



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321805-25

#### Development

Construction of 58 single and two-storey dwellings, ESB substation, removal of Elbren Cottage and all associated site works.

#### Location

Lands at Ashtown Lane, Hawkestown Lower, Wicklow including existing dwellings, Elbren Cottage, Ashtown Lane, Wicklow, A67 TN83 & Redkite Rest, Ashtown Lane, Wicklow, A67 PP96

#### Planning Authority

Wicklow County Council

#### Planning Authority Reg. Ref.

24/60688

#### Applicant

Ronan O'Caoimh.

#### Type of Application

Permission.

#### Planning Authority Decision

Refuse Permission.

#### Type of Appeal

First Party v. Refusal.

#### Appellant

Ronan O'Caoimh.

#### Observer(s)

1. Billy and Pauline Hudson.
2. Ciaran and Ann-Marie Lally

**Date of Site Inspection**

30<sup>th</sup> April 2025.

**Inspector**

Susan McHugh

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## 1.0 Introduction

- 1.1. The subject application is an application for residential development, on a site located within the settlement boundary of Wicklow Town-Rathnew under the Wicklow County Development Plan 2022-2028.
- 1.2. The previously adopted Wicklow Town-Rathnew Local Area Plan 2013-2019 has expired. The proposed material alterations to the draft Wicklow Town and Rathnew Local Area Plan 2025-2031 were adopted by the elected members on the 12<sup>th</sup> of May 2025. The Wicklow Town and Rathnew Local Area Plan will come into effect on 23<sup>rd</sup> of June 2025.
- 1.3. Under the draft Wicklow Town-Rathnew LAP 2025-2031 the appeal site is zoned RN2 New Residential Priority 2. Proposed material amendments to the draft Wicklow Town-Rathnew LAP 2025-2031 include the rezoning of the appeal site to RN1 New Residential Priority 1. The PA website indicates that an 'interim Local Area Plan document' will be published in the coming days and that the 'Adopted Plan will be published in the coming weeks'.
- 1.4. In tandem Wicklow County Council proposed alterations to Proposed Variation No. 2 to the Wicklow County Development Plan 2022-2028 (related to draft Wicklow Town – Rathnew Local Area Plan 2025). Variation No. 2 was made and came into effect on 12<sup>th</sup> May 2025.
- 1.5. Variation No.2 integrates the land use zoning map and key development objectives from the Wicklow-Rathnew Local Area Plan 2025 -2031 into the County Development Plan. The PA website indicates that the adopted Variation no. 2 will be available to view in the coming weeks.
- 1.6. I will assess the subject development under the current Wicklow County Development Plan 2022-2028. The Board may wish to seek an addendum report on this case once the Adopted Wicklow Town and Rathnew LAP 2025-2031 and Variation No. 2 of the Wicklow County Development Plan are available to consult and or comes into effect.

## **2.0 Site Location and Description**

- 2.1. The appeal site is located on the western outskirts of Wicklow town c. 1.6km south west of the town centre and c. 1.7km southwest of Rathnew.
- 2.2. Ashtown Lane Local Road L5100 is accessed from the south via the Hawkestown Road/Marlton Road/R751/Ashtown Lane Roundabout. Hawkestown Road – is the Wicklow Inner Relief Road, while the R751 Marlton Road – forms a radial route into Wicklow town.
- 2.3. Ashtown Lane extends northwards towards a crossroads with Rocky Road Local Road L1099 another radial route to the town. Rocky Road runs east west providing access to/from M11 to Wicklow Town.
- 2.4. Ashtown Lane has a speed limit of 30kph and a carriageway width of 4.5m. It is a narrow poorly aligned road with footpaths but no streetlighting with existing laneways enclosed by mature hedgerows. At the time of inspection mid-morning on a weekday several cars passed and was very lightly trafficked owing to the limited development and alternative routes to the town.
- 2.5. The area is elevated, and it is predominantly rural in character with some very low density/one-off housing concentrated mainly north of the site. Wicklow Rugby Club lands are located to the north. 'Alvor', and 'Glen Na Smole' are residential properties located along Ashtown Lane while 'Ashlawn' is located to the south of the of the site and are home to two of the observers in the appeal.
- 2.6. The site is bounded to the east by Ashtown Lane and to the north and south by existing private laneways. There is an existing 1m wide footpath along the eastern boundary of the appeal site. The site which is currently in arable use includes field boundaries defined by hedgerows on all sides. There are also a number of trees particularly along the northeastern boundary.
- 2.7. The appeal site contains 2 no. existing dwellings 'Redkite Rest' and 'Elbren Cottage', the latter of which with associated garage are to be removed. These are both located in the southeastern corner of the site.
- 2.8. The site slopes from the western and southern boundaries to the northeast corner of the land at Ashtown Lane. Ashtown Stream is located approx. 400m to the north of the appeal site and flows in an easterly direction towards Wicklow Town.

2.9. The site has a stated area of 2.38Ha.

### 3.0 Proposed Development

3.1. In summary, permission is sought for the following:

- 58 no. single and two storey dwellings including:
  - 4 no. 4 Bed Two Storey Detached dwellings,
  - 24 no. 3 Bed Two Storey Semi-Detached dwellings,
  - 18 no. 3 Bed Two Storey Terraced dwellings,
  - 4 no. 3 Bed Semi-Detached Bungalows
  - 8 no. 2 Bed Two Storey Terraced dwellings

with a total proposed residential gross floor area of c.6,174 sqm.

- Single storey domestic garden storage structure (25sqm),
- ESB substation & switch room (25sqm),
- Removal of the existing dwelling 'Elbren Cottage' (62sqm) and the semi-detached single storey garage structure (31sqm),
- New boundary walls and gates to the existing dwelling 'Redkite Rest',
- Decommissioning and removal of the existing septic tank and percolation area serving the existing dwellings, connection of the existing dwelling, 'Redkite Rest' to the proposed foul sewer on Ashtown Lane,
- Boundary walls and fences,
- New vehicular and pedestrian entrance to the development off Ashtown Lane,
- Internal estate roads, bin storage, footpaths, hard and soft landscaping to public open space, for all site services above and below ground including connections to existing services and for all associated site development works.
- Car parking 111 no. spaces.

3.2. The proposed Phasing Plan provides for two phases of development and generally includes the proposed units and open spaces to the south and east of the

development under phase one and the remaining units and open space along the northern section of the overall site.

3.3. The proposed housing mix is summarised in the following table:

House Size	Houses	Total (%)
2-bed	8	14%
3-bed	46	79%
4-bed	4	7%
Total	58	100%

3.4. Based on the application information, the key figures for the proposed development are summarised in the following table:

<b>Site Area</b>	2.38 ha gross / 2.07 ha net (residential)
<b>Residential Units</b>	58
<b>Density</b>	58units/2.38ha=24 uph (gross density) 58units/2.07ha=28 uph (net density)
<b>Plot Ratio</b>	6,174sqm/2.38 ha site= 2,594sqm ph Plot ratio =0.26.
<b>Height</b>	Houses – 2 storey (55 units) Bungalows – 1 storey (3 units)
<b>Public Open Space</b>	0.307sqm
<b>Parking</b>	111 car spaces

3.5. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports:

- Ecological Impact Assessment Report
- Appropriate Assessment Screening Report



- Preliminary Ecological Appraisal
- Breeding Bird Survey Report
- Bat Survey Report
- Planning Report
- Design Statement
- Landscape Design Statement
- Arboricultural Impact Assessment
- Water Services Report
- Flood Risk Assessment Report
- Traffic and Transport Assessment
- Stage 1 Road Safety Audit
- Public Lighting Layout and Outdoor Lighting Report
- Archaeological Impact Assessment Report
- Part V Compliance letter
- Construction Waste Management Plan
- Letters of Consent from Landowners of 'Elbren Cottage' and 'Red Kite'

## **4.0 Planning Authority Decision**

### **4.1. Decision**

By Order dated 9<sup>th</sup> January 2025, the planning authority made a decision to refuse permission for 3 no. conditions.

1. Having regard to:

- (a) The sites peripheral location which would result in the proposed development being primarily car dependent;
- (b) The existing undeveloped lands closer to the centre of Wicklow Town;
- (c) The scale of the proposed development;

(d) The potential traffic safety impacts on the northern section of Ashtown Lane, the local road L5100, which is seriously deficient in width and alignment, whereby the future occupants of the estate would be likely to use that section of Ashtown Lane to access to and from the M11 via the Rocky Road, local road L1099;

(e) Section 5.3.4 and Objectives CPO 6.19 and 6.20 of the Wicklow County Development Plan 2022-2028, which set out that the development of zoned land should generally be phased in accordance with the sequential approach, whereby development shall extend outwards from the centre of settlements with undeveloped land closest to the centre and public transport routes being given preference and that housing development shall be managed and phased to ensure that infrastructure is adequate, or is being provided to match the needs of new residents; and

(f) The approved plans of the Local Authority to upgrade Rocky Road, the L1099, as an improved access to/from the M11 to Wicklow Town, and the lack of any plans to deal with potential traffic increases on Ashtown Lane, the L5100;

it is considered that the proposed development would not be consistent with the sequential approach to the development of zoned lands, would contravene Objectives 6.19 and 6.20 of the Wicklow County Development Plan 2022-2028, would result in a serious traffic hazard, would be premature pending the provision of road improvements to the local road network and would therefore be contrary to proper planning and sustainable development.

## 2. Having regard to:

(a) The overall layout of housing, which includes dwellings that 'side on' to the internal access roads;

(b) The substandard public open space area in terms of usability, levels and location, with many dwellings not having sight of any public open space and a lack of a sufficient 'kickabout area';

(c) The poor contextual elevation of the development from Ashtown Lane, which would result in the rear of dwellings being visible from the public road;

(d) The removal of the boundary hedgerows and trees and the provision of 1.8m high railings along the boundaries; and

(e) The impact of the development on the bungalow dwellings that front onto Ashtown Lane and the existing dwelling that fronts onto the laneway to the south;

it is considered that the proposed development would result in a substandard development that would impact on the amenities of the future residents and the visual amenities of the area, would be contrary to the provisions of the Wicklow County Development Plan 2022-2028 and therefore would be contrary to proper planning and sustainable development.

### 3. Having regard to:

(a) The lack of an assessment of childcare facilities or a social infrastructure audit, in relation to the adequacy of the existing childcare and community facilities to cater for the future occupants of the proposed development;

(b) The deficiencies in the traffic and transport assessment in terms of traffic counts and assessment of the adequacy of the existing road network;

(c) The lack of clarity in relation to the boundary treatments on the contextual elevations;

(d) The lack of clarity in relation to the removal of hedgerows and the lack of justification for the removal of trees;

(e) The lack of sufficient nature-based solutions for surface water; and

(f) Objectives CPO 6.3, CPO 6.4, CPO 6.5, CPO 6.7, CPO 17.14, CPO 17.21, CPO 17.22 and CPO 17.23 and the Design Standards of the Wicklow County Development Plan 2022-2028, which provide that all new housing developments shall achieve the highest quality of layout, design and residential amenity for future residents and which seek to ensure that development proposals support the protection and enhancement of biodiversity and require the retention of mature trees and hedgerows wherever possible,

it is considered that the proposed development could seriously injure the amenities of properties in the vicinity and of future residents, could be contrary to Objectives CPO 6.3, CPO 6.4, CPO 6.5 and CPO 6.7 and the Design Standards of the Wicklow County Development Plan 2022-2028 and could impact negatively on the biodiversity of the area. Therefore, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Report**

The planning assessment contained within this report dated 09/01/2025 can be summarised under the headings below.

#### Demolition of buildings

- Existing dwelling, 'Elbren Cottage' and single storey garage structures are not protected, and their demolition is considered acceptable.

#### Zoning

- Site is located in the Wicklow-Rathnew settlement boundary, under the Wicklow County Development Plan 2022-2028.
- It is in the New Residential zone (R3) of this settlement under the Wicklow-Rathnew Development Plan 2013-2019.

#### Core Strategy – Population & Housing Targets

- Wicklow-Rathnew is level 2 Core Region Key Town.
- The core strategy table in the CDP indicates that the housing target for the town up to 2031 is 1,742 units. Having regard to completions since 2020, units under construction and permissions granted but not commenced, totalling c 1,850, this target is exceeded.
- National planning policy prioritises compact growth i.e. development within the existing built-up footprint of the settlement. This site is located at the edge of the settlement and whilst the lands to the south and further north on Ashtown Lane are zoned 'existing residential', the area has a semi-rural feel, having

regard to the size of the plots, the mature vegetation and the condition and width of the public road.

- The NPF and Sustainable and Compact Settlements Guidelines for Planning Authorities prioritises compact growth with the priority locations for new residential development to be within town centres, followed by strategic sites identified within the RSES, followed by infill sites and finally greenfield sites.
- Having regard to the lands being within the settlement boundary and CSO Wicklow town boundary, the development of the site for new housing is acceptable, albeit that these are not the priority lands for new residential development.

### Density

- The R3 zoning objective under the Wicklow-Rathnew Development Plan 2013-2019 is 'To provide for new residential development at densities up to 20 units per hectare'.
- The proposed density (28uph) is in excess of the density set in the zoning objective.
- The lands are also located at the edge of the settlement and CPO 6.26 states that 'it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones. In these areas it is necessary to avoid developments that would be detrimental to amenity. In zones abutting residential areas, particular attention will be paid to the use, scale, density and appearance of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties. Therefore, any residential development should be cognisant of its location at the edge of the settlement.
- Having regard to Section 6.3.5 Densities and Table 6.1 therein, and objective CPO 6.13 of the Wicklow County Development Plan 2022-2028, it is considered that the R3 zoning objective @ 20/Ha is no longer applicable. Hence the appropriate density for the site should be based on Table 6.1 of the Wicklow County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlements Guidelines.

- Wicklow-Rathnew is identified as a key town in the RSES. Under the Sustainable Residential Development and Compact Settlements Guidelines, in the suburban/urban extension of key towns, residential densities of 30-50dph are to generally be applied. Therefore, the proposed density of 28dph is below the suggested density in the compact guidelines. Having regard to the peripheral location of the site, the density of the existing surrounding residential development and the car dependent nature of the development, it is not considered appropriate to increase the density of the proposed development any further.
- The proposed density of 28dph is appropriate, should it be demonstrated that the development is acceptable having regard to road safety, residential amenity and a high-quality design being provided.

#### Phasing

- Having regard to the peripheral location of the proposed development, the existing infrastructure serving the site and the undeveloped sites closer to the centre of Wicklow, it is considered that the proposed development would not be consistent with Section 5.3.4 Phasing of the Wicklow County Development Plan 2022-2028 and Objectives CPO 6.19 and 6.20 which address the matter of phasing/sequence of housing provision.

#### Open Space

- Proposal to provide 3,068sq.m across 3 areas, meets the requirement (15% of 2.01ha – 0.302ha.)
- Public open space area to the centre and at the periphery / edge of the development, compromises overall amenity of the scheme with many dwellings not having view of the public open space.
- Query the usability of the proposed open space areas given the slope of the site, which contain many pathways and steps. Notes here doesn't appear to have a 'kickabout' area or large area of 'useable' open space.
- Due to the placement of the open space areas and slope of the site, the design is considered to be substandard and is not considered to provide an attractive and useable space for the dwellings.

### Dwelling Mix

- A mix of bungalows (4no.), two storey detached, and two storey semi-detached dwellings are proposed, which is considered an acceptable mix.

### Design and Layout

- Design and finish of buildings is typical of a medium density suburban development.
- Dwellings comprise a nap plaster finish with a part brick finish to the front and slate/concrete roof tiles, considered acceptable.
- Contextual elevations from Ashtown Lane have been provided and due to the levels of the land rising away from Ashtown Lane and bungalows being provided to the land that fronts onto Ashtown Lane, the rear of the second row of houses will be visible from the front, which does not provide an attractive frontage. Unclear if the existing hedgerow along Ashtown Lane will be retained. The boundary treatments and landscaping proposals do not appear to be reflected on the contextual elevations, overall, the frontage of the development from Ashtown Lane appears poor.
- When entering the estate, the dwellings 'side on' to the access road rather than fronting onto them, therefore you are looking at the house gables. This is also the case for house 46 and 47 where the house gables front onto the largest area of public open space, providing a poor layout and view from the POS area. An ESB substation is also proposed to the front of the site in the POS area.

### Impact on Residential Amenity

#### *Impact on Proposed Dwellings*

- House number 6 will tower over house number 5, similar for house 55 and 5, having the potential to impact on the amenity of the bungalow dwellings.

#### *Impact on Existing Dwellings*

- House no. 40 has the potential to overlook the existing dwelling to the south, given the proposed 16m separation, and could be redesigned to avoid overlooking.

### Boundary Details

- 1.8m high railings are proposed in a number of sections on the site boundaries, which are not considered to be appropriate. It is not clear if existing hedgerow along the site boundaries is to be removed; the landscape and boundary details plan shows a 600mm hedge along these boundaries, however this appears to be proposed planting rather than existing. The existing mature hedge should be retained where possible, or justification provided for its removal, particularly to the north, south and west. Also, the site sections/contextual elevations should accurately show the boundary treatments.

### Social Infrastructure

- A Social Infrastructure Audit has not been submitted and is required
- Accept the number of units proposed is below the indicative threshold for Crèche provision set out in the CDP, an analysis of the capacity of the existing Childcare provision in Wicklow is still required.

### Traffic, Access and Pedestrian Permeability

- Proposed development is likely to substantially increase the level of traffic on Ashtown Lane a narrow local road.
- NTA do not support the proposed development having regard to its peripheral location increasing reliance on the private car.
- Agree with the NTA that the lands are peripheral in terms of location within the settlement and are likely to result in a substantial increase in the use of the private car in this location.
- Proposals to widen Ashtown Lane does not address the impact north of the site, which is likely to be used by future occupants of the development as Ashtown Lane links with the N11.
- The width of Ashtown Lane to the front of the development should be a consistent 5.5m.
- Note approved plans by WCC to upgrade Rocky Road, the L1099, as an improved access to/from the M11 to Wicklow Town. There are concerns about



the lack of plans to deal with potential traffic increases on Ashtown Lane, the L5100.

- The TTA is required to be updated to include an assessment of the Ashtown Lane/Rocky Road junction, and new counts due to the revised layout of Junction 1, (noting previous counts were undertaken during covid).

#### Trees and Ecology

- Bat survey states that bats were seen on the site, but none were using the trees for roosting and that no mitigation measures are required.
- Bat survey should also make reference to the lighting plan.
- Arboricultural assessment submitted outlines 9 trees proposed to be removed which are located on the boundaries of the site.
- Efforts should be made to retain all trees and hedgerows along the boundary, as per CPO 17.23. Justification for their removal should be provided.
- Breeding bird survey states that a number of species of birds were found with evidence of nesting swallows. Trees and hedgerows should be retained where possible, particularly along site boundaries.

#### Flood Risk

- The FRA submitted indicates the lands are within flood zone C.

#### Public Lighting

- Bats: Maximum CCT of all public lighting should be 2700K due to the presence of bats in the vicinity of the site.
- Tree Planting: No tree should be planted within 6m of a public light, the tree at the first internal turn should be removed to improve visibility and allow light across the turn.

#### Archaeology

- Two sites are located within 1km of the subject lands. The standard archaeological condition will be applied should permission be granted.

## Part V

- Proposals are acceptable, should permission be granted the standard condition will be applied.

## Services

- Pre-connection enquiries for drinking water and wastewater connections have been submitted to UE.
- Surface water proposals include permeable paving and underground tank.
- Nature based surface water solutions such as ponds, wetlands or swales should be proposed unless there is a valid reason for underground tank as per CPO 13.22.

## Appropriate Assessment

- The proposed development would be unlikely to give rise to any significant adverse impacts on the qualifying interests or conservation objectives of any natura site, and therefore, the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.
- Notes the ecological impact assessment submitted, was prepared for the previous application.

## Environmental Impact Assessment

- The need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

## Recommendation

In summary, the report recommends that the development be refused for 3 no. reasons as outlined in section 4.1 above.

### 4.2.2. Other Technical Reports

- **Transportation and Infrastructure Delivery:** Report dated 10<sup>th</sup> December 2024 recommends no objection subject to requirements. It is recommended that the TTA should include the Ashtown Lane/Rocky Road junction and that

new counts should be undertaken due to the revised layout of Junction 1. Other requirements relate to Taking in Charge of roads and footpaths, public lighting, home zone finishes and signage and pedestrian crossing points along Ashtown Lane.

- **Housing and Capital Projects:** Report dated 11<sup>th</sup> December 2024 recommends no objection subject to requirements.
- **Chief Fire Officer (CFO):** Report dated 3<sup>rd</sup> December 2024 recommends no objection subject to conditions.

#### 4.3. Prescribed Bodies

- **National Transport Authority (NTA):** Report dated 11<sup>th</sup> December 2024 raised concerns as follows;
  - That the proposed development, by virtue of its location and scale, would not be aligned with key objectives and principles of the Transport Strategy as well as the Wicklow County Development Plan 2022 – 2028 (hereafter, Wicklow CDP) and Draft Wicklow Town-Rathnew Local Aera Plan 2025.
  - Refer to Measure PLAN4 of the Transport Strategy which states the following:

*“In accordance with the NPF and RSES, the NTA will support and prioritise development patterns in the GDA which seek to consolidate development as a means of preventing urban sprawl, reducing the demand for long-distance travel and maximising the use of existing transport infrastructure and services. Peripheral development will be supported in exceptional circumstances – on an evidence-based planned approach – where located on high-capacity public transport routes and for specific land uses that cannot be accommodated in town and city centres”.*
  - As part of the Draft LAP, the subject site is designated under the ‘RN2 – New Residential -Priority 2’ land use zoning objective, whilst it is stated that the development of such lands will not be permitted in advance of ‘Priority 1’ lands being sufficiently developed. This

approach aligns with the Wicklow CDP which includes 'Compact Growth' and the 'Sequential Approach' as two of the four 'Zoning Principles' that are listed. Furthermore, Objective CPO 6.19 of the Wicklow CDP states that the "development of zoned land should generally be phased in accordance with the sequential approach as set out in this chapter".

- NTA Recommendation - that the Local Authority carefully consider whether the proposed development would be aligned with the compact and sequential approach to development and whether it would support the proper planning and sustainable development of Wicklow Town. A failure to adequately support a compact and sequential form of development could further embed a reliance on the private car for trip making and hinder a modal shift to more sustainable forms of transport.
- **Transport Infrastructure Ireland (TII):** Report dated 27<sup>th</sup> November 2024 recommends that the PA has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".
- **Development Applications Unit (DAU):** Report dated 10<sup>th</sup> December 2024 recommends further information. The Department recommend a fieldwork-based Archaeological Impact Assessment, be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place. The archaeological impact assessment will enable the Planning Authority and the Department to formulate an informed archaeological recommendation before a planning decision is taken.

It should be borne in mind that, if significant archaeological remains are found, refusal might still be recommended, and/or further monitoring or excavation required. It is our view that a final decision should not be made on this

application until the Planning Authority and the Department has had the opportunity to evaluate the Archaeological Assessment.

- **Uisce Eireann:** Report dated 10<sup>th</sup> December 2024 recommends no objection subject to requirements and provision of service connections by entering into a Connection Agreement with Uisce Eireann.

#### 4.4. Third Party Observations

4.4.1. 8 no. third party submissions have been made by the following parties;

- Ray St. John Willow Cottage, Ashtown Lane.
- Ann Marie Lally Alvor, Ashtown Lane.
- Fiona Byrne Glen na Smole, Ashtown Lane.
- Billy & Pauline Hudson Ashlawn, Ashtown Lane.
- Tanya Burke Swallows Rest, Ashtown Lane.
- Michael & Kay Lynn Ashtown Lane.
- Martin & Denise O'Reilly The Brambles, Ashtown Lane.
- Mr & Mrs Adrian Davies Glenlow, Ashtown Lane.

4.4.2. Many of the issues raised are covered in section 7 of this report. Any additional issues can be summarised under the following headings.

##### Density

- Not in keeping with surrounding area.
- Development of the northern part of the site, will further increase density.

##### Traffic

- Traffic impact and traffic safety
- Entrance is at an already congested point
- Junction between Ashtown Lane and R751 is a blind corner
- Construction traffic impacts on Ashtown Lane
- Lack of pull in areas for deliveries etc along Ashtown Lane
- Traffic count carried out during the pandemic

- Proximity of development to rugby club and associated traffic
- Security and privacy impact from pedestrian entrance
- Traffic report does not address access lane
- Traffic along Ashtown Lane has increased due to it being used as a shortcut to N11
- Children are dropped off at roundabout at Ashtown Lane on way to rugby club

#### Visual Amenity/ Ecology

- Loss of existing hedgerows

#### Residential Amenity

- Lack of childcare facilities
- Insufficient site sections
- Separation from existing dwelling to the south is inaccurate and inadequate (16.8m)

Issues raised are similar to those raised in the observations to the appeal and are summarised in section 7.4 of this report.

## 5.0 Planning History

### *'Redkite Rest'*

**PA Reg. Ref. 23/60206:** Permission **refused** 29/09/2023 for the retention of a new garden outbuilding containing the following 1. A domestic shed/storage room circa 15 msq, 2. The retention of a Dog Grooming area circa 16 msq. All together with a connection to the existing septic tank/percolation system and associated site development works, to Ellen Conalty.

The 3 no. reasons for refusal relate to the subdivision of the site which would result in a substandard and haphazard form of residential development which would set an undesirable precedent, foul drainage proposals which would be prejudicial to public health, and failure to demonstrate that the site can accommodate the home-based activity contrary to CPO 9.24 of the 2022-2028 Wicklow County Development Plan.

*‘Elbren Cottage’*

**PA Reg. Ref. 23/60153:** Permission **refused** 06/09/2023 for the retention of 1. The conversion of existing garden storage building to a dwelling unit circa 45 msq, and ancillary lean-to structures. 2. The retention of a new garden outbuilding containing a domestic shed/storage room and washroom circa 31 msq, both connections to the existing septic tank/percolation system, and all site development works, to Brenda Massyn.

The 2 no. reasons for refusal relate to the subdivision of the site which would result in a substandard and haphazard form of residential development which would set an undesirable precedent and foul drainage proposals which would be prejudicial to public health.

*Appeal Site and site to the North*

**PA Reg. Ref. 21/1536:** Permission **refused** 22/02/2022 for 81 no single and two storey dwellings including 11 no. 4 bed Two Storey Detached dwellings, 8 no. 4 Bed Two Storey Semi-Detached dwellings, 50 no. 3 Bed Two Storey Semi-Detached dwellings, 4 no. 3 Bed Semi-Detached bungalows, 4 no. 3 Bed Two Storey Terraced dwellings and 4 no. 2 Bed Two Storey Terraced dwellings with total proposed residential gross floor area of c 9,347sqm; for a single storey creche (181 sqm) including 9 no. creche surface car parking spaces, bicycle parking and external creche play area; for the construction of an ESB substation and switchroom (25sqm); for all boundary walls and fences, for a new vehicular and pedestrian entrances to the development off Ashtown Lane, entrance signage, a new proposed footpath along Ashtown Lane, internal estate roads, 4 no. visitor surface car parking spaces, footpaths, hard and soft landscaping to public open space, for all site services above and below ground including connections to existing services and for all associated site development works including the removal of the existing barn structure (242 sqm) to the land to Ronan O’Caoimh.

The 3 no. reasons for refusal relate to

1. Having regard to,
  - (a) The existing access road through the development which divides the site into two distinct and separate parts with no connection, permeability or

relationship to/with the proposed dwellings and associated open spaces and estate roads

- (b) The layout of roads within the development including a crossroads in close proximity with the public road Ashtown Lane
- (c) The criteria outlined in the Sustainable Residential Development in Urban Areas Guidelines and associated Urban Design Manual for housing developments
- (d) The development standards for residential development and objectives in the Wicklow - Rathnew Development Plan 2019

it is considered that the proposed development would result in a substandard development that is not legible, well integrated or appropriately laid out, to achieve a sense of place or to meet the residential amenities of future residents. The proposed development would not be in accordance with the criteria outlined in the Sustainable Residential Development in Urban Areas Guidelines and associated Urban Design Manual, would not accord with the development standards for residential development and objectives in the Wicklow - Rathnew Development Plan 2019 and therefore would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would endanger public safety by reason of serious traffic hazard because
  - a) The proposed development would lead to an intensification in the use of an existing entrance where adequate sightlines cannot be achieved at the site entrance
  - b) of the inadequacy of Ashtown lane with regard to width, alignment and lack of pedestrian facilities and lack of evidence to show that the applicant has sufficient interest over the lane to carry out the required improvement works.
3. Having regard to the
  - a) Elevated nature of the site, the need to remove the existing roadside boundary to widen the road
  - b) Lack of visual assessment of the development in views from the road



- c) Lack of information in relation to vehicle set down and turning area for the creche.
- d) The design of the elevation of house types A and C facing side on to the estate roads and the lack of connectivity/relationship that would result from these side elevations with the estate roads
- e) Impact of the location and positioning of units 74-78 and 81 in relation to the property to the east of the site and the future developability of same
- f) Substandard width of parts of the public open space
- g) Lack of passive surveillance of parts of the public open space
- h) Lack of cross section through the public open space to demonstrate usability
- i) Criteria Outlined Sustainable Residential Development in Urban Areas Guidelines and associated Urban Design Manual for housing developments
- j) Development standards for residential development and objectives in the Wicklow - Rathnew Development Plan

It is considered that the proposed development would be of poor standard and quality, if permitted with set a precedent for similar substandard development, would not accord with the criteria outlined in the Sustainable Residential Development in Urban Areas Guidelines and associated Urban Design Manual for housing developments, would not accord with the development standards for residential development and objective in the Wicklow - Rathnew Development Plan and therefore be contrary to proper planning and sustainable development of the area.

## 6.0 Policy Context

### 6.1. National Policy/Guidance

- 6.1.1. 'Housing For All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,
- Built to a high standard in the right place,
- Offering a high quality of life.

6.1.2. The Revised National Planning Framework (April 2025) recognises the need to plan for a population of between 6.1 to 6.3 million people by 2040, and plan for approximately 50,000 units per annum over that period, to meet additional population and employment growth over and above the original 2018 NPF projections. This reflects the latest research and modelling by the Economic and Social Research Institute (ESRI), which forecasts substantial population growth over the next decade. The Revised NPF, with the subsequent provision of updated planned housing requirements at a local authority level, aims to ensure that housing supply meets both new demand and addresses existing need, creating a sustainable future for housing in Ireland.

In order to ensure that the revised population projections and related housing requirements can be delivered on, service provision will also require co-ordination and prioritisation to ensure that the necessary infrastructure is in place, both to support and enable housing development to take place, and to ensure that housing delivery is aligned with the provision of services and facilities for communities. This includes the provision of education, childcare, healthcare and recreational facilities to support the expansion of existing settlements and the creation of new sustainable communities.

In addition to accounting for the ESRI's baseline projection of 6.1m people by 2040, the NPF also includes provision for strategic planning for up to 6.3 million people by 2040 (the ESRI high migration scenario), which is required to be aligned with strategic planning for Transport Orientated Development (TOD) in and around Ireland's five cities to support the delivery of new sustainable communities at brownfield and greenfield locations along existing or planned high capacity public transport corridors.

The implementation of the NPF will continue to align with the National Development Plan and form as one single vision for Ireland under 'Project Ireland 2040' to be fully supported by the Government's investment strategy for public capital investment and investment by the State sector in general.

6.1.3. 'Project Ireland 2040 – The National Planning Framework' (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (c) aims to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate towns and villages of all types and scale as environmental assets.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

6.1.4. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.

6.1.5. The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-

wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

6.1.6. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

6.1.7. Ireland's 4<sup>th</sup> National Biodiversity Action Plan 2023–2030 - Ireland's 4<sup>th</sup> National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5-Strengthen Ireland's Contribution to International Biodiversity Initiatives.

6.1.8. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage, (hereafter referred to as 'the Compact Settlement Guidelines').
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the 'Flood Risk Guidelines').
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the 'Childcare Guidelines').

6.1.9. Other relevant national Guidelines include:

- Design Manual for Urban Roads and Streets (DMURS) (2019)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

**6.2. Regional Policy**

6.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. Relevant Regional Policy Objectives (RPOs) can be summarised as follows:

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.1: In preparing core strategies for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.

RPO 4.54: Support an enhanced role and function of Wicklow-Rathnew as the County Town, particularly as a hub for employment, training and education.

RPO 4.55: Support Wicklow-Rathnew's role in the provision of third level education at the Wicklow County Campus Rathnew (in association with Institute of Technology Carlow) and in particular, to support the development of the campus as a hub for the Film Industry and Screen Content Creation Sector.

RPO 4.57: Support the development of Wicklow-Rathnew as a tourism hub having regard to its accessibility to key tourist destinations in the Region.

RPO 5.4: Development of strategic residential development areas shall provide for higher densities and qualitative standards set out in national guidance documents.

- 6.2.2. The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible, and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

### 6.3. **Wicklow County Development Plan 2022-2028**

#### 6.3.1. Core Strategy & Settlement Strategy

Wicklow-Rathnew is designated as a Level 2 'Core Region Key Town' and population should grow from 14,114 (2016) to a target of 18,515 by Q2 (2028).

Wicklow-Rathnew has a housing growth target of 1,267 houses between Q3 2022 to Q2 2028. Table A outlines that Wicklow-Rathnew has a surplus of 55 hectares zoned lands outside of the existing built-up area. 21 hectares are already under construction and remaining will be addressed in the next LAP.

Relevant Objectives can be summarised as follows:

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

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

CPO 4.5 To ensure that all settlements, as far as is practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and

social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.

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

CPO 4.8 To prepare new local plans for the following areas during the lifetime of this development plan: Bray Municipal District, Wicklow-Rathnew, Arklow, Greystones-Delgany and Kilcoole, Blessington.

### 6.3.2. Housing

Chapter 6 builds on the Core Strategy to put in place a framework to guide the delivery of new housing. Relevant policies/objectives can be summarised as follows:

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 6.7: 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 6.8: Developments in excess of 20 units shall provide at least 5% universally designed homes.

CPO 6.13: Require that new residential development achieves the minimum densities as set out in Table 6.1 subject to further assessment and consideration of national guidance.

#### Sequence/Phasing of Housing

CPO 6.19: The development of zoned land should generally be phased in accordance with the sequential approach as set out in this chapter. The Council reserves the right to refuse permission for any development that is not consistent with these principles.

CPO 6.20: 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.

New significant residential or mixed-use development proposals shall be required to be accompanied by a 'Accessibility Report' that demonstrates that new residents /



occupants / employees (including children and those with special mobility needs) will be able to safely access through means other than the private car:

(a) local services including shops, schools, health care and recreational facilities, and

(b) public transport services.

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/quality of existing or planned linkages

CPO 6.27: Require new multi-unit residential development to provide an appropriate mix of unit types and sizes.

#### 6.3.3. Social & Community Development

Chapter 7 outlines how the enhancement of community infrastructure and facilities will contribute to CDP Strategy. Relevant policies/objectives can be summarised as follows:

CPO 7.5: Housing development shall be managed and phased to ensure that infrastructure is adequate or is being provided to match the needs of new residents, including requirements for a Social Infrastructure Audit and Accessibility Report.

CPO 7.29: Where considered necessary, require the provision of childcare facilities in all residential developments comprising 75 houses or more.

CPO 7.35: Subject to safety considerations, natural features (trees, streams etc) shall be retained in new developments.

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

#### 6.3.4. Built Heritage

Chapter 8 sets out strategies and objectives with regard to the built heritage of the County, including all man-made features, buildings or structures in the environment. This includes a rich and varied archaeological and architectural heritage to be found throughout the countryside and within the historic towns and villages of the County.

#### 6.3.5. Tourism & Recreation

Chapter 11 acknowledges that tourism and recreation make a positive contribution to the economic and social wellbeing of Wicklow.

#### 6.3.6. Sustainable Transportation

Chapter 12 outlines the aim to craft land use policies to produce settlements of such form and layout that facilitates and encourages sustainable forms of movement and transport, prioritising active travel modes of walking and cycling, and for larger settlements, public transport.

Relevant policies/objectives can be summarised as follows:

CPO 12.8: To require the implementation of standards for EV charging.

CPO 12.31: Road Safety Audits, Road Safety Impact Assessments, Street Design Audits as per DMURS, or Accessibility Audits shall be required at the discretion of the Planning Authority but shall generally be required where new road construction or a permanent change to the existing road / street layout is proposed.

CPO 12.56: Outlines parking standards to comply with Objective CPO 12.8 and Appendix 1 Table 2.3.

#### 6.3.7. Water Services and Flood Risk

Chapters 13 & 14 outline policies and objectives relating to water infrastructure, water quality, and flood risk management. Relevant aspects can be summarised as follows:

CPO 13.1: 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.

CPO 13.2: To prevent development that would pollute water bodies.

CPO 13.3: To minimise alterations or interference with river / stream beds, banks and channels.

CPO 13.21: Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy.

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.

CPO 14.09: Outlines the requirements for applications in areas at risk of flooding.

CPO 14.14: Underground tanks and storage systems shall be permitted as a last resort only where it can be demonstrated that other more sustainable SuDS infrastructure measures are not feasible. In any case underground tanks and storage systems shall not be permitted under public open space, unless there is no other feasible alternative.

#### 6.3.8. Natural Heritage & Biodiversity

Chapter 17 sets out strategies and objectives with regard to natural heritage, biodiversity, and landscape conservation. The Landscape Category Map places the site within an 'Urban Area' which is deemed suitable for development.

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.

17.21: To strongly discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling if such is essential to enable development to proceed.

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.

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).

#### 6.3.9. Green Infrastructure

Chapter 18 highlights the importance of Green Infrastructure and its overlap with many other aspects of the CDP.

#### 6.3.10. Development & Design Standards

Volume 3 (Appendix 1) contains standards and guidance setting out the principal factors that should be considered in the design of new development. The relevant sections include the following:

1 – The overarching requirements to ensure that new developments meet the highest standards of quality design and amenity, contribute to the creation of beautiful and healthy places, address climate change and protect existing amenities and character.

2.1 – Roads and Transport, including parking standards.

2.2 – Water Services, including water supply/demand, wastewater, and stormwater.

3 – Mixed Use and Housing Developments, including density, building height, and other standards/guidance.

7 – Social & Community Developments, including requirements for social infrastructure audits, childcare facilities and others.

8 – Open Space, including requirements for a range of spaces with quantitative and qualitative standards.

### 6.4. **Wicklow Rathnew Local Area Plan 2013-2019**

6.4.1. For the information of the Board, the main provisions are summarised hereunder.

#### Population and Housing

Objectives include the following:

H1 To ensure sufficient zoned land is available in appropriate locations capable of meeting the housing needs of the projected population of the plan area over the plan period in a sustainable manner.

H2 Notwithstanding the zoning of land for residential purposes, the Development Management process shall monitor and implement the population targets and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.

H3 Housing development shall be managed and phased to ensure that infrastructure and in particular, community infrastructure, is provided to match the need of new residents.

H4 The development of zoned land shall be phased to ensure lands closest to the centre (or to existing transport and / or community infrastructure) is developed prior to more outlying lands, unless exceptional circumstances apply.

### Service Infrastructure

The wastewater from Wicklow town, environs and Rathnew (as well as Ashford) is directed to the Murrough Pumping Station where the primary screening of the wastewater takes place. Thereafter the screened wastewater is pumped to the new Knockrobin Wastewater Treatment Plant where it goes through the treatment process. The high-quality treated effluent is returned to the Murrough Pumping Station where it is discharged to sea via a surge tower and a long sea outfall pipe. The remaining sludge is treated and used for beneficial use. This wastewater treatment system has a capacity of 34,000 p.e. (population equivalent) and is currently (2012) operating at 17,500pe capacity. Therefore, there is adequate capacity to meet the needs of the 2022 projected plan area population and its associated commercial and community development.

### Zoning

The zoning objective for the site can be summarised as follows:

New Residential Development R3 – The objective is to ‘To provide for new residential development at densities up to 20 units per hectare’.

This is to allow for the provision of high quality new residential environments at low-medium densities with good layout and design, reflecting the low-medium density character of the surrounding area.

## **6.5. Wicklow Town – Rathnew Local Area Plan 2025-2031**

- 6.5.1. Proposed material alterations to the draft Wicklow Town and Rathnew Local Area Plan 2025-2031 were adopted by the elected members on the 12<sup>th</sup> of May 2025. The Local Area Plan will come into effect on 23<sup>rd</sup> of June 2025.
- 6.5.2. Under the draft Wicklow Town-Rathnew LAP 2025 the appeal site is zoned RN2 New Residential Priority 2. Proposed material amendments to the draft Wicklow Town-Rathnew LAP 2025 include the rezoning of the appeal site to RN1 New Residential Priority 1.
- 6.5.3. The PA website indicates that an 'interim Local Area Plan document' will be published in the coming days and that the 'Adopted Plan will be published in the coming weeks'.

## **6.6. Water Framework Directive**

- 6.6.1. The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).
- 6.6.2. The site is located within the Ovoca-Vartry (Catchment ID 10) Water Framework Directive catchment area and in the Vartry\_SC\_010 Sub-catchment.
- 6.6.3. The nearest river waterbody to the site is the Ashtown Stream (EPA code Wicklow\_010) which is located c. 400m north of the site. The Ashtown Stream which is of good water quality status flows in an easterly direction to the sea at Wicklow Town.

## **6.7. Natural Heritage Designations**

- 6.7.1. The nearest designated sites are as follows.

- The Murrough Special Protection Area (SPA) (Site Code 004186) located 1.7km northeast.
- The Murrough Wetlands Special Area of Conservation (SAC) (Site Code 002249) located 2km northeast.
- Wicklow Head Special Protection Area (SPA) (Site Code 004127) located 2.8km east.
- Wicklow Reef Special Area of Conservation (SAC) (Site Code 002274) located 4.8km west.

6.7.2. The Murrough SPA, overlaps with The Murrough Wetlands SAC and Wicklow Reef SAC.

## 6.8. EIA Screening

6.8.1. The proposed development involves the construction of 58 no. residential units, together with all associated open spaces, site works, and services. The site has a stated overall gross area of 2.38Ha hectares.

6.8.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

- i) Construction of more than 500 dwelling units
- iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

6.8.3. The proposal for 58 no. residential units does not exceed 500 units and would not be a class of development described at 10(b)(i). The site which is located in a rural area has a stated area of 2.38Ha hectares and would not be in a class of development described at 10(b)(iv).

6.8.4. Schedule 5, Part 2, Class 1(a) of Part 2 (rural restructuring/hedgerow removal) provides that EIA is required where the length of field boundary to be removed is above 4km. Class (dd) of Part 2 relates to private roads exceeding 2,000 metres in length.

- 6.8.5. The proposed development falls significantly below these thresholds comprising a development with limited removal of roadside boundary for new boundary and entrance and length of private roads.
- 6.8.6. Having regard to the nature and scale of the proposed development, I consider that the submission of a subthreshold EIAR is not required in this case.

## **7.0 The Appeal**

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

- 7.1.1. A 1<sup>st</sup> Party appeal against the PA decision to refuse permission was lodged by the applicant's agent on behalf of the applicant. The grounds of appeal were accompanied by the following.

- ABP-001 Site Layout Plan
- ABP-002 Internal Access Roads Elevations

- 7.1.2. The grounds of appeal address each reason for refusal in turn and can be summarised as follows.

#### Applicants Response to Reason for Refusal No. 1:

##### Location

- Submit application site is not peripheral. It is land zoned for residential development located within 1km of the centre of Wicklow Town and within the Local Area Plan Boundary.
- Site is linked to the existing footpath network which connects to the centre of Wicklow Town and to Public Transport nodes.
- Site is located 50m from the existing Bicycle Lane network located on Hawkestown Road to the east of the site.
- Traffic and Transport Assessment submitted with the application sets out the pedestrian, bicycle and public transport network in the vicinity of the application site, and that it will not be primarily car dependent.



### Sequential Development of Zone Land

- Majority of land zoned for residential development is located between the site and the centre of Wicklow Town has either been constructed, is under construction or has development permitted under existing planning permissions.
- Note land further out from the centre of Wicklow Town than the application site has been developed and is subject to a recent grant of permission for residential development, this is illustrated in Diagram 1.
- Proposed development is consistent with the sequential development of Wicklow Town and in accordance with the County Development Plan.

### Traffic Safety

- Applicant obtained the necessary consent from adjoining landowners along Ashtown Lane to facilitate the widening of the road and the inclusion of a footpath on Ashtown Lane. The application includes the widening of the public road along the application site frontage to connect to the existing junction with Hawkestown Road.
- Proposal to include the neighbouring properties and to facilitate the improvement to Ashtown Lane was in direct response to Reason for Refusal No. 2 of the previous application for development on the land in 2021 (Reg. Ref. 21/1536). The application is supported by detailed drawings indicating sightlines in accordance with DMURS.
- As outlined in the TTA the majority of traffic movements on Ashtown Lane to and from the development will be via Hawkestown Road and the section of Ashtown Lane that will be improved under this application.
- Notes that the application site is subject to the Residentially Zoned Land Tax. The PA, by including the land within this tax, is explicitly confirming that the land has adequate access to roads and services.

### Applicants Response to Reason for Refusal No. 2:

### Overall Layout

- Amended Internal Street Elevations and Site Layout Plan, Drawing No's ABP-001 and ABP-002 indicate house elevations enlivened with windows to

habitable rooms to address adjacent internal roads and proposed public open space.

#### Public Open Space

- Submit that all areas are accessible and useable, and that centrally located and largest area has both formal and informal areas of landscaped open space, the latter being suitable for a 'kickabout space'.
- Contend that gradients indicated for open spaces are useable with contours of 1:50 in central play areas.
- Visual connection to an area of open space is provided for all houses. The front elevation of 40 (69%) of the 58 no. houses proposed will have a direct view to an area of landscaped public open space. The remaining houses will have visual connections via rear elevations.

#### Contextual elevations as viewed from Ashtown Lane

- Applicant refers to modelling images submitted as part of the Design Statement submitted with the application.
- Proposed houses addressing Ashtown Lane include 4 no. semi-detached bungalows which responds to the existing neighbouring typology. The first row of proposed dwellings is also set back from the public road with an area of landscaped public open space creating a landscape buffer between the proposed dwellings and Ashtown Lane.
- The application site slopes from a low point in the Northeast corner to a high point in the southwest corner, with an overall level difference across the site of 13 metres. The site topography informed the siting of the proposed dwellings which are set into the contours. Submit that the proposal has been designed to reduce the visual impact of the development in the receiving environment.

#### Existing and Proposed Site Boundaries

- Note that proposal provides for the retention of the existing hedgerow to the south of the application site.
- Existing eastern boundary (along Ashtown Lane) consists of a high evergreen 'Leylandii' boundary. It is proposed to remove the evergreen boundary to

accommodate the widening of Ashtown Lane and for the inclusion of a footpath.

- The new boundary will be fenced and landscaped between the proposed public open space and Ashtown Lane. The Public Open Space will be planted in accordance with the landscape plan submitted with native planting.
- Proposed development will include the removal of two trees only.
- One of these trees is located on the existing roadside boundary. It is a large mature ash tree which is in decline with significant deadwood within the canopy and is a potential hazard for the road. The arborist recommends its removal to facilitate the development and in the interest of health and safety.
- Applicant does not consider that the removal of two trees will have a negative effect on the existing environment and will be offset by the considerable tree planting proposed as part of the proposed landscaping.

#### Residential Amenity

- Submit that development has been designed and carefully considered to negate the impact of the proposed development on the existing dwellings in the vicinity of the application site.

#### Redkite Rest

- Existing dwelling 'Redkite Rest' is within the application site and included with the consent of the owner which is a dormer bungalow.
- Submit the proposed design protects the residential amenity of 'Redkite Rest' in the following ways:
  - Proposed to locate an area of Public Open Space at proposed road 4 to the rear of 'Redkite Rest'. This reduces the impact of the proposed dwellings on the existing private amenity space at 'Redkite Rest'.
  - Proposed separation distances between proposed house no. 53 and the rear boundary of 'Redkite Rest' is 11m, which is in excess of the required separation distance.
  - Proposed house No.s 57 and 58 are located adjacent to 'Redkite Rest' and face Ashtown Lane. These dwellings are designed as bungalows to complement the existing dwelling typology facing Ashtown Lane.

### Glen Na Smole

- Neighbouring bungalow to the south of the application site located on the opposite side of the adjoining laneway (Hawkestown Lane) is called 'Glen Na Smole' and the front of the dwelling faces Ashtown Lane.
- Submit proposed development protects the residential amenity of this dwelling in the following ways:
  - Closest proposed dwelling to 'Glen Na Smole' is house no. 52.
  - Front elevation of house no. 52 faces northwest and does not face or overlook 'Glen Na Smole'
  - Gable elevation of proposed no. 52 faces 'Glen Na Smole'. There are no windows to habitable rooms in this elevation. The elevation is located in excess of 11m from the property boundary of Glen Na Smole. The separation distance between the dwellings is 20m.

### Ashlawn

- Submit proposed development protects the residential amenity of this dwelling in the following ways:
  - Closest proposed dwellings to 'Ashlawn' are house No.s 40 and 41.
  - Front elevation of proposed house no. 40 faces Hawkestown Lane and includes first floor habitable windows in the elevation facing 'Ashlawn'. However, it is noted that this elevation is set back from the site boundary and a separation distance of 11m between the elevation and the side property boundary of 'Ashlawn' is maintained. 11m in excess of the minimum required separation distance as set out in the 'Sustainable and Compact Settlements Guidelines for Planning Authorities'. The proposed separation distance between the dwellings is indicated on the proposed site layout plan as 17m.
  - Gable elevation of proposed house no. 41 faces 'Ashlawn'. There are no proposed windows to habitable rooms in this elevation. The elevation is located well in excess of 11m from the property boundary of 'Ashlawn'. The separation distance between the dwellings as indicated on the proposed site layout plan is 25m.

### Applicants Response to Reason for Refusal No. 3:

#### Childcare Facilities

- Proposed development is for 58 dwellings well below the threshold of 75 dwellings for the provision of Childcare facilities as set out in the Guidelines for Planning Authorities.
- Refer to PA Reg. Ref 24/176 an application for 65 dwellings submitted in April 2024 on land at Marlton Road, Wicklow where it was considered the provision of childcare facilities as part of the development was not applicable as it was below the threshold.
- A review of existing Childcare Facilities in Wicklow and Rathnew identified 22 existing facilities accommodating 623 spaces, with details provided for each facility.
- The potential demand for preschool places generated by the proposed development is assumed to be for 29 of the 58 no dwellings. The calculated no of potential need for childcare spaces is 8 spaces.
- The proposed development can be adequately catered for by existing provision of childcare spaces.

#### Schools and Community Facilities

- Existing primary and port primary schools in the area and enrolment capacity are identified, with a total capacity of 2,374 spaces at primary level and 1,994 spaces at post primary level.
- A review of community and retail facilities demonstrates an appropriate provision of facilities to serve the proposed development. Existing sports clubs, further education facilities, libraries, elder care facilities and community centres are identified.

#### Traffic and Transport Assessment

- Dispute that the Traffic and Transport Assessment (TTA) is in anyway deficient in terms of traffic counts or assessment of the existing road network.
- Section 2.2 in the TTA outlines an assessment of the existing Local Road Network and includes a photographic survey and a description of the existing network.

- Submit that TTA is supported by a Traffic Survey with Traffic counts listed in Appendix 1.

#### Boundary Treatments

- Refer to details in application outlined on the Proposed Boundary Treatment Plan and Drawing No. 101.

#### Removal of Hedgerows and Trees

- Refer to Arborist Report submitted with the application, which appears to have been overlooked by the PA. Report details that there are 2 existing trees proposed for removal, and a justification for their removal if included in the report, on the basis of health and safety and to facilitate the development. Applicant considers these are valid reasons to justify their removal.

#### Nature based solutions for Surface Water Disposal

- Proposals for nature-based solutions for surface water disposal overlooked by PA.
- Refer to SuDs Devices Layout Drawing (JB Barry Drawing No. 19222-JBB-XX-XX-DR-CE-01403). Drawing indicates location of swales in the proposed public open space area.
- The nature-based solutions include flush kerbs to allow flows from roads to adjacent swales/bioswales and wet areas within the open space. Where footpaths are present, lateral inlet kerb gullies with connecting pipework are provided to convey flows to the bio retention, swales and wet areas.
- Specific details of nature-based solutions are submitted on the Typical SUDS Devices Details Drawing (JB Barry Drawing No. 23638-JBB-XX-XX-DR-CE-01406). This drawing indicates typical swale outlet details and typical section through proposed bio-retention areas and bio-retention tree pits.

#### Layout and Design

- Submit proposed development will enhance and improve residential amenity by creating a high standard of new residential development on zoned land while at the same time providing much needed residential accommodation. It will provide for the highest possible standard of living for the occupants and

will not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

- Assert proposed development will achieve the highest quality of layout and design and is in accordance with the standards set out in the Development and Design Standards of the CDP. A Quality Assessment of the proposed development indicates compliance with all the relevant standards as set out in the CDP.
- Contend proposed development will deliver highly permeable and well-connected streets. Proposed revised elevation treatments submitted with the appeal will ensure that the design will facilitate active street frontage.

## **7.2. Planning Authority Response**

None received.

## **7.3. Observations**

7.3.1. Two no. observations were submitted from the following parties;

- Billy and Pauline Hudson 'Ashlawn', Ashtown Lane, Wicklow.
- Ciaran and Anne-Marie Lally 'Alvor', Ashtown Lane, Wicklow.

7.3.2. The issues raised can be summarised as follows;

- Developer failed to give due consideration to concerns raised in submission to PA.
- Serious concerns regarding impact on residential property 'Ashlawn' and alternative proposed has not been addressed.
- Submit residential property 'Ashlawn' has been misrepresented in application for applicants benefit.
- Response to Refusal No. 1 – Dispute reference by applicant that site is within 1km of the centre of Wicklow Town
- Response to Refusal No 2 (e) – Separation distances from proposed houses no. 40 and 41 do not protect the privacy and amenity of established residential property 'Ashlawn'. Submit Proposed house no. 40 will have a

significant negative impact on privacy and security. The developer has not contacted the owner of residential property 'Ashlawn'. No objection to house no 41 as it is not overlooking rear private amenity space.

- Overlooking – House No. 40 with detached garage is the only house in the development where the front of the house is facing onto an existing residential property and its private space 'Ashlawn'.
- House No. 40 is at a higher level than Ashlawn and the first-floor windows are overlooking the back garden of Ashlawn. The orientation of the house spans lengthways over three quarters of back garden of Ashlawn and has four first floor windows overlooking the private garden and patio area, which affects privacy and sense of security.
- Cross section drawings submitted with the application do not include the adjacent house at Ashlawn the closest house outside the development. Propose house no 40 and associated garage be re-orientated to address issue of overlooking.
- Density – Excessive density of 24.3 units p/ha in a rural area and out of keeping with the pattern of development in the vicinity. Submit the scale of the proposed development does not integrate successfully into the receiving environment. (Proposed development is for only half of the previous application under PA Reg. Ref. 21/1536 which includes the field to the north. PA Reg. Ref. 21/1536 had a total of 46 no. houses on the same site compared to the current proposal for 58 house significant increase of 13 houses. Attempt to maximise the number of houses on the site will have a significant impact on the 'character and natural environment'.
- Road Safety – Traffic generated is a serious concern for residents along Ashtown Lane. Traffic Survey undertaken by Barry and Partners in 2021 and historic traffic data from 2016 is totally inaccurate and out of date. The Traffic and Transport Assessment was done in the middle of the pandemic when few people were using the road and schools were closed.
- Submit that since 2021 there has been a significant increase in drivers using the route from junction 17 on M11 along Ashtown Lane to avoid traffic delays



in Rathnew-Wicklow Road on R772 and R750 due to the amount of houses built in the town in the past few years.

- Google maps is now directing more people down this route from M11 junction 17 along Ashtown Lane – including truck drivers as there is no signage to advise HGV's that road is unsuitable and have noted previous damage caused by a truck.
- Plans are now in place to widen road from Junction 17 M11 to Rockey Road as a better access road into Wicklow town – while this road improvement is much needed, it will encourage more drivers to use Ashtown Lane. Currently there are no plans by the Council to widen or improve safety of Ashtown Lane and it will become totally unsafe for this additional traffic. There are several dangerous bends on Ashtown Lane and with increased traffic it is only a matter of time before there is an accident.
- The traffic report undertaken by the developer assumes all traffic with exit development and turn right to roundabout Junction 4 however, surely the residents will want to turn left and take this 'shorter' route to M11 and this will bring additional traffic to Ashtown Lane. There is no account made for this additional usage and the development with at least one car per unit will have a significant impact.
- The Rugby Club is a very busy club with a large number of cars accessing at the same time for matches and training several nights a week and on weekends – all this traffic converges at the same time, and results in congestion at a very narrow entrance and along the road – there is no account of this in the Traffic Report.
- Any housing developments built in Wicklow in the past 5 years all have entrances leading onto a main road – not a narrow country lane very close to a T junction. Examples of these include Hawkestown Park, Carraig Beag, Grahams Court – all developments have been designed to lead safely onto a main road.
- The Road Safety Audit by JC Barry is mainly concerned with the entrance and internal roads on development. It did not recognise the danger posed at

junction layout adjacent to site which has been a problem for years and recommends better signage – however the junction itself needs to be widened to remove blind corner. Again, drivers who use this road are very aware of the dangers of this junction and if you add additional traffic to this junction it will not ‘minimise the risk of collision occurrence’ as per report but rather increase the risk.

- A footpath currently runs from the above-mentioned dangerous junction for about 40 metres and stops in the middle of nowhere. The plan is to replace this as recommended JC Barry and put in a pedestrian crossing and footpath however this footpath will only serve as access for the proposed development as it ends at the entrance. Once a pedestrian passes the development entrance, he/she will have to return to main road walking towards a totally blind bend and along a very narrow road.
- Completely disagree with the conclusion of the Traffic and Transport and Road Safety Audit that ‘development does not pose any residual impact on the surrounding network’.

#### **7.4. Further Responses**

- 7.4.1. The application was circulated by the Board to An Taisce and The Heritage Council. No responses were received.

### **8.0 Assessment**

#### **8.1. Introduction**

- 8.1.1. I have considered the planning authority assessment of the proposed development and submissions received. This includes an assessment of the residential standards within the proposed development, as well as its impact on surrounding properties. The proposals have been assessed in accordance with the provisions of the Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- 8.1.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the

local authority and prescribed bodies, and having inspected the site and had regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Wicklow Rathnew Local Area Plan 2013-2019
- Core Strategy
- Traffic & Transport
- Residential Amenity
- Visual Amenity
- Social Infrastructure
- Ecology
- Surface Water Drainage

## **8.2. Wicklow Rathnew Local Area Plan**

- 8.2.1. The planning authority assessment is partially based on the objectives of the Wicklow Rathnew Local Area Plan 2013 – 2019.
- 8.2.2. The Wicklow Rathnew Local Area Plan 2013 – 2019 was adopted by Wicklow County Council on 2<sup>nd</sup> September 2013 and came into effect on 1<sup>st</sup> October 2013. Under s. 18 (4)(a) of the Act of 2000, a local area plan ‘shall indicate the period for which the plan is to remain in force’. The title of the Wicklow Rathnew LAP self-evidently indicates that the plan was to remain in force for a period of 6 years (i.e. until 2019).
- 8.2.3. This is further confirmed from various excerpts of the LAP text:
- 8.2.4. (S.1.1) It will remain valid for six years from the date of adoption by both Wicklow Town Council and Wicklow County Council subject to any review, variations, extensions or alterations made in the future.
- 8.2.5. Consistent with the indications in the LAP, I note that s. 19 of the Act of 2000 provides a mechanism to effectively extend the period for which an LAP is to remain in force. However, that mechanism involves a formal process including the preparation of a CE Report, the passing of a resolution by the planning authority, and public notification that any such resolution has been passed. This process has not

been followed to 'extend' the Wicklow Rathnew LAP 2013-2019. The preparation of a new LAP for Wicklow Town – Rathnew is now complete. Public consultation of proposed material amendments to the Draft Wicklow Town-Rathnew LAP 2025 closed on 31<sup>st</sup> March 2025 and the Wicklow Town -Rathnew Local Area Plan was adopted by the elected representatives on the 12<sup>th</sup> May 2025.

- 8.2.6. Having regard to the foregoing, and notwithstanding the approach of the planning authority, it is clear that the Wicklow Rathnew LAP 2013-2019 and all its objectives no longer remain in force.
- 8.2.7. These have been superseded by the newly adopted Wicklow Town-Rathnew Local Area Plan 2025-2031, in tandem with Wicklow County Council proposed alterations to Proposed Variation No. 2 to the Wicklow County Development Plan 2022-2028 (related to draft Wicklow Town – Rathnew Local Area Plan 2025). Variation No. 2 was made and came into effect on 12<sup>th</sup> May 2025.
- 8.2.8. I have outlined a summary of the Wicklow Rathnew LAP 2013-2019 provisions for the information of the Board in s. 6.4 of this report but I do not propose to rely on any of these provisions in the assessment of the application as they are no longer apply.
- 8.2.9. In the absence of the newly adopted Wicklow Town -Rathnew Local Area Plan 2025-2031, being available to view, it is unclear what the current zoning for the appeal site is the priority/phasing designation and density proposed, and for the purposes of this assessment and if the Board agrees with this position, then the site is not zoned for any particular purpose. I do not propose to pursue the matter further in this report given the over-riding issues outlined in the following assessment.
- 8.2.10. The Board may wish for an addendum report to be prepared to assess whether the proposed development is in accordance with the adopted Wicklow Town-Rathnew Local Area Plan 2025-2031, and Wicklow County Council Variation No. 2 to the Wicklow County Development Plan 2022-2028 (related to draft Wicklow Town – Rathnew Local Area Plan 2025). Variation No. 2 was made and came into effect on 12<sup>th</sup> May 2025.

### **8.3. Core Strategy**

- 8.3.1. Objectives CPO 6.19 and 6.20 of the WCDP 2022-2028, set out that the development of zoned land should generally be phased in accordance with the

sequential approach, whereby development shall extend outwards from the centre of settlements with undeveloped land closest to the centre and public transport routes being given preference and that housing development shall be managed and phased to ensure that infrastructure is adequate, or is being provided to match the needs of new residents.

- 8.3.2. The planning authority has concluded that the proposed development would not be consistent with the sequential approach to the development of zoned lands, and by extension would contravene Objectives 6.19 and 6.20 of the Wicklow County Development Plan (WCDP) 2022-2028.
- 8.3.3. The grounds for this conclusion are mainly by reason of the extent of existing and permitted housing in excess of CDP housing growth targets for Wicklow Town-Rathnew, together the sites peripheral location which would result in the proposed development being primarily car dependent, the existing undeveloped lands closer to the centre of Wicklow Town, and the scale of the proposed development.
- 8.3.4. The planning authority assessment is based on a housing growth target during the CDP period (2022-2028) of 1,267 no. units. As of 9<sup>th</sup> January 2025, the WCC planner's report outlines that having regard to completions since 2020, units under construction and permissions granted but not commenced, totalling c 1,850, this target is exceeded. I have reviewed the WCC online planning register and there would not appear to be any significant housing permissions granted since the 9<sup>th</sup> January 2025.
- 8.3.5. Wicklow-Rathnew is designated a is Level 2 'Core Region Key Town' and population should grow from 14,114 (2016) to a target of 18,515 by Q2 (2028).
- 8.3.6. Wicklow-Rathnew has a housing growth target of 1,267 houses between Q3 2022 to Q2 2028. Table A outlines that Wicklow-Rathnew has a surplus of 55 hectares zoned lands outside of the existing built-up area. 21 hectares are already under construction and remaining will be addressed in the next LAP.
- 8.3.7. It is submitted by the applicant in the grounds of appeal that the proposed development is consistent with the sequential development of Wicklow Town and is in accordance with the County Development Plan.

- 8.3.8. The ground for this conclusion is based on the assertion that the majority of land zoned for residential development located between the application site and the centre of Wicklow Town has either been constructed, is under construction or has development permitted under existing planning permissions.
- 8.3.9. The applicant's 'Planning Report' acknowledges that the subject site is located at the periphery of the 1.5km core area for Wicklow Town as identified in Map 2.1 Core Strategy.
- 8.3.10. The appellants also refer to land further out from the centre of Wicklow Town that has been developed and is subject to a recent grant of permission for residential development.
- 8.3.11. I have acknowledged the differing positions of the planning authority and the applicant on the questions of housing/population targets, the core/settlement strategy, and contravention of the CDP. Ultimately however, I do not accept that the applicant has made a compelling case in terms of housing targets. It is my opinion that they are a 'core' element of the CDP which help to ensure appropriate and sustainable growth throughout the county in accordance with objectives set out in the National Planning Framework, revised National Planning Framework and Regional Spatial and Economic Strategy. While the applicant contends that assessment should be limited to the compact growth, sequential development and phasing principles set out in the CDP, I consider that these principles have already been applied to formulate the Core Strategy and that they should not be used to disregard the housing targets therein.
- 8.3.12. Having regard to the foregoing, I would concur with the planning authority position that the proposed development would contravene the CDP in respect of the Core Strategy, the Settlement Strategy, and sequential development. Of course, the Board will be aware that, under s. 37(2)(a) of the Act, it may decide to grant a permission even if the proposed development contravenes materially the development plan. I will then consider the basis, if any, for permitting any such material contravention.
- 8.3.13. I do not consider that there is an evidential policy basis to warrant a material contravention of the CDP. I acknowledge the recent review of the NPF (April 2025) and the widely accepted housing shortage affecting the entire country. In particular I note NPO 3 (c) of the revised NPF which aims to deliver at least 30% of all new

homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

8.3.14. Notwithstanding this, I do not consider that developments like this should be permitted on a haphazard basis given the importance that housing is not only delivered but also that the appropriate type of housing is delivered at the appropriate location. And while much of the appeal arguments revolve around the infrastructural capacity to accommodate the proposed development, I do not consider that this should be the determining factor in such cases. The principle of accommodating significant additional development in settlements like Wicklow Rathnew cannot be considered in isolation as it would have implications for the growth potential of higher-order cities and their suburbs.

8.3.15. This is a matter which needs consideration within a holistic plan-led framework at national, regional, and local level (i.e. the CDP Core Strategy).

#### *Conclusion*

8.3.16. In conclusion, it is my view that a grant of permission would be premature pending the translation of updated NPF population/housing targets at regional/county level; and the adoption of a new Local Area Plan for Wicklow Town Rathnew. In the circumstances where the adopted LAP is not currently available to view, the proposed development would materially contravene CPO 6.19 and CPO 6.20 and would be contrary to the proper planning and sustainable development of the area.

### **8.4. Traffic and Transport**

8.4.1. The planning authority has concluded that the proposed development would result in a serious traffic hazard and would be premature pending the provision of road improvements to the local road network.

8.4.2. Reason for Refusal No. 1 refers to the potential traffic safety impacts on the northern section of Ashtown Lane, the L5100, which the PA consider seriously deficient in width and alignment. The issue raised by the PA relates to the future occupants of the estate being likely to use that section of Ashtown Lane to access to and from the M11 via the Rocky Road, local road L1099.

- 8.4.3. Reason for Refusal No. 1 also refers to the approved plans of the Local Authority to upgrade Rocky Road, the L1099, as an improved access to/from the M11 to Wicklow Town, and the lack of any plans to deal with potential traffic increases on Ashtown Lane, the L5100.

*Traffic and Transport Assessment*

- 8.4.4. The application was accompanied by a Traffic and Transport Assessment and Stage 1 Road Safety Audit.
- 8.4.5. Reason for Refusal No. 3 refers to deficiencies in the traffic and transport assessment in terms of traffic counts and assessment of the adequacy of the existing road network.
- 8.4.6. I note the reports of the NTA and the TII which raise concerns in relation to the location and scale of the proposed development. The NTA refer to Measure PLAN4 of the Transport Strategy and consider that the proposed development, by virtue of its location and scale, would not be aligned with key objectives and principles of the Transport Strategy as well as the Wicklow County Development Plan 2022 – 2028 (hereafter, Wicklow CDP) and Draft Wicklow Town-Rathnew Local Area Plan 2025.
- 8.4.7. As noted in the introduction to my report the Wicklow Town and Rathnew Local Area Plan 2025 -2031 will come into effect on 23<sup>rd</sup> June 2025. The LAP includes the Wicklow Town – Rathnew Transportation Strategy Map, which it is proposed to include into the Wicklow County Development Plan as part of Variation No. 2.
- 8.4.8. The grounds of appeal submits that the proposed development includes the widening of the public road along the application site frontage to connect to the existing junction with Hawkestown Road, and that the necessary consents from adjoining landowners along Ashtown Lane have been obtained. The applicant also submits that application is supported by detailed drawings indicating sightlines in accordance with DMURS.
- 8.4.9. The applicant contends that the majority of traffic movements on Ashtown Lane to and from the development will be via Hawkestown Road.
- 8.4.10. I can confirm from my site inspection the Ashtown Lane is indeed a narrow poorly aligned road with no footpaths or streetlighting in the vicinity of the site. The road is enclosed by mature hedgerows.



- 8.4.11. Proposals to widen Ashtown Lane along the eastern side of the application site frontage are outlined in drawings submitted with the application. These works include the set back of the eastern site boundary and proposals to provide vehicular access to the residential development from Ashtown Lane.
- 8.4.12. I accept the point made by the applicant that the site is to be accessed from the southern section of Ashtown Lane. This is currently accessed from the roundabout junction with the R751 Marlton Road and provides a radial route into the town.
- 8.4.13. However, in my opinion for traffic travelling northwards towards Dublin or southwards towards Wexford on the M11, drivers are more likely to drive to the closest junction on the M11 which requires driving northwards along the length of Ashtown Lane.
- 8.4.14. I share the concerns of the PA and note the report of the Transportation section of the PA which recommends that the TTA should include the Ashtown Lane/Rocky Road junction (which is to the north) and new counts should be undertaken due to the revised layout of Junction 1. I also had regard to the issues raised in third party submissions and observations to the appeal.
- 8.4.15. I have reviewed the TTA submitted with the application dated 6<sup>th</sup> March 2024. The TTA outlines the existing local road network and existing and proposed cycling and pedestrian facilities along with public transport services.
- 8.4.16. The Traffic survey was undertaken in June 2021 at four no. Junctions as follows;
- Junction 1-R750/Hawkestown Road/Access Road to Tinakilly Park
  - Junction 2- Hawkestown Road/Broomhall Court/Friarshill road
  - Junction 3-Rockey Road/ Hawkestown Road and
  - Junction 4- Hawkestown Road/Marlton Road/R751/Ashtown Lane Roundabout
- 8.4.17. The TTA presents a summary of theoretical traffic flows for 2023 for Junction 2 to Junction 4 but not for Junction 1. The TTA acknowledges the modification of Junction 1 from a 3-arm junction to a 4-arm junction in order to provide access to the Tinakilly Park Development. I note Tinakilly Park is a residential development located approx. north of the appeal site and is connected via a link road to the northern end of Hawkestown Road.

- 8.4.18. I note the applicant has not provided updated traffic counts when lodging the application in 2024 and despite observations from third parties and the refusal reason has not taken the opportunity to address this in the first party appeal.
- 8.4.19. I agree with the PA and third parties that the traffic counts are outdated, and that the context in terms of traffic movements while schools were still closed has changed post Covid and as such are not representative of the current traffic patterns.
- 8.4.20. In terms of traffic safety, I note Section 4 of the TTA considers the access arrangements and road safety in terms of road collisions which concludes that the proposed development does not cause any direct safety hazards on the road network.

#### *Conclusion*

- 8.4.21. I am satisfied that concerns raised by the PA in relation to traffic safety and prematurity pending the provision of road improvements to the local road network are warranted, and that the first reason for refusal has not been adequately addressed in the first party appeal. I am of the opinion that the first reason for refusal should be upheld by the Board.

### **8.5. Residential and Visual Amenity**

- 8.5.1. The Planning Authority has concluded in Reason for Refusal No 2. that the proposed development would result in a substandard development that would impact on the amenities of the future residents and the visual amenities of the area.
- 8.5.2. The Planning Authority raised specific concerns in relation to the overall layout of the proposed housing units, substandard public open space, proposed boundary treatments and impact on adjoining residences. I propose to consider each of these items in turn.

#### *Residential Amenity – Layout and Design*

- 8.5.3. Item 2(a) of the second reason for refusal refers to overall layout of housing, which includes dwellings that 'side on' to the internal access roads.
- 8.5.4. The layout of the proposed development follows a linear pattern with a main central access route with roads spurring off this main route as detailed in the Design Statement and Drawings submitted with the application.

- 8.5.5. The applicant has submitted amended drawings in response to this issue as part of the first party appeal. These include Internal Street Elevations and Site Layout Plan, labelled Drawing No's ABP-001 and ABP-002. These indicate house elevations enlivened with windows to habitable rooms to address adjacent internal roads and proposed public open space.
- 8.5.6. I have examined the proposed layout and elevation drawings as lodged with the application along with the revised elevations and am satisfied that this matter has been addressed satisfactorily.

*Public Open Space*

- 8.5.7. Item 2(b) of the second reason for refusal refers to the substandard public open space area in terms of usability, levels and location, with many dwellings not having sight of any public open space and a lack of a sufficient 'kickabout area'.
- 8.5.8. The application outlines that public open space is proposed to be provided in three separate parcels of open space across the site. The applicant claims that all areas are usable with widths on excess of 10m wide and gradients of less than 1:10, and that all proposed public open spaces are adequately overlooked by the proposed dwellings, providing passive surveillance and mitigation against anti-social behaviour.
- 8.5.9. I have examined the Landscape Design Statement and associated layout drawings. The first area of open space located to the north of the proposed entrance is overlooked by the front elevations of a pair of semi-detached houses and a short terrace of three units which I consider appropriate. The second area of open space located in the centre of the development is again overlooked by the front elevations of a terrace of four no. houses on the western end and two pairs of semi-detached houses on the eastern end. Both house units to the north include fenestration which face onto the central area of open space. I accept that on the southern end there are two end gable elevations which 'side on' to the area of open space.
- 8.5.10. The third area of open space to the southeast of the site is overlooked by the front elevations of a pair of semi-detached houses and a short terrace of four houses to the west and the gable of another house to the north. I note the Parks and Landscaping Division of the PA did not comment on the application.

- 8.5.11. In my opinion the issue of usability, levels and location, and a lack of a sufficient 'kickabout area' is a concern I share with the PA. There is a 13m level difference across the site from west to east, which necessitates a series of level changes. This does impact also on the areas of open space which include steps and footpaths thereby compromising their use as active open space.
- 8.5.12. The PA have not raised any concerns in relation to the quantum of open space which in total provides for 0.307 sqm. Private amenity space to serve each dwelling is provided in the form of a rear garden. I am satisfied that the private open space provided for each dwellings meets the requirements of the under Section 8.6 of Appendix 1 of the Development Plan.

*Boundary Treatment/Visual Amenity*

- 8.5.13. Item 2(c) of the second reason for refusal refers to the poor contextual elevation of the development from Ashtown Lane, which would result in the rear of dwellings being visible from the public road. Item 2 (d) refers to the removal of the boundary hedgerows and trees and the provision of 1.8m high railings along the boundaries.
- 8.5.14. Items 3 (c) and 3 (d) of the third reason for refusal overlap with the above and refers to the lack of clarity in relation to boundary treatments, and hedgerows to be removed.
- 8.5.15. I have examined the Landscape Design Statement/Landscape Plan, Arboricultural Impact Assessment/Tree Survey and associated contextual elevational drawings. I can also confirm from my site visit that the appeal site benefits from established field boundaries typical in a rural area. I would note that the eastern boundary with Ashtown Lane is densely planted with mature trees which currently form a boundary to the rear garden of 'Elbren Cottage'. I note also that the proposed new entrance to the residential scheme is along this eastern boundary.
- 8.5.16. The applicant in the appeal has referred to modelling images included in the Design Statement submitted. I have reviewed the four no. indicative modelling images provided in particular proposed development entrance off Ashtown Lane and Elevation to Ashtown Lane. These include new tree planting along the roadside boundary but are otherwise lacking in any detail in terms of boundary fencing and landscaping.

- 8.5.17. I do not accept that these modelling images illustrate the wider scheme i.e. the houses to the east which will be at a higher level. In my opinion the application should be accompanied by photomontages illustrating the existing boundary as it addresses Ashtown Lane and the proposed wider development and boundary treatment. I do not consider that the images submitted are representative of the proposed scheme.
- 8.5.18. I concur with the PA on this matter and on examining the Boundary Treatment Plan Drawing No. 101 submitted with the application. I note proposed site boundaries to proposed areas of public open space, and at the end of proposed cul de sacs, where the proposed development interfaces with a public road/laneway are indicated as including a 1.8m high railing. Other sections are to include a 1.8m high railing above a retaining wall. It is indicated in the Landscape Design Statement that landscape proposals for boundaries will include hedgerow planting to the boundary treatment around the whole site. In my opinion the boundary to Ashtown Lane to the East is probably the most visible and the most sensitive visually.
- 8.5.19. The Tree Survey Drawing clearly indicates the location and condition of existing mature trees to be retained and those to be removed. Most notably the trees to be removed to facilitate the proposed development include a mature cypress and a large mature ash, the latter of which is located at the northeastern roadside boundary, and which is stated to be in decline and a potential hazard.
- 8.5.20. I have also examined the proposed Site Section Drawing P-014 which provides very little detail in terms of proposed boundaries and planting in context. I also note both drawings illustrating the proposed boundary details and separate tree planting details the while very detailed are not giving the reader a clear representation of how the development will address the public road. The proposed contextual elevations submitted with the application indicate
- 8.5.21. I would bring the Boards attention to the absence of any additional contextual elevations illustrating the proposed development with the proposed boundary treatments and planting submitted with the First Party appeal.

*Residential Amenity of adjoining residential properties*

- 8.5.22. Item 2(e) of the second reason for refusal refers to the impact of the development on the bungalow dwellings that front onto Ashtown Lane and the existing dwelling that

fronts onto the laneway to the south. The owners of two of these properties are observers to the current appeal.

- 8.5.23. Proposed Site Layout Plan Drawing No. P-002 illustrates the separation distances to adjoining residential properties. I have examined Site Section Drawing P-014 submitted with the application and consider Section FF and Section EE the most telling.
- 8.5.24. The separation distance indicated to the existing house to the south of house No. 52 at the end of proposed Road 4 is indicated as 18m. The FFL of this house is 74.57OD relative to the laneway which is at 72.41OD. The house type proposed is House Type B a two-storey terraced house.
- 8.5.25. I also have examined the relationship between the existing house to the southwest of the appeal site, and particularly with relation to proposed house No. 40 located at the end of proposed Road 5 at the higher end of the site. The FFL of this house is indicated as 78.50 however the site surrounding the house is indicated as being at a level of 79.67OD relative to the laneway which falls from 78.12OD to 77.12OD. The house type proposed is House Type A.
- 8.5.26. Having visited the appeal site, I accept the concerns of the PA and observer raised. The combination of the retaining walls and overall ridge height relative to this property would in my opinion be overbearing. I would also consider that a cross section indicating the true relationship between the proposed development and the neighbouring house to the south of the lane correctly indicating the true location of the existing dwelling would be most useful.

### *Conclusion*

- 8.5.27. I am satisfied that concerns raised by the PA in relation to the overall layout of the proposed housing units, substandard public open space, proposed boundary treatments and impact on adjoining residences are warranted, and that the second reason for refusal has not been adequately addressed in the first party appeal. I am of the opinion that the second reason for refusal should be upheld by the Board.

## **8.6. Social Infrastructure**

- 8.6.1. I note that third party concerns have been raised about deficiencies relating to education/childcare services.
- 8.6.2. It is accepted by the PA that the number of units proposed is below the indicative threshold for Crèche provision set out in the CDP, however an analysis of the capacity of the existing Childcare provision in Wicklow is still required. The PA note that the applicant has not provided a Social Infrastructure Audit.
- 8.6.3. Reason for refusal no. 3 (a) refers to the lack of an assessment of childcare facilities or a social infrastructure audit, in relation to the adequacy of the existing childcare and community facilities to cater for the future occupants of the proposed development.
- 8.6.4. The applicant argues in the appeal that the proposed development is well below the threshold of 75 dwellings for the provision of Childcare facilities as set out in the Guidelines for Planning Authorities. It is submitted that the proposed development can be adequately catered for by existing provision of childcare spaces. On the basis of a review of existing Childcare Facilities in Wicklow and Rathnew the applicant has identified 22 existing facilities accommodating 623 spaces. The applicant assumes the potential demand for preschool places generated by the proposed development to be for 29 of the 58 no dwellings, while the calculated no. of potential need for childcare spaces is 8 spaces.
- 8.6.5. In terms of schools and community facilities the applicant identifies in the appeal existing primary and post primary schools in the area and enrolment capacity. It is stated that there is a total capacity of 2,374 spaces at primary level and 1,994 spaces at post primary level.
- 8.6.6. The applicant further submits that a review of community and retail facilities demonstrates an appropriate provision of facilities to serve the proposed development. Existing sports clubs, further education facilities, libraries, elder care facilities and community centres are identified.
- 8.6.7. I acknowledge the importance of the provision of social infrastructure in association with additional residential development, but also that there needs to be a balanced

approach given that such facilities would commonly be provided following the demonstration of sufficient demand through additional housing and population.

- 8.6.8. I am satisfied that concerns raised by the PA in relation to the lack of submission of a Social Infrastructure Audit are warranted, but that the third reason for refusal has been addressed in part in the first party appeal. I am of the opinion therefore that a refusal reason on this basis is not warranted in this instance.

## **8.7. Ecology/Biodiversity**

- 8.7.1. The planning authority has concluded that the proposed development could be contrary to impact negatively on the biodiversity of the area.
- 8.7.2. In reaching this conclusion the PA had regard to Objectives CPO 17.14, CPO 17.21, CPO 17.22 and CPO 17.23 of the Wicklow County Development Plan 2022-2028, which support the protection and enhancement of biodiversity and require the retention of mature trees and hedgerows wherever possible.
- 8.7.3. As already outlined in section 8.6 of my report above the existing field and roadside boundaries to the appeal site are typical to those in a rural area. Established hedgerows and scrub form the field boundary to the agricultural field to the west and laneway boundaries to the north and south. The rear garden of the existing 'Elbren Cottage' is heavily planted with mature trees along the eastern and northern boundary with Ashtown Lane, and it would appear from the drawings submitted that this roadside boundary is to be largely removed.
- 8.7.4. I note the application was accompanied by an Ecological Impact Assessment (EclA), Preliminary Ecological Appraisal Report (PEAR), Breeding Bird Survey Report and Bat Survey Report. The EclA is dated November 2023 the PEAR is dated July 2021. The PA notes the ecological impact assessment submitted, was prepared for the previous application.
- 8.7.5. I have examined these reports and note that the surveys carried out were in accordance with the CIEEM guidelines using the Fossit (2000) for habitat classifications. The PEAR indicated that the site was likely to support suitable habitats for bats and breeding birds.



- 8.7.6. The bat survey was carried out on a single ash tree with moderate BRP on two separate occasions in early July 2021. The bird survey was carried out on two separate dates in June 2021.
- 8.7.7. A habitat survey was compiled in May 2021 which was added to on subsequent visits in June 2021. No protected or endangered plant species were identified. While noting that hedgerows and scrub can act as ecological receptors it was determined the site would have a high-quality vegetation for bats with good connectivity of hedgerows to the wider landscape and a waterbody 550m to the northwest.
- 8.7.8. The Bat survey carried out was targeted on the Ash Tree which is to be removed as part of the development and found that the only potential for bat roosting features on the site was in large trees.
- 8.7.9. In terms of other mammals' clear signs of badger activity were present during the walkover but no sett was present and conclude that the species is likely to use the site for foraging but hat the local set is elsewhere. While habitat suitable for hedgehog is present otters are extremely unlikely to use any of the small drains but may use the stream to the north, and rabbits are abundant on the site.
- 8.7.10. The breeding bird survey indicated that many of the hedgerows and trees on the site were used by breeding birds. Among the bird surveyed were the Yellowhammer which is included in the red list of the Birds of Conservation Concern in Ireland. The site is also part of a Red Kite territory, and a pair of these birds were seen circling the site during each of the four site visits. A summary of the evaluation of the importance of species present on site and its zone of influence and their classifications as key ecological receptors are set out in Table 3 of the EclA.
- 8.7.11. The proposed development will be accessed from a single access from Ashtown Lane which it is stated in the EclA 'will necessitate the removal of a maximum of 10m of hedgerow', and that 'a large ash tree may need to be removed'. It is also stated that all lighting will be directed down and away from the site boundaries to prevent intrusion. In terms of mitigation, it is stated that the removal of vegetation will take place outside the bird breeding season or after a thorough survey for the presence of any nests to be impacts by a suitably qualified ecologist immediately prior to commencement of the work. It is also stated that potential ecological effects will be managed during construction through the implementation of a Construction

Environmental Management Plan (CEMP), which will be supervised by a suitably experienced and licenced ecologist.

- 8.7.12. In terms of habitats, it is stated that less than 50m of hedgerow is planned to be removed and all the scrub is to remain in place, while eight trees are to be cut down. The laying of pipework beside Ashtown Lane will require excavation of an earth bank. It is also stated that potential direct impacts on bats are the removal of roosting sites in some of the trees to be removed which can be compensated for by putting up bat boxes at suitable locations. Habitat fragmentation is an important consideration for bats which it is stated is limited by the retention of the outer hedgerow but notes also that the developed arable fields themselves will no longer be accessible to foraging bats.
- 8.7.13. In relation to badgers a badger survey will be done immediately prior to any construction work by the Ecological Clerk of Works (ECoW). In relation to birds vegetation clearing will be overseen by the ECoW and carried out outside of the breeding season thereby minimising the impact on the Yellow Hammer, and Red Kite.
- 8.7.14. I can confirm on the day of my site visit I observed bird activity in the hedgerows and foraging in the appeal site itself. While I accept that there will by necessity be some loss of existing planting as part of the development, I do share the concerns of the PA in relation to the impact on ecology and biodiversity.
- 8.7.15. I share the concerns of the PA in relation to the extent of hedgerow and tree removal on site which will result in a loss of habitats will have a negative impact on the overall ecology and biodiversity of this relatively unspoilt rural area. I am particularly mindful of our commitments under Ireland's 4<sup>th</sup> National Biodiversity Action Plan 2023–2030.
- 8.7.16. I am satisfied that the third reason for refusal has not been adequately addressed in the appeal. I am therefore satisfied that the proposal would be contrary to Objectives CPO 17.14, CPO 17.21, CPO 17.22 and CPO 17.23 of the Wicklow County Development Plan 2022-2028, and should be refused on this basis.

## **8.8. Surface Water Urban Drainage Systems SuDS**

- 8.8.1. The Planning Authority has concluded that there is a lack of sufficient nature-based solutions for surface water.

- 8.8.2. A Water Services Report was submitted with the application which details the Suds measures considered, surface water calculations and the Stormtech design manual proposed. It is proposed to connect the attenuated flows from the proposed development to the existing 225mm pipe which is located in the northeast corner of the site.
- 8.8.3. Surface water management proposals on site provide for a surface water detention system with a hydrobrake flow control device and bypass separator. The attenuation capacity of this tank is 564m<sup>3</sup>. The detention tank is located in the lower northeastern corner of the site below an area of open space.
- 8.8.4. Other proposals for surface water drainage include permeable paving to private car parking areas, (area of 94.88m<sup>2</sup>) and areas for bio retention in the areas of new tree planting. Swales are proposed along two sides of the central area of open space and the western/roadside boundary of the area of open space located on the southern part of the site also. The SuDs Devices Layout Plan Drawing No. 19222-JBB-XX-XX-DR-CE-01403 illustrates the locations of same.
- 8.8.5. I share the concerns of the PA in this regard and consider it regrettable that the scheme relies so heavily on a large attenuation tank located in the most sensitive part of the site in terms of ecology and biodiversity and right up to the roadside boundary with Ashtown Lane. While I accept that it needs to be located on the lower part of the site, in my opinion there is scope to locate an attenuation tank on a less ecologically sensitive part of the site possibly further south.
- 8.8.6. In my opinion the applicant has not adequately addressed this issue in the grounds of appeal, and I am therefore satisfied that this third reason for refusal is warranted and should be upheld.

## **9.0 AA Screening**

- 9.1.1. I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The proposed development comprises the construction of 58 dwellings, removal of 'Elbren Cottage' and all associated site works as described in section 2 of this report.
- 9.1.3. The subject site is not located within or adjacent to a European Site.

- The Murrough Special Protection Area (SPA) (Site Code 004186) is located 1.7km north east.
- The Murrough Wetlands Special Area of Conservation (SAC) (Site Code 002249) is located 2km north east.
- Wicklow Head Special Protection Area (SPA) (Site Code 004127) is located 2.8km east.
- Wicklow Reef Special Area of Conservation (SAC) (Site Code 002274) is located 4.8km west.

9.1.4. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. This determination is based on:

- Scale and nature of the development
- Distance from European sites.
- Likelihood of indirect connections to the European sites.

9.1.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

10.1.1. I recommend that permission be refused.

## 11.0 Reasons and Considerations

1. Having regard to:

- (a) The sites' peripheral location which would result in the proposed development being primarily car dependent;
- (b) The existing undeveloped lands closer to the centre of Wicklow Town;
- (c) The scale of the proposed development;

(d) The potential traffic safety impacts on the northern section of Ashtown Lane, the local road L5100, which is seriously deficient in width and alignment, whereby the future occupants of the estate would be likely to use that section of Ashtown Lane to access to and from the M11 via the Rocky Road, local road L1099;

(e) Section 5.3.4 and Objectives CPO 6.19 and 6.20 of the Wicklow County Development Plan 2022-2028, which set out that the development of zoned land should generally be phased in accordance with the sequential approach, whereby development shall extend outwards from the centre of settlements with undeveloped land closest to the centre and public transport routes being given preference and that housing development shall be managed and phased to ensure that infrastructure is adequate, or is being provided to match the needs of new residents; and

(f) The approved plans of the Local Authority to upgrade Rocky Road, the L1099, as an improved access to/from the M11 to Wicklow Town, and the lack of any plans to deal with potential traffic increases on Ashtown Lane, the L5100;

it is considered that the proposed development would not be consistent with the sequential approach to the development of zoned lands, would contravene Objectives 6.19 and 6.20 of the Wicklow County Development Plan 2022-2028, the revised NPF April 2025 and Climate Action Plan 2025 and would result in a serious traffic hazard, would be premature pending the provision of road improvements to the local road network and would therefore be contrary to proper planning and sustainable development.

## 2. Having regard to:

(a) The overall layout of housing, which includes dwellings that 'side on' to the internal access roads;

(b) The substandard public open space area in terms of usability, levels and location, with many dwellings not having sight of any public open space and a lack of a sufficient 'kickabout area';

(c) The poor contextual elevation of the development from Ashtown Lane, which would result in the rear of dwellings being visible from the public road;

(d) The removal of the boundary hedgerows and trees and the provision of 1.8m high railings along the boundaries; and

(e) The impact of the development on the bungalow dwellings that front onto Ashtown Lane and the existing dwelling that fronts onto the laneway to the south;

it is considered that the proposed development would result in a substandard development that would impact on the amenities of the future residents and the visual amenities of the area, would be contrary to the provisions of the Wicklow County Development Plan 2022-2028 and therefore would be contrary to proper planning and sustainable development.

### 3. Having regard to:

(a) The lack of a social infrastructure audit, in relation to the adequacy of the existing childcare and community facilities to cater for the future occupants of the proposed development;

(b) The deficiencies in the traffic and transport assessment in terms of traffic counts and assessment of the adequacy of the existing road network;

(c) The lack of clarity in relation to the boundary treatments on the contextual elevations;

(d) The lack of clarity in relation to the removal of hedgerows and the lack of justification for the removal of trees;

(e) The lack of sufficient nature-based solutions for surface water; and

(f) Objectives CPO 6.3, CPO 6.4, CPO 6.5, CPO 6.7, CPO 17.14, CPO 17.21, CPO 17.22 and CPO 17.23 and the Design Standards of the Wicklow County Development Plan 2022-2028, which provide that all new housing developments shall achieve the highest quality of layout, design and residential amenity for future residents and which seek to ensure that development proposals support the protection and enhancement of biodiversity and require the retention of mature trees and hedgerows wherever possible,

it is considered that the proposed development could seriously injure the amenities of properties in the vicinity and of future residents, could be contrary

to Objectives CPO 6.3, CPO 6.4, CPO 6.5 and CPO 6.7 and the Design Standards of the Wicklow County Development Plan 2022-2028 and could impact negatively on the biodiversity of the area. Therefore, to permit 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.

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Susan McHugh  
Senior Planning Inspector

14<sup>th</sup> May 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321805-25		
<b>Proposed Development Summary</b>	Construction of 58 single and two-storey dwellings, ESB substation, removal of Elbren Cottage and all associated site works.		
<b>Development Address</b>	Lands at Ashtown Lane, Hawkestown Lower, Wicklow including existing dwellings, Elbren Cottage, Ashtown Lane, Wicklow, A67 TN83 & Redkite Rest, Ashtown Lane, Wicklow, A67 PP96.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b)(i) of Part 2 (dwelling units) Class 1(a) of Part 2 (rural restructuring/hedgerow removal) Class 10(dd) of Part 2 relating of private roads in the form of driveways	
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			



Yes			EIA Mandatory EIAR required
No	√		
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	√	<p>Class 10(b)(i) of Part 2 (dwelling units) - Less than 500 dwelling units.</p> <p>Class 1(a) of Part 2 (rural restructuring/hedgerow removal) - Length of field boundary to be removed is less than 4km.</p> <p>Class 10(dd) of Part 2 relating to private roads in the form of driveways - Private roads would not exceed 2000metres in length.</p>	

<b>5. Has Schedule 7A information been submitted?</b>		
No	√	
Yes		

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

## Form 2

## EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321805-25</b>
<b>Proposed Development Summary</b>	Construction of 58 single and two-storey dwellings, ESB substation, removal of Elbren Cottage and all associated site works.
<b>Development Address</b>	Lands at Ashtown Lane, Hawkestown Lower, Wicklow including existing dwellings, Elbren Cottage, Ashtown Lane, Wicklow, A67 TN83 & Redkite Rest, Ashtown Lane, Wicklow, A67 PP96.
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (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 site is currently agricultural land in arable use. The proposed development has a total floor area of c.6,174 sqm and is relatively significant in size and scale.</p> <p>The existing house and garage which are to be removed have a stated floor area of 93sqm. Excavation works are required for the overall development.</p> <p>The use of natural resources and the production of waste, pollution and nuisance and the risk of accidents is not significant and would be typical of a project of this scale/nature.</p>
<b>Location of development</b>	The Murrough Special Protection Area (SPA) (Site

<p>(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>	<p>Code 004186) located 1.7km northeast.  The Murrrough Wetlands Special Area of Conservation (SAC) (Site Code 002249) located 2km northeast.  Wicklow Head Special Protection Area (SPA) (Site Code 004127) located 2.8km east.  Wicklow Reef Special Area of Conservation (SAC) (Site Code 002274) located 4.8km west.  The proposed development does not have the potential to have likely significant effects on these European Sites. This matter has been considered in a Stage 1 Appropriate Assessments which have been undertaken in relation to this appeal case.</p>
<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).</p>	<p>The <u>construction</u> impacts which would arise on foot of the development reflect typical residential developments of this nature, including increased construction traffic on local roads, with an associated increase in noise/emissions, disturbance (light, dust, noise) impacts to neighbouring residential properties and fauna species, generation of construction waste materials (soil, building materials, waste from staff facilities), surface water run-off and potential for fuel / oil leaks from construction equipment. Such impacts could reasonably be controlled / managed through an agreed Construction and Environmental Management Plan.  The proposed development does not have the potential to result in cumulative effects (in combination with the potential development of adjoining lands</p>

		to the north) with likely significant effects on the environment during the operational stage.
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)

Appendix 3:

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site Case file: ABP-321805-25				
Brief description of project		Normal Planning Appeal		
Brief description of development site characteristics and potential impact mechanisms		The site comprises existing dwelling, garage and wastewater treatment system. The site is in agricultural use for tillage. The development includes construction of 58 dwellings, removal of 'Elbren Cottage' and garage, removal of existing WWTS, connection to public foul drainage, surface water and water supply and all associated site works. There are no existing watercourses in the vicinity of the site.		
Screening report		Yes Wicklow County Council screened out the need for AA.		
Natura Impact Statement		No.		
Relevant submissions		None.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests	Distance from proposed development	Ecological connections	Consider further in screening Y/N
The Murrough SPA (004186)	Red-throated Diver, Greylag Goose, Light-bellied Brent Goose Wigeon Teal Black-headed Gull Herring Gull Little Tern Wetland and Waterbirds.  Conservation Objectives 8 <sup>th</sup> October 2024 CO004186.pdf	1.7km north east	The site is in the same watershed area and is hydrologically connected through drains to a stream north of the site which flows into part of the River Vartry that is included in the SPA.	N
The Murrough Wetlands	Annual vegetation of drift lines Perennial vegetation of stony banks	2km north east	Weak hydrological connection. The site lies in	N

SAC (002249)	Atlantic salt meadows Mediterranean salt meadows Calcareous fens with Cladium mariscus and species of the Caricion davallianae Alkaline fens  Conservation Objectives 22nd December 2021 <a href="#">CO002249.pdf</a>		the same watershed area. However, water enters the Vartry River downstream from the SAC boundary and pollutants could only be carried to the SAC by the tide.	
Wicklow Head SPA (004127)	Kittiwake  Conservation Objectives 10 <sup>th</sup> Sept 2024 <a href="#">CO004127.pdf</a>	2.8km east	Very weak potential hydrological connection.	N
Wicklow Reef SAC (002274)	Reefs  Conservation Objectives 2 <sup>nd</sup> July 2013 <a href="#">ConservationObjective.s.rdl</a>	4.8km west	Very weak potential hydrological connection.	N

Due to the nature and location of the development site, I consider that the proposed development is unlikely to generate indirect impacts that could affect the nearest SACs and SPA.

### Step 3 Describe the likely effects of the project (if any, alone or in combination) on European Sites

#### 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</b>	Direct: None	N/A
The Murrough SPA [004186]	Indirect: None	Conservation objectives: To maintain and/or restore the favourable conservation condition does not have the potential to be undermined.
Red-throated Diver (Gavia stellata) [A001]		
Greylag Goose (Anser anser) [A043]		

<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</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>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	Likelihood of significant effects occurring in combination with other plans or projects: <b>No</b>	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
<p><b>Site 2</b></p> <p>The Murrough Wetlands SAC [002249]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	<p>Direct: As above</p> <p>Indirect: As above</p>	<p>N/A</p> <p>Conservation Objectives; To restore the favourable conservation condition does not have the potential to be undermined.</p>

Mediterranean salt meadows (Juncetalia maritimi) [1410]		
Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]		
Alkaline fens [7230]		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	Likelihood of significant effects occurring in combination with other plans or projects: <b>No</b>	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 3</b>	Direct: As above	N/A
Wicklow Head SPA [004127]	Indirect: As above	Conservation objective; To restore the favourable conservation condition does not have the potential to be undermined.
Kittiwake (Rissa tridactyla) [A188]		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	Likelihood of significant effects occurring in combination with other plans or projects: <b>No</b>	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 4</b>	Direct: As above	N/A
Wicklow Reef SAC [002274]	Indirect: As above	Conservation objective; To maintain the favourable conservation condition does not have the potential to be undermined.
Reefs [1170]		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone) would not result in likely significant effects on The Murrough SPA, The Murrough Wetlands SAC, Wicklow Head SPA and the Wicklow Reef SAC. The proposed development would have no		



likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.