates that the urban area of Glenealy had a population of 623 in 2022. The CSO also provides information on household types and size. It indicates that there are 213 no. existing residential units with an average household size of 2.9 persons. This is slightly above the national average of 2.74 persons per household.

8.2.11. Having regard to the information available on the CSO website, the provision of 20 no. houses equates to an increase of c. 9.5% of the existing housing stock in the urban area of Glenealy. Using an average household size of 2.9 persons, the scheme would generate a population of c. 58 persons. This equates to c. 9.5% of the existing population of Glenealy. In my view the population increase is in accordance with the provisions of the Core Strategy which considers that a growth rate of 5% - 10% is appropriate for level 7-10 settlements. Therefore, I am satisfied that the proposed development would not materially contravene the Core Strategy as population and housing targets for Level 7 villages are not provided in the Core Strategy and that the proposed development is proportional to its context.

Housing Occupancy Controls

8.2.12. Chapter 4 Settlement Strategy of the development plan sets out occupancy controls. With regard to Multi-House Developments in Level 7 (Type 1) Villages there is a requirement that 50% of the units must be reserved for persons either (a) resident for at least 3 years duration in County Wicklow or (b) in permanent employment for at least 3 years duration in County Wicklow and within 30km of the village. This requirement is reflected in Objective CPO 6.37. If permission is being completed it is recommended that a condition be attached in this regard. It is noted that the applicant raised no objection to this restriction.

Conclusion

8.2.13. It is acknowledged that the provision of 20 no. houses would materially contravene Objective CPO 4.13, which states that for Level 7 Villages, any multi-unit housing development should not be larger than 10 units. However, it is my opinion that the design, scale and layout of the scheme is proportionate to the existing settlement,

respects the character of the village and would aid with placemaking and legibility. In addition, there are no large sites identified for residential development and, as outlined in Section 5 Planning History above, only 4 no. houses were approved in the village in past 10 years (Reg. Ref. 18/233). As the planning authority's reason for refusal does not relate to a material contravention of Objective CPO 4.13, Section 37(b) does not have to be relied upon. Notwithstanding this, I am satisfied that the material contravention would be justified under Section 37(2)(b)(iii) by the provisions of National Policy Objectives 3a, 3c and 33 of the National Planning Framework, 2018

8.3. **Wastewater**

Reason for Refusal - Wastewater Capacity

- 8.3.1. The planning authority refused permission as it considered that due to the existing deficiency in public wastewater capacity in the area the proposed development would be premature by reference to the timescale within which this deficiency is likely to be made good.
- 8.3.2. The main grounds of this first party appeal are that there is capacity within the existing public network to accommodate the development and that the final correspondence from Uisce Eireann which raised no objection to a connection to the public network was not considered by the planning authority.
- 8.3.3. The observers support the decision of the planning authority and raised concerns regarding the lack of capacity of the wastewater treatment plant and consider that priority should be given to connecting existing dwellings and the local school currently served by septic tanks to the wastewater treatment plant.
- 8.3.4. Both the applicant and the third parties acknowledge the conflicting reports of Uisce Eireann. In this regard a pre-connection agreement was approved by Uisce Eireann in October 2020. A copy of this agreement was submitted by way of further information. It noted that there is no objection in principle to a connection to the public network. However, to accommodate the development it a requirement that the size of the existing sewer to the north of the appeal site be increased from 150mm to 225mm, up to the point where it meets the existing 225mm foul sewer.

- 8.3.5. Uisce Eireann's submission to the planning authority on the 12th August 2021 also stated that there was no objection in principle to a connection to the public network subject to standard conditions.
- 8.3.6. Notwithstanding this, Uisce Eireann made a further submission to the planning authority in December 2021 stating that *"the current headroom at the Ballymanus Wastewater Treatment Plant (Glenealy) is currently to be reserved to assimilate (by means of a connection system should funds become available) the effluent from the existing non-sewered development within the village centre, as per the conditions of the relevant wastewater certificate. There are currently no plans in the Irish Water Current Investment Plan to carry out these works"*. This opinion appears to relate to the information provided on the 2011 Wastewater Discharge Licence application for the Glenealy Wastewater Treatment Works (Licence no. A0444-01), which is publicly available on the EPA website (www.epa.ie). The application notes that *due to the relative flatness of Glenealy it is difficult to drain. This results in only 86 no. dwellings out of the 149 no. (served) receiving treatment at the main (Ballymanus) plant which leaves a balance of approximately 250 dwellings served by septic tanks. The additional capacity at the plant is being reserved to assimilate (by means of a collection system should money become available), the effluent from the existing non sewered development within the village centre.*
- 8.3.7. A final submission was made by Uisce Eireann to the planning authority in January 2022 acknowledging the pre-connection enquiry and confirming that the proposed water and wastewater connections could be facilitated. The report states that there is capacity equating to c. 144 pe in the existing network and that additional capacity could be provided at the Ballymanus WWTP by adding a 3rd aeration tank. It would appear that the final submission to the planning authority date 18th January 2022, was not considered in the final planner's report in this case dated 25th January 2022.
- 8.3.8. The wastewater treatment capacity register, available on the Uisce Eireann website (www.water.ie), also indicates that there is available capacity at the Glenealy – Ballymanus WWTP. Therefore, I am satisfied that there is capacity within the existing public network.
- 8.3.9. Therefore, the relevant issue is whether the capacity within the existing network should be reserved for existing dwellings within the village currently served by septic tank or

for new developments. The licence for the Glenealy Wastewater Treatment Works agglomeration was approved in 2011. The Glenealy agglomeration consists of the Ballymanus WWTP, Carrigview WWTP, Ballyfree WWTP and Drumdangan WWTP. It is also noted that the Ballymanus WWTP was constructed in 2005. The wastewater licence was approved c. 13 years ago and the Ballymanus WWTP has been operating for 19 years. In this time, there has been no proposals for works to connect the existing dwellings to the public network and Uisce Eireann's Capital Investment Plan 2020-2024 does not include any works to provide that connection.

- 8.3.10. The final submission from Uisce Eireann also noted that additional capacity could be provided at the Ballymanus WWTP by adding a 3rd aeration tank. Therefore, it is my opinion that it is reasonable to allow for the proposed scheme to connect to the public network.

Impact on existing Wastewater Treatment Systems

- 8.3.11. The observers raised concerns that the proposed development could have a negative impact on the existing domestic wastewater treatment systems (DWWTS) within the appeal site, that serve houses adjacent to the appeal site.
- 8.3.12. The applicant's Civil Engineering Works Planning Statement notes that there are 7 no. existing residential dwellings adjacent to the appeal site and fronting onto the R752. All 7 no. dwellings are served by private DWWTS. The exact location of these systems and percolation areas is unknown. The applicant has identified which dwellings could provide a modern treatment plant within the confines for their site. Of the 7 no. sites assessed only 2 no. were identified as being unable to be upgraded within the boundary of their own site. These dwellings are indicated on a drawing included in Appendix A of the report. The layout of the proposed development has been designed to allow for the provision of revised DWWTS to serve these 2 no. dwellings within the appeal site. The applicant has stated that the legal transfer of these parcels of land to each of the respective properties would be formalised subject to agreement with the third parties.
- 8.3.13. As an alternative to this arrangement the applicant is also willing to provide a foul sewer within the appeal site to connect the existing 7 no. dwellings to the public network, subject to agreement. Having regard to the above, I am satisfied that there

is capacity within the public network to accommodate the 7 no. additional dwellings located outside of the applicants red line boundary.

- 8.3.14. While the concern of the observers are noted, the placing of private DWWTS on lands outside of the site that they serve is not recommended as it results issues relating to access and maintenance. I am satisfied that the applicant has endeavoured to provide an appropriate solution to the existing situation on site. However, final details would be subject to a third-party agreement and does not form part of this application and that the proposed scheme is not reliant on the agreement of a third party.

Material Contravention - Objective CPO 4.5

- 8.3.15. Objective CPO 4.5 aims to *ensure that all settlements, as far as is practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.* The submission from the planning authority considers that the proposed development would not fully comply with Objective COP 4.5 as the current deficiency in the wastewater capacity would undermine the requirement for population growth to occur in tandem with physical infrastructure and hence the proposed development would not comply with this part of the objective. As outlined above, I am satisfied that there is sufficient capacity within the wastewater network to accommodate the proposed development and the 7 no. existing dwellings adjacent to the appeal site. Therefore, in my view the proposed scheme is compliant with Objective CPO 4.5.

8.4. **Traffic and Transportation**

Access

- 8.4.1. It is proposed to provide a new vehicular access to the appeal site at the sites south-eastern boundary via a c. 11m wide plot of land, located between 2 no. existing dwellings that fronting onto the R752. Concerns are raised by the third parties that this access road is too narrow to accommodate the vehicular trips generated by the proposed scheme. The proposed access road is c. 5.5m in width with a 2m footpath on one side and a grass verge on both sides. Within the scheme, adjacent to the proposed residential units there is a footpath on both sides of the road. There is also an additional pedestrian / cycle access proposed to the R752 from the sites north-

western boundary, adjacent to the revised surface car park and proposed area of public open space. Section 4.4 carriageway widths of the Design Manual for Urban Roads and Streets (DMURS) notes that a standard carriageway width on local streets should be between 5m – 5.5m. I am satisfied that the proposed carriageway would allow for 2 no. vehicles travelling in opposite directions to pass safely and that the access road has been designed in accordance with the provisions of DMURS and would not endanger public safety by reason of a traffic hazard.

- 8.4.2. The observers also raised concerns that the construction of the new access would negatively impact on hedges and trees. During my site visit on the 8th August 2024 it was noted that a section of the sites boundary with the R752 has been removed and a gate provided. Some vegetation has been cleared, which allows for access to the site, however, it would appear that this access has not been used for general vehicular access to the site.
- 8.4.3. The drawings submitted indicated that existing trees and hedges at the sites boundaries would be retained and protected, where possible, during the construction phase. In my opinion the provision of a grass verge on both sides of the access road and a footpath, generally c. 2m in width, would ensure the retention of these features. It is also noted that there are no tree preservation orders on the site and that the proposed landscaping works include additional planting within the site. On balance I have no objection to the loss of some vegetation to allow for a vehicular access to this serviced site within the urban area.

Impact on the R752

- 8.4.4. The proposed works include increasing the width of a section of the public footpath on the south-eastern side of the R752, immediately adjacent to the proposed vehicular access. The proposed build out would increase the width of the existing footpath to a maximum of 5m in width by 40m in length. It is proposed to provide c. 6 no. bollards, c. 10m in length, adjacent to the vehicular entrance to ensure sightlines for the proposed vehicular access are maintained. Concerns are raised by the third parties that the widening of footpaths in the village and the provision of bollards would exacerbate haphazard parking in the village and narrow a busy road.
- 8.4.5. It is acknowledged that the R752 is a heavily trafficked route, and a number of HGV's were noted travelling through the village during my site visit on the 8th August 2024.

The carriageway of the R752 has a width of c. 7m – 9m in the village of Glenealy, with a continuous footpath of varying widths along the south-eastern side of the road, adjacent to the appeal site. The proposed build out would not reduce the carriageway width to below 7m. The speed limit is 50km/h within the village. I am satisfied that the retained minimum 7m wide carriageway width would not impact on the operation of this regional road. As noted in Section 4.4 of DMURS, narrow carriageways are one of the most effective design measures that calm traffic. It is also my view that the increased width of the footpath would improve the pedestrian environment.

- 8.4.6. The proposed bollards would extend for c. 10m along the R752 and would not impact on any existing formal car parking within the village and therefore, would not result in the loss of any existing car parking spaces. There is an existing c. 40m long lay-by located along the R752, directly outside a local convenience shop. This lay-by can accommodate c. 8 no. standard cars and would not be impacted by the proposed works to the R752. In addition, there are 8 no. car parking spaces located on the opposite side of the road, associated with a café use and recycling area. There is also currently unrestricted car parking on the appeal site, associated with the public house. It is proposed to formalise this area to provide 9 no. designated spaces. Having regard to the relatively limited size of the convenience shop and the services and facilities available within the village I am satisfied that there is sufficient car parking within the village. While it is acknowledged that vehicles may be illegally parking along the R752, in close proximity to the convenience shop, the proposed scheme would not result in the loss of any publicly available / formal car parking in the village. It is noted that the planning authority raised no concern regarding the proposed works to the R752.
- 8.4.7. The observers also raised concerns that during peak periods there is high demand for on-street car parking which result in residents getting blocked in to driveways along the R752. It was noted during my site visit that there is a conflict between the location of the existing layby on the R752 and existing driveways, which require access via the layby. Therefore, when vehicles park legally in the lay-by they may accidentally block access to existing driveways. While this concern is noted it is outside of the remit of this planning application.

Capacity

- 8.4.8. Concerns are raised that the vehicular traffic generated by the proposed scheme would result in a traffic hazard and needs to be considered in combination with other recently approved schemes. Having regard to the limited number (20 no.) residential units that would be served by the proposed access to the site and the design and layout of the proposed scheme, which is in accordance with the provisions of DMURS, and to the quality of the existing public road network, I am satisfied that the level of trips generated by the scheme would have a negligible impact on the capacity of the surrounding road network and that the proposed scheme would not endanger public safety by reason of a traffic hazard.

Construction Traffic

- 8.4.9. Concerns are raised by the third parties that no consideration has been given to the negative impact of construction traffic. It is acknowledged that the construction phase would give rise to localised disturbance and increase in vehicular movements. However, this is standard for any construction site and would be managed in accordance with the relevant regulations. Due to the short term and temporary nature of the construction phase I am satisfied that it would not result in undue noise and disturbance.

Car Parking

- 8.4.10. Car Parking standards are set out in Table 2.3 of Appendix 1 of the development plan and are supported by Objective CPO 12.56 which states that *new / expanded developments shall be accompanied by appropriate car parking provision, including provision for electric vehicle charging points as set out in Objective CPO 12.8, with particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement are available. At such locations, the car parking standards set out in Appendix 1 Table 2.3 shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified.*
- 8.4.11. Table 2.3 of Appendix 1 sets out a maximum standard of 2 no. car parking spaces per 3 and 4 bed house. Each house within the proposed scheme is provided with 2 no. designated car parking spaces, which is in accordance with the maximum standard

set out in the development plan. Given the location of the site the level of car parking is considered acceptable.

- 8.4.12. The works also include the formalisation of an existing surface car parking area located at the north-eastern portion of the site. During my site visit it was noted that this space is currently being utilised for informal car parking for the wider village area. The revised layout provides for 9 no. standard car parking spaces, designed in accordance with development plan standards. As this is an existing car parking area, I have no objection to the formalisation of the car park to serve the existing public house and provide overspill car parking for the wider village. If permission is being contemplated it is recommended that a condition be attached that this car parking area remain open and accessible to the public.
- 8.4.13. Objective CPO 12.8 sets out standards for electric vehicle charging points within new and expanded developments. It is noted that there is no requirement to provide a charging point for electric vehicles for car parking spaces within the curtilage of a dwelling. It is noted that 19 no. of the 20 no. proposed houses have on-site car parking / front driveway. Therefore, there is no requirement to provide a charging point for these vehicles. It is noted that the car parking for proposed house no. 11 is outside of the curtilage of the property. Therefore, in accordance with Objective CPO 12.8 there is a requirement to install a recharging point for this dwelling as the car parking spaces are *not within the dwelling site boundaries*. Although not a requirement of the development plan it is my recommendation a condition be attached to any grant of permission that all of the in-curtilage car parking spaces be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. It is considered that this could be addressed by way of condition.
- 8.4.14. It is also noted that there is no requirement to provide an electric vehicle charging point for the formalised public car park to be provided at the sites north-eastern boundary. However, if permission is being granted it is my recommendation that a condition be attached that ducting infrastructure be provided within the site to allow for future installation of recharging points.

Accessible Car Parking

8.4.15. Section 2.1.7 of Appendix 1 of the development plan states that accessible car parking spaces shall generally be provided at a rate of 5% of the total number of spaces for developments requiring more than 10 car parking spaces, with the minimum provision being 1 no. space. The layout of the public car park at the north-eastern portion of the site provides for 9 no. standard car parking spaces. Although not a requirement of the development plan it is my recommendation that if permission is being granted that a condition be attached that a minimum of 1 no. accessible car parking spaces be provided at this location. I am satisfied that there is sufficient space within the site to accommodate an accessible space.

8.5. *Design Approach*

Design and Layout

8.5.1. The appeal site comprises a backland site within the village centre of Glenealy. The proposed scheme comprises 20 no. houses generally laid out in a linear form along the site's boundaries. The scheme includes an area of public open space (c. 1,998sqm) located in the north-western portion for the site, which would be directly overlooked by the proposed dwellings and provides for pedestrian and cycle connectivity towards the village. Vehicular access to the site is from the south-western portion of the site via a new internal access road between 2 no. existing dwellings. I have no objection in principle to the proposed layout, however, to improve the visual amenity of the scheme it is recommended that if permission is being granted that houses 10, 19 and 20 be redesigned to provide a dual frontage for passive surveillance / overlooking of public streets and to prevent an over-reliance on high level boundary walls within the scheme. It is my opinion that this could be addressed by way of condition.

8.5.2. The development plan does not set out a unit mix, however, CPO 6.27 requires that *new multi-unit residential development to provide an appropriate mix of unit types and sizes to ensure that there is a range of unit types available to suit the needs of the various households in the county, in accordance with the Design Standards for new Apartments, Guidelines for Planning Authorities (2020)*. The housing mix comprises 7 no. 4-beds and 13 no. 3-beds. All houses are 1.5 storey dormer style dwellings with 3

no. variations in house type ranging. House types range in size from 102sqm to 138sqm. It is noted that concerns were raised by the Observers regarding the housing mix. However, given the sites location within a Level 7 village it is my view that the proposed unit mix is appropriate in this instance.

- 8.5.3. The 3 no. house types have varying elevational treatments. However, the external materials of all the proposed houses comprises a mix of render and stone cladding. I have no objection to the proposed elevational treatments and consider that the variation in house style results in a visually interesting scheme which aids with legibility and placemaking. To ensure a high-quality finish it is recommended that a condition be attached to any grant of permission that the final details of the external finishes be agreed with the planning authority.
- 8.5.4. The Information submitted indicates that all houses reach and exceed the minimum requirements set out in the Quality Housing for Sustainable Communities Guidelines.
- 8.5.5. The observers raised concerns that the proposed scheme is not in keeping with the character of the area. While it is noted that the village centre of Glenealy has a linear form, with ribbon development along the R752. There are small scale residential estates located at the boundaries of the village and to the rear of the appeal site on the opposite side of the railway line. These estates have a suburban character and, in my opinion, the proposed design and layout is an appropriate response to its context.

Density

- 8.5.6. Table 6.1 of the development plan sets out density standards for a variety of settlements. The density standards in Table 6.1 are reflective of the standards set out in the Sustainable Residential Development in Urban Areas Guidelines. The density standards are supported by Objective CPO 6.13 which state that that regard should be had to any subsequent guidelines published. In this regard, the Sustainable Residential and Compact Settlement Guidelines were published in 2024 and set out recommended density standards. In my view these are the appropriate standards to assess the scheme against.

- 8.5.7. Section 3.3.5 Rural Towns and Villages (with a population of less than 1,500) of the guidelines notes that it is a *policy and objective of these Guidelines that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure and that the density of development at such locations should respond in a positive way to the established context.*
- 8.5.8. The proposed scheme has a density of c. 15 units per ha. In my opinion the proposed density is in accordance with the key priorities for compact growth in rural towns and villages set out in the Guidelines as the scheme comprises infill / backland development, would strengthen the urban core and would result in a development that is integrated into the existing built-up footprint of Glenealy. It is also my opinion that the provision of 20 no. detached dwellings would provide an appropriate alternative to one-off rural housing in the surrounding countryside.
- 8.5.9. Section 3.3.2 of Appendix 1 of the development plan states that the density allowable for new multi-house development in small towns and villages will depend on both the location of the site and the character and prevailing density of the settlement. In my opinion the proposed density is in accordance with the provisions of the development plan.
- 8.5.10. Overall, it is my view the proposed density of 15 units per ha is appropriate at this location and in accordance with the provisions of the Sustainable Residential and Compact Settlement Guidelines and the development plan.

Open Space

- 8.5.11. The proposed scheme also incorporates c. 1,998 sqm of public open space in the north-west portion of the site. This equates to 15.3% of the total site area, which is in accordance with the recommended target of 15% of the total site area, as set out in section 8.5 of Appendix 1 of the development plan. It is noted that additional incidental areas of open space are provided along the access road that are not include in the calculation of public open space. I have no objection to the quantity of public open space.
- 8.5.12. There is a level difference of c. 2m between the public open space and the public road. The drawings submitted indicate that the majority of the public open space would be level with a ramp access between the public road and the appeal site. I have no

objection to the proposed layout. However, it is recommended that a condition be attached to any grant of permission that final details be agreed with the planning authority.

- 8.5.13. The landscaping plans submitted with the original application provide details of seating, planting and paving within the area of public open space. The works to the public realm, including the formalisation of the car parking area are welcomed and, in my opinion, would improve the visual amenity of the village. Due to the revised layout of the scheme in response to the request for further information it is also recommended that revised landscaping plans be agreed with the planning authority by way of condition.

Residential Amenity

- 8.5.14. The appeal site is bound to the south-west by 7 no. existing properties, fronting onto the R752, including a local convenience shop. Proposed house numbers 18 and 20 are located at the site boundary with these properties. Neither of the proposed dwellings directly oppose the existing houses. House no. 18 is located a minimum of c. 7m from the sites boundary. The side elevation of house no. 18 is located a minimum of c. 13m from the rear elevation of the adjacent properties. House 18 (House Type C) is a 3 bed dormer style dwelling with no windows on the side elevations. Therefore, the proposed house would not result in any overlooking of adjacent properties. House no. 20 is located a minimum of c. 2m from the sites boundary. The side elevation of house no. 20 is located a minimum of c. 19m from the rear elevation of the existing dwellings. House 20 (House Type B) is a 3-bed dormer style dwelling. The first floor windows on the side elevation of House 20 serve non-habitable rooms only. Therefore, I am satisfied that the proposed house would not result in any undue overlooking of existing properties.

- 8.5.15. An existing house 'Railway Cottage' is located to the west of the appeal site. There is a minimum separation distance of c. 29m between this existing dwelling and proposed house no. 1. I am satisfied that the proposed house would not result in any undue overlooking of this existing dwelling.

- 8.5.16. The site is bound to the east by an existing 2-storey dwelling. The rear elevation of proposed house no. 17 is located c. 13m from the side elevation of this existing dwelling and proposed house no. 16 is located c. 15m from the side elevation of this

existing dwelling. The limited separation distance is noted, however, due to the orientation of the dwellings I am satisfied that it would not result in undue overlooking.

8.5.17. Having regard to the limited (1.5-storey) height of the proposed residential units, the separation distances between existing and proposed dwellings and the orientation of the scheme I am satisfied that it would not result in any undue overlooking or have an overbearing impact on any existing dwellings. No concerns were raised by the planning authority regarding a negative impact on existing residential amenity.

8.5.18. A daylight, sunlight and overshadowing assessment was not submitted with the application. Section 5.3.7 of the Sustainable and Compact Settlements Guidelines notes that the provision of acceptable levels of daylight in new residential developments is an important planning consideration. However, planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases and that in the case of low-rise housing with good separation distances, it should be clear from the assessment of architectural drawings that undue impact would not arise. Given the characteristics of the proposed development I am satisfied that it would not result in overshadowing of any existing or proposed residential dwellings and a technical assessment of daylight, sunlight and overshadowing performance is not necessary in this instance.

Railway line

8.5.19. The submission from Iarnrod Eireann notes that no building shall be constructed within 4m of the boundary with the railway line. The proposed houses are located a minimum of 5m from the site's boundary with the railway line. There is also a requirement that a suitably designed solid block retaining wall of a minimum height of 2.4m be provided at the boundary with the railway line. In my view this could be addressed by way of condition. I am satisfied that the proposed scheme would not negatively impact on the operation of the Irish Rail network during the construction or operational phase.

Underground Tanks

8.5.20. Objective CPO 14.14 states that underground tanks and storage systems shall be permitted as a last resort only where it can be demonstrated the other more sustainable SuDS infrastructure measures are not feasible. In any case underground

tanks and storage systems shall not be permitted under public open space, unless there is no other feasible alternative

8.5.21. The proposed scheme includes SuDs infrastructure. However, it also includes the provision of an underground attenuation tank under the area of public open space. The only alternative location for the attenuation tank would be under the internal road or surface car park. However, having regard to maintenance and access requirements it is my opinion that provision of an attenuation tank under the internal road or the surface car park is not appropriate in this instance. Therefore, it is my view that there is no other feasible alternative to the proposed location of the storage tank, under the area of public open space, and that the proposed location of the attenuation tank would not contravene Objective CPO 14.14. It is my recommendation that the final details of drainage requirements be agreed with the planning authority by way of condition.

Conclusion

8.5.22. In conclusion, I am satisfied that the proposed scheme would result in the creation of a high-quality residential development that is of an appropriate scale for the village, would provide a positive contribution to the area and support the consolidation of the urban environment. Therefore, I have no objection to the proposed design approach and consider it represents a reasonable response to its context.

8.6. **Archaeology**

8.6.1. The appeal site is not located within a Zone of Archaeological Interest. However, it is located c. 200m from a Recorded Monument (W024-011) church, graveyard and ecclesiastical enclosure. An Archaeological Assessment was submitted by way of further information. The report notes that trench testing was carried out on the site as part of the assessment. The results found no features of archaeological significance. However, fragments of medieval pottery were recovered in the topsoil. The submission from the DAU in response to the request to further information dated 20th December 2021 notes the submitted Archaeological Impact Assessment and raised no objections subject to appropriate archaeological monitoring conditions. I agree that a condition requiring archaeological monitoring be attached to any grant of permission.

8.7. **Other Issues**

Demolition Works

The observations note that there are existing structures on the site. During my site visit on the 8th August 2024 the roof of existing structures to the rear of the public house were visible. It would appear that these existing structures are approximately located on the site of proposed houses 11 -13 and are shown within red line boundary of the appeal site. I have no objection in principle to the demolition of existing derelict structure on site. However, in the interest of clarity it is recommended that a condition be attached to any permission that details of any existing structures on site to be demolished be submitted to the planning authority prior to commencement of development.

Discrepancies

- 8.7.1. It is noted that there are some inconsistencies and discrepancies in the information provided. Third parties also raised concerns that some documentation relates to a previously proposed development on the site and not the current scheme. While these inconsistencies are noted, they are considered to be minor and do not affect the outcome of my recommendation. I am satisfied that there is adequate information on file to allow for a comprehensive assess the proposed development.

9.0 **AA Screening**

9.1. *Screening Determination*

- 9.1.1. I have considered the proposed development of 20 no. houses in light of the requirements S 177S and S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The applicant has submitted a Screening Report for Appropriate Assessment prepared by Altemar. The AA Screening Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that the proposed development, individually or in combination with other plans or projects, will

not have a significant effect on any European site. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

- 9.1.3. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of 20 no. houses. The surrounding area is urban in nature. The site is serviced by public water supply and foul drainage networks. The development site is located in an urbanised environment close to noise and artificial lighting. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.
- 9.1.4. There are no watercourses or other ecological features of note on the appeal site that would connect it directly to European Sites in the wider area. The Rathnew Stream is located c. 40m north of the appeal site. This stream flows in an easterly direction towards Broad Lough Estuary and ultimately the Irish Sea.

9.2. *European Sites*

- 9.2.1. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 9.2.2. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

European Site Site Code	List of Qualifying interest /Special conservation Interest	Distance	Connections
Deputy's Pass Nature Reserve SAC (000717)	Old sessile oak woods with Ilex and Blechnum in the British Isles (M)	c. 1.3km	No
Vale of Clara (Rathdrum Wood) SAC (000733)	Old sessile oak woods with Ilex and Blechnum in the British Isles (R)	c. 4.6km	No
The Murrough Wetlands SAC (002249)	Annual vegetation of drift lines (R), Perennial vegetation of stony banks (R), Atlantic salt meadows (Glauco-Puccinellietalia maritimae) (R), Mediterranean salt meadows (Juncetalia maritimi) (R), Calcareous fens with Cladium mariscus and species of the Caricion davallianae (R), Alkaline fens (R)	c. 8.3km	Yes, indirect hydrological connection via the surface water and foul networks.
Wicklow Mountains SAC (002122)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) (M) Natural dystrophic lakes and ponds (M) Northern Atlantic wet heaths with Erica tetralix (R) European dry heaths (R) Alpine and Boreal heaths (R) Calaminarian grasslands of the Violetalia calaminariae (M) Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) (R) Blanket bogs (* if active bog) (R) Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) (R) Calcareous rocky slopes with chasmophytic vegetation (R)	c. 10.2km	No

	<p>Siliceous rocky slopes with chasmophytic vegetation (R)</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles (R)</p> <p>Lutra lutra (Otter) (M)</p>		
The Murrough SPA (004186)	<p>Red-throated Diver (<i>Gavia stellata</i>)</p> <p>Greylag Goose (<i>Anser anser</i>)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Wigeon (<i>Anas penelope</i>)</p> <p>Teal (<i>Anas crecca</i>)</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>Herring Gull (<i>Larus argentatus</i>)</p> <p>Little Tern (<i>Sterna albifrons</i>)</p> <p>Wetland and Waterbirds</p>	c. 8.2km	Yes, indirect hydrological connection via the surface water and foul networks.
Wicklow Mountains SPA (004040)	<p>Merlin (<i>Falco columbarius</i>) (M)</p> <p>Peregrine (<i>Falco peregrinus</i>) (M)</p>	c. 11.4km	No

9.2.3. There is an indirect hydrological connection between the appeal site and both The Murrough Wetlands SAC (002249) and The Murrough SPA (004186), via the proposed foul and surface water networks and could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

9.2.4. I am satisfied that the potential for impacts on Deputy's Pass Nature Reserve SAC, Vale of Clara (Rathdrum Wood) SAC, the Wicklow Mountains SAC (002122) and Wicklow Mountains SPA can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

9.2.5. The proposed development has no potential source pathway receptor connections to any other European Sites.

9.3. *Identification of likely effects*

9.3.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.

9.3.2. The Murrough is a coastal wetland complex. The development site is not located within The Murrough SPA (004186) or The Murrough Wetlands SAC (002249). Therefore, it would not result in direct temporary loss, disturbance or disruption of habitat. There are no existing watercourses within or immediately adjacent to the appeal site. However, there is an indirect hydrological pathway to the designated sites via the proposed foul and surface water network.

Surface Water

9.3.3. It is proposed that all surface water run off would be attenuated within the appeal site, after which it would flow to the public network under the R752 towards the Rathnew Stream located c. 40m north of the appeal site. This stream flows to the Broadlough Estuary, c. 8km north-east of the appeal site. The Boardlough Estuary forms part of both the Murrough SPA and Murrough SAC.

9.3.4. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development The Murrough SPA or The Murrough Wetlands SAC. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 The Murrough SPA or The Murrough Wetlands SAC from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in The Murrough (dilution factor).

- 9.3.5. No mitigation measures are required to come to these conclusions. I consider the provision of the oil/petrol interceptor a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.
- 9.3.6. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and the County Development Plan and are not mitigation measures in the context of Appropriate Assessment.
- 9.3.7. I also note that the proposal would not generate significant demands on the existing municipal sewers for surface water.

Foul Network

- 9.3.8. The proposed scheme would connect to the existing public foul network located under the R752. This network connects to the Ballymanus WWTP, which ultimately drains to the Rathnew Stream. The Rathnew Stream flows to Broad Lough Estuary, which forms part of both the Murrough SPA and Murrough SAC.
- 9.3.9. In the further responses received from the Observers they reference a submission from Inland Fisheries Ireland (IFI) in relation to a recently withdrawn planning application in Glenealy village for 12 no. residential dwellings (Reg. Ref. 23/60169). This application was withdrawn, however, the submission from IFI is publicly available on the planning authority's website. The submission from the IFI raises concerns that the most up-to date ambient monitoring results collated by Wicklow County Council indicate that the Ballymanus plant is having a negative impact on the Rathnew Stream, to which it discharges treated effluent from the plant. Details of the monitoring referenced by the IFI were not provided with the submission or in any of the observations received as part of this appeal. The most recent available data on the EPA website indicates that in 2020 the water quality of the Rathnew Stream had a Q value score of 4 and a status of Good and that the water body is 'not at risk'.
- 9.3.10. A licence for the Glenealy Wastewater Treatment Works agglomeration was approved in 2011. The EPA's inspectors report relating to the licence application (available on

the EPA website www.epa.ie) notes that the Glenealy agglomeration consists of the Ballymanus WWTP, Carrigview WWTP, Ballyfree WWTP and Drumdangan WWTP. All of which discharge to the Glenealy Stream.

- 9.3.11. In the interest of clarity, having regard to the information available on the EPA website and the information submitted with the application and appeal it would appear that the Rathnew Stream and the Glenealy Stream are the same waterbody, which flows in an easterly direction c.40 m north of the appeal site. This waterbody is also labelled as the Rathdrum Stream and Ann Stream in some of the applicant's documentation. However, I am satisfied that this is the same watercourse.
- 9.3.12. As per the EPA inspectors report, the Ballymanus WWTP was constructed in 2005 with a design capacity of 400pe to provide tertiary treatment. The plant had a load of 256 pe in 2011. It is noted that the final submission on file from Uisce Eireann notes that Ballymanus WWTP has capacity for c. 144pe. Therefore, it would appear that there have been no significant connections to the Ballymanus WWTP since 2011.
- 9.3.13. The 2011 EPA inspectors report also notes that the receiving water (Glenealy Stream) was identified as being less than good (Biological Q value less than 4) and the report acknowledged that the discharges from the Glenealy Wastewater Treatment Works agglomeration may not be the only cause of the water body being less than good. The report concluded that the discharges from the agglomeration are not likely to have a significant impact on the receiving waterbody.
- 9.3.14. The concerns of the third parties regarding the impact that the existing Ballymanus WWTP is having on the Rathnew Stream are noted. However, having regard had to the report of the EPA's Inspector in 2011 which noted that discharges from the Glenealy agglomeration may not be the only cause of the waterbody being less than good and that the discharges from the agglomeration are not likely to have a significant impact on the receiving waterbody. I have also had regard to the information provided on the EPA website which indicates that water quality within the stream has improved from being less than good (Biological Q value less than 4) in 2011 to a status of Good (Q value score of 4) in 2020.
- 9.3.15. The subject site is identified for development through the land use policies of the Wicklow County Development Plan 2022 - 2028. This statutory plan was adopted in 2022 and was subject to AA by the planning authority, which concluded that its

implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant demands on the existing municipal sewers for foul water. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at The Glenealy Wastewater Treatment Works agglomeration, and thus any potential impact on the overall discharge would not be significant. It is also noted that the final submission from Uisce Eireann noted that there is capacity within the wastewater network to accommodate the proposed scheme.

Groundwater

- 9.3.16. There are no excavation works proposed and no effects on groundwater are expected.

Ex-Situ

- 9.3.17. The site has not been identified as an ex-situ site for qualifying interests of the SPA. I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the urban nature of the site, the separation distances between the European site and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

9.4. *Cumulative In-Combination Effects*

In combination effects are examined within the applicants AA Screening Report. The report notes that no significant projects are proposed or currently under construction in the vicinity of the appeal site that could potentially cause in combination effects on any Natura 2000 site.

- 9.4.1. As the proposed project would not affect the integrity of any European site within the zone of influence, I am satisfied that there will be no adverse effects on the integrity of any European sites to arise as a consequence of the proposed project acting in-combination with any other plans or projects.

9.5. ***AA Screening Conclusion***

- 9.5.1. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I

conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on The Murrough Wetlands SAC or The Murrough SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

9.5.2. This determination is based on: -

- the nature and relatively minor scale of the development,
- the lack of impact mechanisms that could significantly affect a European Site,
- the distance from and weak indirect hydrological connections to the European sites and
- the absence of relevant qualifying interests in the vicinity of the works.

9.5.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Recommendation

It is recommended that permission be granted subject to conditions.

11.0 Reasons and Considerations

Having regard to the sites location within the settlement boundary of Glenealy, which is designated as a Level 7 (Type 1) Village in the Wicklow County Development Plan 2022-2028 and to the existing pattern of development in the area it is considered that subject to compliance with the conditions set out below, the proposed quantum of development is acceptable and would be in accordance with the provisions of the Core Strategy. The design, layout, scale and height of the proposed scheme would not seriously injure the residential or visual amenities of the area or of property / land in the vicinity and would that the development would be consistent with national and local planning policy. The proposed development would be acceptable in terms of pedestrian and traffic safety, having regard to the design of the proposed scheme and the quality of the existing road network. The scheme would be acceptable in terms of its impact on the Ballymanus Wastewater Treatment Plant due to the availability of

capacity within the public network. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. 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 7th day of December 2021, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows: -
 - a) House numbers 10, 19 and 20 shall be redesigned as dual fronted dwellings to provide additional frontage onto the internal access road.
 - b) At least 1 no. accessible car parking space shall be provided within the surface car park area at the northeastern portion of the site.

The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity and to secure the integrity of the proposed development

3. Prior to commencement of development the applicant shall submit to the planning authority details of all buildings and structures to be demolished within the site.

Reason: In the interest of clarity

4. The first sale of 50% of the homes herein permitted shall be restricted to persons who comply with Objective CPO 6.37 of the Wicklow County development Plan 2022-2028 for a Level 7 – Village (Type 1) and as the Planning Authority agrees to in writing. There shall be no occupancy restriction to the remaining 50% houses. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development. Prior to the commencement of development, the dwelling units to be restricted in accordance with this condition shall be agreed in writing with the planning Authority.

Reason: To ensure that dwellings are suitably restricted in accordance with Objective CPO 6.37 of the development plan the Settlement Strategy.

5. Public access to the car parking area in the northeastern portion of the site shall be permanent, open 24 hours a day, with no gates or security barrier at the entrance in a manner which would prevent pedestrian or vehicular access, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of public amenity and to ensure adequate car parking is available for the village.

6. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - a) details of all proposed hard surface finishes;
 - b) Details of ramped access through the area of public open space
 - c) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

- d) details of proposed street furniture, including bollards, lighting fixtures and seating;
- e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the final details of areas of public seating within the area of public open space. All works shall be at the applicant's expense.

Reason: In the interest of residential amenity and place making.

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

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

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

10. Proposals for an estate/street name, house 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 numbers, shall be provided in accordance with the agreed scheme. 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).

Reason: In the interest of urban legibility.

11. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

12. 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. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

13. All of the in-curtilage car parking spaces serving residential units and the surface car park located within the northeastern portion of the site shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. The 2 no. car parking spaces serving house no. 11 and located outside of the curtilage of the property shall be provided with functional electric vehicle charging point.

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.

Reason: In the interest of sustainable transportation

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. 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. 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 damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

15. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

16. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details and schedule of works adjacent to the railway link that address the matters referred to by Irish Rail in their submission on this application dated 10th August 2021. Any works associated with the proposed development including boundary treatments and landscaping shall ensure that the integrity of the embankment adjacent to the railway line is maintained.

Reason: To protect the railway and in the interest of public safety.

17. The internal road network serving the proposed development including 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).

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

18. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

19. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

21. (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, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual

purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(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.

(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.

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

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

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

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

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

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Elaine Power

Senior Planning Inspector

25th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319711-24		
Proposed Development Summary	Construction of 20 no. houses and all associated works.		
Development Address	Glenealy, Co. Wicklow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required
Yes	10 (b)(i): Construction of more than 500 dwelling units	The proposed scheme falls below the	Proceed to Q.4

		<p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	<p>applicable thresholds.</p>	
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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

An Bord Pleanála Case Reference	ABP- 319711-24	
Proposed Development Summary	Construction of 20 no. houses and all associated works	
Development Address	Glenealy, Co. Wicklow	
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p>	The development comprises the construction of 20 no. houses within the urban area of Glenealy. From an environmental perspective the nature of the proposed development is not regarded as being exceptional in the context of the existing environment	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and would not give rise to significant waste, emissions or pollutants.	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p>	The development comprises the construction of 20 no. houses within the urban area of Glenealy. From an environmental perspective the size of the proposed development is not regarded as being exceptional in the context of the existing environment.	No

<p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.</p>	<p>No</p>
<p>Location of the Development 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>This site does not host any species of conservation interest. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites.</p> <p>Having regard to the location of the site and the nature and scale of the development there is no potential to significantly affect environmental sensitivities in the area, including protected structures.</p>	<p>No</p> <p>No</p>
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____
(only where Schedule 7A information or EIAR required)

Date: _____