



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-320257-24

#### Development

Construction of 67 houses and all associated site development works. A new vehicular access is proposed off Lott Lane which will serve a new distributor road along the north of the site. Application was accompanied by a Natura Impact Statement.

#### Location

Site on lands to the east of Lott Lane and north of the existing Wellfield housing development, Kilcoole, County Wicklow.

#### Planning Authority

Wicklow County Council

#### Planning Authority Reg. Ref.

23509

#### Applicant(s)

Dwyer Nolan Developments Ltd.

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant

Dwyer Nolan Developments Ltd.

#### Observer(s)

None.

#### Date of Site Inspection

6<sup>th</sup> May 2025

#### Inspector

Matthew O'Connor

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Appendix 1: Form 1 - EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

Appendix 3: AA Screening Determination - Test for likely significant effects

Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Determination.

Appendix 5: Water Framework Directive Screening and Assessment.

## **1.0 Site Location and Description**

- 1.1. The subject site is 3.24ha and located on lands to the east of Lott Lane (L-5044) in the settlement of Kilcoole, Co. Wicklow. The site is irregularly shaped and principally comprised of undeveloped greenfield lands. The topography is generally flat with a watercourse in the centre of the lands running in a north-south direction. The western site boundary is a mixed arrangement as it is formed by the rear boundaries of a number of one-off dwellings and 1 no. shed building which are arranged in a linear arrangement to Lott Lane. The southern boundary is composed of a mixed hedgerow and trees which adjoins the Wellfield housing estate. The northern site boundary is mostly composed of a dense mixed hedgerow and trees. The eastern site boundary is presently undefined as it is within an existing field. Within the appeal site, there is a north-south mixed hedgerow and trees along with other scrub/overgrowth within a central part of the site adjacent to the watercourse. The adjoining lands to the immediate north and east are agricultural lands. There are no recorded National Monuments within the appeal site however, there are several records to the southwest of the site. The site is not located within a designated Flood Zone.

## **2.0 Proposed Development**

- 2.1. Planning permission was initially sought, as per the public notices, for the construction of a residential development comprising the following:
- Construction of 50 no. houses (1 no. five-bed, 14 no. four-bed, 30 no. three-bed and 2 no. one-bed units);
  - Provision of new vehicular access from Lott Lane serving as a new distributor road;
  - Public open space;
  - Foul sewer pumping station; and,
  - Landscaping, boundary treatment and associated site works.
- 2.2. The Commission shall note that the proposal was revised in response to a Request for Further Information. The revisions primarily related to an increase in the number of residential units with 67 no. houses (20 no. two-bed, 23 no. three-bed and 24 no. four-bed units).

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1 The Planning Authority recommended refusal for the subject development for the following 4 no. reasons:

1. *Having regard to;*

- (a) The layout of the proposed development;*
- (b) The alignment of the proposed distributor road and lack of horizontal deflection that may lead to higher speeds and failure to propose cycleway of adequate width, extent and coverage (i.e. along the proposed distributor road at Lott Lane junction, at the western end of distributor road and at the proposed distributor road crossing), along with the proposed lay-by and vertical deflection points;*
- (c) The lack of a pedestrian & cycle connection between the proposed development and Wellfield Estate to the south; and,*
- (d) The limited focus on improving the safety of streets and enhancing placemaking.*

*It is considered that it has not been demonstrated that the proposed roads infrastructure would be inadequate to serve the development and would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the objective of the Greystones, Delgany & Kilcoole LAP 2013-2019, the County Development Plan 2022-2028, the Design Manual for Urban Roads and Streets (DMURS) 2019 and the Sustainable and Compact Settlement Guidelines 2024. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to the:*

- (a) Character of the site and proposed access, which includes existing tree/hedge vegetation, and drainage channels;*
- (b) Lack of detail/assessment of the impact of works on existing tree/hedge vegetation and drainage channels;*
- (c) Proposed removal of groups of trees, hedgerow, etc in the absence of any adequate biodiversity mitigation measures of landscaping, and*

*(d) The proximity of the works to watercourses and failure to have sufficient regard to Inland Fisheries Ireland “Planning for Watercourses in the Urban Environment” guidance.*

*It is considered that the development, which would result in a loss of tree/hedgerow habitats, would result in works within 25 m of a watercourse, would impact negatively on the biodiversity of the area and the environment, would contravene Objectives CPO 17.14, Objectives CPO 17.22, Objectives CPO 17.23, Objectives CPO 17.26 as well as CPO 18.3, 18.4 of the County Development plan 2022-2028, and would therefore be contrary to proper planning and sustainable development.*

**3. Having regard to:**

*(a) The design and layout of the proposed development;*

*(b) The non-compliance with Wicklow County Council's SUDS policy and objectives CPO 13.21 policy and CPO 13.22, which seek to implement the SUDS policy and promote the use of green infrastructure.*

*It is considered that the proposed development would represent a substandard development in terms of layout, nature based Sustainable Urban Drainage Systems (SUDS), design and promote the use of green infrastructure.*

- 4. The proposed wastewater drainage is considered to be unsustainable given its reliance on pumping and is premature pending the provision of a gravity sewer network to serve the lands. The proposed development is therefore contrary to proper planning and sustainable development.**

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history in vicinity, policy framework of the Development Plan and inter departmental/referral reports.
- The Planning Authority noted the residential development to be acceptable in principle in the context of the site zoning and the location of the site in the settlement of Kilcoole.

- In terms of density, the Planning Authority deemed that 25 units per hectare, as proposed, would not achieve the highest potential of the site and that further information would be required to address the low density with the minimum acceptable density in the range of 30-40+ units per hectare being acceptable.
- The Planning Authority raised concerns in respect of housing mix and indicated that further information would be required.
- In relation to layout, the Planning Authority noted the relationship of the layout with the open space area whilst outlining concern with the new road layout to calm traffic speeds. It was deemed that the layout be revised to address density and create a better relationship with the natural environment. The Planning Authority also noted that the general design is attractive and appropriate for the urban area.
- The Planning Authority raised no concerns in terms of private open space or amenity and that matters of boundary treatments to Units 1-6 could be conditioned in the event of a grant. In addition, the Planning Authority consider that the open space was influenced by the site zoning and is acceptable.
- The scheme is generally consistent in terms of car parking. Bicycle parking is proposed but not shown. Bin storage is acceptable. The comments returned in terms of transportation are noted and will form Further Information.
- With respect to landscaping and boundary treatments, it is noted that existing natural vegetation is to be entirely removed. The playground is too close to 2 no. units. Connectivity concerns are raised with Wellfield housing estate and the buffer from the watercourse.
- In terms of services, water supply requires upgrade. Uisce Eireann state that connection to wastewater network can be made without upgrade no reference is made to any agreement to take in charge the pumping station. Concerns are raised in relation to the proposed pumping station and the surface water drainage.
- In terms of built heritage, it is noted that not Cultural Heritage Impact Assessment has been provided and reference is made to archaeological sites in the vicinity as raised in the referral received.
- Part V is satisfactory.

- No issues raised with respect to Environmental Impact Assessment (EIA) or flooding.

Further Information was sought in relation to 11 no. items which are summarised as follows:

1. Submit an Engineering report supporting the design of the Distributor Road and detail how the road would form part of the AP8 Action Area Plan of the LAP.
2. Submit a planning/design report addressing concerns regarding density and housing typology. Invitation provided to submit revised proposals.
3. Submit a Transport Assessment regarding the ability of the local road network to cater for proposal; submission of signage/road marking and junctions to serve the development and wider area; clarify appropriateness of raised table at Lott Lane; submission of Stage 2 Road Safety Audit; submission of DMURS Audit for internal road network; and submission of a public lighting design.
4. Landscaping drawings should delineate existing trees/hedgerows; submission of a planning report setting out how development accords with CPO 17.14 and CPO 17.23 of Development Plan; and, alternatively, revised proposals for minimising impact of biodiversity and tree/hedgerow removal are invited.
5. Justify the Stormtech attenuation over natural water retention infrastructure and submit revised details showing proposed surface water drainage designed in accordance with latest guidance on construction of SUDS.
6. Submit a planning report to support the proposed pumped system. A justification shall be provided for why the pumped system has been chosen and provision of details for how a gravity system could be provided in the future. Alternatively, submission of details for a gravity system can be provided instead of a pumped system.
7. Demonstrate compliance with Objectives CPO 13.3 and CPO 17.26 which seek to provide riparian buffer zones of generally 25m along watercourses in relation to the proposed River Walk.
8. Submit proposals to show possible pedestrian/cycle connections through to Wellfield Estate.
9. Submit proposals for bin and cycle storage for mid-terrace houses.
10. Submit an Accessibility Report and a Social Infrastructure Audit.
11. Submit an Archaeological Impact Assessment.

The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis to refuse permission. The Planning Authority deemed that Item Nos. 2, 10 and 11 in relation to density, housing numbers and unit mix; Social & Infrastructure Audit; and, Archaeological Assessment to be acceptable. However, the Planning Authority were not satisfied that Item Nos. 1, 3 (in-part), 4, 5, 6, 7, 8, 9 with respect to roads/transportation; landscaping/tree removal/wildlife; surface/storm water drainage; wastewater treatment; works adjacent to watercourses; connectivity and bicycle parking/storage respectively had been appropriately addressed. It was considered that Item 8 and Item 9 with regard to pedestrian/cycle connectivity to the Wellfield housing estate and cycle parking and bin storage could be addressed by way of condition in the event of a grant of permission.

### 3.2.2. Other Technical Reports

- MD Engineer: Initial report recommended refusal and stated that the overall development layout is very poor from a DMURS perspective and is premature pending a wastewater drainage area plan for the Action Plan 9 of the LAP. The report highlights a number of perceived shortcomings in relation to internal roads, the distributor road, waste water, storm water and open space. A second report was provided in relation to the Further Information response. Item 1 in relation to the road issues was deemed as being not acceptable. A number of parts in Item 3 regarding transportation are not acceptable. Item 5 regarding storm water was not acceptable. Item 6 with respect to the pumped wastewater was not acceptable. Item 7 in relation to the provision of a 25m riparian buffer zone was not acceptable. Item 9 in relation to bin/cycle storage was not acceptable. No recommendation was provided in the second report.
- Water & Environmental Services: The first report recommended that Further information be requested seeking the submission of a justification for employing hard engineering over natural water retention or submit proposals for natural storm water retention. Following response to request for further information, no objection to natural retention basin in addition to attenuation tanks - subject to conditions.
- Roads Section: Report recommended Further Information regarding the a number of items such as - details of proposed road junction arrangement with Lott Lane; the linear road network may lead to inappropriate vehicle speed and whilst ramps are



provided, other DMURS measures should be considered; road markings and signage has not been provided; no Quality Audit (including Road Asafety) provided; a Stage 1 and Stage 2 Road Safety Audit on the R-772 be provided; a Stage 3 Audit should be carried out in event of a grant; no Transport Assessment provided; no public lighting provided; pavement details and cross section required; termination of cycle tracks could lead to conflicts and require review; provide details of proposed pedestrian crossing; and, review junction layout/design of Distributor Road and Road 4 as it is not consistent with the junction of the Distributor Road and Road 2.

- Chief Fire Officer: No objection, subject to specific condition(s) regarding firefighting water supply, provision of hydrants, vehicular access ensuring fire brigade appliance access and fire detection in terraced units.
- Housing: Satisfied with the Part V arrangements. If development is to be carried out in phases, agreement will be required prior to the commencement of development.

### 3.3. Prescribed Bodies

- Transport Infrastructure Ireland: The Planning Authority shall have regard to relevant national guidance.
- Uisce Éireann: No objection, subject to condition(s).
- Department of Housing, Local Government and Heritage: In relation to Archaeology, the site is located in the vicinity of identified archaeological sites. It is possible previously unidentified archaeological remains may be discovered. It is recommended that an Archaeological Impact Assessment Report be requested as further information. In terms of Nature Conservation, it is recommended that mitigation measures stated in the NIS are strictly adhered to.

### 3.4. Third Party Observations

3.4.1. A total of 6 no. third party observations were received by the Planning Authority at the initial application stage. Many of the observations raise similar points and are broadly summarised as follows:

#### Traffic and Access

- No Traffic Impact Study has been provided.

- Access road is narrow and Lott Lane is heavily trafficked and consider to be a rat run to avoid the Main Street.

#### Services/Infrastructure

- Infrastructure in Kilcoole is under pressure.
- Sewerage is already strained
- There are inadequate school places for the present school population.
- Transport infrastructure is poor in terms of train and bus.
- Kilcoole does not have adequate shopping facilities.
- The Planning Authority should ensure that adequate provision is made to accommodate the permanent gravity foul sewer solution identified in W.C.C's own application (Ref. 23/504) and that appropriate related conditions are attached to any grant of permission to the subject development.

#### Environmental and Ecological Concerns

- Potential impacts on the coastal area due to undisclosed numbers of houses

#### Flood Risk

- Flood Risk concerns

#### Procedural

- Concerns with the validation time and public engagement period.
- The phased approach only benefits the developer in attempting to get approval in smaller numbers.

#### Planning Policy

- Development is premature in the absence of a new Local Area Plan.
- Development is opportunistic with a pick and choose approach to relevant parts of the LAP.
- Housing targets in the area have already been exceeded and no further houses should be built prior to 2028.
- The site is part of Action Plan AP8 – “Ballydonarea” of the Greystones-Delgany and Kilcoole LAP. AP8 will be an integrated plan for all services and new Distributor Road.

- Proposal runs parallel with W.C.C's application Reg. Ref. 23504 which shows proposed wastewater crossing AP8 by gravity through this application site to Sea Road.
- WCC requested to ask applicant that an agreement be put in place with other landowners for connections to the services and access to link road to avoid zoned lands to the north of application being land-locked.

3.4.2. 3 no. additional third party observations were received in relation to the Response to Request for Further Information from the initial objectors and other person(s) who raised the following points:

- Traffic and Road safety concern from large number of cars and 1 no. access onto Lott Lane.
- Requests provision of a wall of adequate height between the site and neighbouring property for security reasons.
- Adverse impacts arising from noise at construction stage.
- Impacts from overlooking.
- Impact of wildlife inhabiting the site such as foxes, squirrels, hedgehogs, rabbits and birds.
- Planning Authority should ensure that the proposed wastewater pumping station will have adequate capacity to accommodate wastewater from other residentially zoned lands.
- Planning Authority should ensure that adequate provision is made within the subject development to accommodate the permanent gravity foul sewer solution identified in W.C.C's own application (Ref. 23/504).
- Planning Authority should ensure that access will be given to lands in the north of the site from the access link road.

## 4.0 Planning History

4.1. The following planning history is associated with the subject site:

**03/9143** Application for a dwelling, septic tank and garage. Applicant: Bernadette Byrne. Status: WITHDRAWN.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site.

5.1.1. Chapter 3 relates to the 'Core Strategy' and Kilcoole is listed as a 'Self-Sustaining Town' in Table 3.3: Wicklow Settlement Hierarchy. According to the Development Plan, towns in Level 4 are generally targeted for growth rates around 20%-25% and the goal for these towns is to limit further development, other than for town centre / infill / regeneration. It is estimated that growth in Kilcoole will exceed this target range before the end of the plan period due to legacy housing developments under construction.

5.1.2. Table 3.5: 'Wicklow Settlement / Aggregate Settlement Housing Targets to Q2 2028 and Q4 2031' indicates that the total housing growth for Kilcoole between 2016-2031 is 287.

5.1.3. Chapter 4 relates to 'Settlement Strategy'. Kilcoole is identified as a Level 4 (Self-Sustaining Town) in the settlement strategy for County Wicklow. The Development Plan states that Self-Sustaining Towns are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. It is further stated that delivering compact growth, regeneration and revitalisation of the town centres is a key priority. The following objectives are considered relevant:

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

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

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

5.1.5. Chapter 6 relates to 'Housing'. Section 6.3 sets out the Key Housing principles and Table 6.1. provides Density Standards. Small Towns and Villages, such as Kilcoole, shall have a density of 20-35 dwellings per Hecate on 'Edge of Centre' sites and 30-40+ dwellings per hectare on 'Centrally located' sites. The Development Plan states that new development should incorporate a mix of dwelling types and heights to achieve minimum densities and create interesting and attractive settlements. Mono-type building typologies (e.g. two storey or own-door houses only) will not be considered favourably. Section 6.4 setting out a number of general housing objectives. The Objectives CPO 6.1 – CPO 6.20 and CPO 6.27 – CPO 6.34 are considered to be relevant and the following objectives of note are listed below:

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

*CPO 6.2 The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.*

*CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.*

*CPO 6.4 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).*

*CPO 6.5 To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and*

*attractive built environment in accordance with the following key principles of urban design:*

- Strengthening the character and urban fabric of the area;*
- Reinforcing local identity and sense of place;*
- Optimise the opportunities afforded by the historical and natural assets of a site / area;*
- Providing a coherent, legible and permeable urban structure;*
- Promoting an efficient use of land;*
- Improving and enhancing the public realm;*
- Conserving and respecting local heritage;*
- Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;*
- Promoting accessibility for all; and,*
- Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.*

*CPO 6.6 To require that all planning applications for multi-unit residential development are accompanied by a Design Statement. Design Statements shall include a detailed assessment of existing environment and historic character and demonstrate how the design has evolved in response to these underlying characteristics and fabric of the town / village. The Design Statement should address each of the 12 criteria set out in the Urban Design Manual (DECLG May 2009). The layout, access, road widths and open space should be cognisant of town and village character.*

*CPO 6.7 The design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DEHLG May 2009) and the Design Manual Urban Roads and Streets (DTTS & DECLG 2013).*

*CPO 6.13 To require that new residential development represents an efficient use of land and achieves the minimum densities as set out in Table 6.1*

*subject to the reasonable protection of existing residential amenities and the established character of existing settlements. In promoting higher densities and more compact development, new development should demonstrate compliance with:*

- the Sustainable Urban Housing Guidelines for Planning Authorities (DEHLG 2009) and accompanying Urban Design Manual – A Best Practice Guide;*
- Quality Housing for Sustainable Communities (DoEHLG 2007);*
- Design Standards for New Apartments Guidelines for Planning Authorities (2018)*
- Design manual for Urban Roads and Streets; and*
- any subsequent Ministerial guidelines.*

*CPO 6.14 To densify existing built-up areas subject to the adequate protection of existing residential amenities.*

*CPO 6.15 Higher density proposals should be designed to a high standard, incorporate a mix of housing types and sizes and deliver compact urban forms that enhance the local built environment and contribute towards a sustainable mix of housing options. Proposals should provide an appropriate design response to the site, be designed to a high quality and afford adequate protection for residential amenity of neighbouring properties.*

*CPO 6.18 To ensure that building height within future development makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views. Require all development proposals, including infill development, to include an analysis of the impact of building height and positioning of buildings on:*

- The immediate & surrounding environment - streetscape, historic character;*
- Adjoining structures;*
- Open spaces and public realm;*
- Views and Vistas.*

- CPO 6.27 To require new multi-unit residential development to provide an appropriate mix of unit types and sizes to ensure that there is a range of unit types available to suit the needs of the various households in the county, in accordance with the Design Standards for new Apartments, Guidelines for Planning Authorities (2020).*
- CPO 6.28 Apartments generally will only be permitted in settlements Levels 1 to 6 and in accordance with the location requirements set out in Section 2.4 of the Design Standards for New Apartments, Guidelines for Planning Authorities (2020). All apartment development should be served by high quality usable open space.*
- CPO 6.32 To support independent living and facilitate the provision of supported housing (specific purpose built accommodation) for older people and people with disabilities towns and villages. To facilitate the provision of nursing homes, retirement villages, residential care facilities at appropriate locations in towns and villages in the County. These facilities must be well served by infrastructure and amenities including accessible footpaths, local shops and public transport in order to allow the residents to be socially included and to allow better care in the community, independence and access.*
- CPO 6.33 To protect the existing housing stock to meet housing demand and require that any proposals for short-term letting provide a detailed justification for the proposed use and demonstrate to the satisfaction of the Planning Authority that any proposals don't undermine the provision of housing and that there is a sufficient supply of rental properties available for longer-term rental in the area. The cumulative impact of applications will also be considered in the assessment of any application. Proposals that would increase pressures on the housing market including the rental market will not be considered favourably.*

5.1.7. Chapter 13 relates to 'Water Services' and contains objectives with respect to water supply, wastewater and storm/surface water infrastructure.

- CPO13.1 To ensure and support the implementation of the EU Groundwater Directive and the EU Water Framework Directive and associated River*



Basin and Sub-Basin Management Plans and Blue Dot Catchment Programme, to ensure the protection, improvement and sustainable use of all waters in the County, including rivers, lakes, ground water, coastal and estuarine waters, and to restrict development likely to lead to a deterioration in water quality. The Council will also have cognisance of, where relevant, the EU's Common Implementation Strategy Guidance Document No. 20 and 36 which provide guidance on exemptions to the environmental objectives of the Water Framework Directive.

- CPO13.2 To prevent development that would pollute water bodies and in particular, to regulate the installation of effluent storage and disposal systems in the vicinity of natural water bodies or development that would exacerbate existing underlying water contamination.
- CPO13.3 To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of generally 25m along watercourses should be provided (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. CPO 13.17 Private wastewater treatment plants for multi-house developments will not be permitted.
- CPO 13.21 Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.
- CPO 13.22 To promote the use of green infrastructure, such as swales and wetlands, where feasible as landscape features in new development to

provide storm / surface runoff storage and reduce pollutants, as well as habitat, recreation and aesthetic functions.

5.1.7. Chapter 17 relates to 'Natural Heritage & Biodiversity' and the following objectives are considered to be applicable to the subject development:

CPO 17.5 *Projects giving rise to adverse effects on the integrity of European sites (cumulatively, directly or indirectly) arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this plan.*

CPO 17.6 *Ensure that development proposals, contribute as appropriate towards the protection and where possible enhancement of the ecological coherence of the European Site network and encourage the retention and management of landscape features that are of major importance for wild fauna and flora as per Article 10 of the EU Habitats directive. All projects and plans arising from this Plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive.*

CPO 17.14 *Ensure that development proposals support the protection and enhancement of biodiversity and ecological connectivity within the plan area in accordance with Article 10 of the Habitats Directive, including linear landscape features like watercourses (rivers, streams, canals, ponds, drainage channels, etc), woodlands, trees, hedgerows, road and railway margins, semi-natural grasslands, natural springs, wetlands, stonewalls, geological and geo-morphological systems, features which act as stepping stones, such as marshes and woodlands, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones that taken as a whole help to improve the coherence of the European network in Wicklow.*

CPO 17.22 *To require and ensure the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of*

*the development management process, and require the planting of native broad leaved species, and species of local provenance in all new developments.*

CPO 17.23 *To require the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).*

CPO 17.26 *Protect rivers, streams and other water courses by avoiding interference with river / stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25m along watercourses (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. Structures such as bridges should be clear span, and designed and built in accordance with Inland Fisheries Ireland guidance.*

5.1.8. Chapter 18 relates to 'Green Infrastructure' and the following objectives are deemed relevant to the subject development:

CPO 18.3 *New development and redevelopment proposals shall wherever possible, integrate nature based solutions to the design, layout and landscaping of development proposals, and in particular to the delivery of linear parks and connected open spaces along watercourses in order to enhance the existing green infrastructure of the local area. All such proposals will be subject to ecological impact assessment.*

CPO 18.4 *To facilitate the development and enhancement of suitable access to and connectivity between areas of interest for residents, wildlife and biodiversity, with focus on promoting river corridors, European sites, nature reserves and other distinctive landscapes as focal features for*

*linkages between natural, semi natural and formalised green spaces where feasible and ensuring that there is no adverse impact (directly, indirectly or cumulatively) on the conservation objectives of European sites.*

CPO 18.5 *To identify and facilitate the provision of linkages along and between green / river corridors within the county and adjoining counties to create inter connected routes and develop riverside parks and create linkages between them to form 'necklace' effect routes including development of walkways, cycleways, bridleways and wildlife corridors where feasible and ensuring that there is no adverse impact (directly, indirectly or cumulatively) on the conservation objectives of European sites.*

5.1.8. Volume 3 of the Development Plan contains Appendix 1: 'Development and Design Standards' which is considered to be relevant to the subject development in terms of Infrastructure & Services (Section 2), Mixed Use & Housing Developments (Section 3), and Open Space (Section 8).

## **5.2. Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019**

5.2.1. The appeal site is within the boundary of the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019. It shall be noted that Variation No. 2 of the Wicklow County Development Plan 2022-2028 was made and came into effect on 12<sup>th</sup> May 2025 thereby bringing existing LAPs into the Development Plan while new plans are prepared. Section 5.0 of this Development Plan Variation states that the existing LAP will remain in place until it is superseded by a new plan.

5.2.2. The appeal site comprises three zoning designations – 'R15: Residential' with an objective 'to provide for the development of sustainable residential communities up to a maximum density of 15 units per hectare and to preserve and protect residential amenity'; 'R22: Residential' with an objective 'to provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity'; and, 'AOS: Active Open Space' with an objective 'to provide for active recreational space'. A zoning matrix is not included in the LAP and the Planning Authority shall determine each proposal on its merits, and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective. The LAP does however state that uses generally

appropriate for residential zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare, health centres, guest house, bed and breakfast, local corner shops (subject to objective as set out in this plan), places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the Development Plan.

5.2.3. The following sections and objectives are considered relevant to the subject development:

### Section 3: Population and Housing

*RES1: To adhere to the objectives of the Wicklow County Development Plan 2010-2016 in regard to population and housing as are applicable to the plan area. In the assessment of development proposals, regard shall be paid to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (DoEHLG, 2009).*

*RES2: Notwithstanding the zoning of land for residential purposes, the development management process shall monitor and implement the population targets for Greystones-Delgany and Kilcoole as set out in the Wicklow County Development Plan, and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.*

*RES3: The development of zoned land should generally be phased in accordance with the sequential approach:*

- Development should extend outwards from centres with undeveloped land closest to the centres and public transport routes being given preference, i.e. 'leapfrogging' to peripheral areas should be avoided;*
- A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and*
- Areas to be developed should be contiguous to existing developed areas.*

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

*exceptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal.*

*RES12: There is a particular need to ensure that there is a mix in the type, size and tenure of housing available in Kilcoole. As such, the planning authority shall ensure that all developments include an appropriate mix of units to cater for all sectors of the population, and in particular to ensure an appropriate balance between the amount of social, affordable and private tenure.*

#### Section 8: Transport and Service Infrastructure

*TS2: All new development shall be required to connect to the public mains systems for water supply and waste water collection and disposal. Permission for the connection of single houses to private waste water systems and water supply systems will only be granted in exceptional circumstances, where there is no adverse effect on the environmental integrity of the area and in accordance with the proper planning and sustainable development of the area.*

*RO9 Provision of a local access road to facilitate the development of zoned lands at AP8: Ballydonarea Action Plan, in the form of a link road between Sea Road and Lott Lane*

#### Section 10: Action Plans

AP8: Ballydonarea Action Plan:

*This action plan is located on a site of c. 12ha, on lands east of Lott Lane, immediately north of Wellfield housing development, within the townland of Ballydonarea, as shown on Map A. An action plan for this area was agreed on 14th January 2010. This agreed action plan provides for a mixed use development including residential, community and open space uses. In summary, this action plan provides for the following:*

- c. 7.8ha of residential zoning, with approximately 2ha reserved for medium density development (c.10-15/ha).*
- c.1.2ha of community and education and institutional zoning*
- c. 3ha of active open space*
- Development in three phases*
- Development of link road between Sea Road and Lott Lane.*

*Development on this site shall be in accordance with the action plan for this area, agreed on 14<sup>th</sup> January 2010, unless an alternative plan is agreed with the planning authority and landowners.*

*Apartments/duplexes shall not be permitted in this area. Dwellings shall be positioned and oriented to provide maximum passive surveillance of open space. Development proposals shall have regard to the setting and curtilage of Ballydonarea House, a protected structure.*

### **5.3. Draft Greystones-Delgany & Kilcoole Local Planning Framework 2025**

5.3.1. The Wicklow County Development Plan 2022-2028 provides a commitment to the preparation of a new Local Planning Framework (LPF) for Greystones–Delgany & Kilcoole during the lifetime of the Development Plan. It shall be noted that Wicklow County Council has prepared a proposed Variation (No. 4) to integrate the draft and final Greystones-Delgany and Kilcoole Local Planning Framework (LPF) into the Wicklow County Development Plan 2022-2028. The Draft LPF went on public display in May 2025.

5.3.2. The zoning designation of the appeal site has been revised under the Draft LPF. Approximately half of the site (the western portion) is proposed to be ‘RN1: New Residential - Priority 1’ which has an objective to *‘provide for new residential development and supporting facilities during the lifetime of the LPF’*. The description of this land use zoning is to facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities. The eastern half of the appeal site is proposed to be ‘OS2: Natural Area’ which has an objective to *‘protect and enhance existing open, undeveloped lands’*. The description of this land use zoning is to protect, enhance and manage existing open, undeveloped lands that comprise flood plains, buffer zones along watercourses and rivers, steep banks, green breaks between built up areas, green corridors and areas of natural biodiversity.

5.3.3. The appeal site is also located within an area designated as a Specific Local Objective (SLO 6 - Ballydonarea). According to the DRAFT LPF, the purpose of a SLO is to guide developers as to the aspirations of the LPF regarding the development of certain

lands. It is indicated that a masterplan for the entire SLO area may be required to be submitted as part of the first application within the SLO. Any application for permission on said lands must conform to all standards and requirements of the Planning Authority, as set out in this LPF and the Wicklow County Development Plan.

*GDK15 The priority for housing growth shall be the existing built up area of the settlements, on lands zoned 'town centre', 'village centre', 'mixed use' and 'existing residential'. Development shall extend outwards from the centres of Greystones, Delgany and Kilcoole with undeveloped land closest to the centre and public transport routes given priority. 'Leapfrogging' to peripheral areas shall be strongly resisted. In cognisance that the potential of such regeneration / infill / brownfield sites is difficult to predict, there shall be no quantitative restriction inferred from this LPF or the associated tables on the number of units that may be delivered within the built up envelope of the towns/villages.*

*GDK18 Housing development shall be managed and phased to ensure that infrastructure is adequate or is being provided to match the needs of new residents. New significant residential or mixed use development proposals (of which residential development forms a component) , shall be required to be accompanied by a Social Infrastructure Audit, to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents. Where deficiencies are identified, proposals will be required to either rectify the deficiency, or suitably restrict or phase the development in accordance with the capacity of existing or planned services.*

*GDK49 Ensure that development proposals support the protection and enhancement of biodiversity and ecological connectivity within the LPF area in accordance with Article 10 of the Habitats Directive, including linear landscape features like watercourses (rivers, streams, canals, ponds, drainage channels, etc), woodlands, trees, hedgerows, road and railway margins, semi-natural grasslands, natural springs, wetlands, stonewalls, geological and geomorphological systems, features which act as stepping stones, such as marshes and woodlands, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered*



*as ecological corridors or stepping stones that taken as a whole help to improve the coherence of the European network in Wicklow.*

*GDK50 To protect non-designated sites including identified GI corridors, from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.*

*GDK51 Where relevant, applications for development must demonstrate that the proposal for development would not, individually or cumulatively, affect a water body's ability to meet its objectives under the Water Framework Directive*

*GDK53 To require the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the LPF area. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).*

5.3.4. A number of Proposed Material Alterations are currently proposed for Variation No. 4 / Draft LPF. The Commission shall note that these alterations are on display from 24<sup>th</sup> October 2025 to 21<sup>st</sup> November 2025. When the LPF is adopted it will be integrated into the Development Plan thus replacing the Greystones–Delgany & Kilcoole Local Area Plan 2013-2019. In noting the Proposed Material Alterations, the wording of SLO 6 – Ballydonarea has been amended to state the following:

*These SLO lands are located east of Lott Lane, Kilcoole in the townlands of Kilcoole and Ballydonarea and measure c. 12.7ha and are zoned for 'RN1 – New Residential Priority 1', 'RN2 – New Residential Priority 2' and OS2 'Natural Areas'. The Ballydonarea Loop / Strawberry Lane walk forms part of the northern boundary of this area.*

*This area may be developed for a mix of uses including residential, community and open space, in accordance with the following requirements:*

- *The development shall provide for a new residential community well served by on-site facilities and well connected to the wider settlement, including high quality pedestrian and cycling links to the town centre and existing transport services.*
- *A total area of c. 8.9ha is zoned for new housing development which shall be divided into a least two distinct character areas / estates either side of the central green area, including a wide range of house types and sizes to meet the needs of all in society, including units suitable for older persons or people with accessibility needs.*
- *Lands zoned RN1 shall be accessed from Lott Lane only. Lands zoned RN2 shall be accessed from Sea Road only. Pedestrian and cycling connectivity shall be provided between the two RN zones across the green space, to Ballydonarea Lane Loop / Strawberry Lane walk to the north and Wellfield to the south;*
- *New development within 25m of the Ballydonarea Loop / Strawberry Lane walk shall be so designed as to maintain and enhance the walk, preserving all natural features including watercourses, trees and mature hedgerows. No walls / fences will be permitted in this buffer zone, no structures shall back onto same and any structures shall be so designed to address and overlook the walk, and provide passive surveillance of same.*
- *Open space shall be provided as follows*
  - *A central green area shall be provided along the watercourse and encompassing a natural wooded area to the north-west of same, of not less than 3.6ha in area.*
  - *Within this space, a 'natural' undisturbed area of not less than 10m shall be maintained either side of the stream and existing trees and hedgerows shall be maintained. Cycleway / footpath crossings over / through the watercourses, or tree / hedgerow lines, shall be minimised to that absolutely necessary for access; any such stream crossing shall be via a clean span bridge that maintains its natural character.*
  - *Where following ecological assessment, it is found that there are areas within this OS zone suitable for re-development, said lands shall be laid out for recreational purposes, including suitable play spaces, walks, seating area etc*

- *The open space shall link fully through from Sea Road to Ballydonarea Lane.*
- *Community facilities shall be provided within the SLO area to meet the needs of the new resident community of the area in the first phase of development. In particular, the development shall include at a minimum a childcare facility; in determining additional requirements for community facilities, a community services audit shall be carried out.*

5.3.5. The following objectives have also been revised/amended in the Proposed Material Alterations to state the following:

*GDK52 To promote the preservation of trees, groups of trees or woodlands in particular native tree species, and those trees associated with demesne planting and designed landscape planting, whether subject to TPO or not, where considered to be viable, safe and in line with sound arboricultural management principles. To require and ensure the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development management process, and require the planting of native broad leaved species, and species of local provenance in all new developments.*

*GDK64 With respect to localised drainage issues present in the LPF area:*

*a) new significant development in Kilcoole will only be considered where the development's wastewater drainage arrangements accord with an overall Drainage Area Plan (DAP) which removes / limits need for new pumping and maximises coordination of drainage networks between sites.*

*b) new significant development in the Coolagad – Templecarrig area in north Greystones will only be considered where the development's surface water drainage arrangements accord with Wicklow County Council's Sustainable Urban Drainage (SUDs) Policy and an overall Surface Water Management Plan for the area which addresses the capacity of the area network and obviates flood risk on downstream lands.*

#### **5.4. National and Regional Plans**

5.4.1. The following regional and national planning documents are relevant:

- *Project Ireland 2040 - National Planning Framework (NPF), 2018-2040*
- *Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.*

## 5.5. National Guidance

5.5.1. The following national planning guidance are relevant:

- *National Planning Framework - First Revision (2025)*
- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).*
- *Development Management: Guidelines for Planning Authorities (2007).*
- *Quality Housing for Sustainable Communities: Design Guidelines (2007).*
- *Delivering Homes, Building Communities 2025-2030 : An Action Plan on Housing Supply and Targeting Homelessness.*
- *Design Manual for Urban Roads and Streets (DMURS) (2019).*
- *Traffic Management Guidelines (2003)*

## 5.6. Natural Heritage Designations

5.6.1. The appeal site is not located on or within any designated Natura 2000 sites, with the nearest designated sites set out as follows:

- The Murrough Wetlands SAC (Site Code: 002249) approx. 0.9km to the east.
- The Murrough SPA (Site Code: 004186) approx. 1.15km to the east.
- Glen of the Downs SAC (Site Code: 000719) approx. 3.7km to the northwest.
- Bray Head SAC (Site Code: 000714) approx. 5.6km to the north.
- Carriggower Bog SAC (Site Code: 000716) approx. 6.4km to the west;
- Wicklow Mountains SPA (Site Code: 004040) approx. 10.2km to the west;
- Wicklow Mountains SAC (Site Code: 002122) approx. 10.2km to the west.
- Ballyman Glen SAC (Site Code: 000713) approx. 11.7km to the northwest.
- Knocksink Wood SAC (Site Code: 000725) approx. 12.1km to the northwest.
- Wicklow Reef SAC (Site Code: 002274) approx. 14.1km to the southeast
- Wicklow Head SPA (Site Code: 004127) approx. 14.8km to the southeast

5.6.2. The Murrough pNHA (Site Code: 000730); Glen of the Downs pNHA (Site Code: 000719); and Bray Head pNHA (Site Code: 000714) are located approximately 1km to the east; 3.7km to the northwest; and 5.6km to the north respectively from the appeal site.

## **6.0 EIA Screening**

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

6.1.1 The First Party appeal has been prepared and submitted on behalf of the applicant against the Planning Authority's decision to refuse. The grounds of appeal are essentially against the 4 no. refusal reasons and are summarised as follows:

#### Refusal Reason No. 1

- The road alignment is not indicated in the LAP and the proposed alignment generally follows the route of the R09 Objective.
- The alignment of the road as per the LAP is constrained by the piece of land that can accommodate the road as a horizontal route and the R09 Objective route would encroach on private property.
- The action plan for AP8 (agreed in 2010) informed the design/layout of proposed development.
- The open space zoned lands will not be used in a homogenous fashion but for playing pitches with attendant facilities. As such, locating residential open space beside this facility would not add to the overall provision of open space amenity.
- A better planning approach is to provide open space as an integral part of the subject proposal. Locating open space to the north of the Distributor Road would sever it from residents and require children to cross this road.

- Re-aligning the road corridor southwards would locate the Distributor Road in the amenity space in front of House Nos. 10 and 11 and beside the residential access road. This would negate the provision of meaningful amenity space and remove of the children's play area.
- DMURS sets out where vertical deflection possible and that the overuse of changes in direction through horizontal deflection may disorient pedestrians and increase walking distances between destinations.
- Major changes in horizontal alignment on arterial and link streets should be restricted to where they are required in response to the topography or site constraints. Designers should not rely on curvature alone to reduce vehicle speeds.
- The Commission is asked to note that DMURS compliance was submitted in the RFI response and a road capacity assessment was provided to cater for the proposal and future phases but was not referred to in the planning assessment.
- The Commission is asked to note that the Consulting Engineers re-ran the capacity analysis for the appeal and it is now the case that regard is had to the minimum densities of the Compact Settlement Guidelines. The report has concluded that the road has ample capacity to cater for the development of all lands in the Action Area.
- In relation to Refusal Reason 1(c) relating to pedestrian/cycle connections to the Wellfield housing estate, it is claimed that the provision for 2 no. access points (at House No. 31 and House No. 36) is shown however, the boundary is not in the ownership of the applicant.
- The roads in the Wellfield housing estate are separated by a fence and open space areas. The applicant has no issue with providing linkages/connections but the ability to do so is hampered by the land ownership, boundary and landscaped buffers.
- The roads/cul-de-sacs in the Wellfield housing estate are believed to be taken-in-charge however the open space areas are not. It is accepted that this issue can be dealt with by way of condition.
- In respect of Refusal Reason 1(d) relating to safety of streets and placemaking, the Planning Authority only refer to the 'non-compliant' alignment of the distributor road which may increase spaces along with the adequacy of cycle lane provision.
- The nature and design of the development adhere to the recommendations in the Compact Settlement Guidelines.

- An appeal response has been provided by the applicant's Consulting Engineer and Roads Engineer on specific relating to the RFI response.

#### Refusal Reason No. 2

- The element of refusal regarding the lack of detail/assessment of the impact of trees/hedgerow is confusing. The proposal to remove trees/hedgerows was informed and supported by the Arboricultural Assessment and Ecological Impact Assessment.
- The trees/hedgerows to be removed are of no amenity value due to age, condition and/or disease which was acknowledged by the Planning Authority.
- The Planning Authority has dismissed the value of planting new trees as they have diminished value in the short and medium term.
- The internal report from the Environment Section indicated the development will have no risk on the Natura 2000 network.
- The wording in the Development Plan seeks the retention 'where possible' of hedgerows and seeks to promote 'the appropriate enhancement of the natural environment'...and....'enabling a proactive approach to development'.
- Reference is made to the Ecological Impact Assessment which states that there are no rare nor protected habitats on the site nor are there any protected species on the site.
- It is not considered that removal of habitats due to development will result in the loss of species of low biodiversity value and that proposed landscaping will improve biodiversity value.
- According to the Landscaping Plan, 250 semi-mature trees, 850 metres of linear hedgerow and 550 metres of native whip planting including pollinators, wildflower sand shrubs.
- The IFI Guidance document is not a Section 28 Guideline. The Guidance document indicates that a buffer zone of 20 metres is possible in smaller channels (less than 10 metres). The Development Plan provisions as referenced in CPO 13.2 and CPO 17.26) both state that buffer zones to rivers to be "generally" 25 metres.
- The water channel traversing the site is best classified as a small stream c. 1 metre wide. The proposed development impacts on the corridor in an insignificant degree

with minor encroachment which are not considered to be material or would impact on the amenity or ecological characteristics of the corridor.

- The buffer zone will be developed as an attractive landscaped area with enhanced biodiversity value and will be a useful amenity to residents. It is evident to me that the proposed riparian corridor is more than adequate in width and design having regard to the nature and character of the existing stream.
- An appeal response has been provided by the applicant's Consulting Engineer.

#### Refusal Reason No. 3

- The nature and extent of SUDS proposed has been redesigned for consideration in the appeal with the attenuation tanks removed and replaced with an attenuation basin.
- The potential for the riparian strip to function as an active recreational amenity may be affected by the creation of the attenuation basin during periods of heavy rainfall
- The importance of the location, accessibility and useability off the landscaped open space between the houses and distributor road is increased.
- An appeal response has been provided by the applicant's Consulting Engineer and Landscape Consultant.

#### Refusal Reason No. 4

- It is noted that the Services Act (No.2) 2013 established Irish Water (Uisce Eireann) and transferred responsibility for water and wastewater services from local authorities to Irish Water.
- The Commission is asked to note submissions/observations of Irish Water to the Planning Authority which had 'no objection' to the proposal for pumping.
- The POGA report/plans references the matter of the pumping station and the Planning Authority's assessment of RFI Item 6.
- Landownership is a factor in the ability to deliver a gravity system to serve the development.
- An appeal response has been provided by the applicant's Consulting Engineer.



## **7.2. Planning Authority Response**

- None.

## **7.3. Observations**

- None.

## **7.4. Further Responses**

7.4.1. A response from Inland Fisheries Ireland (IFI) was received with the following comments:

- IFI's experience has proven that Waste Water Pumping Stations to service developments is problematic in relation to ongoing maintenance issues and responsibility.
- The Kilcoole WWTP may have the headroom to accept and treat the effluent from the proposed pumping station, however, the Kilcoole stream in which the treated effluent discharges into does not have the assimilative capacity to accept any more treated effluent.
- It is evident from the ambient monitoring results u/s & d/s of the WWTP that the current discharge from the Kilcoole WWTP, be it compliant with the licensable parameters is having a negative effect on the receiving water body.
- The proposal is not compatible with "Planning for Watercourses in Urban Environments" and proposed SUDS measures could have used above ground attenuation ponds rather than hard engineered solutions.
- IFI does not consider this development as sustainable or in accordance with good planning in relation to the protection or enhancement of the natural environment.

## **8.0 Assessment**

Having examined the application details and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the main issues in this First Party appeal relate to the Planning Authority's reasons for refusal and can be addressed under the following relevant headings:

- Principle of Development

- Access, Traffic & Transportation
- Vegetation Removal and Impact on Watercourse
- Drainage
- Wastewater
- Appropriate Assessment (Screening)

## 8.1. Principle of Development

8.1.1. The principle of development did not form part of the Planning Authority's reasons for refusal. However, in assessing any development, I consider that a key consideration for the assessment of the proposal is the principle of development. The appeal site comprises three zoning designations under the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as extended). R15: Residential has an objective *'to provide for the development of sustainable residential communities up to a maximum density of 15 units per hectare and to preserve and protect residential amenity'*. R22: Residential has an objective *'to provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity'*. AOS: Active Open Space has an objective *'to provide for active recreational space'*. The R15: Residential and R22: Residential respectively form some of the primary new residential categories of the LAP. While I note that there is no zoning matrix included in the LAP, I am satisfied that the proposal for housing on the appeal aligns with the zoning objective and that the layout has been informed to largely correspond with the lands zoned AOS: Active Open Space.

8.1.2. The proposal before the Commission consists of 67 no. units in the form of 3 no. detached 4-bed two storey houses; 3 no. detached 4-bed (backless) two-storey houses; 2 no. semi-detached 4-bed (backless) two-storey houses; 6 no. semi-detached 4-bed three storey houses; 10 no. 4-bed terraced three storey houses; 1 no. detached 3-bed (backless) two storey house; 2 no. 3-bed semi-detached (backless) two-storey houses; 20 no. 3-bed end-of-terrace two storey houses; and, 20 no. 2-bed mid-terraced two storey houses. The scheme also includes a central area of open space around the existing watercourse and the development will be served by a new distributor road from Lott Lane with two primary internal roads providing access to the two residential areas. I note that the Chapter 6: Housing of the Development Plan seeks to provide flexibility in terms of design and deliver a range of

house types. In general, a mix of heights and typologies is also encouraged in the Development Plan to facilitate sustainable communities and to ensure a good quality of design. The proposed development would comprise a mix of nine differing unit types of two storey houses and three storey houses arranged in detached, semi-detached and terraced configurations. On balance, I consider the mix of building types to be acceptable. No apartments or duplexes are proposed however; I consider this to be appropriate given the location of the site and its setting in the settlement of Kilcoole.

8.1.3. In terms of residential density, the proposal will provide 32 units per hectare. This density was deemed acceptable to the Planning Authority. I note the density standards are set out in Table 6.1 of the Development Plan and 'Small Towns and Villages, such as Kilcoole, have a recommended density of 30-40+ units per hectare on centrally located sites and 20-35 dwellings per hectare on edge of centre sites. Additionally, the Compact Settlements Guidelines outline a tailored approach to density in different settlement types and I consider Kilcoole to be a 'Small to Medium Sized Town (1,500-5,000 population) where densities in the range 25 dwellings per hectare to 40 dwellings per hectare (net) shall generally be applied at the edge of the settlement. Based on above standards as set out in the Development Plan and the Compact Settlements Guidelines, I consider that the proposed density would be in accordance with the recommendations of the Development Plan and the Compact Settlements Guidelines.

8.1.4. With respect to the overall design and layout of the development, I have assessed the submitted documentation on file and note that all of the units at least meet and/or exceed the minimum requirements for houses as set out in the Quality Housing for Sustainable Communities (2007). I also note that private open space has been provided for each house which is in accordance with the Sustainable Residential Development and Compact Settlement Guidelines (2024). The proposed dwellings will be served by adequate on-curtilage and on-street car parking spaces with appropriate bicycle parking/ storage also provided. I consider that all of the housing typologies are contemporary in design with similar elevational finishes of render and brick and would enable the development to form its own character. As such, it is my view that the proposed residential units would achieve a good standard of living accommodation to future occupants. I recognise that the configuration of the scheme is informed by the land-use zoning with two core areas of housing on the eastern and western sectors of

the site and a central open space area in the centre focused around the existing watercourse and the east-west distributor road to the northern extent of the lands. In this regard, I note that the Planning Authority was satisfied with the proposed development in terms of the layout, mix and quality of the proposed residential units and that the revisions submitted at Further Information stage was an improvement on the initial layout. In addition, I have no concerns in terms of residential amenity (overlooking, loss of light and overshadowing) with respect to the existing neighbouring residences along the western site boundary.

8.1.5. Therefore, having regard to the above, I am satisfied that the proposal is fundamentally in accordance with the various development management requirements set out in the Development Plan and the Compact Settlements Guidelines insofar as they relate to residential development and aspects such as density, open space, private open space and housing quality and unit mix. I also consider the proposal for residential development to be acceptable in principle and consistent with the current land use zoning objectives. That said, in my view, it is imperative that this proposal is assessed against all the relevant parameters of the Local Area Plan and the Development Plan along with other development principles which consider the overall design and layout of this scheme and shall be assessed in the following sections of this report.

8.1.6. Further to the above, I note that I have assessed the proposed development against the operative Wicklow County Development Plan 2022-2028 (as varied) in addition to the provisions of the current Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as extended). At this point, I draw the attention of the Commission to the land use zoning for the appeal site in the Draft Greystones-Delgany & Kilcoole Local Planning Framework 2025 as presently revised/amended at Proposed Material Alterations stage. The zoning designations for the appeal site is altered with the western portion of the subject lands proposed as 'RN1: New Residential - Priority 1' which is a primary residential designation and the eastern portion of the appeal site being zoned 'OS2: Natural Area' which is a natural space designation and 'RN2: New Residential – Priority 2' which is a residential zoning to be triggered after the activation of Priority 1 lands. In essence, the lands on the appeal site to the east of the watercourse which are currently zoned for residential purposes are to be rezoned as a mix of natural area and phase 2-type residential lands under the Draft Greystones-Delgany & Kilcoole Local Planning Framework. Therefore, Commission shall note that

if determining this appeal at a point in time after the adoption of the Local Planning Framework, the 28 no. units in the eastern extent of the site as currently proposed, will have a different zoning objective/description and part of the lands would not support residential development.

## **8.2. Access, Traffic & Transportation**

8.2.1. The Planning Authority's first refusal reason is based on the consideration that it has not been demonstrated the proposed roads infrastructure would adequately serve the development and would not endanger public safety by reason of traffic hazard. It is contended that subject development would be contrary to the Greystones, Delgany & Kilcoole LAP 2013-2019, the Development Plan, DMURS and the Sustainable and Compact Settlement Guidelines 2024. The refusal reason specifically refers to the layout of the proposed development, namely, the alignment of the Distributor Road which may lead to higher speeds on account of a lack of horizontal deflection, the failure to propose adequate cycleway provision, a lack of a pedestrian/cycle connectivity between the proposal and the adjacent Wellfield Estate, and, a limited focus on improving the safety of streets and enhancing placemaking.

8.2.2. The proposed development is to be served by a new Distributor Road from Lott Lane which will run for over 250 metres in a west-east direction across the northern extent of the appeal site. This distributor road will include 2 no. access points to serve the two primary areas of residential development. I note that this road is provided for in Objective RO9 of the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as extended) and seeks to provide a local access road, in the form of a link road between Sea Road and Lott Lane, to facilitate the development of zoned lands at AP8. In noting part of Refusal Reason 1(b), the Planning Authority had concern with the design/alignment of the proposed distributor road and its lack of horizontal deflection which may lead to higher speeds.

8.2.3. The applicant contends that the proposed alignment of the Distributor Road is acceptable as it generally follows the route of Objective RO9 which is only indicative for a local access road and that appropriate measures have been incorporated into its design which accord with DMURS. In this regard, the applicant considers that the use of a raised table at the first internal junction and the pedestrian crossing are appropriate for a link street and adequate to reduce speeds and are used in other

DMURS designed developments. The applicant also contends that traffic speeds are not an issue on the proposed road on the basis of the road alignment, which is stated as not being straight sections and contains gentle curves within a narrow 6 metre wide carriageway. As such, vertical alignment measures are acceptable and there is no requirement to alter the road to the horizontal alignment. Additionally, as part of the appeal, the applicant has submitted a plotted route strictly following the Objective RO9 route with a view to demonstrating the constraints of the route across the site in terms of the access point from Lott Lane and encroachment across third party lands. The applicant also highlights that the re-alignment of the distributor road in a southerly direction would result in the road being located in the amenity space to front of Houses 10 and 11; being adjacent to internal roads; and, would require the removal the children's play space.

8.2.4. In my consideration of the proposed Distributor Road, I acknowledge that the route demonstrated on the LAP zoning map is an indicative one and I am of the view that the purpose of such an indicative route is for illustrative purposes to show an approximate direction of a road as a guide rather than a precise path or prescribed alignment. From my review of the zoning map, it is evident however that the west-east Objective RO9 route contains a clear southerly curve on its alignment across the subject lands. The indicative route also delineates the AOS: 'Active Open Space' and R15: Residential/ R22: Residential zoned lands on this part of the AP8 lands. I do not consider that the Planning Authority, in their assessment or decision to refuse permission, has sought to slavishly adhere the indicative alignment of the Objective RO9 route as it appears on the zoning map but rather raised concerns with the applicant's rationale for straightened alignment of the proposed road and the need to vertical traffic calming measures.

8.2.5. In relation to the proposed design measures for the road, I acknowledge the applicant's reference to Section 4.4.7: 'Horizontal and Vertical Deflections' of DMURS which indicate that strategically placed raised tables promote lower design speeds and enable pedestrians to cross the street. In judging the measures on their own terms, I consider that the vertical deflections may well be acceptable and meet the criteria as set out in DMURS. Moreover, I do not fully accept the Municipal Engineer's assessment which stated that there should be no vertical deflection on the road in line with the aforementioned Section 4.4.7: 'Horizontal and Vertical Deflections' of

DMURS. I have formed this view on the basis that the design manual is open to vertical deflections across arterial and link streets if strategically located and does not prohibit such measures. That said, I consider that it is important to note that this particular section of DMURS states that horizontal deflections are particularly effective when considered at the network level. In addition, I also refer made to Section 7.2: 'Speed Restraint Measures' of the Traffic Management Guidelines (2003) which state that it is important that the speed restraint measures used on new residential roads are integrated with the appearance of the development and that measures should not have the appearance of an afterthought or remedial treatment. I note that the Guidelines continue to state that speed tables and speed cushions should only be used where site constraints give no opportunity for other methods of keeping speeds low. In addition, the Guidelines state that long straight lengths of road should be avoided and in order to keep speeds low, speed reduction bends in the horizontal alignment can help to reduce speed if they are sufficiently "tight".

- 8.2.6. With this in mind and having regard to Objective RO9, I consider that it is prudent to be cognisant of the overall design of this Distributor Road across the overall AP8 lands, or at 'network level', and not just determine the speed and safety of this specific section of road in isolation. In my view, the applicant has not appropriately demonstrated how horizontal deflections could be achieved on the proposed Distributor Road over vertical deflections as was requested by the Planning Authority. I consider that the horizontal deflection measures would be more appropriate for the overall Objective RO9 road as opposed to physical speed control measures, such as the vertical deflections proposed, across the approximate 250 metres of road for this scheme alone. Furthermore, I am not satisfied with the applicant's claim that the provision of a road following the indicative route of Objective RO9 of the LAP is constrained or would impact on the layout and children's play provision as I am of the view that there is adequate scope to revise the scheme to accommodate a straightened route from the connection at Lott Lane for a distance of approximately 40-50 metres within the extent of the applicant's landholding, prior to incorporating a horizontal deflection which would largely follow the Objective RO9. It is my view that the applicant was uncompromising in terms of the road layout and that the overall route design, when considered at network level across the entire AP8 lands, should have incorporated horizontal deflections and not just vertical deflections for the subject section of road. It

is therefore considered that the proposed Distributor Road would be inadequate to serve the development and should be refused.

8.2.7. As a further point, I note the considerations of the Planning Authority and the applicant in relation to the parcel of open space to the north of the Distributor Road. I am of the view that this open space area does not form an integrated part of the subject scheme as a recreational area but rather relates to the overall amenity offer in the AP8 lands. To this end, I do not consider that the Distributor Road would result in severance of this space given the amount of useable open space between two main residential areas. I am also satisfied that the Distributor Road, irrespective of its alignment, would cater for safe cyclist and pedestrian connectivity at crossing points if residents seek to enjoy this space as part of the wider AP8 lands in the future should they be developed.

8.2.8. I note the Planning Authority had concern with the siting of a vehicular lay-by along the southern carriageway of the proposed Distributor Road for parking to service the pumping station. It is the consideration of the applicant that if access to the pumping station was required from within the internal roads of the housing development that it would sever open space. To address potential conflicts arising in terms of use, the applicant has also detailed yellow hatching and “No Parking” road markings on submitted drawings. I further note that the applicant has indicated that should access be required from the internal roads then this could be conditioned in the event of a grant of permission. In my view, the distributor road should be utilised for its purpose as a road and should not contain a vehicular lay-by for the periodic inspections/maintenance/service of the on-site pumping station. Therefore, I consider that that access should be provided via internal roads rather than from the Distributor Road and that an appropriate design approach could have been integrated within the internal road network to serve the pumping station. Furthermore, I am of the view that such design changes could have revised the layout so as to not impact on the public open space. It is my opinion that the lay-by, as proposed, is inadequate and I do not consider that the revisions of the site layout could be reasonably conditioned should the Commission be minded to grant permission.

8.2.9. Part of Refusal Reason 1 is based on the Planning Authority’s consideration that the applicant has failed to propose cycleway of adequate width on the Distributor Road. The Municipal Engineer states that the proposed cycle track width of 1.5 metres is not in with the Cycle Design Manual (CDM). The applicant has indicated in the appeal that



a condition would be accepted, in the event of a grant, to amend the width of the cycle track to allow for a single file and overtake lane thus increasing the cycle way width to 2.25 metres but noting that this width cannot be accommodated for the first 40-50 metres of the Distributor Road at its western extent adjacent to Lott Lane due to land constraints. It is indicated that the footpath width could be reduced to 1.5 metres and the cycle way reduced to 2 metres. I note the narrow parcel of lands where the proposed Distributor Road adjoins Lott Lane and I am of the view that it would be reasonable to expect that in some instances, the optimal design for roads and associated pedestrian/cycle paths cannot be achieved, particularly at locations where a proposed road may tie in with the existing road network as is the case in the subject proposal. I am satisfied that the applicant has provided an appropriate justification to incorporate reduced cycle/footpath widths at this section of the Distributor Road and that such measures could be reasonably conditioned by the Commission should it be minded to grant permission.

- 8.2.10. I consider that the creation of the entrance from Lott Lane would not result in significant additional vehicle movements or exceptional traffic volumes when considered in the context of the immediate surrounds and the settlement of Kilcoole. I have considered the Traffic & Transport Assessment Report and I note that the have considered the scheme with regard to the future potential development in the wider Action Area (AP8). To this end, I acknowledge that the capacity of the proposed access junction was modelled using a PiCADY software package. This system produces results based on a ratio of flow capacity (RFC) and queue length. An RFC greater than 1.00 indicates that a junction is operating at or above capacity, with 0.85 considered to be the optimum RFC value. The results provided show that the proposed junction is suitable for the proposed location. In my view, I consider that aspects of how the proposed Distributor Road connects to the existing road network at Lott Lane has been reasonably considered and that any matters in terms of kerbing, pedestrian crossings (and their specified type), associated finishes and clearance can be agreed with the Planning Authority by way of condition. I am also satisfied that the configuration of the internal road network and walking/cycling routes have been appropriately considered by the applicant and adheres to the guidance set out in the DMURS. With this in mind, I consider that this aspect of the development will enhance the permeability, legibility

and connectivity within the scheme notably between the main residential areas and the central open space area.

8.2.11. In noting Refusal Reason 1(c), the Planning Authority referred to the lack of a pedestrian and cycle connection between the proposed development and the Wellfield housing estate to the immediate south. The applicant has indicated that 2 no. access points, situated to the front of House 31 and House 36, are indicated on Site Plan drawings however, no clear detail on the nature and extent have been included. In the appeal, the applicant has stated that they are not opposed to the provision of connections to the Wellfield Housing Estate however, delivery of same is hampered due to not being in control of the boundary along with inhibiting factors in the Wellfield housing estate such as a landscaped buffer on the southern side of the boundary and that the open space areas are not taken-in-charge. In considering this element of the proposed development, I acknowledge that connections with the neighbouring Wellfield housing estate cannot be completed if the applicant does not have control over the lands. I note that it has not been detailed as to whether or not the applicant has engaged with owners/representatives in the Wellfield housing estate to explore the feasibility of a connection. As such, I consider that should the Commission be minded to grant permission for the subject development that a suitable worded condition could be included requiring the provision of access points on the subject site to the boundary with Wellfield housing estate and that such access points be installed permanently in the future if such a link between the proposed development and the Wellfield housing estate can be made to allow for unfettered access between both sites.

8.2.12. I have assessed the proposed development against the operative Wicklow County Development Plan 2022-2028 (as varied) in addition to the provisions of the current Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as extended). I also highlight to the Commission that the appeal site is contained within SLO 6 of the Draft Greystones-Delgany & Kilcoole Local Planning Framework 2025 as presently revised/amended at Proposed Material Alterations stage. I note that there is no indicative road demonstrated in SLO 6 and that Objective RO9 of the current Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as extended) has not been carried forward into the Draft Greystones-Delgany & Kilcoole Local Planning Framework 2025. In this regard, I note that the Draft Local Planning Framework has

stated in its 'Physical & Environmental Considerations' for the settlement of Kilcoole that the existing road network be utilised to the maximum extent rather than one that is dependent on the construction of new distributor roads through greenfield lands. As such, if determining this appeal at a point in time after the adoption of the Local Planning Framework, the Commission shall note that the provision of the access road, as per Objective RO9 of the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as extended), would not be required and that a proposal for residential development on the 'RN1: New Residential - Priority 1' zoned lands could be served by an alternative access arrangement from Lott Lane.

### **8.3. Vegetation Removal and Impact on Watercourse**

8.3.1. The Planning Authority's second refusal reason is based on the consideration that the proposed development would result in a loss of tree/hedgerow habitats, result in works within 25 metres of a watercourse and would impact negatively on the biodiversity of the area and the environment. It is the contention of the Planning Authority that the proposed development would contravene a number of objectives set out in the Development Plan in relation to Natural Heritage & Biodiversity and Green Infrastructure, namely CPO 17.14, CPO 17.22, CPO 17.23, CPO 17.26, CPO 18.3 and CPO 18.4.

#### **Vegetation Removal**

8.3.2. In relation to tree/hedgerow removal, the applicant's grounds for appeal claims that the proposed trees/hedgerow removal was informed and supported by the Arboricultural Assessment and Ecological Impact Assessment. The applicant contends that the vegetation to be removed is of no amenity value due to age, condition and disease. It is further contended by the applicant that the wording of the Development Plan seeks to retain hedgerows 'where possible' and that the appropriate enhancement of the natural environment is promoted along with seeking to enable a proactive approach to development. The applicant also claims that the Planning Authority dismissed the value of planting new trees however, the Landscaping Plan indicates the planting of 250 semi-mature trees, 850 metres of linear hedgerow and 550 metres of native whip planting including pollinators, wildflower and shrubs.

- 8.3.3. In assessing the extent of tree/vegetation removal, I have had regard to the appeal file and note the applicant has indicated the retention of the existing northern and the existing vegetation on the western boundary. The southern boundary does not appear to be in the red line area and no comments on same are provided. I further note the Landscape Plan details this particular hedge/boundary as being retained. The existing mixed hedgerow in the eastern extent of the site and associated vegetation and scrub in the central area of the site is to be removed. The Aboricultural Assessment submitted at Further Information stage concludes that there will be minor tree loss and it will not have a negative impact on the character and appearance of the immediate surrounding landscape.
- 8.3.4. The applicant submitted an Ecological Impact Assessment (EclA) in response to a Request for Further Information, and I have reviewed same. I note the assessment set out the subject development; locational overview of the site; legislative context and relevant guidance; details of surveys carried out including a desktop survey and field surveys including amphibians, birds, bats or terrestrial mammals and plant species; and a summary and assessment of ecological features and any effects/mitigation required. The EclAR outlines the baseline ecological condition with the European sites identified within a 15km radius. It is noted that due to the open watercourse on the site which connects to the Kilcoole Stream and given that storm water discharge will outfall to this watercourse that, in the absence of mitigation, there is potential for silt and contaminated surface water run-off to enter the watercourse and impact downstream of the proposal.
- 8.3.5. The habitat classification of the site has been identified as being Improved agricultural grassland (GA1), Hedgerow (WL1), Wet grassland (GS4), Lowland depositing river (FW2), Built land and artificial surfaces (BL3), Immature woodland (WS2) and Treeline (WL2). The EclAR states that no plant species of conservation significance were identified on site. In terms of species, no rare or terrestrial fauna species were recorded on the site. No amphibians/reptiles were observed on the site but that there are features within the site which could be important to frog species. A number of bird species were identified. No protected flora species were noted on the site
- 8.3.6. The EclAR notes that the proposed development will result in the loss of habitat and habitat fragmentation which may affect common mammalian species. There would be potential impacts, without mitigation, on aquatic biodiversity and the development

would also result in a loss of foraging and nesting habitat for breeding birds. In terms of mitigation measures, the EclAR outlines that vegetation clearance should take place outside of nesting season (March 1<sup>st</sup> – August 31<sup>st</sup> inclusive) and the provision of compensatory planting. The EclAR concludes by stating that the overall impact on the ecology of the proposed development will result in a long-term minor adverse not significant residual impact on the ecology of the area and locality overall.

8.3.7. I am satisfied that the Arboricultural Assessment and the Ecological Impact Assessment Report (EclAR) are adequate in their assessment of the site context. I am of the view that the appeal site is one which is not especially sensitive in terms of ecological value and I would consider that the mitigation measures outlined in the EclA are sufficient to protect breeding birds along with other mammals/amphibians so that there would be no significant residual effects. I acknowledge the landscaping proposals on the site, particularly in the open space area, and I am of the view that such measures would result in an overall increase in landscaping across the appeal site which would replace the loss of existing vegetation on the site and provide enhanced amenity and recreational space for the future occupants should the Commission be minded to grant permission. That said, I note that the mixed hedgerow to be removed in the eastern extent of the site forms the townland boundary of Kilcoole and Ballydonarea. In my view, I would consider this hedgerow to constitute a distinctive boundary by reason of it forming a townland and would merit retention, irrespective of its current condition. It is also my opinion that this townland boundary could have been incorporated in the design/layout of the scheme and ultimately retained or at least reinstated by way of replacement planting. As such, I do not consider that the proposed development would be consistent with Objective CPO 17.23 of the Development Plan which requires the retention, wherever possible, of hedgerows and other distinctive boundary treatment in County Wicklow or the provision of the same type of boundary where the removal of a hedgerow/distinctive boundary treatment is unavoidable. Permission should therefore be refused.

8.3.8. As outlined in the previous section, the operative Development Plan for this area is the Wicklow County Development Plan 2022-2028 (as varied) and I have assessed the proposed development against this operative Development Plan in addition to the provisions Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as extended). I also bring the attention of the Commission to Objective GDK53 of the Greystones-

Delgany & Kilcoole Local Planning Framework 2025 which requires the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the LPF area or provide the same type of boundary similar length and set back where removal is unavoidable. Addition I also refer to Objective GDK52 of the Draft Greystones-Delgany & Kilcoole Local Planning Framework 2025 as presently revised/amended at Proposed Material Alterations stage which seeks to promote the preservation of trees, groups of trees or woodlands in particular native tree species, and those trees associated with demesne planting and designed landscape planting where considered to be viable, safe and in line with sound arboricultural management principles; and, ensure the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development management process. As such, the Commission shall note that if determining this appeal at a point in time after the adoption of the Local Planning Framework, the subject development would not align fully with this objective.

#### Impact on Watercourse

- 8.3.9. In relation to the impact on the watercourse, the Planning Authority had concern with proximity of the works to the watercourse and a failure to have sufficient regard to Inland Fisheries Ireland's "Planning for Watercourses in the Urban Environment" guidance document. The applicant's ground for appeal informs that the IFI's guidance document is not a Section 28 Guideline and that the document indicates that a buffer zone of 20 metres is possible in smaller channels (less than 10 metres). The applicant's appeal also outlines that the watercourse is not an official watercourse (as it is not listed on mapping or designated by the EPA) and that the subject channel can be best classified as a small stream approximately 1 metre wide. I note that the Landscape Consultant refers to this feature as a wetland and claims that it is not a watercourse. The applicant refers to the objectives of the Development Plan (CPO 13.2 and CPO 17.26) which indicate that buffer zones to rivers as being 'generally' 25 metres and that the 25 metre buffer is generous for this watercourse and that the development will impact on the corridor area to an insignificant degree with only minor encroachment and would not impact on the amenity or ecological characteristics of the corridor. It is further considered that the proposed buffer zone will be developed as an attractive landscaped area with enhanced biodiversity value and will be a useful amenity to residents.

- 8.3.10. In considering this aspect of the development, I acknowledge that the waterbody on the site is not featured on any open source mapping, including historic OSI maps, and that it is not featured on EPA mapping. Nevertheless, having inspected the site, I am satisfied that there is a clear channel on the site and this channel contained water when I traversed the lands during my site inspection in May 2025. In my opinion, this feature meets the definition of a watercourse on the basis that it is a channel of water. Objective CPO 17.26 of the Development Plan seeks to protect rivers/streams/other water courses by avoiding interference with river stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25 metres along watercourses (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. I consider that this objective is applicable to the watercourse on the site and that the proposed development must comply with same.
- 8.3.11. Whilst I acknowledge to grounds of the applicant that the IFI's guidance document is not a Section 28 Guideline as referred in the Planning & Development Act 2000, I am of the view that the requirements of the aforementioned Objective CPO 17.26 require compliance and so appropriate regard must be had to any notes or technical guidance referred to in the objective. From review of the proposed development, it is my opinion that the general layout of the scheme is broadly consistent with the provision of a riparian buffer zone with only partial incursions of dwelling units and internal road network in this area. I also note that the applicant has sought to develop this buffer zone as an effective landscaped area/amenity space for the occupants of the scheme which would allow the watercourse to form a focal part of the scheme.
- 8.3.12. Notwithstanding, the proposed development includes considerable development within the 25 metre buffer, notably the attenuation basins, which are to be located approximately 5 metres from the edge of the watercourse. In the interest of clarity, I note that the Distributor Road traverses the watercourse and is therefore within the buffer zone but I do not consider this element of the project to apply with the main part of the development given that this route forms Objective RO9 of the LAP and would be required to cross the watercourse in any case. In my view, such development would not be consistent with the guidance in IFI's Planning for Watercourses in Urban

Environments which sets out Four Steps for good riparian and river planning for urban areas. Step 1 seeks to protect the 'streamside' zone which is indicated as 10 metres. This area should be left undisturbed and left intact. Step 2 seeks to construct a 'middle' zone of 15-30 metres and should be left intact if in a natural undisturbed state. This area can include amenity walks and planted with native vegetation. Step 3 seeks to construct an 'outer' zone greater than 8 metres in width. Again, this area should be left intact if in a natural undisturbed state or otherwise landscape. This area should incorporate SUDs measures such as swales and retention ponds and be considered from wider amenity uses. Step 4 seeks to rehabilitate the instream channel with advice from IFI and recreate habitat variability. From review of this guidance document, it is evident that the proposed development would include development works in the streamside zone and the middle zone. The layout of features such as the attenuation basin would not be located in the outer zone, as recommended.

- 8.3.13. Therefore, I do not consider that the proposed development complies with Objective CPO 17.26 of the Development Plan in terms of avoiding interference with river / stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25m along watercourses. I am not satisfied that the development can be facilitated, as proposed, without undermining the on-site watercourse given the nature and extent of works proposed in proximity to this feature on the lands. Therefore I recommend that permission should be refused broadly in line with Refusal Reason No. 2 of the Planning Authority's decision.

#### **8.4. Drainage**

- 8.4.1. The Planning Authority's third refusal reason considered that the proposed development would represent a sub-standard development in terms of layout, nature-based Sustainable Urban Drainage Systems (SUDS), design and promotion of the use of green infrastructure. The refusal reason states that the proposed development would not be in compliance with Objectives CPO 13.21 and 13.22 of the Development Plan. The applicant's grounds of appeal refer to the referral response from the Water & Environmental Services section which indicated satisfaction with the proposed nature-based system and attenuation tanks. Notwithstanding, the appeal also indicates that the proposed SUDS measures have now been redesigned for consideration by the Commission in this appeal with the attenuation tanks being omitted and replaced with attenuation basins. The applicant also outlines that the



potential for the riparian strip to function as an active recreational amenity may be affected by the creation of the attenuation basin during periods of heavy rainfall and as such the accessibility and useability of the open space between the houses and the distributor is increased.

8.4.2. In considering the proposed surface water drainage measures, I note the Planning Authority had initial concern with the proposed attenuation tanks (2 no. Stormtech tanks with max volume of 258m<sup>3</sup> and 162m<sup>3</sup> respectively) over natural water-based retention systems. The applicant subsequently proposed attenuation tanks (2 no. Stormtech tanks with max volume of 193m<sup>3</sup> and 65m<sup>3</sup> respectively) below two basin areas. This amended arrangement, which was submitted in response to a Request for Further Information, was deemed acceptable to the Water & Environmental Services section of Wicklow County Council, subject to conditions. However, the Planning Authority deemed that the attenuation ponds should be provided without underground attenuation and had concern design of the works proximate to the watercourse/changing levels along with the lack of details regarding existing storm sewer and swale design/kerb inlets.

8.4.3. I acknowledge that the applicant is now proposing attenuation basins with the tanks being omitted. I am of the view that this drainage arrangement is a welcome one and would be supported in principle by the Planning Authority in terms of the provision of natural water-based retention systems and would be appropriate in conjunction with other Green Infrastructure proposals on the lands. Whilst the applicant outlined concerns regarding open basins holding water which may affect the function of the space for active recreation, I note the Planning Authority considered that an attenuation basin should be provided regardless of it holding water more often than not and could be designed as a pond or as a nature-based rain garden with active play elements for children to be able to use the space as a natural play area during both dry and wet periods.

8.4.4. I consider that the design of the attenuation basins would be appropriate in terms of gradient/slope for public safety and maintenance. However, as with the attenuation system proposed at Further Information stage, the applicant proposes to site these basins approximately 5 metres from the watercourse in addition to providing higher embankments at the location of these basins through the raising of the land levels on the site. I am not satisfied that this design feature would be in accordance with IFI's

Planning for Watercourses in the Urban Environment guidance document with respect to the provision of three buffer zones (streamside zone, middle zone and outer zone). In this regard, the guidance indicates that SUDs measures should be accommodated in the outer zone to treat and reduce stormflow run-off and it is my opinion that the attenuation basins should have been accommodated in this location and the layout of the scheme revised to accommodate same. I consider that the applicant has addressed the Planning Authority's concerns in terms of the swale design and kerb inlets and I am of the view that these items could be reasonably conditioned should the Commission be minded to grant permission.

- 8.4.5. On balance, I consider that it would be unreasonable to uphold refusal reason No. 3 of the Planning Authority's decision in terms of non-compliance objectives CPO 13.21 and CPO 13.22 of the Development Plan with respect to the implementation of SUDs measures and the promotion of green infrastructure. Notwithstanding, I consider that this item is somewhat irrelevant given my fundamental concerns regarding the proposed location of works extent of development within the riparian zone of the watercourse on the appeal site as referred to in the previous section of this report.

## **8.5. Wastewater**

- 8.5.1. The Planning Authority's fourth reason for refusal is based on the consideration that the proposed wastewater drainage is unsustainable due to its reliance on pumping and would be premature pending the provision of a gravity sewer network to serve the subject lands. The response received from Inland Fisheries Ireland (IFI) at appeal stage indicates that the development is not sustainable or in accordance with good planning in relation to the protection or enhancement of the natural environment. According to the correspondence received, IFI's experience has proven that Waste Water Pumping Stations to service developments is problematic in relation to ongoing maintenance issues and responsibility.
- 8.5.2. The applicant's grounds of appeal in relation to Refusal Reason 4 refers to the Services Act (No.2) 2013 which established Irish Water (now Uisce Eireann) which transferred responsibility for water and wastewater services from local authorities to Irish Water. The applicant has submitted an Engineering Report with the appeal for consideration by the Commission which seeks to address the Planning Authority's assessment of RFI Item 6 regarding the pumping station and which formed the basis

for this refusal reason. The Consulting Engineers agree that a wastewater gravity solution is preferable but that due to the site topography considerable filling of the lands would be required to allow for a fall across the site. It is also contended by the applicant on this matter that the filling of the site would be visually intrusive, not sustainable and result in an unacceptable site elevation. Furthermore, according to the Engineering Report, the appeal site and a large portion of the Action Area (AP8) lands falls toward the central stream and therefore any solution to provide a gravity sewer connection to this site and the AP8 lands would require a sewer at the lowest point on the topography. It is suggested by the Consulting Engineers that any solution to connect the site the sewer by gravity can only be located along an indicated path (to the immediate east of the watercourse in a southerly direction to the Wellfield housing estate. The Engineering Report further indicates that the applicant cannot deliver a sewer across private lands and that if the pumping station is to be decommissioned in the future, the provision of the gravity sewer to service all of the Action Area (AP8) lands would be within the remit of Uisce Eireann. As such, the applicant has indicated that they would only be prepared to construct the section of gravity sewer on their landholding up to the site. The applicant requests that the Commission note the referral from Uisce Eireann which had 'no objection' to the proposed development and that the Commission has regard to the Confirmation of Feasibility received from Uisce Eireann which did not indicate that a pumping station would not be acceptable.

- 8.5.3. In assessing the foul arrangements for the proposal, I note that the on-site pumping station would be located in the north-eastern extent of the site and foul would be pumped in a westerly direction across the site and then southwards to the boundary where it would connect to the existing sewer. This foul would then be treated at Kilcoole Wate Water Treatment Plant before discharging to the Kilcoole Stream. I have reviewed the Annual Environmental Report (2024) for the Kilcoole Wastewater Treatment Plant which outlines that it is compliant with its Emission Limit Values (ELV) as set out in the Wastewater Discharge Licence. In addition, the annual mean hydraulic loading is less than the peak Treatment Plant Capacity and the annual maximum hydraulic loading is greater than the peak Treatment Plant Capacity. The design of the plant allows for peak values and so the peak loads have not impacted on compliance with ELVs. In noting the Operational Performance of the Kilcoole

WWTP, the capacity will not be exceeded in the next three years. I also reviewed Uisce Eireann's Capacity Register - updated in August 2025 and I note that the Kilcoole WWTP is designated as status Green i.e. spare capacity available. Having regard to the available open source data, I consider the proposed development would not impact on the wastewater treatment plant serving Kilcoole.

8.5.4. In my consideration of the proposed pumping station, I am of the view that the Planning Authority was clear from the outset that a gravity sewer system should be provided on site rather than a pumping station. I am also satisfied that the Planning Authority provided an opportunity to the applicant to submit an alternative wastewater arrangement to serve the development as part of a Further Information request. I note the topographical constraints outlined by the applicant in terms of providing a gravity system across the lands to connect with the existing sewer in the southwestern corner of the site and I accept that the lowest part of the site – and surrounding lands, is in the area of the watercourse within the centre of the appeal site. However, I concur with the comments of the Municipal Engineer that approving permission for a residential development on these lands as a single development would constitute a piecemeal form of development. I am also of the view that in the absence of a Drainage Area Plan for the current Action Area 8 (AP8), which would detail a sewer arrangement for the lands in this area, that the subject development is premature and if permitted would in my view be an unsustainable form of development. Furthermore, I do not consider that it would be appropriate to condition the provision of the gravity sewer in the confines of the applicants landholding in the absence of a drainage plan for the wider lands which would be agreed with Uisce Eireann and the Planning Authority. Therefore, I am of the view that the provision of a pumping station to serve the subject development would not acceptable and permission should be refused on this basis.

8.5.5. In addition to the above and as previously noted, the operative Development Plan for this area is the Wicklow County Development Plan 2022-2028 (as varied) and I have assessed the proposed development against this operative Development Plan. Moreover, I have also considered the proposal against the policy provisions Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (as extended) and the specific designations on the appeal site. Furthermore, I also draw the attention of the Commission to Objective GDK64 of the Draft Greystones-Delgany & Kilcoole Local Planning Framework 2025 as presently revised/amended at Proposed Material

Alterations stage. This objective relates to localised drainage issues and states that 'new significant development in Kilcoole will only be considered where the development's wastewater drainage arrangements accord with an overall Drainage Area Plan (DAP) which removes/limits need for new pumping and maximises coordination of drainage networks between sites'. To this end, the Commission shall note that if determining this appeal at a point in time after the adoption of the Local Planning Framework, the subject development would not align with this objective.

## **9.0 Appropriate Assessment**

### **9.1. Screening Determination**

*Finding of likely significant effects*

9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on the The Murrough Wetlands SAC and The Murrough SPA in view of the sites conservation objectives. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act, 2000, as amended] for the proposed development is required.

### **9.3. Appropriate Assessment Conclusion: Integrity Test**

9.4. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on The Murrough Wetlands SAC and The Murrough SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

9.5. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations/submissions received, I consider that adverse effects on site integrity of The Murrough Wetlands SAC and The Murrough SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- The proposed development will not affect the attainment of conservation objectives for The Murrough Wetlands SAC and The Murrough SPA or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS in the event of a grant of permission.

## 10.0 Water Framework Directive

- 10.1. The subject development comprises the construction of 67 no. residential units and all associated site works. The impact of the proposed development in terms of the Water Framework Directive is set out in Appendix 5 of this report. The appeal site is located on undeveloped land in the settlement of Kilcoole, Co. Wicklow. The site is generally flat and slopes towards an existing watercourse in the middle of the site. The subject development is indicated as connecting to the existing water supply and that foul will be connected to an on-site pumping station which will convey wastewater to the Kilcoole WWTP. Surface water will include SUDs measures along on-site attenuation basins which is to discharge to the watercourse on the site.
- 10.3. In Appendix 5 of this report, I have outlined potential pathways to the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and the associated mitigation measures set out by the applicant, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.
- 10.4. The reasons for this conclusion are as follows:
- The nature and scale of the proposed works on mainly residential zoned lands;
  - The distance between the proposed development and relevant bodies, and/or the hydrological connectivity to same;
  - The mitigation measures included as part of the application to address surface water, wastewater and construction activity.

10.5. Therefore, I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its WFD objectives. Accordingly, the proposed development can be excluded from further assessment.

## **11.0 Recommendation**

11.1. I recommend that planning permission be REFUSED for the proposed development based on the reasons and considerations set out hereunder.

## **12.0 Reasons and Considerations**

12.1. Having regard to the peripheral location of the site within the settlement boundary of Kilcoole, Co. Wicklow, the respective residential and open space zoning objectives and other relevant policy provisions of the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 and Wicklow County Development Plan 2022-2028, it is considered that:

- (a) the proposed alignment of the west-east Distributor Road would not be consistent with Objective RO9 of the Greystones, Delgany & Kilcoole Local Area Plan 2013-2019;
- (b) the provision of vertical deflection measures to promote lower design speeds rather than horizontal deflections are deemed to inappropriate when considering this road at network level to serve the Action Area (AP8) lands;
- (c) the proposed removal of a townland boundary comprising trees and hedgerow and absence of any appropriate measures to replace the same type of boundary of similar length or setback would not be consistent with Objective CPO 17.23 of the Development Plan;
- (d) the proximity of substantive development works, notably attenuation basins and alterations of land levels, within 25 metres of the on-site watercourses would not be in accordance with Objective CPO 17.26 of the Development Plan; and,
- (e) the proposed utilisation of an on-site pumping station to dispose of waste waters arising from the development would be unsustainable and premature in the absence of a drainage plan for the Action Plan lands.

Given the cumulative shortcomings of the proposal, as submitted, and the subsequent failure of the applicant to appropriately address all of these issues as part of the appeal, the Commission considers that proposed development would represent a piecemeal approach to the sustainable development of the area and would, thereby, conflict with the abovementioned policy provisions of the Planning Authority. Accordingly, the Commission considers that the proposed development would be contrary to the proper planning and sustainable development of the area.

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

---

Matthew O Connor  
Planning Inspector

27<sup>th</sup> November 2025



# Appendix 1

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-320257-24
<b>Proposed Development Summary</b>	Construction of 67 houses and all associated site development works. A new vehicular access is proposed off Lott Lane which will serve a new distributor road along the north of the site. Application was accompanied by a Natura Impact Statement.
<b>Development Address</b>	Lands east of Lott Lane and north of existing Wellfield housing development, Kilcoole, Co. Wicklow.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	Class 10 (b)(i) Construction of more than 500 dwelling units.
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of a residential development comprising 67 no. houses.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

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

## Appendix 2

### Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-320257-24
<b>Proposed Development Summary</b>	Construction of 67 houses and all associated site development works. A new vehicular access is proposed off Lott Lane which will serve a new distributor road along the north of the site. Application was accompanied by a Natura Impact Statement.
<b>Development Address</b>	Lands east of Lott Lane and north of existing Wellfield housing development, Kilcoole, Co. Wicklow.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal comprises a residential development on a greenfield site in the settlement of Kilcoole.</p> <p>The size of the development, which seeks a 67 no. house across a site of 3.24ha would not be described as exceptional in the context of the existing urban environment of Kilcoole.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster. The site is not located in an area at risk of flooding.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The proposed development is situated on zoned lands in the settlement of Kilcoole.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on the Natura 2000 network is addressed under Appropriate Assessment (Screening).</p>

<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature and scale of the proposed development (i.e. a residential development comprising 67 no. residential units on zoned lands in Kilcoole), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3: AA Screening Determination - Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>	Please refer to Section 2 of the Planning Report for a development description. In short, permission is sought for 67 no. dwellings and all associated site works.			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposal comprises the construction of 67 no. residential units (24 no. 4-bed houses; 23 no. 3-bed houses; and, 20 no. 2-bed houses) along with a distributor road, internal road network, landscaping, connections to a wastewater pumping station and SUDs measures and all other associated site works.</p> <p>The subject site has an indicated area of 3.24 hectares which is located on part-residential part-open space zoned lands within the settlement boundary of Kilcoole, Co. Wicklow. The proposed development is located approximately 0.7km from The Murrough Wetlands SAC and approximately 1km from The Murrough SPA. Given the location of the appeal site, there are potential impacts arising from development on these lands which cannot be ruled out without further analysis and assessment.</p>			
<b>Screening report</b>	Yes			
<b>Natura Impact Statement</b>	Yes			
<b>Relevant submissions</b>	No third party submissions raised specific concerns in terms of impacts on the European Sites. The submissions/referrals from the Department of Housing, Local Government and Heritage, the Environment Section did not raise issue/concern with the NIS or the development – subject to compliance with the mitigation measures being complied with.			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
The European Sites potentially within a zone of influence of the proposed development are listed in the table below.				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
The Murrough Wetlands SAC	<u>The Murrough Wetlands SAC</u>	0.7km	Yes. Direct hydrological connection via	Yes

(Site Code: 002249)	<u>National Parks &amp; Wildlife Service</u>		surface water run-off and indirect hydrological pathway via foul wastewater drainage.	
The Murrough SPA (Site Code: 004186)	<u>The Murrough SPA   National Parks &amp; Wildlife Service</u>	1km	Yes. Direct hydrological connection via surface water run-off and indirect hydrological pathway via foul wastewater drainage.	Yes
Glen of the Dows SAC (Site Code: 000719)	<u>Glen of the Downs SAC   National Parks &amp; Wildlife Service</u>	3.5km	No direct/ indirect connectivity between the proposal this SAC.	No
Bray Head SAC (Site Code: 000714)	<u>Bray Head SAC   National Parks &amp; Wildlife Service</u>	5.4km	No direct/ indirect connectivity between the proposal this SAC.	No
Carriggower SAC (Site Code: 000716)	<u>Carriggower Bog SAC   National Parks &amp; Wildlife Service</u>	6.3km	No direct/ indirect connectivity between the proposal this SAC.	No
Wicklow Mountains SAC (Site Code: 002122)	<u>Wicklow Mountains SAC   National Parks &amp; Wildlife Service</u>	10km	No direct/ indirect connectivity between the proposal this SAC.	No
Wicklow Mountains SPA (Site Code: 004040)	<u>Wicklow Mountains SPA   National Parks &amp; Wildlife Service</u>	10km	No direct/ indirect connectivity between the proposal this SPA.	No
Ballyman Glen SAC (Site Code: 000713)	<u>Ballyman Glen SAC   National Parks &amp; Wildlife Service</u>	11.5km	No direct/ indirect connectivity between the proposal this SAC.	No
Knocksink Wood SAC (Site Code: 000725)	<u>Knocksink Wood SAC   National Parks &amp; Wildlife Service</u>	11.9km	No direct/ indirect connectivity between the proposal this SAC.	No
Wicklow Reef SAC (Site Code: 002274)	<u>Wicklow Reef SAC   National Parks &amp; Wildlife Service</u>	14km	It is not considered that there is a direct/ indirect connectivity between the proposal this SAC.	No

Wicklow Head SPA (Site Code: 004127)	Wicklow Head SPA   National Parks & Wildlife Service	14.7km	No direct/ indirect connectivity between the proposal this SPA.	No
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### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development is not located within a designated European Site but is in close proximity to The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186) identified in *Step 2* above.

The applicant's Screening Assessment contained in the submitted report concludes that there is no potential for impacts on the QI habitats of the Glen of the Downs SAC (Site Code: 000719), Bray Head SAC (Site Code: 000714), Carriggower Bog SAC (Site Code: 000716), Wicklow Mountains SPA (Site Code: 004040), Wicklow Mountains SAC (Site Code: 002122), Ballyman Glen SAC (Site Code: 000713), Knocksink Wood SAC (Site Code: 000725), Wicklow Reef SAC (Site Code: 002274), Wicklow Head SPA (Site Code: 004127) as there is no pathway for connectivity. I concur with the conclusions reached in this regard.

The screening assessment contained in the applicant's submitted report indicates that potential direct/indirect impacts generated by the construction and operational phases of the proposed development including contamination/pollution of surface and/or ground waters.

Sources of impact and likely significant effects are detailed in the table below:

#### AA Screening Matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1: The Murrough Wetlands SAC (Site Code: 002249)</b>  Annual vegetation of drift lines [1210]  Perennial vegetation of stony banks [1220]  Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]	Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.  Water pollution at operational stage via run-off of discharge and wastewater discharge.	<u>Examples:</u>  Potential negative impacts from silt/contaminated surface water run-off to the Kilcoole Stream which may affect the qualifying interests of the SAC at construction and operational stages.  Indirect hydrological pathway exists to the SAC via foul wastewater during operation which is to connect to the foul sewer and Kilcoole WWTP which discharges via the Kilcoole Stream that outflows to the Irish Sea.

<p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p>		
<p><b>Site 2: The Murrough SPA (Site Code: 004186)</b></p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Little Tern (<i>Sternula albifrons</i>) [A885]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Negative impacts on surface water/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Deterioration of ground water or surface water at operational stage from pollution.</p>	<p>The project is located on lands in proximity and hydrologically connected to the SPA.</p> <p>There is potential for direct and indirect effects from pollution resulting in a deterioration in water quality and/or habitat degradation.</p> <p>Potential release of hydrocarbons and/or other chemicals during construction phase via spillage which may impact on water dependent habitats and species.</p>
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>		
<p>Based on the information provided with the application and appeal, having conducted a site visit, having reviewed of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed</p>		



development has the potential to result in significant effects on The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186).

### **Screening Determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on the The Murrough Wetlands SAC and The Murrough SPA in view of the site's conservation objectives. It is therefore determined that Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works.
- The location of the appeal site in proximity to The Murrough Wetlands SAC and The Murrough SPA and potential connectivity between the site and these European Sites.
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

## Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Determination

### Appropriate Assessment (ABP-320257-24)

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development comprising 67 no. residential units and all associated site works in view of the relevant conservation objectives of The Murrough Wetlands Special Area of Conservation (Site Code: 002249) and The Murrough Special Protection Area (Site Code: 004186) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Appropriate Assessment Screening & Natura Impact Statement prepared by Altamar Marine & Environmental Consultancy; and,
- The other plans and particulars submitted with the application and appeal.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. It shall be noted that the proposed development was amended from its initial conception of 50 no. units (increasing to 67 no. units at Further Information stage). It shall be further noted that the method of surface water drainage has been revised at appeal stage from attenuation tanks to attenuation basins. The applicant has not provided an updated NIS to having regard to the revisions to the scheme. Notwithstanding, I do not consider that the increase in the number of houses from 50 to 67 to be a significant matter which undermines the adequacy of the NIS as originally prepared. I have formed this view on the basis that the scheme is a residential one on primarily residential zoned lands and the additional number of houses is not significant in the context of the overall development. In addition, with respect to the proposed changes to surface water collection, I consider that the method of discharge would be the same (i.e. to the on-site watercourse). Therefore, I am satisfied that all aspects of the project which could result in significant effects have been considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are can be reasonably assessed for effectiveness.

#### Submissions/observations

- A third party submissions/observations were received at application stage however, no specific concerns were raised in relation to Appropriate Assessment or impacts on European Sites.
- A referral response from the Department of Housing, Local Government and Heritage indicated that mitigation measures stated in the NIS and employment of an ecologist

to oversee and implement such measures in the construction stage be strictly adhered to.

- The assessment of the Planning Authority noted the location of the site within the zone of influence of the proposal and the hydrological pathway running through the site (with special reference to the Kilcoole Stream which is a pathway to The Murrough Wetlands SAC and The Murrough SPA. No objection was raised subject to mitigation measures being implemented. However, concern was raised with regard to the location of the pumping station in proximity to the open watercourse and considered that this element of the development may adversely effect on the integrity of a Natura 2000 site.

## European Site

### The Murrough Wetlands SAC (Site Code: 002249):

#### Summary of Key issues that could give rise to adverse effects:

(i) Habitat degradation

(ii) Water quality degradation (construction and operation)

(iii) Downstream Impacts

See Table 7 in NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) (Please see Table 7 of submitted NIS for full details)
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in The Murrough Wetlands SAC	Concrete, hydrocarbons, dust and surface water run-off, accidental pollution from spillages, contaminated wastewater from on-site toilets from on-site works and truck movements during construction may lead to silt or contaminated materials entering the watercourse which connects to the Kilcoole stream which outflows to the Murrough Wetlands SAC.	All site works will be overseen by a project ecologist.  It is recommended that all measures be incorporated into a Construction Environmental Management Plan (CEMP).  Surface water run-off at construction stage will be collected and diverted to detention ponds either side of the stream. Only clean waters shall discharge to the stream. Ponds will be
Calcareous fens with Cladium mariscus and species of the Caricion davallianae* [7210]	To restore the favourable conservation condition of Calcareous fens with Cladium mariscus and species of the Caricion davallianae* in The Murrough Wetlands SAC.		
Alkaline fens [7230]	To restore the favourable conservation condition of Alkaline		

	fens in The Murrough Wetlands SAC.		decommissioned after works are completed.
Annual vegetation of drift lines [1210]	To restore the favourable conservation condition of Annual vegetation of drift lines in The Murrough Wetlands SAC.		Dust emissions and dust nuisance will be managed by road sweeping, wheel washing, covering haul vehicles with tarps, stockpiling away from wind/covering material. Regular monitoring dust on site in line with standards.
Perennial vegetation of stony banks [1220]	To restore the favourable conservation condition of Perennial vegetation of stony banks in The Murrough Wetlands SAC.		<p>To protect the watercourse soil stockpiles will be 40 metres from watercourse.</p> <p>Fuel/oil stores will be sited in a bunded area; silt traps placed throughout site.</p> <p>Petrochemical interceptors will be located next to bunded areas.</p> <p>Erection of silt fences throughout the site.</p> <p>Monitoring of watercourse throughout project.</p> <p>Any instream works to be carried out in consultation with IFI.</p> <p>Good construction site hygiene employed.</p> <p><u>Note: Mitigation measures are detailed fully in Table 8 of the submitted NIS.</u></p>

**The Murrough SPA (Site Code: 004186):**

**Summary of Key issues that could give rise to adverse effects:**

- (i) **Habitat degradation**
- (ii) **Water quality degradation (construction and operation)**
- (iii) **Downstream Impacts**

**See Table 7 in NIS**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Red-throated Diver ( <i>Gavia stellat</i> ) [A001]	To maintain the Favourable conservation condition of Red-throated Diver in The Murrough SPA.	Potential downstream impacts if significant quantities of pollution or silt entered the Kilcoole Stream that leads to The Murrough SPA.	<p>As outlined above for The Murrough Wetlands SAC.</p> <p><u>Note: Mitigation measures are detailed fully in Table 8 of the submitted NIS.</u></p>
Greylag Goose ( <i>Anser anser</i> ) [A043]	To restore the Favourable conservation condition of Greylag Goose in The Murrough SPA.	Proposed development could impact on Objectives I & II of this SPA which seek to maintain and restore the	
Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]	To restore the Favourable conservation condition of Light-bellied Brent Goose in The Murrough SPA.	favourable conservation condition of the bird species listed as	
Wigeon ( <i>Anas Penelope</i> ) [A050]	To maintain the Favourable conservation condition of Wigeon in The Murrough SPA	Special Conservation Interests for this SPA; and, to maintain and restore the	
Teal ( <i>Anas crecca</i> ) [A052]	To maintain the Favourable conservation condition of Teal in The Murrough SPA	favourable conservation condition of the wetland habitat at The Murrough SPA	
Black-headed Gull ( <i>Chroicocephalus ridibundu</i> ) [A179]	To maintain the Favourable conservation condition of Black-headed Gull in The Murrough SPA	as a resource for the regularly occurring migratory birds that utilise it.	
Herring Gull ( <i>Larus</i> )	To maintain the Favourable		

<i>argentatus</i> ) [A184]	conservation condition of Herring Gull in The Murrough SPA		
Little Tern ( <i>Sterna albifrons</i> ) [A195]	To maintain the Favourable conservation condition of Little Tern in The Murrough SPA		
Wetlands [A999]	To maintain the Favourable conservation condition of Wetland habitats in The Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.		

The above table is based on the documentation and information provided on the appeal file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

The mitigation measures are considered to be generally applicable in the protection of the above-named European Sites so as to ensure the conservation status of these habitats will remain unchanged.

I further note that the subject site, due to its setting, would be unlikely to result in significant impacts such as direct disturbance or damage to the habitat of the listed bird species but that measures in terms of construction works, noise/dust and emissions have been outlined as part of the mitigation measures in the NIS.

**Assessment of issues that could give rise to adverse effects view of conservation objectives of the abovenamed SAC and SPA.**

**(i) Habitat degradation**

The proposed development is connected by way of a watercourse to the Kilcoole Stream which outflows to The Murrough Wetlands SAC and The Murrough SPA. Without the presence of mitigation measures, there is potential effects on the attributes of species in the SAC and the conservation objectives to 'maintain and restore the favourable conservation condition' of the bird species and wetland habitat of the SPA if quantities of pollution or silt entered the watercourse connecting the these European Sites.

**(ii) Water quality degradation**

Water quality degradation could affect the habitats or species of the SAC and SPA. A hydrological pathway exists between the development site and The Murrough Wetlands SAC and The Murrough SPA. The surface water network which is to discharge into the on-site watercourse connects to the Kilcoole Stream which outflows to an open drain which outflows to the Irish Sea. There is potential, in the absence of any mitigation, for surface waters run off containing pollutants such as hydrocarbons and silt to enter the abovementioned watercourse and the abovenamed European Sites during the construction and operational phases. This could arise from poor and/or inadequate management of site run-off could result in sediment and/or pollutants reaching the Qualifying Interest habitats within The Murrough Wetlands SAC and The Murrough SPA.

### **(iii) Downstream Impacts**

The proposed development is connected by way of a watercourse to the Kilcoole Stream which outflows to The Murrough Wetlands SAC and The Murrough SPA. Without the presence of mitigation measures, there is potential effects if quantities of pollution or silt entered the watercourse connecting the these European Sites.

### **Mitigation measures and conditions**

I note that the focus of proposed mitigation measures during construction phase are guided at preventing ingress of pollutants and silt into surface water on-site and the receiving watercourse. The measures will be achieved via design, supervision by a project Ecologist, application of specific mitigation measures and monitoring effectiveness of said measures. Mitigation measures include the following:

- A project ecologist will to be appointed for duration of works to ensure that the mitigation measures are implemented and that best practice site management is adhered to.
- Surface water run-off will be diverted to on-site detention ponds on either side of stream and will act as temporary silt ponds. These ponds will be decommissioned after construction stage.
- Measures to suppress dust will include wheel-washing, road sweeping, trucks carrying aggregates using tarpaulins, windbreaks/barriers on northern/western/southern boundaries, material stockpiles will be located in sheltered areas (covering may be required).
- All surface water run-off used for dust suppression will be managed by collection in the on-site settlement ponds with only clean water outfalling to watercourse.
- Fuel/oil/chemical storage to be located in a bunded area at least 50 metres from drains/ditches/ watercourses.
- Bunded areas will be kept clean and any spills will be immediately cleaned.
- Petrochemical interception and bunds in the refuelling area.
- Silt traps established around and throughout the site for the duration of the construction phase including a double silt fence between the site and the watercourse.
- Any in-stream works will be carried out in consultation with IFI.
- Concrete truck/mixers and drums will only be allowed to wash out 50 metres from sensitive receptor on site.

- Stockpiling of loose materials at least 40 metres from drains and watercourse.
- All personnel will be trained in good environmental practices.
- Spill containment kits/equipment shall be available in case of emergency.
- Daily turbidity monitoring of stream (upstream and downstream of works).

At the operation phase, it is indicated that the drainage network will be inspected by the project ecologist to ensure all elements are in place and working. I note that specific detail has not been included with the file, however, I note that there are a number of SuDS measures proposed as part of the scheme which include attenuation basins, tree pits, swales, permeable paving, flow controls and separators. I am of the view that surface water discharges will comprise clean roof water along with run-off from the internal road network, footpaths and parking areas. These areas could potentially include hydrocarbons as a result of a vehicular leakages or suspended sediment. Given the anticipated volumes of surface water-run off relative to the receiving freshwater environment and the associated potential for mixing, dilution and dispersion of any surface water run-off/ discharges in the receiving freshwater environment, the effects on water quality from the operational phase of surface water discharge would not be significant.

I consider that there is no real likelihood of significant effects arising during the operational phase of the proposed development as a result of increased loading of foul waters on the Kilcoole Waste Water Treatment Plant as there is spare capacity identified by Irish Water. The proposed pumping station is not supported by the Planning Authority or An Coimisiún Pleanála from a sustainable planning perspective however, it is not considered that such a system would affect the overall collection/treatment of wastewater in principle.

It is my view that the above are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Construction Environmental Management Plan (CEMP), the Ecological Impact Assessment (EclA) and other elements of the documentation/drawings submitted with the file, and I do not consider that they include any specific measures that would be uncommon for a project of this nature.

I am also satisfied that preventative measures are aimed at interrupting the source-pathway-receptor are targeted at key threats to qualifying interests of The Murrough Wetlands SAC and The Murrough SPA. Moreover, by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

### **In-combination effects**

In terms of combination/cumulative effects of the proposed development with other known plans or developments in the vicinity of the site, I conducted a search on the Wicklow County Council planning website for other developments in the vicinity of the proposed development. It is my view that it is unlikely that there will be cumulative impacts or an in-combination effect on The Murrough Wetlands SAC or The Murrough SPA as a result of the developments.



I am satisfied that in-combination effects has been assessed adequately in the NIS. Moreover, whilst the development was amended subsequent to the preparation of the NIS, I do not consider that the small-scale amendments/revision impact on potential in-combination effects. To this end, the applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the above-mentioned European sites.

Based on the information provided with the appeal file, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water as well as entry of pollutants, such as hydrocarbons, to the nearby watercourse. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of The Murrough Wetlands SAC and The Murrough SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on The Murrough Wetlands SAC and The Murrough SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations/submissions received, I consider that adverse effects on site integrity of The Murrough Wetlands SAC and The Murrough SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for The Murrough Wetlands SAC and The Murrough SPA or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS in the event of a grant of permission.

## Appendix 5: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	320257	Townland, address	Site on lands to the east of Lott Lane and north of the existing Wellfield housing development, Kilcoole, County Wicklow.
Description of project		Construction of 67 houses and all associated site development works. A new vehicular access is proposed off Lott Lane which will serve a new distributor road along the north of the site. Application was accompanied by a Natura Impact Statement.	
Brief site description, relevant to WFD Screening		<p>The site is located within the settlement of Kilcoole, Co. Wicklow on lands zoned R15: Residential, R22: Residential and AOS: Active Open Space in the Greystones-Delgany &amp; Kilcoole Local Area Plan 2013 – 2019. The lands are located to the east of Lott Lane and contain undeveloped grasslands. The topography is generally flat and there is a watercourse running in a north-south direction through the centre of the site. The site boundaries to the north and south contain mixed hedgerow and trees; the western boundary is a mix of hedging, fencing and buildings; and, the eastern boundary is undefined as it is within a field. Part of the lands, particular adjacent to the watercourse is overgrown grasses. The site is located approximately 0.7km from The Murrough Wetlands SAC and approximately 1km from The Murrough SPA (which are both the nearest European Sites). The bedrock aquifer category is stated as being Poor but is indicated as having a 'Low' groundwater vulnerability in this area. There is an apparent watercourse traversing the site in a north-south direction through the centre of the site. The watercourse is not a designated EPA river/stream and is not indicated on any historical mapping. It does however contain water and outflows from the site via ditches and connects to the Kilcoole Stream, which is the nearest designated watercourse. The Kilcoole Stream runs eastward approximately 1.2km before entering the Irish Sea.</p>	
Proposed surface water details		<p>Surface water will be provided by way of SUDs measures.</p> <p>The subject development included attenuation measures including attenuation tanks to deal with water arising from the development before entering the on-site watercourse. These proposals have been revised as part of the appeal with 2 no. attenuation basins proposed</p>	

	<p>which are to discharge into watercourse on site. Other items proposed include tree pits, filter drains, swales and permeable paving.</p> <p>The purpose of SuDs measures is essentially to mimic natural drainage, which is reduced due to the introduction of man-made surfaces such as buildings and footpaths/roads. Therefore, SuDs measures aim to assist with the slowing down of run-off which in turn reduces the potential for flooding and to also improve the water quality of surface waters and storm water run-off in line with the Water Framework Directive.</p>					
Proposed water supply source & available capacity	Mains water connection. It is proposed to run a new 100mm HDPE and 150mm HDPE connection to the site. Uisce Eireann has provided Confirmation of Feasibility subject to upgrades involving the construction of approx. 350m of watermain in the public domain. The applicant will be required to fund the cost of these upgrades. No capacity issues identified.					
Proposed wastewater treatment system & available capacity, other issues	<p>New connection to public sewer via on-site pumping station. Wastewater will be collected on site and pumped from the pumping station to the public network to Kilcoole WWTP for treatment before discharging to sea via Kilcoole Stream. Uisce Eireann provided a Confirmation of Feasibility advising the wastewater connections are feasible without infrastructure upgrade. Uisce Eireann Capacity Register has indicated that there is space capacity available in Kilcoole WWTP (Aug 2025).</p> <p>Inland Fisheries Ireland have stated that while the Kilcoole WWTP may have headroom to accept and treat the effluent from the proposed pumping station, the Kilcoole stream in which the treated effluent discharges into does not have the assimilative capacity to accept any more treated effluent.</p>					
Others?	The site is not within a Flood Zone.					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	220m to the south	Kilcoole Stream	At Risk	At Risk	Urban Wastewater	Surface water run-off.

Groundwater Waterbody		Underlying site	Wicklow	At Risk	At Risk	Unknown, Agriculture	Potential run-off from the surface water drainage into the ground.
Coastal		1.9km to east	Southwestern Irish Sea – Killiney Bay	Not at Risk	Not at Risk	None identified	Potential run-off from the site and connection via Kilcoole Stream.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Kilcoole Stream_010	Surface water will be directed through attenuation basins and into drainage channel.	Run-off during site works, hydrocarbon spillages  This could result in a deterioration of surface water quality.	Mitigation proposed in NIS submitted with application.  Standard Construction Measures / Conditions  Implement CEMP	No. Having regard to the scale of the development and the requirement for appropriate construction management measures, I am satisfied that there would be no	Screened out.

						significant risk to groundwater	
2.	Ground	Wicklow	Pathway exists via drainage to soil/bedrock	Spillages/Run Off which could reduce groundwater quality.	As above.	No	Screened out.
<b>OPERATIONAL PHASE</b>							
3.	Surface	Kilcoole Stream_010	Surface water will be directed through attenuation basins and into drainage channel.	Hydrocarbon spillages  Failure of drainage and SUDs features	Mitigation as proposed in the NIS submitted. Standard Construction Measures / Conditions	No. I am satisfied that surface water, in principle, could be adequately managed on site and that there will be no significant pollution risks to groundwater.	Screened out.
4.	Ground	Wicklow	Pathway exists via drainage to soil/bedrock.	As above.	As above.	No	Screened out.
<b>DECOMMISSIONING PHASE</b>							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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