

# **Planning Report and Statement of Consistency**

*In respect of*

**Proposed Residential Development at Farrankelly,  
Greystones  
Co. Wicklow**

*Prepared for*

***Cairn Homes Properties Ltd.***

*Prepared by*

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## **1.0 INTRODUCTION**

- 1.1 On behalf of the applicant, Cairn Homes Properties Limited, this Planning Report and Statement of Consistency has been prepared to accompany a Strategic Housing Development to An Bord Pleanála in relation to lands at Farrankelly, Delgany, Greystones, Co. Wicklow.
- 1.2 In summary, the proposal will comprise a residential development of 426 no. dwellings in a mix of houses, apartments and duplex apartments along with a two storey creche of c. 599 sq. m, Active Open Space of 4.5 hectares including a soccer pitch, tennis court, multi-use pitch as well as running trails, a greenway of c. 2.4 hectares along Three Trouts stream, as well as the provision of upgrades to the road frontage along the site boundary at Kilcoole Road and Priory Road. The proposal includes the construction of a link street between the Kilcoole Road and Priory Road and associated junctions and a pedestrian/cycle link to the boundary of Eden Gate, all on a site of c. 21.2 hectares.
- 1.3 This Planning Report and Statement of Consistency, prepared by John Spain Associates, demonstrates that the proposal is consistent with the relevant national planning policy, guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), and with local planning policy.
- 1.4 This application is accompanied by a comprehensive range of documents which specifically seeks to address the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Planning and Development (Strategic Housing Development) Regulations 2017, and items raised by the Planning Authority during pre-application discussions and the relevant sections of the Wicklow County Development Plan 2016-2022 as well as the Greystones – Delgany-Kilcoole Local Area Plan 2013-2019.
- 1.5 An Environmental Impact Assessment Report (EIAR) is included with the Strategic Housing Development planning application.

Figure 1.1 – Overall Masterplan



Source: Metropolitan Workshop Architects

## 2.0 DEVELOPMENT DESCRIPTION

2.1 The Site Layout Plan (figure 1.1) prepared by Metropolitan Workshop Architects shows the overall layout in context.

### 2.1 DEMOLITION

2.2 There is no demolition of habitable or any other structures relating to the proposed development.

### 2.2 RESIDENTIAL DEVELOPMENT

2.3 In summary, the proposed development comprises the construction of 426 no. dwellings consisting of 245 no. houses, 93 no. apartments and 88 no. duplex units. A wide variety of dwelling typologies are included in the proposal, comprising 93 no. apartments in 1, 2 and 3 no. bedroom apartments in 3 no. apartment buildings along with 88 no. duplex units, in a series of buildings located centrally within the proposed development. These apartment dwellings comprise c. 42% of the overall mix of units. In addition it is proposed to provide 245 no. 3, 4 and 5 bedroom dwellings in a range of typologies comprising terraces, semi-detached and detached configurations.

2.4 The design intent is to provide a range of housing typologies of different heights, which include dormer dwellings on Priory Road, 2 storey dwellings (in a back to back arrangement) with Eden Gate located to the south, along with duplex dwelling buildings of 3 storeys and 3 no. apartment buildings of 4 storeys located centrally with the scheme layout. In addition, variety is provided with the inclusion of 3 storey dwellings along the Kilcoole Road.

**Table 2.1 – Overall Residential Development Mix**

	1 bedroom	2 bedroom	3 bedroom	4 bedroom	5 bedroom	Overall	% Breakdown
Houses			148	93	4	245	57.3%
Apartments	36	53	4			93	21.8%
Duplex Units		44	44			88	20.7%
	36	97	196	93	4	426	
Overall Mix	8.5%	22.8%	45.9%	21.8%	0.9%		

Source: Metropolitan Workshop Schedule of Areas

### 2.3 HOUSES

2.5 The houses are designed as dormer, two and three storey family dwellings, in detached, semi-detached or terraced configurations. Individual plot layouts provide good separation to ensure privacy and minimise overlooking. The end-row and end terrace house types have been used to turn corners, with front doors and windows giving activity and passive supervision to the sides and avoiding large blank gables.

2.6 The variety of house types provides for a wide choice to suit all potential occupiers and many household types, as well as permitting a very efficient site layout. The mix of house type in any one row creates visual interest and contribute to the specific character of the development, both overall and in each street.



## 2.4 APARTMENTS

- 2.7 The apartments will be located in 3 no. 4 storey apartment buildings located centrally within the scheme. Overall there will be 93 no. apartments with balconies comprising 36 no. 1 bedroom apartments, 53 no. 2 bedroom apartments and 4 no. 3 bedroom apartments.
- 2.8 Apartment Building nos. 1 and 2 will overlook the area of open space located to the east, while apartment building no. 1 will overlook the communal open space (of. C. 0.2 hectares) located within the apartment buildings.

**Figure 2.1 – Apartment Block Elevation**



Source: Metropolitan Workshop Architects

## 2.5 DUPLEX UNITS

- 2.9 It is proposed to provide 88 no. duplex units (44 no. 2-bed units and 44 no. 3 bed units) contained in 11 no. 3 storey duplex buildings located centrally within the scheme, to the south, west and north of the apartments.

## 2.6 ACTIVE OPEN SPACE

- 2.10 The subject lands include Active Open Space of 4.5 hectares, which is currently under the ownership of the Evans' family. As part of the SHD application, it is proposed to deliver Active Open Space early in the build out of the overall lands (to commence in phase 1) in tandem with the general earthworks relating to the housing element of the scheme.

**Figure 2.2 – Active Open Space (4.5 hectares)**

Source: KFLA Architects

- 2.11 The Active Open Space will include a football pitch as well as a tennis court and multi-use pitch. In addition, it is proposed to provide a play area and an informal kickabout area to the front of the proposal. Some parking is also provided (c. 25 car parking spaces and 30 no. cycle spaces), with an additional overspill (grassed) area provided to cater for c. 25 spaces, if required.
- 2.12 The northern portion of the proposal includes for running/training areas, which will use the contours of the land where possible.
- 2.7 CRECHE**
- 2.13 It is proposed to provide a two storey creche of c. 599 sq. m along with an external play area of c. 253 sq. m. The creche is located to the south of Apartment Buildings 2 and 3 and to the west of Apartment Building 1. The creche will provide drop-off spaces along with bicycle parking of 12 no. spaces and 10 no. car parking spaces.

**Figure 2.3 – Proposed Creche**

Source: Metropolitan Workshop Architects

## 2.8 RESIDENTIAL AMENITY BUILDING

**Figure 2.4 – Residential Amenity Building**

Source: CSC

2.14 The proposed development includes a two storey split level residential amenity building, which will include floorspace for a gym and will be located on the eastern side of open space no. 1. The building will be accessed from the internal link road, with a reception area and multi-purpose space at upper ground floor level, with the Gym as well as a management office for the overall development located at lower ground floor level. The building will provide an important amenity asset for the new residential community and will also provide passive surveillance to the open space area.

2.15 Bicycle parking (12 no. spaces) and car parking (3 no. spaces) will be provided.

## 2.9 THREE TROUTS RIVERWALK (GREENWAY)

2.16 The '*Three Trouts Stream*' and associated woodland is also of high priority. Similar to the treatment of the existing hedgerows, this linear space will become an integral linking feature in the wider green route strategy, while the dense belt of woodland would remain as part of a greenbelt buffer zone. In terms of amenity use, the proposed

walkway through the space would become a recreational asset to the wider local community, as well as future residents.

- 2.17 The green route proposed meanders through the existing woodland, utilizing existing tracks and topographical features, and provides an alternative circulation route for users, which connects to footpaths and existing tracks located outside of the site boundary. The proposed green route will function as a recreational route and will be defined by a change in surface material. The route will begin at the south-west corner of the site and work its way around the site boundary up to the north-east corner. A small footbridge will cross the Three Trouts stream.

**Figure 2.5 – Three Trouts “Greenway”**



Source: KFLA Architects

- 2.18 A pedestrian/cycle link will join on to the green route from the main part of the site, through open space no. 1 and past the apartments to the north. Additional woodland planting will be planted at certain sections along the site boundary to create the atmosphere of a continuous woodland walk.

## **2.10 LANDSCAPE LAYOUT AND DESIGN**

- 2.19 In all of the open spaces the levels have been carefully considered to accommodate a large flat area for passive recreation, formal play and ball games. Overlooking each of the lawn and play spaces, a seating space is located including benches, ornamental planting, flowering trees and feature paving. The scheme will include 4.5 ha of Active Open Space including a soccer pitch, tennis court, multi-use pitch as well as running trails and a greenway of c. 4 hectares along Three Trouts stream.

### **2.11 OPEN SPACE AREA NO. 1**

- 2.20 Open space area no. 1 is located in the eastern portion of the overall subject site and comprises c. 0.72 hectares and includes the Residential Amenity Building, located on the eastern portion of the open space.
- 2.21 A central landscape element within the space is the existing native hedgerow which runs on a north-south axis through the space, this hedgerow will be enhanced and strengthened, and the old lane way associated with the hedgerow will be reinstated as a gravel path. This hedgerow also defines the two main parts of the overall space. The eastern portion has more accommodating levels and will provide for a range of active uses. Within this area, there is a central lawn area provided for passive recreation and active play, which is defined by formal clipped hedges and shrub planting.

- 2.22 To the west of the central hedgerow is the western area. The levels have also been reprofiled to accommodate a flat lawn area. Along the western side of this space is a buffer zone which runs alongside the apartments fronting onto the open space. The buffer zone is composed of sections of native understory planting and copses of native trees strategically located to maintain a visual connection between the semi-private apartments and the open space. This zone acts as a visual screen while also providing amenity and habitat value to the proposed development. A walkway/cycle track through the buffer zone provides a secondary circulation route.

**Figure 2.6 –Open Space no. 1**



Source: KFLA

## **2.12 OPEN SPACE AREA NO. 2**

- 2.23 The design of the space is focused around a central lawn which is overlooked by a seating area. The main seating area is defined by ornamental planting, feature paving and a central raised planter. The raised planter also provides a seating option and it's central positioning allows movement through and around the space. Stepping stones, timber stilts and balance beams, tree copses and other features provide opportunities for natural and creative play.

**Figure 2.7 – Open Space Area no. 2**

Source: KFLA

### 2.13 OPEN SPACE NO. 3

2.24 The spatial design of this space is focused on a formal children's playground at the northern end of the space. A seating space is provided adjacent to this which is designed to provide inward and outward orientated seating options surrounded by planting with a specific planting mix to attract insects and birds. From this seating area views are provided of the open space and of the playground. The planting design has been carefully considered to define all of the sub-spaces within the overall space. Shrub planting around the edges of the open space helps to define it, while also providing screening.

**Figure 2.8 –Open Space no. 3**

Source: KFLA

## 2.14 PARKING

- 2.25 It is proposed to provide 762 no. car parking spaces and 235 no. cycle spaces within the scheme. The houses will be provided with 2 no. spaces per unit, 132 spaces will be provided for duplex units along with 88 cycle spaces, while the apartments will be provided with 97 no. car parking spaces (with a mixture of basement and surface spaces) and 93 no. cycle spaces.

**Table 2.2 – Car Parking**

	<b>Car Parking</b>	<b>Bicycle Parking</b>
Houses	490	
Apartments	97	93
Duplex Units	132	88
Creche	10	12
Active Open Space	30 (Excluding 20 overflow spaces)	30
Residential Amenity Building	3	12
<b>Overall</b>	<b>762</b>	<b>235</b>

Source: Metropolitan Workshop Architects

## 2.15 ACCESS

### 2.15.1 Kilcoole Road

- 2.26 On the Kilcoole Road, the proposed development will be accessed via a Priority T Junction to be provided at the R761 entrance. Traffic exiting the site via the R761 will be required to give way to traffic already on the regional road. The proposed residential development will provide a boundary setback for modest improvement of the R761 Kilcoole Road along the site frontage to accommodate a cycle track on the western side.
- 2.27 The R761 Kilcoole Road entrance junction is located at the start on the inside of a curve and will provided with suitable visibility splays with the setting back of the site boundary to include the provision of a footpath and a widened verge to accommodate the future Kilcoole Road upgrade.
- 2.28 In consultation with Wicklow County Council the design of the proposed access onto Kilcoole Road is to cater for the full development (in advance of the upgrade of the Priory Road), and that the proposed development should be entirely accessed from Kilcoole Road until such a time that the Priory Road is upgraded which comprises a footpath link from the proposed footpath (along Cairn Homes' site boundary to the Eden Gate Roundabout (c. 350m to the west), is provided.
- 2.29 The proposed development will provide a setback boundary to allow for the future upgrade of the R761 Kilcoole Road along the site frontage. The entrance of the proposed development has been designed to cater not only for the subject site, but also to be able to accommodate this future general road improvement. The entrance layout proposed is capable of accommodating the entire development from Kilcoole Road. It is neither dependent on the future road upgrade on the Kilcoole Road or the secondary access to the west on Priory Road or to the south to Eden Gate.
- 2.30 This future upgrade is to include the localised road realignment to the west into the subject site and the provision of footpaths and cycle tracks on both side. The localised realignment of the Kilcoole Road into the subject site will make space for these upgrade works so that the properties on the opposite side of the road are not affected. It is expected that Wicklow County Council will undertake the overall road improvements as part of a future public works scheme, which will include provision of a cycle track on



the western side of the road at Glenbrook Park, and will also extend northward to avail of other boundary setbacks as provided for in other planning permissions.

**Figure 2.9 – Frontage onto Kilcoole Road**



### 2.15.2 Priory Road

- 2.31 The proposed development includes the construction of a second access on Priory Road. As agreed with Wicklow County Council, the full opening of this access will coincide with the general upgrade of the road section of Priory Road to include a footpath along the western frontage of the site, or as otherwise agreed with Wicklow County Council.
- 2.32 Three further direct accesses are proposed creating frontage development along the site boundary are proposed onto Priory Road. The proposed access junction layouts and visibility splays are designed in accordance with the DMURS.
- 2.33 The Priory Road access is not required for the proposed development. The proposed development is capable of being served from the single access point onto the Kilcoole Road, and is not dependent on the Priory Road entrance.
- 2.34 A 2m wide footpath will be provided along full road frontage (as per the LAP Road Objective 11). It was agreed with Wicklow County Council to provide a footpath along the southern boundary of Cairn Homes lands along Priory Road to ultimately connect to the future footpath along Priory Road. This path is provided in the scheme layout.
- 2.35 The provision of a footpath between the subject site and the Eden Gate roundabout, will be undertaken by Wicklow County Council, in the future. However, it is important to note that the footpath between the southern boundary of the site isn't required for the proposed development, in respect of any meaningful linking function, to local facilities, which can be provided via the southern boundary with Eden Gate.

### 2.15.3 Eden Gate Pedestrian/cycle link

- 2.36 In accordance with the RO7 objective, the proposed layout includes the construction of a pedestrian/cycle link 'greenroute' to the Eden Gate development boundary, capable of linking the subject lands to the nearest local shops and services at the Eden Gate Centre (c. 5 minute walk).
- 2.37 This route will also allow for access for Eden Gate residents to the 4.5 hectares of Active Open Space and the Greenway along the norther boundary being provided as part of the proposed development.

**Figure 2.10 – Location of Pedestrian Link to Eden Gate**



### **3.0 CONSISTENCY WITH NATIONAL AND REGIONAL PLANNING POLICY**

3.1 The key provisions of national and regional planning policy as it relates to the proposed development is set out in the following sections.

#### **3.1 NATIONAL PLANNING FRAMEWORK**

3.2 The National Planning Framework is the Government's plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a million people working in Ireland and the half a million extra homes needed in Ireland by 2040.

##### **3.1.1 National Strategic Outcomes**

3.3 The NPF states that carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work. Section 2.6 of the NPF seeks to provide compact and sustainable growth.

3.4 The following is outlined:

3.5 National Policy Objective 3a of the NPF states that it is a national policy objective to *"deliver at least 40% of all new homes nationally within the built up envelope of existing urban settlements"*.

3.6 National Policy Objective 4 states *'ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'*.

3.7 National Policy Objective 33 - *Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.*

3.8 National Policy Objective 34 - *Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.*

3.9 National Policy Objective 35 - *Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*

##### **3.1.2 Evaluation of Consistency**

3.10 The proposed development accords with the National Planning Framework (2018) (NPF), in particular with its principles of compact growth and the reinforcement of the country's existing urban structure at all levels. Where housing policy is concerned, the proposed development accords with the NPF's core principles for housing delivery – in particular that the location of new housing be prioritised in existing settlements, in this case within the built up area of Greystones.

3.11 In accordance with the NPF's strategy of compact growth, it is proposed to develop new homes within Greystones existing development envelope, on a site contiguous to existing development.

3.12 In accordance with National Policy Objective 33, new homes will be provided at a sustainable location, with access to existing services and facilities, including DART c. 2.1km from eastern side of site as well as Dublin Bus services (on Kilcoole Road & to the north at Killincarraig). In accordance with National Policy Objective 35, the proposal will increase residential density within an existing settlement. The proposed development provides a density of 35.7 units per hectare. The Social Infrastructure Assessment, included with the application, provides detail of the wide-ranging social infrastructure and amenities available for the future residents of the scheme.

### **3.2 REBUILDING IRELAND – ACTION PLAN FOR HOUSING AND HOMELESSNESS**

3.13 Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.

3.14 Rebuilding Ireland is set around 5 no. pillars of proposed actions. *Pillar 3 seeks to – Build More Homes: Increase the output of private housing to meet demand at affordable prices.*

#### **3.2.1 Evaluation of Consistency**

3.15 The proposal will deliver much needed housing within the Metropolitan Area of the Greater Dublin Area in accordance with the aims of Rebuilding Ireland, and in particular Pillar 3, which seeks to build more homes – *“to increase the output of private housing to meet demand at affordable prices.”*

### **3.3 REGIONAL ECONOMIC AND SPATIAL STRATEGY 2019**

3.16 The Regional Economic and Spatial Strategy (RSES), which was adopted in June 2019, notes that the preferred spatial strategy for the Eastern and Midlands is the consolidation of Dublin plus the Regional Growth Centres of Athlone, Dundalk and Drogheda, supported by planned focussed growth of a limited number of self-sustaining settlements.

3.17 Greystones is located within the Dublin Metropolitan Area. According to the RSES, the Dublin Metropolitan Area (DMA) is focused on the national capital city, which is the lead settlement and the main gateway in the country, and the largest economic contributor in the state noting that Dublin leads the settlement hierarchy for not only the Region but also the state, with no other comparable settlement within the urban structure.

3.18 The RSES sets out the DMA includes *“the continuous built up city area and number of highly urbanised surrounding settlements”* this include Swords, Malahide, Maynooth, Leixlip, Celbridge, Bray and **Greystones**.

3.19 Growth enablers for the Dublin metropolitan area include:

- *To achieve growth of 1.4 million people in Dublin City and Suburbs and 1.65 million people in the Dublin Metropolitan Area by 2031;*

- *To realise ambitious compact development targets at least 50% of all new homes within or contiguous to the existing built up area in Dublin and at least 30% in other metropolitan settlements;*

### **Metropolitan Area Strategy**

3.20 The MASP supports the overall Settlement Strategy as set out in Chapter 5 and sets out an integrated land use and transportation strategy for the sequential development of the metropolitan area focussed on:

- *Consolidation of Dublin city and suburbs*
- *Key Towns of Swords, Maynooth and Bray*
- *Planned development of strategic development areas in Donabate, Dunboyne, Leixlip, and Greystones*

3.21 The delivery of identified strategic development areas should be facilitated, where practicable, in a sequential manner to promote sustainable compact growth in coordination with the provision of enabling infrastructure and services.

### **3.3.1 Evaluation of Consistency**

3.22 The proposed sequential development at Farrankelly will consolidate the existing built up area of the Dublin Metropolitan Area and promote sustainable compact growth with access to public transport (Dublin Bus [on Kilcoole Road] and Irish Rail [2.1km from site]) and improves connectivity in the wider area through introducing potential linkages within an expanded green infrastructure (as part of a greenway).

## **4.0 CONSISTENCY WITH SECTION 28 GUIDELINES**

4.1 The key section 28 guidance documents of relevance to the proposed development are as follows:

- Urban Development and Building Height Guidelines (December 2018);
- Sustainable Urban Housing: Design Standards for New Apartments (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;
- Design Manual for Urban Roads and Streets (2013);
- Guidelines for Planning Authorities on Childcare Facilities (2001);
- Draft Water Service Guidelines for Planning Authorities (2018);
- Quality Homes for Sustainable Communities (2007);
- The Planning System and Flood Risk Management (2009);
- Appropriate Assessment of Plans and Projects – Guidance for Planning Authorities (2009);

#### **4.1 URBAN DEVELOPMENT AND BUILDING HEIGHTS (DECEMBER 2018)**

- 4.2 The Urban Development and Building Height Guidelines include SPPR 4 which requires:

*“It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:*

*1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2009)” or any amending or replacement Guidelines;*

*2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*

*3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.”*

##### **4.1.1 Evaluation of Consistency**

- 4.3 The proposed development provides an appropriate density in compliance with the Sustainable Residential Development in Urban Areas (2009) at 35.7 units per hectare (net).
- 4.4 The proposal includes for a mix of building heights 2, storey, 3 storey dwellings, 3 storey duplex apartments, and 4 storey apartment buildings. In addition, the proposal avoids mono-type building typologies, and includes a range of dwelling types, comprising 8.5% 1 bedroom units, 22.8% 2 bedroom units, 45.9% 3 bedroom units, 21.8% 4 bedroom units and 0.9% 5 bedroom units (42.5% apartments/duplex units, 57.5% houses), and therefore complies with point no. 1 in SPPR4.
- 4.5 With reference to point no. 3 of SPPR4, the proposed development provides a range of housing and avoids mono-type building typologies, through the inclusion of 3 storey duplex apartments, 4 storey apartments, and 3 storey houses, along with dormer dwellings.

#### **4.2 SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS 2018**

- 4.6 Updated Sustainable Urban Housing Design Standards for New Apartments were published in March 2018. The guidelines provide for revised guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

##### **4.2.1 Evaluation of Consistency**

- 4.7 This application is accompanied by a Housing Quality Assessment, prepared by Metropolitan Workshop Architects, which demonstrates that the proposed apartments and associated communal spaces will conform to and exceed the standards set out within Sustainable Urban Housing: Design Standards for New Apartments.
- 4.8 The following is noted with reference to the Specific Planning Policy Requirements (SPPRs):

**Specific Planning Policy Requirement 1 (Mix)**

- 4.9 Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios).
- 4.10 The Proposed development complies with SPPR 1 as it includes 93 no. apartments, comprising 38.7% (36 no. 1 bedroom units), 57% (53 no. 2-bedroom units) and 4.3% (4 no. 3-bedroom units).

**Specific Planning Policy Requirement 3 (Minimum Areas)**

- 4.11 The proposed development complies with the minimum apartment floor area requirements set out in SPPR3.

**Specific Planning Policy Requirement 4 (Aspect)**

- 4.12 According to the Apartment Guidelines, in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The proposed development includes 52% dual aspect units.

**Specific Planning Policy Requirement 5 (floor to ceiling heights)**

- 4.13 The apartment blocks comply with the requirement for floor to ceiling heights of 2.7m at ground floor level.

**Specific Planning Policy Requirement 6 (Max units per core)**

- 4.14 SPPR 6 notes that a maximum of 12 apartments per core may be provided within apartment schemes.
- 4.15 The proposal complies with this SPPR6.
- 4.16 The Housing Quality Audit, prepared by Metropolitan Workshop Architects demonstrates how the proposed apartments comply with appendix 1 of the Apartment Guidelines 2018 in respect of sizes of apartments, minimum aggregate floor areas, widths, storage, minimum private open space and communal open space.

**4.3 SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS (2009)**

- 4.17 The Sustainable Residential Development in Urban Areas (SRD) Guidelines 2009 provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality design in their policy documents and in their development management process. To assist with this, the Guidelines are accompanied by a Design Manual discussed below which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.
- 4.18 The role of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas is to ensure the '*plan led*' delivery of new development throughout the country.

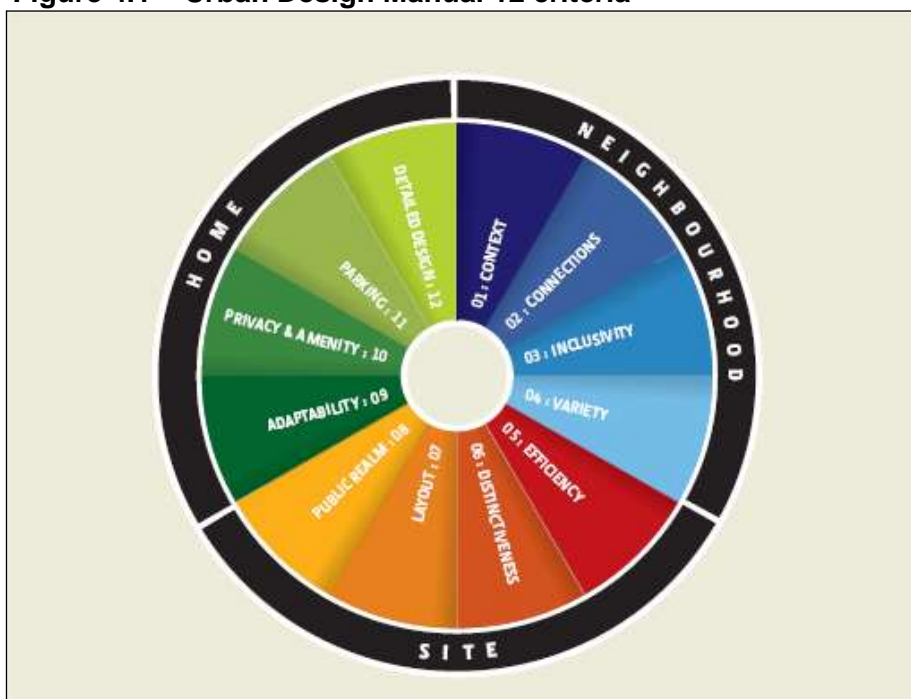
### 4.3.1 Evaluation of Consistency

- 4.19 Sustainable neighbourhoods require a range of community facilities, and each district/neighbourhood will need to be considered within its own wider locality, as some facilities may be available in the wider area while others will need to be provided locally. The proposed development provides a crèche and also Active Open Space including a soccer pitch, tennis court, multi-use pitch as well as running trails.
- 4.20 The proposed development accords with the Guidelines for Planning Authorities on Sustainable Residential Development (SRD) in Urban Areas (2009), and could be best described as a large contiguous site/infill site, having regard to its location between Glenbrook Park and Eden Gate to the south, residential properties along the Kilcoole Road and Glenheron to the east and Delgany Park (to the north on the opposite site of the Three Trouts stream), and existing residential properties located to the west on Priory Road.
- 4.21 It is noted the eastern portion of the lands are located adjacent to a bus route (84A). Having regard to the frequency of the service, the subject lands are not located on a '*public transport corridor*'. Higher frequency bus and DART services are located in the town centre (c. 2.1 km) from eastern portion of site. The proposed greenway will connect into a wider sustainable pedestrian/cyclist route which will facilitate access to the wider amenities and services within the Greystones area.
- 4.22 The SRD Guidelines note that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. While the Local Area Plan indicates a density of c. 22 units per hectare (gross), it is considered, that having regard to the location of the site, and national strategic guidance contained in the SRD, and also to An Bord Pleanála precedent, a density range of between 35 and 50 net, is appropriate for the subject site.



### 4.3.2 Urban Design Manual – A Best Practice Guide (2009)

Figure 4.1 – Urban Design Manual 12 criteria



Source: Urban Design Manual DoEHLG 2009

4.23 The Urban Design Manual is based around 12 criteria that have been drawn up to encapsulate the range of design considerations for residential development based on "a distillation of current policy and guidance and tried and tested principles of good urban design."

4.24 The 12 no. criteria are assessed as follows:

#### 4.3.3 Context: How does the development respond to its surroundings?

4.25 The proposed development responds to its surroundings by providing attractive streets and open spaces, high quality buildings and feature setbacks from neighbouring dwellings, located to the south in Glenbrook Park and Eden Gate, where the layout proposes a back to back 2 storey arrangement. The apartments and duplex apartments are located centrally within the Masterplan layout, away from sensitive boundaries. Along Priory Road, the scale reduces to include some dormer dwellings (where the levels allow). The scale also reduces along the Kilcoole Road, to respond to the character of adjoining lands.

#### 4.3.4 Connections: How well is the new neighbourhood / site connected?

4.26 The proposed development features an integrated model of street design that balance the needs of pedestrians, cyclists and motorists. The proposed development includes a greenway of 2.4 hectares (of c. 650m) along the Three Trouts stream on the site's northern boundary, which will link ultimately (via the Mill Lane) to the east to the town centre, as well as wider amenities and services and to the DART and bus services.

- 4.27 The proposed development will construct RO7 Road objective fully between the Kilcoole Road (R761) and Priory Road in Phase 1. In agreement with the Roads Department of Wicklow County Council, the timing of the opening of the constructed junction onto Priory Road is under the control of the County Council.
- 4.28 It is important to note that the proposed junction on the Kilcoole Road has been designed to cater for the full development in the interim. The proposal includes for the upgrade of the frontage under the control of the applicant on the Kilcoole and Priory Roads. The Priory Road will be upgraded between the Eden Gate and the applicants' boundary by Wicklow County Council as part of a future separate upgrade. This sequence has been agreed with Wicklow County Council.
- 4.29 The junction layout on the Kilcoole Road has been designed to allow for sufficient space and to optimise the layout for a future separate alignment of the Kilcoole Road and upgrade to the Three Trouts bridge, to be carried out by Wicklow County Council in the future.
- 4.30 The layout will also provide a pedestrian and cycle link to the existing developed lands in Eden Gate to the south, providing access to local retail services.

#### **4.3.5 Inclusivity: How easily can people use and access the development?**

- 4.31 The proposed development includes apartment and duplex apartments which are suitable for mobility impaired persons, which includes for a bedroom at ground floor allowing for ease of access as needs change and access to upper floors become difficult. Landscape design and detailing of roads and footpaths provide for movement throughout the development by mobility impaired persons, in compliance with Building Regulations Part M.
- 4.32 The overall development will include 10% social housing which will be provided within the scheme.
- 4.33 The proposed development will provide a variety of vehicle, pedestrian and cycle routes throughout the site. The internal road network provides for a clear navigable route throughout the development with a series of cycle paths and footpaths to increase the overall level of connectivity and permeability for future residents.
- 4.34 The development will provide for disabled car parking spaces and all communal areas and house types are designed to be accessible to all.

#### **4.3.6 Variety: How does the development promote a good mix of activities?**

- 4.35 The proposed development provides for a good mix of dwelling types including a mix of apartments and house types of varying sizes. This will ensure a mix of tenures is provided for within the scheme. The proposal also includes 1 no. childcare facility, and a substantial network of different types of public open spaces measuring c. 10.2 ha. It is considered that the proposed development provides for the necessary ancillary land uses required for this large-scale residential development, whilst having regard to the significant range of community, commercial and social infrastructure in the wider Greystones and Delgany area.

- 4.36 The development will include a significant new Active Open Space of 4.5 hectares including a soccer pitch, tennis court, multi-use pitch as well as running trails. In addition, it is proposed to provide active play areas within the residential area of the development.
- 4.37 The proposed development includes for a substantial amount of usable open space in the form of active and passive open space as well as a wider Greenway all of which will cater for a wide range of population.

The breakdown of the overall site of 21.2 hectares is:

**Table 4.1 – Key Breakdown of Areas**

Area	Hectares	%
Active Open Space (including a soccer pitch, tennis court, multi-use pitch as well as running trails)	4.5 hectares	21.2%
Greenway	2.4 hectares	11.3%
Overall Residential zoned lands	14.3 (gross) hectares	67.5%
Undevelopable areas excluded from site (topography/slope and buffers) as per Appendix 1 of WCC CDP.	1.31 hectares	6.1%
Areas excluded from site (Road objective R07 & Road Objective set back onto Kilcoole Road (Road Objective 11 and Priory Road LAP Road improvement objective RO12)	1.08 hectares	5.0%
<b>Net Site Area</b>	<b>11.91 hectares</b>	
Public Open Space (included in net area)	1.8 hectares	15% of net residential area
Communal Open Space (included in net area)	0.2 hectares	0.9%

Total	21.2	100%
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4.38 In addition, it is proposed to provide a creche of 599 sq. m as well as residential amenity building of 325 sq. m.

**4.3.7 Efficiency: How does the development make appropriate use of resources, including land?**

4.39 The proposed development includes significant areas of a steep gradient, which are not suitable to develop. This results in a net density of c. 35.7 no. units per hectare. Please refer to Section 3.1 of the Statement of Response to An Bord Pleanála Opinion for further detail.

4.40 This density makes efficient use of the residential zoned lands and includes an appropriate quantum of public open space (15%) which will link to the wider green network in this area of the Town and beyond. The density responds to its immediate context (2 storey dwellings to the south, and also to the east and west), with apartments and duplex apartments located centrally within the scheme.

4.41 The proposed density of the scheme is considered appropriate given the location of the site, consistency with the existing, surrounding built form and compliance with national strategic planning guidance and the ministerial guidelines.

4.42 The layout and orientation of the scheme has been designed by Metropolitan Workshop Architects to have regard to aspect and views and ensure both dwellings and areas of open space achieve light throughout the day. This is reflected in the masterplan for the site.

**4.3.8 Distinctiveness: How do the proposals create a sense of place?**

4.43 In this case, the Site Layout Plan has been devised to provide a legible, permeable layout with a range of dwelling types which, together with a varied use of materials and finishes, engender a definitive sense of place in a new residential community. The Landscape report prepared by KFL Landscape Architects sets out in detail the landscaping and how it will integrate with the design of the new residential district – all of which will form a strong and positive identity for each area.

4.44 The proposed layout of the streets and design of the residential buildings will create a high quality and distinctive residential environment.

4.45 There is a variety and mix of dwelling types, heights and design, with a mix of apartment buildings and houses, proposed throughout the scheme, thereby providing a distinctive sense of place on site. In this regard it is proposed to provide a range of dwelling typologies as set out above, including apartments, duplex units/terrace and detached and semi-detached dwellings and also to include a crèche of c. 599 sq. m (with outdoor play area of c. 253 sq. m).

**4.3.9 Layout: How does the proposal create people-friendly streets and spaces?**

4.46 The proposed site layout plan provides for a legible, permeable and distinctive layout, as well as the provision of a range of dwelling types together with a varied use of

materials and finishes, engender a definitive sense of place in a new residential community. The structure of the Site Layout Plan is based on the principles of best practice urban design including permeability, connectivity and legibility as set out above.

- 4.47 The internal layout has been designed with pedestrian and cyclists to the forefront and with traffic safety in mind. Reduction of vehicle speed is a fundamental principle behind the layout. In general, all roads are designed for maximum vehicle speeds of 30 km/h or 20 mph. Traffic calming features have also been designed into the development – all in accordance with best practice (DMURS).
- 4.48 The proposed layout of the development provides for a straightforward, easily accessible and easily navigable network of places for pedestrians and cyclists and vehicles. The hierarchy of streets and routes are clearly defined with the central R07 Objective the main artery route through the development with a number of other circulation roads and footpaths branching off this main relief road link.

#### **4.3.10 Public Realm: How safe, secure and enjoyable are the public areas?**

- 4.49 The layout and design of the proposed development has been influenced by the level of security and overlooking to be provided by the future residents. The design of the development has been carefully considered so as to provide a high level of passive surveillance on both the area of open space and public access areas. The design of the dwellings provide for a direct frontage onto all public areas ensuring the provision of a safe, secure and enjoyable residential development.
- 4.50 The proposed development will also provide for a connected series of public open spaces and amenity Green Infrastructure areas measuring c. 3.1 hectares in total which includes 1.8 ha (c. 15%) public open space (of the net site area as per WCC CDP Appendix 1) and a further 1.3 ha of green infrastructure areas (such as sloped areas) which have an important amenity and biodiversity function; providing an important passive amenity value which will provide a valuable resource for future occupants of the proposed development. The proposed development therefore meets and exceeds the open space requirements as set out in the Development Plan at 15%. In addition it is proposed to provide c. 0.2 communal open space for the apartments. The above areas exclude the Active Open Space (including a soccer pitch, tennis court, multi-use pitch as well as running trails) of 4.5 hectares and the greenway of 2.4 hectares. The areas are set out on Metropolitan Workshop Architects Drawing no. P120 (see figure 3.1 and table 3.1).
- 4.51 The location layout and usability of the proposed public open spaces are of a high quality and will contribute positively to the residential amenity of future residents. The open space provision for the entire scheme was carefully considered by the design team, and it is submitted the detailing and high-quality finish as illustrated on the Landscape Masterplan (drawing no.100), prepared by Kevin Fitzpatrick, Landscape Architects, and the Landscape Design Statement which confirms a high degree of amenity for future residents of the scheme.

#### **4.3.11 Adaptability: How will the buildings cope with change?**

- 4.52 Each of the proposed dwellings meets or exceeds the minimum standards for residential unit size. The development provides a mix of 1, 2, 3 and 4 bedroom units

that can be easily reconfigured to adapt to the changing life cycles and personal needs of each resident.

- 4.53 The overall architectural style is contemporary and reflects the modern requirements to balance lighter, airier elevations with the need to satisfy energy reducing objectives. Similarly, all proposed house types incorporate generous space standards so as to provide for adaptable living requirements.

#### **4.3.12 Privacy / Amenity: How do the buildings provide a high quality amenity?**

- 4.54 Each dwelling is provided with an area of useable private open space which meets or exceeds the Development Plan standards. All of the dwellings meet or exceed the Section 28 Guidelines unit size requirements. The design of dwellings has also had due regard to the siting and orientation of the development in order to maximise the solar gain and natural light aspect of each dwelling.
- 4.55 The development provides for adequate separate distances between dwellings. This maintains a high level of privacy and amenity obtained by residents, and reduced the level of overlooking and overshadowing.
- 4.56 In this regard, reference should be made to Housing Quality Assessment prepared by Metropolitan Workshop Architects, which contains a detailed appraisal of the standards achieved in the proposed development in meeting the space and amenity needs of future residents.
- 4.57 In summary, it is confirmed that each proposed residential unit has an area of useable private outdoor space as well as being in accordance with storage requirements.

#### **4.3.13 Parking: How will the parking be secure and attractive?**

- 4.58 In this case, parking is provided for within the curtilage in front of dwellings (c. 2 per dwelling) with a further 132 no. spaces for the 88 duplex apartments and 97 no. spaces for the 93 apartments. Parking for duplex units is provided on-street, whilst parking for the apartment buildings is provided at basement level and at surface level on-street. Cycle parking will comprise 181 no. cycle spaces for the apartments and duplex apartments, along with 54 no. cycle spaces for visitors provided in secure covered bike stores. Parking stores are provided adjacent to communal amenity areas and surface car parking spaces and are over-looked for passive surveillance.

#### **4.3.14 Detailed Design: How well thought through is the building and landscape design?**

- 4.59 The proposed design of the development has been subject to a number of pre-application consultations between the design team and the Planning Authority. The design rationale from an urban design and architectural perspective is explained in the Design Statement prepared by Metropolitan Workshop Architects. The landscape design rationale is set out in the Landscape Design Statement prepared by KFLA.
- 4.60 The proposed landscaping aims to enhance the overall biodiversity and ecology of the area which will improve the overall character and visual amenity of the development. Full details on the rationale for the landscaping design can be found in the tree survey, ecology report and landscape plan which accompanies this SHD application.

#### **4.4 DESIGN MANUAL FOR URBAN ROADS AND STREETS (DMURS) (2013)**

4.61 The Design Manual for Urban Roads and Streets (DMURS), 2013, sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas.

##### **4.4.1 Evaluation of Consistency**

4.62 The DMURS Compliance document prepared by ROD Consulting Engineers provides further detail in respect of the consistency of the proposed development with DMURS, which is discussed below also.

4.63 DMURS aims to end the practice of designing streets as traffic corridors, and instead focus on the needs of pedestrians, cyclists, and public transport users. The Manual sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. Incorporating good planning and design practice and focus on the public realm, it also outlines practical design measures to encourage more sustainable travel patterns in urban areas. The principle design guidance of DMURS has been considered in the design of this development. The proposed development seeks to prioritise pedestrian and cyclists throughout and around the site in accordance with the policies set out in DMURS.

4.64 The street and building design of the proposed development has had regard to the recommendations of DMURS as it includes proposals for buildings fronting onto streets, a mix of curtilage and on-street car parking, raised surfaces at locations within the scheme and the creation of a pedestrian and cycle friendly urban environment.

4.65 The proposed road hierarchy has been developed in accordance with DMURS principles as it consists of a road designed to link the Kilcoole Road to the Priory road as required by Objective RO7 of the Greystones-Delgany-Kilcoole LAP at the top of the hierarchy, a network of local roads providing link streets and finally shared surface streets which provide access to the housing.

4.66 The site layout encourages permeability through appropriate block sizes and a looped system where most streets lead on to other streets. DMURS notes that permeable layouts provide more frequent junctions which have a traffic calming effect as drivers slow and show greater levels of caution. The site layout demonstrates that the proposal has adopted this principle by incorporating a highly permeable road network with numerous built in traffic calming features including junctions and road bends.

4.67 Cul-de-sacs have also been kept to a minimum to encourage connectivity and permeability throughout the development. Linkages are proposed to encourage and improve connectivity in the wider area.

4.68 In addition, the design of the internal access roads include a number of restrictive road bends and traffic calming measures which will ensure low vehicular speeds through the site protecting the vulnerable road users. DMURS also suggests that measures should be considered that reduce the dominance of the vehicle in favour of pedestrian and cyclists having dominance within a street. This is provided within the housing layout through the provision of shared surfaces.

- 4.69 Long straight stretches of road are avoided where possible and gentle curves and other traffic calming measures are utilised in road sections which respond to topography, layout requirements and guidance within DMURS. The Design Manual for Urban Roads and Streets notes that drivers are more likely to maintain lower speeds over shorter distances than over longer ones, and the proposed road layout reflects this.
- 4.70 The proposed development further develops the permeability and accessibility in the area by providing a highly permeable development with connectivity to the wider area for vehicles, cyclists and in particular pedestrians.

#### **4.5 GUIDELINES FOR PLANNING AUTHORITIES ON CHILDCARE FACILITIES (2001)**

- 4.71 Guidelines for Planning Authorities on Childcare Facilities (2001) indicate that Development Plans should facilitate the provision of childcare facilities in appropriate locations. These include larger new housing estates where planning authorities should require the provision of a minimum of one childcare facility with 20 places for each 75 dwellings. The threshold for provision should be established having regard to existing location of facilities and the emerging demography of the area where new housing is proposed. The Guidelines advise that sites should be identified for such facilities as an integral part of the pre-planning discussions.

##### **4.5.1 Evaluation of Consistency**

- 4.72 The proposed creche of 599 sq. m could accommodate in the region of 110 no. childcare spaces. Based on the gross 426 no. dwellings a requirement of c. 114 spaces would be required under the 2001 Guidelines. However, given the proportion of 1 and 2 bedroom apartments in the scheme (31% of the total), the actual demand is estimated to be lower (a range of between 17 and 88 places) and it is intended that the creche is delivered in phase 2 of the development having regard to the existing and committed provision of creche places in the area, which is set out in the Social Infrastructure Assessment prepared by John Spain Associates.
- 4.73 The proposed childcare facility of 599 sq. m, and adjacent play area, is considered appropriate for the subject site and of a size to be viable for an operator. It is estimated that this childcare facility could cater for the in the order of 110 children having regard to an accepted industry average of c. 4-5 sq.m gross floor space per child depending on the type of childcare offered by the end user.
- 4.74 The exact capacity of the proposed childcare facility will only become apparent when an operator comes on board and will be subject to operator's particular requirements and will be dependent on what types of childcare facility are already available in the area. In this regard flexibility is required in respect to the future fit out and type of childcare facility proposed within the development.

#### **4.6 DRAFT WATER SERVICES GUIDELINES FOR PLANNING AUTHORITIES 2018**

- 4.75 The Draft Water Services Guidelines for Planning Authorities were published in January 2018 by the DoHPLG, which sets out a clear structure for actively managing the interface between spatial planning and development and water services planning. The Water Services Guidelines for Planning Authorities have been prepared by the Department of Housing, Planning and Local Government in consultation with Irish Water.



- 4.76 The Guidelines provide best practice guidance in relation to the interface between planning and development functions provided by planning authorities and the delivery of public water services by Irish Water.
- 4.77 The key aims of the Guidelines are to:
- *Provide advice to planning authorities on the operational framework within which Irish Water must operate to deliver water services,*
  - *Establish mechanisms for effective engagement between planning authorities and Irish Water across all the relevant functions of planning authorities, and*
  - *Set out how the planning system, in setting out a spatial framework for growth and development, will relate to and inform the planning and delivery of water services by Irish Water at a national, regional and local level.*
- 4.78 The Draft Guidelines state that it is a requirement for Strategic Housing Development applications to contain evidence that Irish Water has confirmed that it is feasible to provide the appropriate service or services and that the relevant water network or networks have the capacity to service the development.
- 4.79 The Draft Guidelines outline that having regard to the views of Irish Water and having satisfied itself *“that there is a reasonable prospect of the constraint(s) being addressed within the lifetime of the permission, a planning authority or An Bord Pleanála (in the case of a SHD application) may approve, inter alia, this aspect of the development, subject to a condition that requires the applicant to enter into a connection agreement (s) with Irish Water to provide for a service connection to the public water supply and / or wastewater collection networks, as appropriate.”*

#### **4.6.1 Evaluation of Consistency**

- 4.80 ROD Consulting Engineers have consulted with Irish Water on the design of the development and a letter of confirmation of design acceptance from Irish Water is included with the application material.
- 4.81 We also refer the Board to the Surface Water Audit, prepared by JBA Consulting Engineers, confirming the design of drainage is appropriate, which is included in the Appendices of the ROD Engineering Report.

#### **4.7 QUALITY HOMES FOR SUSTAINABLE COMMUNITIES - 2007**

- 4.82 The Department’s Best Practice Guidelines entitled *‘Quality Housing for Sustainable Communities’* promotes high standards in the design and construction and in the provision of residential and services in new housing schemes. They encourage best use of building land and optimal utilisation of services and infrastructure in the provision of new housing; point the way to cost effective options for housing design that go beyond minimum codes and standards; promote higher standards of environmental performance and durability in housing construction; seek to ensure that residents of new housing scheme enjoy the benefits of first-rate living conditions in a healthy, accessible and visually attractive environment; and provide homes and communities that may be easily managed and maintained.

#### 4.7.1 Evaluation of Consistency

4.83 This application is accompanied by a Housing Quality Assessment, prepared by Metropolitan Workshop Architects, which demonstrates that the proposed houses conform to and exceed the standards set out within the best practice guidelines.

#### 4.8 GUIDELINES FOR PLANNING AUTHORITIES ON 'THE PLANNING SYSTEM AND FLOOD RISK MANAGEMENT (NOVEMBER 2009)'

4.84 *The Planning System and Flood Risk Management Guidelines* were published by the Minister for the Environment, Heritage & Local Government in November 2009 under Section 28 of the Planning & Development Act 2000 (as amended). The Planning system and flood risk management guidelines require the planning system at all levels to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere; adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

#### 4.8.1 Evaluation of Consistency

4.85 In order to comply with these Guidelines a Site Specific Flood Risk Assessment and a Hydraulic Analysis has been prepared by ROD Consulting Engineers.

4.86 It concludes that

*"the subject site is deemed to be in within Flood Zone C and is very unlikely that the proposed site would flood. There is a certain degree of flooding in the lands close to the Three Trout Stream as it is a floodplain. However, as there are no dwellings proposed in the area it would appear from the studies carried out in PFRA's and CFRAM's that any flooding would not reach the proposed development.*

*There is no compensatory storage required in this particular study area.*

*From the data collected and the sources that are mentioned in this flood risk assessment report, it can be concluded that the subject site will not be impacted by flooding associated with Cairn Homes Housing Scheme, Farrankelly site."*

4.87 The SSFRA was prepared to comply with current planning legislation, in particular the recommendations of *"The Planning System & Flood Risk Management - Guidelines for Planning Authorities"*.

#### 4.9 APPROPRIATE ASSESSMENT OF PLANS AND PROJECTS IN IRELAND - GUIDANCE FOR PLANNING AUTHORITIES (2009)

4.88 Screening for Appropriate Assessment has been undertaken for the proposed development in accordance with the Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009) and form part of the application documentation.

#### 4.9.1 Evaluation of Consistency

4.89 We refer the Board to the enclosed Appropriate Assessment screening report prepared by Openfield Ecological Consultants, which concludes that:

*“The possibility of any other impacts from the proposed development, whether considered on its own or in combination with other plans and /or projects, which would be capable of having a significant effect on any European Site, can be excluded. It is concluded that the possibility of any significant effects on any European Sites arising from the proposed development, whether considered on its own or in combination with the effects of other plans or projects, can be excluded beyond a reasonable scientific doubt.”*

### 5.0 CONSISTENCY WITH LOCAL PLANNING POLICY

5.1 The key provisions of local planning policy relating to the proposed development are set out in the following sections. Reference is made to the following documents:

- The Wicklow County Development Plan 2016-2022;
- The Greystones-Delgany and Kilcoole Local Area Plan 2013-2019;

5.2 An evaluation of the proposed development in terms of the relevant policy or policies is included within each section.

#### 5.1 WICKLOW COUNTY DEVELOPMENT PLAN (2016-2022)

5.3 Appendix 1 of the Wicklow County Development Plan sets out the main policies and objectives relating to the Wicklow County Development Plan 2016-2022.

##### 5.1.1 Relevant Policies

**Table 5.1 – Evaluation of the proposed development in terms of relevant county plan development management policies for housing**

Development Management Policy	Evaluation
Policies, SS1, SS2, SS3, SS4 SS5 – Settlement Strategy	Greystones-Delgany is designated a ‘Large Growth Town 2’ with a target population of 21,000 by 2016 and 24,000 by 2022. SS1 requires growth to be directed into designated metropolitan areas such as Greystones/Delgany. The proposed development is consistent with the core strategy and settlement objectives of the CDP.
Policy HD2 requires new development to enhance residential amenity, provide for high living standards for occupants and not harm residential amenity for existing residents.	The proposed development will provide attractive streets and open spaces, high quality buildings and feature setbacks from neighbouring dwellings.
Policy HD3 requires proposals to conform to the requirements of the Development and Design Standards document prepared by Wicklow Council.	The proposed development conforms to the requirements of the <i>Development and Design Standards</i> document prepared by Wicklow Council, as evidenced upon the detailed drawings

<b>Development Management Policy</b>	<b>Evaluation</b>
Policy HD4 requires proposals to include 10% provision for social housing.	The proposed development will comply with the 10% provision of social housing
Policy HD7 requires the sequential development of zoned lands.	The site is an infill site within the existing footprint of Greystones and is sequentially suitable for development.
Policy HD8 requires the development to deliver community infrastructure matching the needs of new residents. Policy CD5 may require social and community facilities. Policy CD22 seeks to facilitate the provision of childcare in a manner which is compatible with land-use and transportation policies. Policy CD24 seeks childcare facilities at a ratio of 20 places per 75 residential units.	Development will provide a new childcare facility of c. 599 sq. m as well as a greenway of c. 2.4 hectares and also Active Open Space of 4.5 hectares including a soccer pitch, tennis court, multi-use pitch as well as running trails.
Policy HD12 requires new development on zoned lands to 'transition' into adjacent land uses, to avoid harming local amenity, especially for neighbouring residents.	The proposal features generous setbacks from neighbouring dwellings and responds to the immediate context, providing back to back housing and the apartments located centrally within scheme, and the scale reducing towards the boundaries.
Policy HD15 requires medium and large-scale housing developments to provide a range of unit types and sizes, including bungalows.	The development will provide a range of unit types and sizes, including bungalows, duplex apartments, and apartments, in a sustainable mix.
Policy HD17 requires developments of over 200 units to be divided into areas differentiated from one another by different design themes.	The development will be divided into areas differentiated from one another by different design character areas.

- 5.4 Whilst the Greystones-Delgany and Kilcoole LAP references the CDP 2016, the updated Wicklow County Development Plan 2016 – 2022 (CDP 2022) was adopted on 14 November 2016 and has also been reviewed in relation to the scheme. Table 5.2 below illustrates the projected population targets for the county and specifically for Greystones-Delgany as set out within the CDP 2022.

**Table 5.2 – Population targets for County Wicklow 2022, 2025, 2028 (Source: CDP 2016 - 2022)**

<b>Area</b>	<b>Number of Persons</b>		
	<b>2022</b>	<b>2025</b>	<b>2028</b>
Wicklow County	158,000	167,000	176,000
Greystones-Delgany	21,603	22,801	24,000

- 5.5 The projected population targets are slightly more conservative and the same increase to 24,000 people is expected to be reached by 2028 as opposed to 2022 as set out in the CDP 2016.

**Table 5.3 – Housing targets for County Wicklow 2022, 2025, 2028 (Source: CDP 2016 - 2022)**

Area	Number of Houses			Target housing Growth
	2011 (existing)	2022 (target)	2028 (target)	
Wicklow County	54,351	69,822	85,589	31,238
Greystones-Delgany	6,637	8,321	10,138	3,501

5.6 The core strategy of the CDP 2022 therefore indicates that there will be a requirement for 10,138 additional dwellings within Greystones – Delgany by 2028 (excluding Kilcoole). This is generally consistent with the CDP 2016 which states that 10,402 dwellings will be required by 2022 to accommodate the population.

5.7 A review of recent approvals in the area has been conducted to ascertain the approved number of the residential units which have contributed to the targets set out in the CDP.

**Table 5.4 – Population Change in Wicklow County and Greystones-Delgany 2011 - 2016 (Source: CSO)**

Location	Reference No.	No. of units approved	Approval Date
Kilcoole Road, Greystones, Co. Wicklow, Opposite Glenbrook Park residential estate	16792 PL247303	50	06/12/2016 (appeal withdrawn)
Charlesland, Greystones, Co. Wicklow	161412 PL27.248927	192	28/09/2017 (appeal dismissed)
Charlesland, Greystones, Co. Wicklow	07/1352 PL27.226988	260	Grant - 8/01/2009 Extended 21/02/2014
Richview House, Bellevue Hill, Delgany, Co. Wicklow	151307 PL.27.248401	89	Decision date 09/10/2017
Chapel Road, Blacklion, Greystones, Co. Wicklow	141031	187	Grant – 23/01/2015
Kindlestown, Chapel Road, Delgany, Co. Wicklow	18678 ABP-303217-18	74	Decision 05/03/2019
Churchlands, Killincarrig, Delgany, Co. Wicklow	161301 PL27.249039	60	Decision 10/01/2018
<b>TOTAL</b>		<b>912</b>	

5.8 The above table indicates that 912 units have been approved in the area in recent years. This is vastly below the 3,501 dwellings targeted within the CDP 2022. The proposed development is therefore compliant with the objectives of the core strategy.

5.9 The proposed scheme is therefore consistent with the core strategy of the Wicklow County Development Plan 2016 – 2022, notwithstanding the minor variation to the density standard.

- 5.10 With reference to the density and inclusion of apartments within the scheme, the following objectives are outlined in the Wicklow County Development Plan 2016-2022.

*“HD5 In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle. (Note to HD5 in CDP: 1 Unless specific in the relevant local plan, the density objective for any particular lands shall be drawn for the principles set out in the Development and Design Standards appended to this plan.)*

*“HD13 Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighborhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.”*

- 5.11 We refer the Board to the enclosed Material Contravention statement, in respect of same.

### 5.1.2 Community Development

- 5.12 Table 5.5 sets out relevant county plan development management policies for community development and an evaluation of the proposed development.

**Table 5.5 – Evaluation of the proposed development in terms of relevant Community Policies**

Development Management Policy	Evaluation
<p>CD27 seeks in residential development &gt; 50 dwellings public open space and a dedicated children’s play area following consultation with WCC. CD28 requires safety in the design of streets, CD29 seeks retention of trees, streams etc. CD31 requires MUGA areas while CD32 and CD33 seek to provide facilities which contribute to the improvement of health and well-being and to increase participation. Policy CD34 identifies the Action Plan process to identify suitable Active Open Space</p>	<p>Applicant met with WCC in relation to children’s play areas. Proposed development will include a dedicated children’s play area and which will be passively supervised. The layout of the Road will be subject to a Road Safety Audit in accordance with Policy CD28. Natural Features will be retained within the layout where feasible.</p> <p>With reference to objectives CD33/CD34 the development will include a significant new Active Open Space of 4.5 hectares including a soccer pitch, tennis court, multi-use pitch as well as running trails. In addition, it is proposed to provide public open space areas within the residential area of the development.</p>
<p>Policy CD43 requires open space to be provided in tandem with new residential development.</p>	<p>The proposed development will provide c. 2.4 hectares of a public greenway along the northern boundary of the development along the Three Trouts stream which will connect to the town to the east.</p>

### 5.1.3 Natural Heritage and Landscape

- 5.13 Table 5.6 sets out relevant county plan development management policies for natural heritage and landscape and an evaluation of the proposed development in terms of each policy.

**Table 5.6 – Evaluation of the proposed development in terms of relevant Natural Heritage Objectives**

Development Management Policy	Evaluation
Policy NH17 discourages the felling of mature trees.	The proposed development will retain existing notable trees within the proposed layout and in particular the layout maintains Tree Protection Objective (T06) which relates to a line of Scots Pine in the western portion of the subject lands.
Policy NH19 encourages the retention of hedgerows.	The proposed development will retain the majority of the existing hedgerows on the site boundaries and within the scheme.
Policy NH20 ensures the protection, improvement and sustainable use of waterbodies.	Development is unlikely to harm the quality of surface or groundwater bodies, as evidenced in the Environmental Report that accompanies this application. The SHD application will include an EIAR and the mitigation measures will ensure that the development will be unlikely to harm the surface or groundwater.
Policy NH22 prevents development that would pollute waterbodies.	See Policy NH20
Policy NH23 seeks to minimise alterations or interference with river and stream beds, including through the provision of a development-free buffer along watercourses.	The proposed development includes a land buffer along the Three Trouts stream on the site's northern boundary. The greenway will be developed using a 'no-dig' methodology, to ensure potential impacts to the Three Trouts stream are minimised.
Policy NH32 seeks to protect existing green infrastructure and facilitate the development of new green infrastructure.	The proposed development features a substantial greenway linear park of c. 2.4 hectares following the Three Trouts stream on the site's northern boundary.
Policy NH36 promotes the development of riverside parks and routes along river corridors.	See Policy NH32
Policy NH39 facilitates the use of natural areas for active outdoor pursuits.	See Policy NH32

- 5.14 The SHD application is accompanied by a Cultural Heritage, and Archaeological Testing Report, in accordance with Policy BH2, which requires archaeological assessments for proposals that may, due to their size, location or nature, have implications for archaeological heritage. A programme of archaeological testing has been carried out in accordance with the recommendations of the National Monuments Service, and appropriate impact mitigation measures have been incorporated into the development proposals. Please refer to the Environmental Impact Assessment Report and Archaeological Testing Report (prepared by IAC for further details).

5.15 The CDP is accompanied by a Development and Design Standards document (Appendix 1 of CDP), which sets out the County Council's requirements with respect to the design standards for new housing developments. All new housing developments will be assessed against the achievement of these key design factors set out in the guide. This is attached to this report for information.

#### **5.1.4 Development Management Standards – Wicklow County Development Plan 2016-2022**

##### **Private Open Space**

5.16 The minimum private open space is set out as follows:

- Private Open Space
- 1-2 bedrooms – 50 sq. m
- 3+ bedrooms - 60-75 sq. m

5.17 The proposed development provides generous private open space and generally greatly exceeds the minimum standards.

##### **Public Open Space**

5.18 With reference to Public Open Space, Appendix 1 of the CDP notes that *“public open space will normally be required at a rate of 15% of the site area – areas within the site that are not suitable for development or for recreational use must be excluded before the calculation is made.”*

5.19 The net (residential) site area is c. 11.94 hectares, which would equate to a requirement of 1.78 hectares. The proposed development provides 1.8 hectares of Public Open Space, which is above the Wicklow CDP requirement. In addition, the overall development includes passive areas of open space (areas of steep slopes), acting as a buffer to the Three Trouts stream, which will provide an associated amenity benefit, which would equate to c. 1.3 hectares.

5.20 Appendix 1 of the Wicklow CDP also states that where a public park is being provided by the same developer (or by a group of developers in a combined Action Area) in close proximity to the residential development site, the public open space provided on site may be reduced to 7.5% of the residential site area, with the remainder being made up in the park.

5.21 In addition, the proposed development will provide c. 2.4 hectares of a public greenway along the northern boundary of the development along the Three Trouts stream which will connect to the town centre (and DART) of Greystones to the east and ultimately Delgany to the west.

5.22 Excluding the Active Open Space, of 4.5 hectares, the overall quantum of open space, comprising the various forms of open space within the residential lands (including passive areas and the greenway) is c. 10.2 hectares (or c. 48% of the overall subject site).



## Building Heights

- 5.23 Appendix 1 of the Wicklow CDP notes that *“Building heights should be appropriate to the design and scale of development proposed and to that of the adjoining area.”*
- 5.24 The height strategy for the subject site is to provide a range of building heights which respond to the local character and context, by providing 2 storeys along the boundary to the existing 2 storey houses in Eden Gate, to the south of the proposed development, and to include dormer dwellings along the frontage along Priory Road. The duplex buildings of 3 storeys and apartment buildings of 4 storeys are located centrally within the scheme layout, and the heights reduce in scale to the boundaries. This approach is similar to the Eden Gate development where the 4 storey apartment blocks are located centrally within the layout, for the most part.

## Parking

- 5.25 Appendix 1 of the Wicklow CDP states that *“2 off street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size”*. There are no standards for apartments so the Apartment Guidelines 2018 have been used as a guide.
- 5.26 It is proposed to provide 762 no. car parking spaces and 235 no. cycle spaces within the scheme. The houses will be provided with 2 no. spaces per unit, 132 spaces will be provided for duplex units along with 88 cycle spaces, while the apartments will be provided with 97 no. car parking spaces (with a mixture of basement and surface spaces) and 93 no. cycle spaces.

## 5.2 GREYSTONES -DELGANY AND KILCOOLE LAP 2013—2019

### 5.2.1 Overall Development Strategy

- 5.27 Section 2.2 of the Greystones-Delgany and Kilcoole Local Area Plan (‘the LAP’) sets out the overall development strategy for the LAP area. Table 5.7 sets out the key elements of the strategy applying to the subject lands and provides an evaluation of the proposed development in terms of each element.

**Table 5.7 – Evaluation of the proposed development in terms of the LAP’s overall development strategy**

Development Strategy Element	Evaluation
Greystones is to develop in a sustainable manner at a relatively large-scale in accordance with its role as a county significant ‘growth’ town. Greystones-Delgany shall accommodate a high level of housing growth, from a current population of approximately 17,208 to a target population of 21,000 by 2016 and 24,000 by 2022.	The proposed development is for a 426 no. dwelling residential development located on zoned land within the development boundary of Greystones-Delgany and as such will contribute to meeting the needs of the overall population targets set out in the current Wicklow County Plan.
To provide for a mix of housing in all areas, in a range of house types, sizes and tenures. In particular, new housing in Greystones-Delgany should focus on increasing the number of affordable private	The proposed development will provide a sustainable mix of house types comprising 3 and 4 bedroom dwellings along with 1 and 2 bed apartments and 2 and 3 bed duplex apartments, which will provide affordable

Development Strategy Element	Evaluation
homes for families and increasing housing options for older people.	private homes for families and increasing housing options for older people to trade down.
Link the development of new housing to the delivery of necessary community facilities	The development will include a significant new Active Open Space of 4.5 hectares including a soccer pitch, tennis court, multi-use pitch as well as running trails. In addition, it is proposed to provide public open space and communal open space areas within the residential area of the development.
To promote the development of a sustainable transportation and land use pattern. In particular, throughout all areas, promote the concept of a 'walkable' neighbourhood.	The proposed development features an integrated model of street design that balance the needs of pedestrians, cyclists and motorists. The proposed development includes a greenway of 2.4 hectares along the Three Trouts stream on the site's northern boundary, which will link to the east to the town centre and to the DART and bus services.
Protect natural and built heritage.	The proposed development will retain existing notable trees within the proposed layout and in particular the layout maintains Tree Protection Objective (T06) which relates to a line of Scots Pine in the western portion of the subject lands. The proposed development features a substantial greenway linear park of c. 2.4 hectares following the Three Trouts stream on the site's northern boundary.
Maximise the use of existing infrastructure	The proposed development will make use of existing transport, water and sewerage infrastructure.

## 5.2.2 Evaluation of Consistency

5.28 Having regard to the evaluation contained within Table 5.7, the proposed development is considered to be consistent with the LAP's overall development strategy for Greystones/Delgany.

## 5.2.3 Land Use Zoning

5.29 The overall subject lands are zoned, Residential, Active Open Space and Open Space. A maximum density of 22 dwellings-per-hectare (dph) is prescribed for residential-zoned lands. It is noted Section 10.1 of the LAP states that:

*"The position, location and size of the land use zonings shown on Map A within the action plan areas are indicative only and may be altered in light of eventual road and service layouts, detailed design and topography, subject to compliance with the criteria set out below."*

**Figure 5.1 – Land Use Zoning**

#### 5.2.4 Evaluation of Consistency

- 5.30 The Action Plan (submitted to WCC and included with this application) has revised the location of the indicative land use zones on site to provide better accessibility and overall layout of the Action Plan area, having regard to the sloped nature of the subject lands. The quantum of land provided for each land use zoning is compliant with the Action Plan criteria for the specific land uses on site. We refer to ABP302552-18 (Bulford, Kilcoole, Co. Wicklow) and ABP304037 (Kilgarron Hill, Enniskerry Co. Wicklow) which also included an Area Action Plan and a similar approach to density and land zoning. (Note that while ABP304037-19 was ultimately refused, there were no issues raised in relation to the zoning of the land.)
- 5.31 It is noted that Senior Counsel Opinion is submitted with this application, which addresses Strategic Housing Developments under the provisions of the legislation, in the situation where the land uses within a designated Action Area Plan area have been altered from the indicative land use arrangement shown in the LAP on the zoning map.
- 5.32 The opinion states:
- “I am therefore of the opinion that the proposed development is consistent with the land use zoning provisions of the LAP and does not contravene the LAP in relation to zoning of the land, whether materially or at all. Accordingly, the Board’s jurisdiction to grant permission is not trammelled by section 9(6) of the 2016 Act, which precludes the Board from granting permission in respect of a SHD application where there is a material contravention of land use zoning objectives.”*
- 5.33 It is therefore respectfully submitted that the designation of these lands as Action Area Plan lands allows for the alteration of the positioning of land uses as set out in the submitted and agreed Action Area Plan for Farrankelly.

- 5.34 We refer the Board to the enclosed opinion from Eamon Galligan SC, which confirms the appropriateness of the approach by Wicklow County Council. We also note that Wicklow County Council, confirmed the approach in the pre-application submission to An Bord Pleanála.
- 5.35 The average proposed net densities of 35.7 dwellings per hectare (DPH) are higher than the 22 DPH prescribed in the LAP for residential-zoned parts of the proposal site; this is considered acceptable in light of guidance contained with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- 5.36 A Material Contravention Statement, prepared by John Spain Associates, is included with the SHD application. It is important to note that the land use zoning is not being contravened, and it relates to the density indicated in respect of the lands.

**Table 5.8 – Evaluation of the proposed development in terms of the LAP’s relevant objectives for population and housing**

Population and Housing Objectives	Evaluation
Objective RES1 is to adhere to the county plan’s population and housing objectives for the LAP area.	The proposed development will help achieve the county plan’s housing supply targets for Greystones as set out in the County Plan 2016-2022.
Objective RES3 is to phase development on zoned lands in accordance with a sequential approach, extending outward from centres and contiguous with existing development	The proposed development is for a 426 no. dwelling residential development located on zoned land within the development boundary of Greystones-Delgany and are located adjacent to existing developed lands and as such are sequentially well located.
Objective RES 4 requires housing developments to be designed to provide future road access to adjoining development lands.	The proposed development will construct RO7 which is a Road objective between the Kilcoole Road (R761) and Priors Road. The layout will also provide a link to the boundary to the existing developed lands in Eden Gate to the south. The proposal will include for a greenway as well as cycle tracks which will link the development to a wider green network connecting the subject lands to the wider town.
Objective RES12 is to ensure a mix of house type, size and tenure, and in particular to ensure an appropriate balance between the amount of social, affordable and private tenure	The development will provide a range of dwelling types comprising houses, apartments and duplex apartments. 10% of the housing units will be provided as Part V dwellings.
Objective RES 14 seeks to facilitate the development of housing options for older people within the plan area.	The proposed development will include apartments which would be suitable for older people trading down.
Protect natural and built heritage.	The proposed development will retain existing notable trees within the proposed layout and in particular the layout maintains Tree Protection Objective (T06) which relates to a line of Scots Pine in the western portion of the subject lands. The proposed development features a substantial greenway linear park of c. 2.4 hectares following the Three Trouts stream on the site’s northern boundary.

## 5.2.5 Social Infrastructure

5.37 Table 5.9 provides an evaluation of the subject lands in relation to social infrastructure.

**Table 5.9 – Evaluation of the proposed development in terms of the LAP’s overall Social Infrastructure**

Social Infrastructure	Evaluation
Objective SOC1 is to provide social infrastructure in tandem with residential development.	The proposed development will include a creche and associated play area, Active Open Space of pitches (4.5 hectares) as well as a substantial Greenway. In addition the proposed development will include a Residential Amenity Building of c. 325 sq. m for the use of the future residents of the proposed development.
Objective SOC10 seeks to provide for the development of active open space to meet the needs of the current and future population of the plan area.	The development will include a significant new Active Open Space of 4.5 hectares including a soccer pitch, tennis court, multi-use pitch as well as running trails. In addition, it is proposed to provide active play area within the residential area of the development.

## 5.2.6 Transport and Services Infrastructure

5.38 Table 5.10 sets out relevant LAP objectives for transport and service infrastructure and an evaluation of the proposed development in terms of each objective.

**Table 5.10 – Evaluation of the proposed development in terms of the LAP’s overall Transport and Service Infrastructure**

Transport and Services Infrastructure	Evaluation
Objective TS1 seeks that a reliable and effective water services, drainage, energy, waste management and communications infrastructure is put in place.	The proposed development will incorporate the required services to provide a sustainable community. The enclosed ROD Report includes the detail on services.
Objective TS2 All new development shall be required to connect to the public mains systems for water supply and waste water collection and disposal	The development is served by the public mains as set out in the ROD Infrastructure report. The proposal includes a confirmation of design from Irish Water.
Objectives TS4, TS5 and TS6 relate to floodrisk.	The residential element of the proposed development is not located in a flood risk area.
Objective TS7 promotes the development of safe and accessible pedestrian and traffic routes.	The proposed development will include pedestrian paths within the development. It will also construct Objective R07, which is a road objective between the Kilcoole Road and Priory Road.
Objective TS8 is for the implementation of a series of 17 roads proposals, each listed as one of 17 sub-objectives RO1 to RO17.	The proposed development will deliver the sub-objective R07 and will be constructed in Phase 1 of the development. The timing of the opening of the road to Priory Road will be

Transport and Services Infrastructure	Evaluation
Sub objective R07 relates to Provide for a local access road to facilitate the development of zoned lands and to provide for the development of a through road from Priory Road to R761.	subject to the agreement of Wicklow County Council.  This application is supported by a Traffic and Transportation Impact Assessment (TTIA), prepared by ROD Consulting Engineers that demonstrates that the internal road network and the junction on the Kilcoole Road has been designed to cater for the full development (including Active Open Space) in the interim, pending the future opening of the through road from Priory Road to the R761 (Kilcoole Road).
Objective TS12 seeks to develop the 'greenroute' network for pedestrian and/or cycling facilities (as set out on map B)	The proposed development includes a significant element of this green route network and includes a greenway located along the northern boundary of c. 2.4 hectares, which will connect to the Mill walk and Greystones to the east (via a toucan crossing) and also to the western boundary (to facilitate future connections). In addition, the internal open space links to the proposed greenway via a 3m wide pedestrian/cycle link which will connect into the Active Open Space playing pitches and also to Priory Road.
TS13 seeks to provide for future links to adjoining lands.	The proposed development will provide a road link into the adjoining lands within the Action Plan Area.

## 5.2.7 Natural and Built Heritage

- 5.39 Table 5.11 sets out relevant LAP objectives for natural and built heritage and an evaluation of the proposed development in terms of each objective.

**Table 5.11 – Evaluation of the proposed development in terms of the LAP's relevant objectives for natural and built heritage**

Natural and Built Heritage	Evaluation
Objective HER1 is to protect and enhance the character, setting and environmental quality of natural, architectural and archaeological heritage	This application is accompanied by an Ecological Impact Assessment Report, contained in the Environmental Impact Assessment Report that concludes that the development will not harm ecological interests. The proposed development will retain existing notable trees and hedgerows on the site boundaries. A Greenway area of 2.4 hectares is proposed along the Three Trouts stream on the site's northern boundary. Development is unlikely to harm the quality of surface or groundwater bodies, as evidenced in the EIAR that accompanies this application.

Natural and Built Heritage	Evaluation
	A programme of archaeological testing has been carried out in accordance with the recommendations of the National Monuments Service, and appropriate impact mitigation measures have been incorporated into the development proposals. Please refer to the IAC Cultural Heritage, and Archaeological Testing Report that accompanies this SHD application for further details (Refer to Volume III of the EIAR).
Objective HER2 protects the integrity of Natura 2000 sites.	The AA Screening Report concludes that the possibility of any significant effects on European Sites arising from the proposed development, whether considered on its own or in combination with the effect of other plans or projects, can be excluded beyond a reasonable scientific doubt.
Objective HER 3 protects undesignated wildlife sites.	This application is accompanied by Environmental Impact Assessment Report, which provides appropriate mitigation in respect of undesignated wildlife sites.
Objective HER4 protects notable trees.	The proposed development will retain existing notable trees within the proposed layout and in particular the layout maintains Tree Protection Objective (T06) which relates to a line of Scots Pine in the western portion of the subject lands.
Objective HER5 protects the biodiversity value of waterbodies (including the Three Trouts stream).	See Objective HER1

## 5.2.8 Evaluation of Consistency

5.40 Having regard to the evaluation contained within the tables above, the proposed development is considered to be consistent with all relevant LAP objectives.

## 5.3 FARRANKELLY ACTION AREA PLAN – AP6

### 5.3.1 Agreed Farrankelly Action Plan

5.41 The site comprises the majority of the Farrankelly Action Plan area. A Draft Action Plan for AP6 was prepared by the applicant and was submitted to Wicklow County Council during pre-application consultation (in December 2018). Wicklow County Council approved the Action Plan for the area (see letter enclosed from WCC dated 2<sup>nd</sup> April 2019), which is included in the SHD application.

5.42 The quantum of land provided for each land use zoning is compliant with the Action Plan criteria for the specific land uses on site. We refer the Board to the enclosed opinion from Eamon Galligan SC, which confirms the appropriateness of the approach by Wicklow County Council. We also note that Wicklow County Council, confirmed the approach in the pre-application submission to An Bord Pleanála.

- 5.43 The proposed development meets the LAP objective for the action plan area, which is to develop it for residential and open space uses. In addition to roads policy (discussed above), the development complies with all sub-criteria, as follows:
- **Approximately 17ha to be developed for residential use.**
- 5.44 The proposed development of c. 14.33 hectares of residential development will provide for 426 no. dwellings in a high-quality design in accordance with the 12 Design Criteria and DMURS, and form phases 1-3 of the agreed Action Plan. The lands to the north and east under the ownership of the Evans' family (c. 2.67 hectares) will form part of a future separate planning application (Phase 4), and the remainder of the Action Plan lands.
- **Approximately 4.5ha of land shall be provided for active open space.**
- 5.45 The proposal includes active open space of 4.5 hectares which will include a soccer pitch, tennis court, multi-use pitch as well as running trails (trim trails).
- **Lands identified at risk of flooding (under the FRA) shall be reserved as open space.**
- 5.46 The proposed residential element of the development avoids areas identified at risk of flooding. This is set out in the Site Specific Flood Risk Assessment prepared by ROD Consulting Engineers.
- **Roads shall be provided in accordance with RO7, Section 7 of this plan.**
- 5.47 The proposed development is considered to be consistent with all relevant LAP objectives, including Transport Objective R07, which proposes a link between the Kilcoole Road and the Priory Road. It has been agreed with the Roads Department of Wicklow County Council that the R07 objective will be built in the first phase of development and will be opened subsequently, when Wicklow County Council have provided upgrades to the Priory Road. The application supported by a Traffic and Transportation Impact Assessment that demonstrates that the Kilcoole Road access can accommodate the entire proposed development.
- 5.48 The R07 link is not required to facilitate the development and the Kilcoole (R761) entrance has been designed to accommodate the full scheme, and that the proposal can operate without the link in place.
- **Provide for the development of a 'greenroute' for the provision of pedestrian and cycling facilities linking the R07 road objective to Eden Gate. This route shall be a minimum width of 10m, in order to facilitate the development of a possible traffic route, should the need arise in the future.**
- 5.49 In accordance with the R07 objective, the proposed layout includes the construction of a pedestrian/cycle link to the Eden Gate development boundary, to facilitate access to the south. The overall 'greenroute' (cyclepath and footpath) and adjoining area is 10m, in order to facilitate the development of a possible traffic route, should the need arise in the future.



- ***The residential amenity of existing adjoining properties shall be protected.***

5.50 The proposed layout of the development has had cognisance of the adjoining properties located to the south in Eden Gate and Glenbrook Park.

5.51 For example, the layout includes a back to back arrangement whereby the rear of the dwellings in the proposed development adjoin the rear boundary of the existing dwellings with an appropriate separation included to ensure privacy. With reference to Glenbrook Park, the proposed development has also taken into account the configuration of the dwellings at the boundary, and the layout has been 'pulled back' from the boundary and the siting of the houses has been carefully considered so that the residential amenity of the adjoining properties is protected. With regard to the Priory Road, the dwellings are well set back from the boundary and the scale reflects the existing dwellings on the southern side of the road. The south eastern portion of the subject site proposes two storey dwellings which are set back from Priory Road. It is noted the existing dwellings are set back further to the south.

5.52 It is noted a Sunlight, Daylight and Shadow Assessment, has been prepared by Shackleton Consulting, which confirms that:

*"Neighbouring properties will not be affected by the proposed development and the impacts on Skylight, Sunlight and Shadow have been tested in accordance with the best practice guidelines."*

- ***Protection of natural and built heritage, including rivers and trees.***

5.53 In relation to the above the layout of the proposed development has been designed to maintain as far as practicable the natural heritage of the site through the preservation and retention of the vast majority of hedgerows as well as providing a Greenway along Three Trouts stream. In addition, the proposed development maintains the Tree Protection Objective (T06) which relates to a line of Scots Pine in the western portion of the subject lands. A full tree survey has been undertaken and an impact assessment report including tree protection measures during construction will be included with the application.

- ***No more than 50% of houses shall be delivered prior to the provision of the active open space.***

5.54 It is envisaged that development within the Action Plan lands will take place on a phased basis. The phasing may vary in practice subject to the agreement of the Planning Authority and dependent on market conditions and demand for residential accommodation. The applicant is proposing a significant amount of frontloading of the infrastructure required for the subject lands which include:

- 4.5ha Active Open Space including a soccer pitch, tennis court, multi-use pitch as well as running trails;
- 2.4ha Greenway along Three Trouts stream;

5.55 Both the Active Open Space and Greenway will be constructed in Phase 1 (please refer to Section 8 below in respect of suggested phasing condition).

### 5.3.2 Farrankelly Action Plan – Wicklow County Council Response 4<sup>th</sup> April 2019

5.56 As noted above WCC agreed to the Action Plan for Farrankelly and noted the following in relation to phasing:

*The phasing shall accord with the following:*

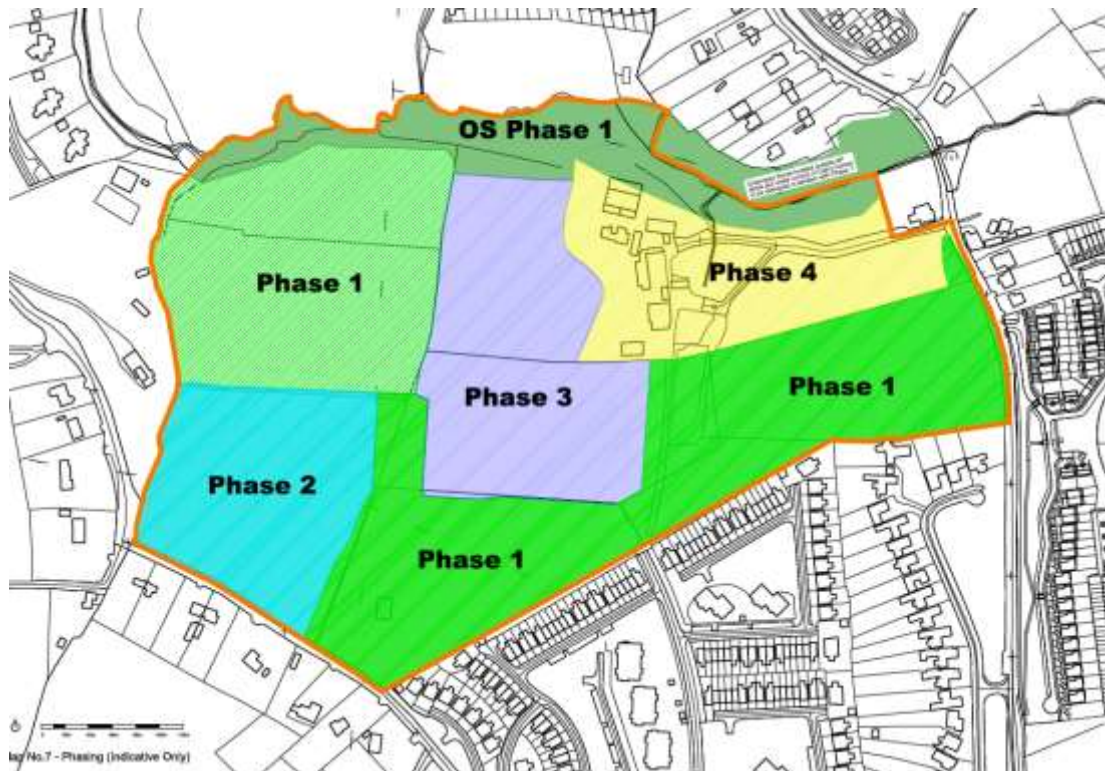
- *The R07 link road from the R761 to Priory Road shall be fully constructed in Phase 1.*
- *Prior to occupation of any dwellings in Phase 2, the R07 link road from the R761 to Priory Road shall be fully open to traffic unless otherwise agreed in writing with the planning authority.*
- *The pedestrian/cycle link to Eden Gate residential development shall be fully constructed in Phase 1.*
- *Prior to occupation of any dwellings in Phase 2, the pedestrian / cycle link to Eden Gate residential development shall be fully open unless otherwise agreed in writing with the planning authority.*
- *Prior to commencement of Phase 2, the Active Open Space shall be at least 50% completed, as agreed in writing with the planning authority.*
- *Prior to commencement of Phase 3, the Active Open Space shall be completed and open for use unless otherwise agreed in writing with the planning authority.*
- *The Three Trouts River Walk shall be completed and open for use prior to the commencement of Phase 2.*
- *The development of the lands shall take place in phases as set out on Map No.7 and in accordance with the phasing items 1-7 above. No subsequent phase shall be commenced until the previous phase has been substantially completed to the written agreement of the planning authority.*
- *Modifications to the phasing can be permitted via the planning application process where such modifications are fully supported/ justified and are in accordance with the principles of sustainable development.*

5.57 It is highlighted that Wicklow County Council note that the phasing indicated can be modified via the planning application process. While the over-arching phasing is not proposed to be altered, for example the Active Open Space is to be delivered (and the Road Objective to be constructed) in Phase 1, the proposed phasing now proposes 2 no. phases in place of the 3 no. phases, indicated in the Action Plan. This is to facilitate a faster delivery of dwellings, in tandem with the key structuring principles of the Action Plan. The proposed phasing plan also takes into consideration the sequential development of the site and the delivery of amenity space for future occupants in tandem.

5.58 With reference to the R07 link, as agreed with Wicklow County Council, the full opening of this access will coincide with the general upgrade of the road section of Priory Road to include a footpath along the western frontage of the site, or as otherwise agreed with Wicklow County Council. The design of the proposed access onto Kilcoole Road is to cater for the full development (in advance of the upgrade of the Priory Road), and that the proposed development should be entirely accessed from Kilcoole Road until such a time that the Priory Road.

- 5.59 The provision of a footpath between the subject site and the Eden Gate roundabout, will be undertaken by Wicklow County Council, in the future. However, it is important to note that the footpath between the southern boundary of the site isn't required for the proposed development, in respect of any meaningful linking function, to local facilities, which can be provided via the southern boundary with Eden Gate.

**Figure 5.2 – Extract from the approved Action Area Plan**



- 5.60 In effect, the revised Phase 1 includes additional duplex units which are located along the link street, which will provide an enhancement in placemaking and also provide a wider range by completing this element of the proposed development.

**Figure 5.3 – The proposed phasing plan**

5.61 In addition to the Active Open Space, the Greenway (Three Trouts Riverwalk) and the construction of the Road Objective RO7 (including cycle link to south) Phase 1 will comprise 173 no. dwellings as follows:

- 11 no. detached houses;
- 110 no. semi-detached;
- 20 no terraced terrace houses;
- 32 duplex units.

5.62 The minor proposed revision to the phasing still frontloads the delivery of the key structuring elements of the Action Plan including the spine road objective, the greenway and the Active Open Space.

## 6.0 PART V

6.1 The applicant has entered into discussions with the Housing Department of Wicklow County Council in respect to Part V. The applicant agrees to accept a condition on a grant of planning permission, if the Board is minded to approve the proposed development, which requires the applicant to enter into a Part V agreement with Wicklow County Council as per their requirements prior to the commencement of development.

6.2 The applicants Part V proposals are described and mapped in the Part V material accompanying this consultation request. Cairn propose to allocate 42 no. dwellings over two phases of development. 8 no. units are to be provided in phase 1 and the remainder provided in phase 2, with the unit mix agreed in principle with Wicklow County Council as follows:

- 12 no. 1 bedroom apartments;
- 19 no. 2 bedroom apartments;

- 4 no. 2 bedroom duplex apartments;
- 4 no. 3 bedroom duplex apartments;
- 3 no. 3 bedroom dwellings.

## **7.0 RECOMMENDED PLANNING CONDITIONS**

- 7.1 The applicant respectfully requests that consideration of appropriate conditions as set out below are reviewed and included in a grant of planning permission.

### **7.1 TAKING IN CHARGE**

- 7.2 With reference to the ensuring ongoing public access to the Active Open Space, it is anticipated that the lands at Farrankelly will be taken in charge by Wicklow County Council. The overall "Taking in Charge" plan is shown on drawing no. 123, prepared by Metropolitan Workshop Architects, included with the SHD application.

- 7.3 Carin Homes are proposing the following condition:

*"(a) The development, including all roads, footpaths, cycle paths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, and as amended by the conditions of this permission, shall be carried out and completed in accordance with the "taking-in-charge" standards of the planning authority. The areas to be taken in charge, upon completion of the development, shall be in accordance with the areas shown on drawing number (A3\_1609\_101\_122\_Proposed Site Layout Plan - Taking in Charge), unless otherwise agreed with the local authority.*

*(b) The areas not to be taken in charge, as defined by this condition, shall be maintained by a properly constituted private management company, details of which shall be agreed in writing with the planning authority.*

*(c) All of the areas of public open space to be taken in charge shall be maintained by the developer until such time as the development is taken in charge by the local authority.*

*(d) Public Access to the Active Open Space shall be provided prior to completion of Phase 2 (Drawing 1609\_101\_121\_Proposed Site Layout Plan – Phasing) and open for use unless otherwise agreed in writing with the planning authority."*

### **7.2 MATERIALS AND FINISHES**

- 7.4 In relation to materials and finishes, Carin Homes would be happy for the inclusion of a condition for materials and finishes to be agreed with the planning authority as follows:

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

### **7.3 PHASING**

- 7.5 With reference to phasing, Carin Homes would be happy for the inclusion of a phasing condition as follows:

*"Phasing shall be in accordance with the phasing drawing [1609-101-121] submitted with the application, unless otherwise agreed in writing with the planning authority."*

## 8.0 CONCLUSIONS

- 8.1 The statement set out herein demonstrates the consistency of the proposed development with the relevant national, regional and local planning policy context. At a national and regional level, this statement has demonstrated the consistency of the development with the following:
- National Planning Framework;
  - Regional Economic and Spatial Strategy for the East and Midlands Region 2019-2031;
  - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;
  - Urban Development and Building Height Guidelines (December 2018);
  - Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities;
  - Design Manual for Urban Roads and Streets (2013);
  - Guidelines for Planning Authorities on Childcare Facilities (2001);
  - Smarter Travel – A New Transport Policy for Ireland (2009-2020);
  - The Planning System and Flood Risk Management (2009);
  - Draft Water Services Guidelines for Planning Authorities (2018);
- 8.2 Consistency is also demonstrated with the policies and provisions of the Wicklow County Development Plan and the Greystones – Delgany- Kilcoole Local Area Plan 2013-2019, which are the key planning policy documents at a local level.
- 8.3 It is respectfully submitted that the proposed development will provide an appropriate form of high-quality residential development comprising residential, open space, and a creche on the subject lands.
- 8.4 The proposed development and accompanying documentation and reports have been prepared following extensive pre-planning consultation with Wicklow County Council as detailed above which forms a part of this SHD application to An Bord Pleanála.
- 8.5 The proposed development will result in a residential density of c. 35.7 units per hectare (net), which is considered appropriate having regard to the zoning of the subject lands. Excluding the Active Open Space, of 4.5 hectares, the overall quantum of open space, comprising the various forms of open space within the residential lands (including passive areas and the greenway) is c. 10.2 hectares.
- 8.6 In conclusion, it is respectfully submitted that the proposed development is consistent with and in accordance with the proper planning and sustainable development of the area, and complies with all relevant national, regional and local planning policies and guidelines.

## **APPENDIX 1 LOCAL PLANNING POLICY OBJECTIVES**

## **Wicklow County Development Plan 2016-2022**

### **Settlement Strategy**

*SS1 To implement the County Wicklow Core Strategy and Settlement Strategy, having regard to the availability of services and infrastructure and in particular, to direct growth into the designated metropolitan growth centres and the large, moderate and small growth towns in the Greater Dublin hinterland area.*

*SS2 To facilitate service and infrastructure providers in the delivery of services and infrastructure to enable the implementation of the County Wicklow Core Strategy and Settlement Strategy.*

*SS3 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.*

*SS4 To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.*

*SS5 To implement the population and housing growth targets as set out in the Core Strategy and Settlement Strategy, to monitor development and the delivery of services on an ongoing basis and to review population allocations where service delivery is impeded.*

### **Housing**

*HD1 New housing development shall be required to locate on suitably zoned or designated land in settlements, and will only be considered in the open countryside when it is for the provision of a rural dwelling to those with a housing, social or economic need to live in the open countryside.*

### **Design**

*HD2 New housing development, above all other criteria, 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.*

*HD3 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 document appended to this plan, which includes a Wicklow Single Rural Houses Design Guide.*

### **Social Housing**

*HD4 To implement the provisions of the Wicklow Housing Strategy and in particular, to require that 10% of all zoned land developed for residential use, or for a mixture of residential and other uses, shall be devoted to social housing.*

### **Density**

*HD5 In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest*



density indicated for the lands<sup>1</sup>. The Council reserves the right to refuse permission for any development that is not consistent with this principle.

### **Sequence / Phasing of Housing**

*HD6 Notwithstanding the zoning / designation of land for residential purposes, the Development Management process shall monitor and implement the population targets of this plan and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded*

*HD7 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.*

*HD8 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. Where specified by the Planning Authority, new significant residential or mixed use development<sup>2</sup> proposals, may be required to provide a social and community facility/facilities as part of the proposed development or the developer may be required to carry out 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.*

*HD11 In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted on such lands.*

### **Protection of Residential Amenity in Transitional Areas**

*HD12 While the zoning objectives indicate the different uses permitted in principle in each zone 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.*

### **Unit Types / Sizes / Locations**

*HD13 Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighborhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.*

*HD14 New apartment developments dependent on access through existing established areas of predominantly single family homes will generally not be permitted.*

*HD15 Within medium to large scale housing developments, a range of unit types / sizes shall be provided, including bungalows (this requirement does not apply to apartment only developments).*

*HD16 Temporary residential structures (e.g. mobile homes, caravans, cabins, portacabins etc) form a haphazard and substandard form of residential accommodation and generally have*

*poor aesthetic value and can detract from the overall appearance of an area. Therefore permission will generally not be granted for such structures.*

### **Housing Formats**

*HD17 The maximum size of any single 'housing estate' shall be 200 units and developments that include more than 200 units should be broken into a number of smaller 'estates', which shall be differentiated from each other by the use of materially different design themes.*

*HD18 The development of 'serviced sites', where site purchasers have the option of designing their own home, shall be particularly encouraged on zoned / designated housing land.*

### **Urban Regeneration & Housing**

*HD19 In many settlements in the County, there are sites and areas in need of development and renewal, in order to prevent:*

- a. adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,*
- b. urban blight and decay,*
- c. anti-social behaviour, or*
- d. a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses*

*CD3 To facilitate the delivery of community facilities in accordance with the 'Hierarchy Model of Community Facilities' prepared under the Development Levy Scheme (under Section 48 of the Planning and Development Acts) (as set out on Table 8.1 of this chapter).*

*CD4 To recognise the needs of those with disabilities throughout the County and to acknowledge their right to lead as enriching, fulfilling and independent lives as possible. In support of this, all policies, objectives and development standards of this plan have been proofed to ensure that not only do they not impede on the lives of people with disabilities but that they proactively assist and enable them.*

*CD5 Where specified by the Planning Authority, new significant residential or mixed use development<sup>2</sup> proposals, may be required to provide a social and community facility/facilities as part of the proposed development or the developer may be required to carry out 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.*

### **Childcare and Preschool Objectives**

*CD22 To facilitate the provision of childcare in a manner which is compatible with land-use and transportation policies and adheres to the principles of sustainable development.*

*CD23 To facilitate the provision of a network of childcare facilities that reflects the distribution of the residential population in the County, in order to minimise travel distance and maximise opportunities for disadvantaged communities.*

*CD24 Where considered necessary by the Planning Authority, to require the provision of childcare facilities in all residential developments comprising 75 houses or more (including local authority and social housing schemes). In accordance with Department of Environment, Heritage & Local Government guidelines, childcare places shall be provided at a ratio of 20 places per 75 residential units, having regard to cumulative effects of permitted development, (unless it can be demonstrated that having regard to the existing geographic distribution of childcare facilities and the emerging demographic profile of the area that this level of childcare facilities is not required). Without substantial cause, it is the policy of the Planning Authority not to allow a change of use of these premises within five years.*

### **Leisure and Recreation Objectives**

*CD27 In all new residential development in excess of 50 units, where considered necessary by the Planning Authority, the developer shall provide, in the residential public open space area, a dedicated children's play area, of a type and with such features to be determined following consultation with Community, Cultural & Social Development Office of Wicklow County Council. The location of any such proposal shall be situated within a centrally located area capable of being passively supervised by surrounding developments.*

*CD28 All new estates, streets, open spaces/parks and community facilities shall be designed with the needs and safety of children as a priority.*

*CD29 Subject to safety considerations, natural features (trees, streams etc) shall be retained in new developments.*

*CD30 In accordance with Objective CD5, where a deficiency in facilities for teenagers/young adults and/or indoor community space is identified in an area, the developer of any significant new residential estate may be required to address the deficiency.*

*CD31 All new neighbourhood parks or active open space zones shall include a 'mixed use games area' (MUGA) of an appropriate size and nature to be determined in, pre-consultation with the Community, Cultural & Social Development Office of Wicklow County Council.*

*CD32 New community buildings / facilities shall be designed to facilitate a wide range of uses including active uses (e.g. basketball, badminton, gymnastics / dance, martial arts etc), meeting / club use and the operation of youth clubs and youth services.*

*CD33 To provide for the development of facilities that contribute to the improvement of the health and well being of the inhabitants of County Wicklow and facilitate participation in sport and recreation.*

*CD34 Through the local plan and Action Area Plan process to identify the need and designate suitable active open space for the provision and expansion of sport and recreation opportunities, commensurate with its needs and existing facilities, in accordance with the provisions of the Wicklow County Council Play, Sport & Recreation and Active Open Space policies.*

*CD35 Facilities for sports shall normally be located close to towns or villages, on designated Active Open Space land. All efforts will be required to be made to locate new sports facilities close to existing community facilities, schools or areas of dense residential development. The Council may consider providing sites for these purposes or may be prepared to make financial or other assistance available, subject to reasonable access being made available to the public and to reasonable safeguards for the continued use of the land as open space.*

*CD36 The redevelopment for alternative uses of open space and recreational lands whether owned by private recreational clubs or publicly owned, will normally be resisted by the Planning Authority unless suitable and improved alternative recreational facilities can be provided in a convenient location.*

*CD37 The development of new sports or active open space zones shall be accompanied by appropriate infrastructure including car parking and changing rooms.*

### **Open Space Objectives**

*CD42 Through the local plan process to designate suitable open space in all settlements, commensurate with its needs and existing facilities, in accordance with the provisions of the Wicklow County Council Play, Sport & Recreation and Active Open Space policies.*

*CD43 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)*

*CD44 In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development. Non-community uses on such lands will not normally be permitted.*

*CD46 All open spaces shall be provided with environmentally friendly lighting in order to ensure their safe usage after day light hours (refer to 'Light pollution' section of Chapter 9 of this plan).*

### **Cycling and Walking Objectives**

*TR9 To improve existing or provide new foot and cycleways on existing public roads, as funding allows.*

*TR10 To require all new regional and local roads to include foot and cycleways, except in cases where shared road space is provided<sup>2</sup>.*

*TR11 To facilitate the development of foot and cycleways off road (e.g. through open spaces, along established rights-of-way etc), in order to achieve the most direct route to the principal destination (be that town centre, schools, community facilities or transport nodes), while ensuring that personal safety, particularly at night time, is of the utmost priority.*

*TR12 To encourage the provision of secure covered bicycle-parking facilities at strategic locations such as town centres, neighbourhood centres, community facilities and transport nodes.*

*TR13 To facilitate the development of a cycling and walking amenity routes throughout the County.*

### **General Road Objectives**

*TR14 To improve public roads in the County as necessary, including associated bridges and other ancillary structures, as funding allows, having due regard to both the transportation needs of the County and the protection of natural habitats.*

*TR15 Traffic Impact Assessments will be required for new developments in accordance with the thresholds set out in the 'Design Manual for Roads and Bridges' the 'Traffic & Transport*

*Assessment Guidelines' (TII) and the Design Manual for Urban Roads and Streets (DoECLG & DoTTS).*

*TR16 Road Safety Audits and/or Road Safety Impact Assessments 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 layout is proposed.*

### **Local Road Objectives**

*TR28 To continue to improve local roads to the appropriate standards (given the location), consistent with predicted traffic flow and in accordance with Government policy and the Roads Programme adopted by the Council.*

*TR29 To provide new and improve existing roads in urban areas in accordance with objectives identified in local area, town and settlement plans.*

*TR30 To require all new or improved urban local roads to make provision for public lighting, foot and cycleways and bus stop facilities, where deemed appropriate by the Local Authority.*

### **Parking Objectives**

*TR35 New / expanded developments shall be accompanied by appropriate car parking provision, with particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement are available. At such locations, the car parking standards set out in Appendix 1 Table 7.1 shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified.*

### **Storm and Surface Water Infrastructure Objectives**

*WI11 Ensure the separation of foul and surface water discharges in new developments through the provision of separate networks.*

*WI12 Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) and in particular, to ensure that all surface water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved surface water system.*

*FL5 To prohibit development in river flood plains or other areas known to provide natural attenuation for floodwaters except where the development can clearly be justified with the Flood Risk Guidelines 'Justification test'.*

*FL6 To limit or break up large areas of hard surfacing in new developments and to require all surface car parks to integrate permeability measures such as permeable paving.*

*FL7 Excessive hard surfacing shall not be permitted for new, or extensions to, residential or commercial developments and all applications will be required to show that sustainable drainage techniques have been employed in the design of the development.*

*FL8 To require all new developments to include proposals to deal with rain and surface water collected on site and where deemed necessary, to integrate attenuation and SUDS measures.*

*FL9 For developments adjacent to all watercourses of a significant conveyance capacity or where it is necessary to maintain the ecological or environmental quality of the watercourse, any structures (including hard landscaping) must be set back from the edge of the watercourse to allow access for channel clearing/ maintenance / vegetation. A minimum*

*setback of up to 10m (or other width, as determined by the Council) will be required either side depending on the width of the watercourse.*

### **Solid Waste Management Objectives**

*WE1 To require all developments likely to give rise to significant quantities of waste, either by virtue of the scale of the development or the nature of the development (e.g. one that involves demolition) to submit a construction management plan, which will outline, amongst other things, the plan for the safe and efficient disposal of waste from the site.*

*WE2 To require all new developments, whether residential, community, agricultural or commercial to make provision for storage and recycling facilities (in accordance with the standards set out in Development & Design Standards of this plan).*

### **Light Pollution Objectives**

*WE16 To require proposals for new developments with the potential to create light pollution or light impacts on adjacent residences to mitigate impacts, in accordance with the Development & Design Standards set out in this plan.*

### **Heritage**

#### **Archaeology Objectives**

*BH1 No development in the vicinity of a feature included in the Record of Monuments & Places (RMP) will be permitted which seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.*

*BH2 Any development that may, due to its size, location or nature, have implications for archaeological heritage (including both sites and areas of archaeological potential / significance as identified in Schedule 10.01 & 10.02 and Map 10.01 & 10.02 of this plan) shall be subject to an archaeological assessment. When dealing with proposals for development that would impact upon archaeological sites and/or features, there will be presumption in favour of the 'preservation in situ' of archaeological remains and settings, in accordance with Government policy. Where permission for such proposals is granted, the Planning Authority will require the developer to have the site works supervised by a competent archaeologist.*

*BH3 To protect previously unknown archaeological sites and features, including underwater sites, where they are discovered during development works.*

*BH4 To facilitate public access to National Monuments in State or Local Authority care, as identified in Schedule 10.02 and Map 10.02 of this plan.*

*BH5 To protect the Hillforts in west Wicklow and to engage with the relevant central Government department to seek to undertake a detailed study of their importance.*

*BH9 To ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.*

#### **Biodiversity Objectives**

*NH1 To ensure that the impact of new developments on biodiversity is minimised and to require measures for the protection and enhancement of biodiversity in all proposals for large developments.*

*NH2 No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).*

*NH4 All projects and plans arising from this plan<sup>12</sup> (including any associated improvement works or associated infrastructure) will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment where necessary*

*NH5 To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites<sup>13</sup> in Wicklow.*

*NH6 Ensure ecological impact assessment is carried out for any proposed development likely to have a significant impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Annex I habitats, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.*

*NH12 To 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 Natura 2000 network in Wicklow.*

*NH14 To promote the preservation of trees, groups of trees or woodlands in particular native tree species, and those trees associated with demesne planting, in the interest of amenity or the environmental, as set out in Schedule 10.08 and Map 10.08 A, B & C of this plan.*

*NH15 To consider the making of Tree Preservation Orders (TPOs) to protect trees and woodlands of high value, where it appears that they are in danger of being felled.*

*NH16 Development that requires the felling of mature trees of environmental and/or amenity value, even though they may not have a TPO in place, will be discouraged.*

*NH17 To discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling where possible.*

*NH18 To encourage 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, and appropriate local characteristic species, in all new developments.*

*NH19 To encourage 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).*

## **Water Systems Objectives**

*NH20 To facilitate the implementation of the EU Water Framework Directive and associated River Basin and Sub-Basin Management Plans and the EU Groundwater Directive to ensure the protection, improvement and sustainable use of all waters in the County, including rivers, lakes, ground water, coastal and estuarine waters, and to restrict development likely to lead to a deterioration in water quality.*

*NH21 To resist development that would interfere with the natural water cycle to a degree that would interfere with the survival and stability of natural habitats.*

*NH22 To prevent development that would pollute water bodies and in particular, to regulate the installation of effluent disposal systems in the vicinity of water bodies that provide drinking water or development that would exacerbate existing underlying water contamination.*

*NH23 To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of generally 10m along watercourses should be provided (or other width, as determined by the Planning Authority) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. In all cases where works are being carried out, to have regard to Regional Fisheries Board "Requirements for the protection of fisheries habitat during the construction and development works at river sites"*

## **General Green Infrastructure Objectives**

*NH31 To recognise the importance and contribution of Green Infrastructure throughout the region for the maintenance of biodiversity and ensuring that the region will be able to, or be ecologically robust enough to, adapt and respond to climate change issues.*

*NH32 To protect existing green infrastructure resources and to facilitate, in consultation with relevant stakeholders, the development of green infrastructure that recognises the benefits that can be achieved with regard to the following:*

- *Provision of open space amenities,*
- *sustainable management of water,*
- *protection and management of biodiversity,*
- *protection of cultural heritage, and*
- *protection of protected landscape sensitivities.*

*NH33 During the review process of the existing local plans, to consider identifying Green Infrastructure resources within and on the edge of the settlement boundary and to consider the inclusion of local green infrastructure proposals in each plan in line with the Green Infrastructure proposals and objectives set out in this section.*

*NH34 New development and redevelopment proposals, where considered appropriate, are required to contribute towards the protection, management and enhancement of the existing green infrastructure of the local area in terms of the design, layout and landscaping of development proposals.*

*NH35 To facilitate the development and enhancement of suitable access to and connectivity between areas of interest for residents, wildlife and biodiversity, with focus on promoting river corridors, Natura 2000 sites, nature reserves and other distinctive landscapes as focal features for linkages between natural, semi natural and formalised green spaces where*



*feasible and ensuring that there is no adverse impact (directly, indirectly or cumulatively) on the conservation objectives of Natura 2000 sites.*

*NH36 To identify and facilitate the provision of linkages along and between river corridors within the county and adjoining counties to create inter connected routes and develop riverside parks and create linkages between them to form 'necklace' effect routes including development of walkways, cycleways and wildlife corridors where feasible and ensuring that there is no adverse impact (directly, indirectly or cumulatively) on the conservation objectives of Natura 2000 sites.*

*NH37 To promote and facilitate the development of coastal paths linking up with existing recreational paths/strategic walkways/cycleways, creating new linkages between coastal sites and inward linkages to settlements and green spaces in built up areas and extensions to existing facilities where feasible and ensuring that there is no adverse impact (directly, indirectly or cumulatively) on the conservation objectives of Natura 2000 sites.*

*NH38 To facilitate the development of green bridges / wildlife crossings over existing physical transport barriers to repair fragmentation of the green infrastructure network caused by such grey infrastructure developments.*

### **Recreational Use of Natural Resources Objectives**

*NH39 To facilitate the use of natural areas for active outdoor pursuits, subject to the highest standards of habitat protection and management and all other normal planning controls.*

*NH40 To facilitate access to amenity areas in the County for the benefit of all, on the basis of cooperation with landowners, recreational users and other relevant stakeholder groups to promote "agreed access" on public and privately owned land in the County on the basis of sustainability, consultation and consensus.*

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

### **Housing Development Objectives**

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

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

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

*RES4: Where a housing development is adjoining future development lands or provides the only possible access route to other lands, new roads will be required to be designed to ensure that future access to other lands can be facilitated. This objective shall be applied to zoned lands at Kindlestown Upper. An indicative through access route is indicated on Map A.*

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

*RES14: To facilitate the development of housing options for older people within the plan area.*

### **Social Infrastructure Objectives**

*SOC1: Social infrastructure shall be progressed in tandem with residential development and the latter will only be permitted on the basis of satisfactory provision of land and/or facilities for the former.*

*SOC10: To provide for the development of active open space to meet the needs of the current and future population of the plan area.*

### **Service Objectives**

*TS1: Ensure that a reliable and effective water services, drainage, energy, waste management, recycling and communications infrastructure is put in place to service the existing and future development needs of the settlements, in a manner that protects the quality of the environment, and to allow for the improvement of public services and public utility installations.*

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

*TS4: To implement flood management objectives as set out in the Wicklow County Development Plan 2010-2016 and to implement the 'Guidelines on the Planning System and Flood Risk Management' (DoEHLG/OPW, 2009).*

*TS5: To restrict the types of development permitted in Flood Zone A and Flood Zone B to the that are 'appropriate' to each flood zone, as set out in Table 3.2 of the guidelines for Flood Risk Management (DoEHLG/OPW, 2009). Developments that are an 'inappropriate' use for a flood zone area, as set out in Table 3.2 of the guidelines, will not be permitted, except where a proposal complies with the Justification Test for Development Management, as set out in Box 5.1 of the Guidelines. Flood Risk Assessments shall be in accordance with the requirements set out in the Guidelines.*

*TS6: Notwithstanding the identification of an area as being at low or no risk of flooding, where the planning authority is of the opinion that flood risk may arise or new information has come to light that may alter the flood designation of the land, an appropriate flood risk assessment may be required to be submitted by an applicant for planning permission.*

*TS7: Promote the development of safe and accessible pedestrian and traffic routes. TS8: To implement the objectives as set out in Table 7.1, for: (i) the development of new roads within the lifetime of the plan (indicated in purple on Map A), (ii) the development of new roads*

beyond the lifetime of the plan (indicated in pink on Map A), and (iii) the improvement/upgrading of existing roads, including for example new footpaths/cycleways, public lighting, road realignments / widening, re-surfacing etc., within the lifetime of the plan (indicated in peach on Map A)

## **Roads Objectives**

*RO1 Reserve a land corridor to provide for a new road from the R761 at Sea View to lands within AP1: Coolagad Action Plan. The new road shall provide local access to zoned lands within the lifetime of the plan and shall, subject to feasibility, need and design, in the long term provide a northern access route from Greystones to the N11.*

*RO2 Completion of the new road from the R761 at Blacklion to Chapel Road, with an upgraded road continuing southwards to link up with the alignment of road objective RO3.*

*RO3 Realignment of Chapel Road in the vicinity of St. Laurence's School as necessary, to provide a more direct and efficient route to Blacklion from Delgany.*

*RO4 Road improvements to facilitate the development of AP5: Killincarrig Action Plan and improvements as required to Convent Road.*

*RO5 Improve the pedestrian and traffic safety of the R761 junction and the entrance to Burnaby Heights*

*RO6 Improvement of the R761 from Burnaby Heights to Kilcoole, as appropriate.*

*RO7 Provide for a local access road to facilitate the development of zoned lands and to provide for the development of a through road from Priory Road to R761 Greystones – Delgany and Kilcoole Local Area Plan 2013-2019 38*

*RO8 To provide for the development of a Western Distributor Road to bypass Kilcoole. The northern section of the route shall be developed in the long term, with linkage to the R774. It is a long term objective to develop an additional link between R761 intersection with Lott Lane and the Western Distributor Road. To provide for the development of a local access road in conjunction with the development of zoned lands at AP9: Bullford Action Plan and to provide for the development of a through link road from Main Street to the Western Distributor Road. This section of the route is necessary for the opening up of zoned lands (AP9 and E lands at Bullford Farm). Only 50% of development on these lands shall be permitted before the southern part of this road is completed.*

## **Transportation Objectives**

*TS12: To develop the 'greenroute' network for pedestrian and/or cycling facilities. The proposed indicative 'greenroute' network is indicated on Map B. Greenroutes should be developed with a common scheme of signage and/or markings. Where feasible, proposals for development should provide for the development of these greenroutes. Proposals for the Greystones – Delgany and Kilcoole Local Area Plan 2013-2019 39 development of 'greenroutes' shall be subject to appropriate assessment requirements in accordance with the Habitats Directive. No development shall be permitted that would have adverse impacts (directly, indirectly or cumulatively) on the conservation objectives of Natura 2000 sites. While*

certain parts of the 'greenroute' network are likely to be implemented in the short term, certain parts are considered to be a more long term aspiration. Implementation of 'greenroutes' is subject to the available funding and further design and feasibility studies. Some sections may also be delivered as part of proposals for the development of zoned land.

*TS13: Lands being developed at the periphery of the developed part of zoned lands should provide for corridors, to ensure lands that could be required to facilitate future population increases in future LAPs are not landlocked and can be effectively and efficiently accessed.*

### **Built Heritage Objectives**

*HER1: Protect and enhance the character, setting and environmental quality of natural, architectural and archaeological heritage, and in particular those features of the natural landscape and built structures that contribute to its special interest. The natural, architectural and archaeological heritage of the area shall be protected in accordance with the objectives set out in the Wicklow County Development Plan.*

*HER2: To preserve and improve the integrity of Natura 2000 sites and to prohibit development that adversely affects the integrity of any Natura 2000 site, in light of the site's conservation objectives. Development proposals shall comply with the following:*

- *Any proposed development with potential to impact upon a Natura 2000 site shall be subject to the requirements relating to Appropriate Assessment as set out in the Part XAB of the Planning and Development Act 2000 (as amended) and in accordance with 'Appropriate Assessment of plans and projects in Ireland-Guidance for Planning Authorities' (DoEHLG, 2009).*
- *Avoid encroachment on a Natura 2000 site and implement an appropriate buffer zone on adjacent sites, as required, where feasible or as determined following consultation with National Parks and Wildlife Service or other relevant body.*
- *Ensure that recreational use is directed away from sensitive areas within the Natura 2000 site, in consultation with National Parks and Wildlife Service. In order to ensure the protection of the integrity of Natura 2000 sites, the planning authority is not limited to the implementation of the above objectives, and shall implement all other relevant objectives of the CDP as it sees fit.*

*HER3: To protect, wherever possible, wildlife habitats that are located outside protected and designated areas, including the coast, cliffs, dunes, trees, hedgerows, drainage ditches, scrub, woodland, rock outcrops, watercourses, stone walls and other features of the natural landscape that provide wildlife corridors and which contribute to the biodiversity of the area. In the assessment of planning applications, the Council may require that such features are retained and incorporated into future development. In considering proposals for development, regard shall be paid to the Greystones-Delgany Local Biodiversity Area Study (2006). Recommendations set out in this study shall be implemented, as deemed appropriate, by the planning authority.*

*HER4: To protect and retain trees which contribute to the biodiversity value and the character and amenity of the area. This objective applies to the list of trees indicated in Appendix B and Map B.*

*HER5: To protect the biodiversity value and associated habitats of water bodies within the plan area in accordance with the objectives as set out in the Wicklow County Development Plan and Eastern River Basin District Management Plan. In considering proposals for*

*development, regard shall be paid to the recommendations set out in Greystones/Delgany Local Biodiversity Area Study (2006). In particular, recommendations relating to the Three Trouts Stream shall be implemented, as deemed appropriate, by the planning authority. Water bodies within the plan area include the Three Trouts Stream, the Newtown River from Newtown to Kilcoole Marsh via Druids Glen Golf Course, Kilcoole Stream (from Kilpedder to Kilcoole feeding to Kilcoole Marsh), Kilcoole Marsh (a transitional estuarine water body), the southwestern Irish Sea-Killiney Bay (coastal water body) and a number of groundwater bodies*

## **APPENDIX 2 - PRE-APPLICATION DISCUSSIONS (UNDER S. 247 OF ACT)**

### **WCC 247 Meeting 4th October 2018 - Attendees**

Fergal Keogh (FK) -WCC Senior Engineer Planning Department  
Deirdre Whitfield (DW) – WCC Community Department (part of meeting)  
Aishling McNamara (AMCN) – WCC – Planning Department  
Emma Flanagan (EF) – Cairn,  
John Grace (JG) – Cairn,  
Liam O'Brien (LOB) Cairn,  
Daibhi Mac Domhnaill (DMcD) Cairn,  
Claire Evans (CE),  
Grattan Evans (GE)  
Brendan Jackson (BJ - Agent for Evans'),  
Simone Kennedy- Kevin Fitzpatrick Landscape Architects,  
Brian Greenan Metropolitan Workshop Architects,  
John Bell (JB) ROD Consulting Engineers,  
John Spain (JS) – John Spain Associates,  
Rory Kunz (RK) – John Spain Associates

### **Active Open Space**

- General discussion on the management of open space and how it would work – the Evans family to prepare a draft Management and Operational Plan.
- Landscaping detail to be included on drawings.
- Greenway would be constructed to the same standard as the Mill Lane greenway and that there would be a toucan crossing across Three Trouts bridge.

### **Architecture, Mix and Layout**

- Density of lands indicated as 22 units per hectare.
- Masterplan detail of the Phase 4 lands.
- WCC welcomed the different character areas (particularly for developments of > 200 dwellings) and that areas should include different finishes.
- Visual and function relationship between the layout and open space was noted.
- WCC noted sloping areas to be discounted from the Open Space calculations.
- JSA noted that the CDP allowed for a reduction in POS where there was a public park being provided which was in this case the Greenway.
- Cairn noted that the layout had had regard to the existing tree belts which needed to be protected.
- It was outlined that the ownership and that the lodge on the Kilcoole Road was outside the AP boundary.
- Wicklow Childcare Committee to be contacted in relation to the provision of a creche and potential for phasing in Phase 2 or 3 (for viability).

- WCC acknowledged the overall good mix and design and that the layout respected the protected trees from the Heritage Map in the LAP.
- WCC noted that apartments to comply with the Apartment Guidelines 2018.
- Phasing discussed and that detail on how layout interacted (connections) with Phase 4 Evans's lands to be provided.

### **Action Plan**

- The proposed phasing in the Draft Action plan frontloaded the delivery of the key structuring elements of the AP including the road objective, the greenway and the commencement of the Active Open Space.
- The AOS (playing pitches) needed to be built in a single phase to achieve economies of scale and to reduce the costs associated with the build. It is indicated as commencing in Phase 1.

### **Roads**

- WCC accepted that Carin could only deliver the footpath upgrades along the lands under their control (on the Priory Road and Kilcoole Road).
- ROD confirmed that Junction on Kilcoole Road is designed to accommodate the entire lands.
- Width of Priory Road to be examined and rationale provided – WCC satisfied that 5.5m as a general width.
- WCC happy for priority street to be opened once complete.
- WCC queried future road alignment on Kilcoole Road which the layout can accommodate. ROD noted that current provision was not possible due to a pinch point between the houses and that providing it now would lead to a too straight a stretch which would promote excessive speeds.
- WCC confirmed that they are not looking for full road link but for pedestrian and cyclist linkage to Eden Gate.
- Parking - WCC indicated that parking to be in accordance with CDP Standards. It was noted that 2 spaces per house were to be provided. JSA noted that Apartment Guidelines sought reduced parking for apartments and duplex apartments. WCC acknowledged national policy reductions and accepted that there was a balance between CDP and national guidance.

### **Drainage**

- ROD indicated that water supply would require upgrade from Kilcoole Road entrance to Glenheron.
- ROD indicated that there would be 2 no. pumping stations required one on the southern end of site (adjacent to phase 4 lands) and the other located at Priory Road) due to levels.

- WCC recommended that agreement was confirmed with IW in relation to pumping stations being TIC by IW. WCC didn't want to have to take them in charge. Sufficient detail on location (drawings etc.) to be provided in application if being proposed.

#### **Part V**

- indicated that 10% would need to be provided and that WCC's preference was for houses based on a pro-rata provision of 1 per 10 houses pepper potted throughout scheme. General policy was for no more than 4-5 units clustered together.
- Cairn noted that discussions with AHB were taking place and that they preferred more clustering of Social Housing for management purposes.
- WCC planning would take into account the WCC Housing Department views and recommended that Cairn (and AHB) discussed options with WCC Housing.



**APPENDIX 3 – PART V – LETTER FROM WICKLOW COUNTY COUNCIL**



# Comhairle Contae Chill Mhantáin Wicklow County Council

## Tithíocht - Housing

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20120  
Faics / Fax: (0404) 67792  
Rphost / Email: housing2@wicklowcoco.ie  
Suíomh / Website: www.wicklow.ie

Cairn Homes Properties Limited,  
7 Grand Canal,  
Grand Canal Street Lower,  
Dublin,  
DO2 KW81

1<sup>st</sup> August 2019

**RE: PROPOSED PLANNING APPLICATION FOR DEVELOPMENT OF 426 RESIDENTIAL UNITS AT  
FARRANKELLY, GREYSTONES, CO. WICKLOW.**

**SUBJECT TO CONTRACT AND CONTRACT DENIED**

Dear Sir,

I refer to the above proposed Planning Application by Cairn PLC for 426 residential units at development address Farrankelly, Greystones, Co. Wicklow. I also refer to the meeting held on 23<sup>rd</sup> July 2019 and your subsequent submission of the same date to the Council in relation to the manner in which your company propose to fulfill your obligations under Part V of the Planning and Development Acts 2000-2015.

Subject to Contract and to further detailed agreement upon the grant of a Planning Permission for the above development, I can confirm that Wicklow County Council is agreeable in principle only that your clients Part V obligations may be satisfied by the provision of 42 units. I note that you have identified the specific Part V units and comment as follows:

- 3 no. 3 x bed 5 person town houses type B2. The units are oversized at 114.5sqm the current target is 101sqm. The en-suites are not required.
- 4 no. 2 x bed duplex ground floor apartments. The units are oversized at 89.5sqm the current target area is 80sqm.
- 4 no. 3 x bed duplex 2 storey apartments. The units are oversized at 121sqm and the target area is 101sqm. En-suites should be removed if possible.
- 19 no. 2 bed apartments. The units appear to be oversized at 85/86sqm. The target area for a 4 person 2 bed apartment is 80sqm. En-suites should be removed if possible.
- 12 no. 1 bed apartments. The 1 x bed apartments appear to be marginally oversized at 51sqm and the target area is 50sqm but may be acceptable.
- All of the apartments have shared entrances – the Council's preference is for own door units.

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.

This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Oifigeach Feidhmiúcháin Sínearach d'Eastát Tithíochta agus Corparáideach.  
All correspondence should be addressed to the Senior Executive Officer of Housing and Corporate Estate.



- There are 42 Houses proposed to meet the Part V requirement. This is acceptable. I note that you may also consider selling a small number of further units once the planning process is complete.

It should be noted that where developments proposed are for apartments, without own door access, communal stairs or communal halls, shared access passages under or behind units and communal bin storage, large areas of external paving and timber decking, dormer windows, valleys or parapets, timber cladding, wooden windows and doors, flat roofs and small sections of flat roofs over doors or windows or balconies, social leasing to Approved Housing Bodies may be more appropriate to fulfill Part V requirements. Developers should notify the housing authority where they are engaging with an approved housing body, in this regard. It is noted that this document represents the current position. Any amendments or up to date guidelines made by the executive will be published on [wicklowcoco.ie](http://wicklowcoco.ie)

It should be noted that this letter is preliminary only and that the final provision in compliance with you/your clients Part V obligations and the costings relating thereto which are yet to be agreed can only be agreed on the issue of a Final Grant of Planning Permission whether by Wicklow County Council or by An Bord Pleanala on appeal.

Please also note that if the development is proposed to be carried out in phases, a Final Agreement will have to be reached prior to the commencement of development on foot of such Planning Permission as to the phasing of the development and the phasing of the satisfying of your/your clients Part V obligations under the said Planning Permission when granted. I note that an adjustment has already been made in proposing to move one of the proposed duplex blocks (8 units) to Phase 1.

The current Council Part V Policy is that units should be dispersed throughout the development in accordance with best practice and indicates a preference for 4 units or less. The need in the Greystones area is predominantly one and 2 bed. The Council acknowledges that the apartments provide a solution to this housing need.

When applying for this permission, the Directors of the company should indicate their assent to the proposals that you have negotiated on their behalf.

Article 22 (2)(e) of the Planning and Development Regulations has been amended and now imposes specific requirements in relation to the details which need to be submitted as part of the planning application as to how the applicant proposes to comply with a Part V condition.

Where an applicant fails to submit the required minimum details for a part V proposal, failure to submit proposals in full may result in the planning authority invalidating an application on the grounds of non-compliance with article 22(2)(e). Your planning application should include

1. How you propose to discharge your Part V obligation as regards a section of a preferred option from the options available under the legislation.
2. Details in relation to the units or land to be provided and
3. Financial aspects – it is noted that indicative costs have been received and they should also be submitted with your planning applications.

Yours sincerely,



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**David Porter**  
**Administrative Officer**  
**Housing, Capital Projects**  
**Wicklow County Council**





Wicklow County Council  
COMHAIRLE CHONTAE CHILL MHANTAIN

**PART V COMPENSATION COST CLAIM**

**DEVELOPER/CONTRACTOR** CAIRN HOMES CONSTRUCTION LTD

**SCHEME** FARRANKELLY, GREYSTONES, CO.WICKLOW  
426 Units

**MAIN COST SUMMARY**

				Total Cost €
<b>BUILDING COSTS</b>		<b>Page</b>		
Substructures - Basement Car-Parking		2		€1,903,106
Substructures Generally		3		€3,590,767
Superstructures		4 & 5		€58,456,020
External Works		6		€695,393
Site Development Works		7		€15,320,758
Abnormal Works		8		€3,384,200
Indirect Project Costs		9		€21,254,312
Total:			<b>1</b>	€104,604,555
<b>DEVELOPMENT ON COSTS</b>				
Professional Fees				€9,168,527
Development Contributions				€7,258,880
Finance Costs				€19,365,114
Total:			<b>2</b>	€35,792,521
<b>DEVELOPERS' PROFIT</b>				
On Building Costs	10%	104,604,555	<b>3</b>	€10,460,456
<b>LAND COSTS</b>				
Existing Land Use Value			<b>4</b>	€1,200,000
<b>SUB-TOTAL:</b>			<b>1 - 4 above</b>	€152,057,532
add:				
Value Added Tax				€21,398,777
<b>TOTAL COSTS:</b>				<b>€173,456,309</b>
No Of Units			426	€407,174
<b>Net internal floor area (Sales Area)</b>			521,188	€332.81
SqM and SqFt				

# Metropolitan Workshop

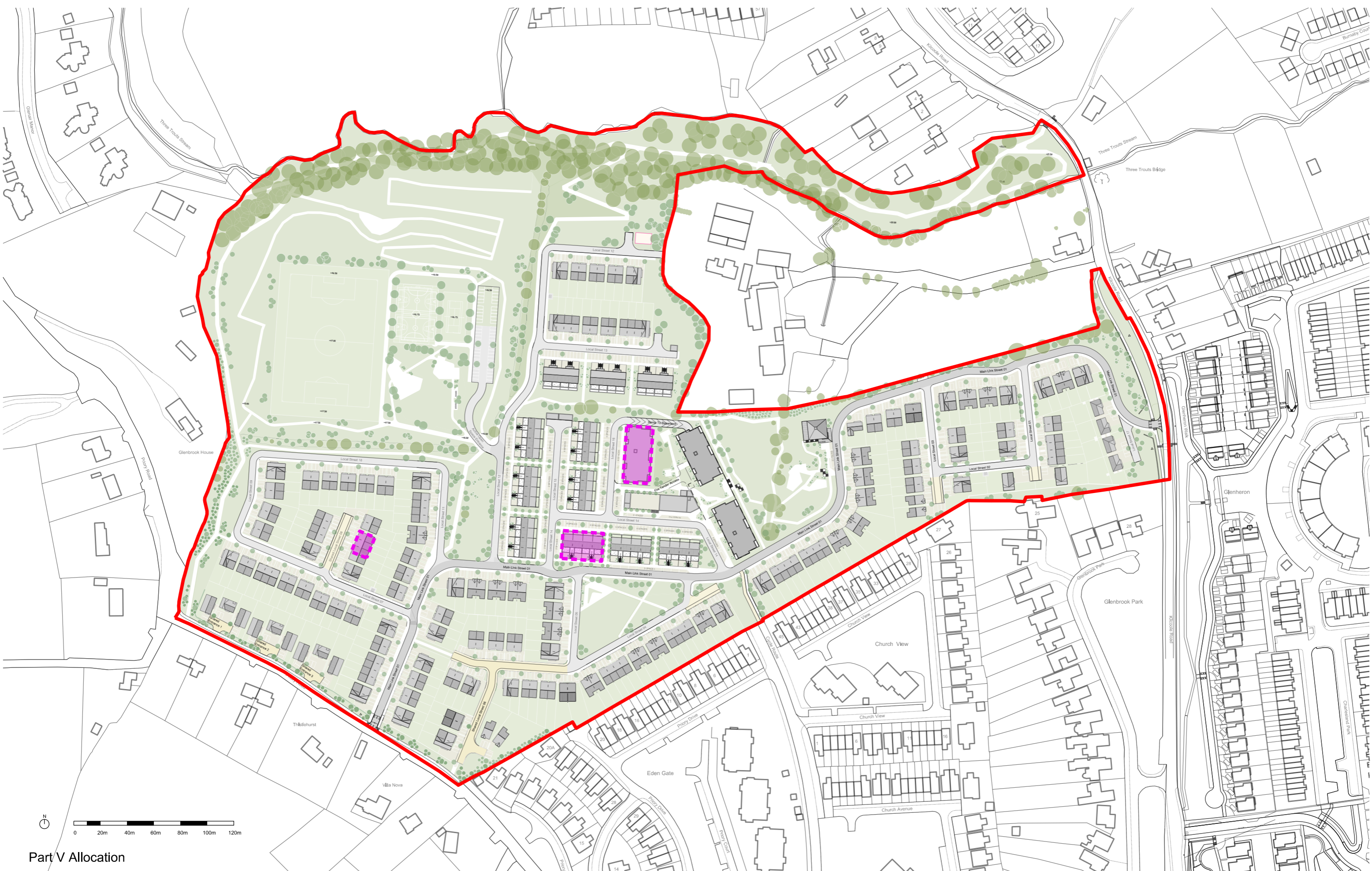
Tower Two, Fumbally Court, Fumbally Lane  
Dublin 8  
D08 N2 N8

1609 Residential Development at Farrankelly for Cairn PLC


ABP_Planning Application Issue	16-Aug-19	Rev: 00
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House type	House type	Quantity	GIA (m2)	Total GIA (m2)	Car Parking Provision
	<b>Terrace</b>				
B2	3 Bed Semi-Detached	3	119	357	6
	<b>Total</b>	<b>3</b>		<b>357</b>	<b>6</b>
	<b>Duplex</b>				
DUPA-2B	2B4P Apartment	4	90	360	6
DUPA-3B	3B5P Apartment	4	124	496	6
	<b>Total Duplexes</b>	<b>8</b>		<b>496</b>	<b>12</b>
	<b>Apartments</b>				
	<b>BLOCK 3</b>				
APT- 2A	2B4P Apartment	8	85	680	8
APT- 2B	2B4P Apartment	8	87	696	8
APT- 2C	2B3P Apartment	3	71	213	3
APT-1A	1B2P Apartment	12	52	624	12
	Gross floor area of Block 01			2,740	
	<b>Total Apartments</b>	<b>31</b>		<b>2,740</b>	<b>31</b>
	<b>Total Number of Units</b>	<b>42</b>		<b>3,593</b>	<b>49</b>

Unit Schedule and Mix	TOTAL	Apartments & Duplex			House Types		
		1 BED	2 BED	3BED	3 BED	4 BED	5 BED
Apartments	31	12	19				
Duplex	4			4			
Houses	3				3		
<b>TOTAL</b>	<b>38</b>	<b>12</b>	<b>19</b>	<b>4</b>	<b>3</b>		
		31.6%	50.0%	10.5%	7.9%		



Part V Allocation

Revision	Date	Description	By	Check	Client logo
A	27.08.19	ABP Planning Application Issue	SC	BG	



**Notes**

Do not scale drawings. All dimensions should be checked on site. Errors to be reported to architect. To be read in conjunction with all relevant architects services and engineers drawings.

Contractors, sub-contractors and suppliers must verify any critical dimensions on site prior to fabrication of any building element. Any discrepancies are to be reported to the architect.

This drawing should be read in conjunction with all relevant specifications, engineers and specialists consultants information. Any discrepancies must be reported prior to installation.

**Key**

	Part V Allocation to be Agreed with WCC		Red Line Boundary
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**Metropolitan Workshop**

14-16 Cowcross Street  
 London, EC1M 6DG  
 +44 (0) 20 7566 0450  
 www.metwork.co.uk

Project:	Farrankelly										
Client:	Calm Homes Properties Ltd										
Location:	Farrankelly, Greystones, Delgany, Co. Wicklow										
Title:	Proposed Site Layout Plan - Part V Allocation										
Date:	27 August 2019										
Scale:	1:2500 @ A3										
Drawing Number:	<table border="1"> <thead> <tr> <th>Job No.</th> <th>Status</th> <th>Package</th> <th>Reference</th> <th>Revision</th> </tr> </thead> <tbody> <tr> <td>1609</td> <td>P</td> <td>101</td> <td>123</td> <td>A</td> </tr> </tbody> </table>	Job No.	Status	Package	Reference	Revision	1609	P	101	123	A
Job No.	Status	Package	Reference	Revision							
1609	P	101	123	A							



**APPENDIX 4 - LEGAL OPINION FROM EAMON GALLIGAN, SENIOR COUNSEL**

## SCOPE OF OPINION AND BACKGROUND FACTS

1. Agents have requested my opinion on the implications of a decision by An Bord Pleanála in respect of lands at Bullford, Kilcoole, Co. Wicklow<sup>1</sup> for the proposed development of a site owned by Querist at Farrankelly, Greystones, which is located within the area of the Greystones-Delgany-Kilcoole Local Area Plan 2013-2019 (“*the LAP*”). The site lies within the area of the Farrankelly Action Plan (AP6) strip.
2. In its decision relating to the Strategic Housing Development (SHD) on lands at Bullford, Kilcoole (**ABP 302552-18**), the Board refused permission for three reasons, the third of which is relevant for present purposes and is in the following terms:

*“3. The proposal for the construction of 14 number residential units, namely 113122, on lands zoned open space would materially contravene an objective indicated in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, which objective is considered reasonable. It is considered that the inclusion of these houses, within an area of land in which residential development is not permitted, would not be in accordance with Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Accordingly, the Board is not in a position to grant permission for these residential units.”*

3. The Inspector’s recommendation for refusal in the Bullford application does not include the third reason for refusal contained in the decision of the Board itself. Therefore, there is no discussion in the Inspector’s Report as to the significance of the third paragraph in section 10.1 of the LAP, to which Agents have directed my attention and which refers to the fact that the land use zonings shown on Map A of the LAP are “*indicative only*”. Indeed, on the basis of the summary of third party issues provided in the inspector’s report, material contravention of the zoning objectives does not appear to have been raised as an issue in third party submissions on the Bullford application.

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<sup>1</sup> This site is within the area of Action Plan 9 (AP9) under the Greystones-Delgany-Kilcoole Local Area Plan 2013-2019.

4. Agents have furnished me with a copy of the LAP. The wording of the third paragraph in section 10.1 thereof relates to the areas of Action Plans to be prepared in respect of a number of areas within the LAP area. It states:

*“The position, location and size of the land use zonings shown on Map A within the Action Plan Areas are **indicative only** and **may be altered** in light of eventual road and service layouts, detailed design and topography, **subject to compliance with the criteria set out below.**”<sup>2</sup>*

5. Section 10.1 also states that *“the planning authority may agree that an Action Plan does not have to be agreed prior to the submission of planning applications”*. This is provided that *“all objectives ... can be successfully addressed in a planning application.”*
6. The objectives for the Farrankelly Action Plan (which has not yet been prepared or agreed) are set out at section 10.7 of the LAP. It will be noted that only the first two bullet points relate to the zoning of the land. The Section 10.7 states, inter alia:

*“This Action Plan is located at Farrankelly, on a site approximately 24 ha in size. This area shall be developed for a mix of uses including residential and active open space, in accordance with the following:*

- *Approximately 17 ha to be developed for residential use.*
- *Approximately 4.5 ha of land shall be provided for active open space.”*

7. The issue that arises in the present case is that the 4.5 ha of active open space which has to be provided under the Farrankelly Action Plan has not been provided in the same location as shown on Map A, i.e. the zoning map under the LAP, but is shown in the site layout plan to the north of the area indicated for active open space provision. Instead, residential development is proposed over much of the area indicated for active open space in Map A. This issue has to be considered in the context of the reference in the third paragraph of section 10.1 of the LAP to the land use zoning shown on Map A for the action plan areas as being *“indicative only”*.

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<sup>2</sup> Emphasis added.

8. It is against the foregoing background that my opinion is sought as to:

- Whether the LAP allows for the position, location and size of the land use zoning within Action Plan areas to be moved to comply with the relevant criteria of the Action Plan area.
- Whether a strategic housing planning application, which involves alteration to the location of a zoning map, (within an Action Plan area), compared to the LAP zoning map (whilst maintaining the same extent of each use as per the LAP zoning map), can be compatible with the definition of ‘strategic housing’ as per Section 3(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016; which defines strategic housing as relating to *“the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,”*
- Whether the moving of land use zonings within the Action Plan area (and the positioning of residential uses on active open space or community uses, for example), materially contravenes the Greystones-Delgany-Kilcoole LAP in respect of the zoning objectives and therefore would not be compatible with Section 5(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## **RELEVANT STATUTORY PROVISIONS**

9. The definition of *“strategic housing development”* under Section 3 of the Planning and Development (Housing and Residential Tenancies) Act, 2016 (*“the 2016 Act”*) refers to four different categories of development, only the first of which is relevant for present purposes, namely –

*“(a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,”*<sup>3</sup>

10. This issue has to be considered in the context of the reference in the third paragraph of section 10.1 of the LAP to the land use zoning shown on Map A for the action plan areas as being “*indicative only*”.
11. Whether the land use zoning for the action areas is to be regarded as fixed or indicative only is also relevant to *Section 9(6)(b)* of the 2016 Act, which provides as follows:

*“(b) the Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the Development Plan or Local Area Plan relating to the area concerned, in relation to the zoning of the lands.”*

12. Provision is made for the inclusion of land use zoning objectives in LAPs under *Section 19(2)* of the Planning and Development Act, 2000, as amended (“*the Act of 2000*”), which provides:

*“(2) A local area plan shall be consistent with the objectives of the development plan, its core strategy, and any regional spatial and economic strategy that apply to the area of the plan and shall consist of a written statement and a plan or plans which may include—*

*(a) objectives for the zoning of land for the use solely or primarily of particular areas for particular purposes, or*

*(b) such other objectives in such detail as may be determined by the planning authority for the proper planning and sustainable development of the area to which it applies, including the objective of development of land on a phased basis and, detail on community facilities and amenities and on standards for the design of developments and structures.”*<sup>4</sup>

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<sup>3</sup> Emphasis added.

<sup>4</sup> Emphasis added.

13. It will be noted that the inclusion of land use zoning objectives under an LAP is discretionary in so far as the planning authority “*may*” include such objectives. The position may be contrasted with the Development Plan provisions, where *Section 10(2)* provides that a Development Plan “*shall*” include objectives, *inter alia*, for land use zoning.

## INTERPRETATION OF PLANNING DOCUMENTS

14. In *XJS Investments Limited*<sup>5</sup>, McCarthy, J. stated as follows:

*“Certain principles may be stated in respect of the true construction of planning documents:*

*(a) To state the obvious, they are not Acts of the Oireachtas or subordinate legislation emanating from skilled draftsmen and inviting the accepted canons of construction applicable to such material.*

*(b) They are to be constructed in their ordinary meaning as it would be understood by members of the public without legal training **as well as by developers and their agents**, unless such documents, read as a whole, necessarily indicate some other meaning ...”.*<sup>6</sup>

15. The above statement of the law has subsequently been approved by both the High Court and Supreme Court, and has been specifically adopted in the context of Development Plans.<sup>7</sup> It is clearly applicable to the interpretation of the LAP in the present case.

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<sup>5</sup> [1986] IR 750 at 756.

<sup>6</sup> Emphasis added.

<sup>7</sup> See *Tennyson .v. Dun Laoghaire Corporation* [1991] 2 IR 527.

## INTERPRETATION OF LAP PROVISIONS IN THE PRESENT CASE

16. The indicative zoning objectives for the area of the Farrankelly Action Plan are undoubtedly intended by the ordinary meaning of the words used by the planning authority to be construed as land use zoning objectives for the purposes of *Section 19(2)* of the Act of 2000. Map A is entitled “*Land Use Zoning Objectives*”. Land use zonings are again referred to in the third paragraph of section 10.1, which is set out below for convenience:

*“The position, location and size of the **land use zonings** shown on Map A within the Action Plan areas **are indicative only and may be altered** in light of eventual road and service layouts, detailed design and topography, **subject to compliance with the criteria set out below.**”<sup>8</sup>*

17. The suggestion that the land use zonings “*may be altered*” should, in my view, not be taken literally. The only way in which the provisions of a LAP may be altered is on foot of the preparation of a new LAP or, perhaps, by the adoption of a provision in the County Development Plan which was inconsistent with a provision of the LAP.
18. In my opinion, it is clear that what the Council meant when it stated that “*the land use zonings shown on Map A within the Action Plan Areas ... may be altered*” is that the layout of the uses in any planning application in respect of an Action Plan area did not have to correspond with the indicative layout under Map A, provided that certain parameters or criteria were complied with in respect of those zonings, as set out in the objectives for the different Action Plan areas. It is important to observe also the LAP does not suggest that the indicative zoning can be altered by reference to any provision of any agreed Action Plan for Farrankelly: this would undermine the Statutory LAP.
19. The indicative land use zonings for the Action Plan areas in effect amount to the designation of the area AP6, as delineated and colour coded in the zoning map for the LAP (i.e. Map A), as the “*particular area*” that has been zoned for the purposes of *Section*

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<sup>8</sup> Emphasis added.

19(2)(a) of the 2000 Act. In the case of the Farrankelly Action Plan area, the “*particular purposes*”, within the meaning of *Section 19(2)(a)*, for which the “*particular area*” is to be used are residential use and use for Active Open Space, in effect, mixed uses.

20. The effect of the indicative zoning for the area of the Farrankelly Action Plan is, therefore, that a particular area (i.e. the Action Plan area, AP6) has been zoned for particular uses, namely residential use and use for Active Open Space. This brings the zoning within the scope of zoning objectives for the purposes of *Section 19(2)* of the 2000 Act. Section 10.1 of the LAP provides that these particular uses do not have to be provided in the same position or at the same location as shown in Map A in laying out the proposed development for a particular application, as Map A is intended to be indicative only in the case of Action Plan areas.

21. The result is the same as if the entire Action Plan area had a single mixed zoning objective which was primarily residential but in which an area of 4.5 ha of active open space had to be provided at no specific location. On this basis, I am of the opinion that the proposed development of 429 houses (which include apartments) constitutes “*strategic housing development*” falling within category (a) of the definition under *Section 3* of the 2016 Act, namely –

*“(a) the development of 100 or more houses on lands zoned for residential use or for a mixture of residential and other uses, ...”<sup>9</sup>*

22. I am assuming for the purposes of this opinion that the proposed development meets the other criteria specified under paragraphs (i) and (ii) of *Section 3*.

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<sup>9</sup> Emphasis added.



## CONCLUSIONS

23. Having regard to the foregoing considerations, and subject to any qualifications or assumptions expressed above, my principal conclusions are as follows:
1. The third paragraph of section 10.1 of the LAP allows for the position and location of uses in a proposed layout for a planning application within Action Plan areas to be flexible provided that those uses fall within the scope of the uses permissible under the zoning objectives and provided that there is compliance with the relevant criteria for each Action Plan area, as set out under the LAP. It is clear that this provision applies in the context of the Farrankelly Action Plan area (AP6).
  2. The area AP6, as delineated and colour coded in the zoning map for the LAP (i.e. Map A) is, in effect, the particular area that has been zoned for the purposes of *Section 19(2)(a)* of the 2000 Act. This area has been zoned for use for two particular purposes, namely residential use and use for Active Open Space. The fact that the zoning is described as “*indicative only*” under section 10.1 of the LAP does not preclude it from being a zoning objective for the purposes of *Section 19(2)(a)*. The effect is the same as if the entire area AP6 was given a single mixed use zoning designation within which “*residential and active open space uses*” were the sole uses permissible. Although the approach taken by the planning authority to the zoning provisions for Action Plan areas is somewhat unusual in my experience, in my opinion, it is appropriate to have regard to the substantive effect of the provisions, which are described in the LAP, itself as zoning objectives. On that basis, I am of the opinion that the zoning objectives for the AP6 area are zoning objectives for the purposes of *Section 19(2)(a)* of the 2000 Act and have not been contravened in the layout of the proposed development.
  3. Having regard to the fact that the proposed development is for 429 No. houses (including apartments), I am therefore of the opinion that the proposed development falls within the first of the four categories comprising “*strategic housing*”

*development*” for the purposes of the definition under *Section 3* of the 2016 Act, namely –

*“(a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses, ...”.*

4. It is important to note that while the third paragraph of section 10.1 of the LAP allows for a certain amount of flexibility, such flexibility is only permissible where the criteria or objectives set out for the area of the Farrankelly Action Plan are complied with. Furthermore, the indicative zoning cannot be altered by reference to the provision of any agreed Action Plan for Farrankelly: this would undermine the statutory LAP as it would circumvent public consultation.<sup>10</sup>
5. In the present case, I am advised that the proposed development complies with all of the criteria or objectives for the area of the Farrankelly Action Plan (AP6). In particular, approximately 17 ha is proposed to be developed for residential use and approximately 4.5 ha of land it proposed to be provided for active open space.
6. I am therefore of the opinion that the proposed development is consistent with the land use zoning provisions of the LAP and does not contravene the LAP in relation to zoning of the land, whether materially or at all. Accordingly, the Board’s jurisdiction to grant permission is not trammelled by section 9(6) of the 2016 Act, which precludes the Board from granting permission in respect of a SHD application where there is a material contravention of land use zoning objectives.
7. It is not necessary for the purposes of this opinion for me to express a view as to the correctness of the Board’s decision in relation to the Bullford application. I do note, however, that the summary of the third party submissions in the Inspector’s Report on the Bullford application does not indicate that any issue was raised in that case in relation to material contravention of the zoning objectives of the LAP. It is noted also that the Inspector did not recommend refusal on grounds of material contravention of zoning objectives. Understandably, therefore, it was not necessary

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<sup>10</sup> It is noted that an Action Plan has been agreed with the Council for Farrankelly but this is not relevant to the consideration of the issues in this opinion.

for the Inspector to address this issue or the statement in section 10.1 of the LAP that the land use zonings shown on Map A for the Action Plan areas were “*indicative only*”. I would comment , however, that as material contravention was an issue of concern to the Board, it would have been reasonable for the applicant in that case to have expected that the Board would have afforded to it the opportunity of making submissions on the subject of material contravention of the zoning objectives and the significance of the third paragraph of section 10.1 of the LAP, in particular. No consideration is given in the Board’s third reason for refusal to the flexibility afforded by that paragraph of the LAP which clearly refers to the zoning as being “*indicative only ... subject to compliance with the criteria set out below* [for the particular Action Plan area].”<sup>11</sup>

8. For the foregoing reasons, I am of the opinion that the proposed development does not materially contravene the zoning objectives of the LAP and that the Board is not deprived of jurisdiction to determine the application by reference to that issue. Furthermore, for the reasons indicated above, I am of the opinion that the Bullford decision is not an appropriate precedent decision to be relied upon in the present case.

Nothing further occurs at this time. I can advise further if required.

**Eamon Galligan S.C.**

**21<sup>st</sup> January, 2019.**

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<sup>11</sup> Words in brackets added for clarity.