

Planning Report and Statement of Consistency with Planning Policy

In respect of

**Proposed Residential Development at
Cookstown Road, Enniskerry,
Co. Wicklow**

Prepared for

Cairn Homes Properties Ltd.

Prepared by

John Spain Associates

April 2021



39 Fitzwilliam Place, Dublin 2
Telephone: (01) 662 5803
E-mail info@johnspainassociates.com

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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 with Planning Policy has been prepared to accompany a strategic housing development at Cookstown, Enniskerry, Co. Wicklow.
- 1.2 The development will consist of the construction of 165 no. dwellings and associated ancillary infrastructure as follows:
- 105 no. 2 storey houses (49 no. 3 bedroom houses [House Types B, B1, & B2], 56 no. 4 bedroom houses [House Types A, D, E & E1];
 - 56 no. apartments/duplex apartments in 6 no. 3 storey buildings – (28 no. 2 bedroom apartments and 28 no. 3 bedroom duplex apartments) all with terrace;
 - 4 no. 1 bedroom Maisonette dwellings in a 2 storey building;
 - Part 2-storey and single storey creche (c. 510 sq. m - including storage);
 - Open space along southern boundary of c. 0.93 hectares [with pedestrian connections to boundary to '*Lover's Leap Lane*' to the south and to boundary to the east and west], hard and soft landscaping (including public lighting) and open space (including boundary treatment), communal open space for duplex apartments; regrading/re-profiling of site where required [including import/export of soil as required] along with single storey bicycle/bin stores and ESB substation;
 - Vehicular access (including construction access) from the Cookstown Road from a new junction as well as 313 no. car parking spaces;
 - Surface water attenuation measures and underground attenuation systems as well as connection to water supply, and provision of foul drainage infrastructure (along the Cookstown Road to existing connection at junction with R760) and provision of underground local pumping station to Irish Water specifications;
 - 3 no. temporary (for 3 years) marketing signage structures [2 no. at the proposed entrance and 1 no. at the junction of the R760 and the Cookstown Road] and a single storey marketing suite (c. 81 sq.m) within site;
 - All ancillary site development/construction/landscaping works, along with provision of footpath/public lighting to Powerscourt National School pedestrian entrance and lighting from Powerscourt National School entrance to the junction of the R760 along southern side of Cookstown Road and pedestrian crossing across Cookstown Road.
- 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 (save to the extent set out in the Statement of Material Contravention). The Statement of Material Contravention outlines why, notwithstanding the material contravention of the Bray Municipal District Local Area Plan 2018 and the Wicklow County Development Plan 2016-2022, permission should be granted for the proposed development by reference to the relevant criteria, including national policy and guidelines.
- 1.4 This Planning Report and Statement of Consistency should be read in conjunction with the accompanying detailed documentation prepared by MOLA Architects, Kevin Fitzpatrick Landscape Architects and BM Consulting Engineers.
- 1.5 For details of consistency with the quantitative standards for residential units as outlined in the Apartment Guidelines 2018, the Quality Housing for Sustainable Communities and the Wicklow County Development Plan 2016-2022 please refer to the Housing Quality Assessment prepared by MOLA Architects.

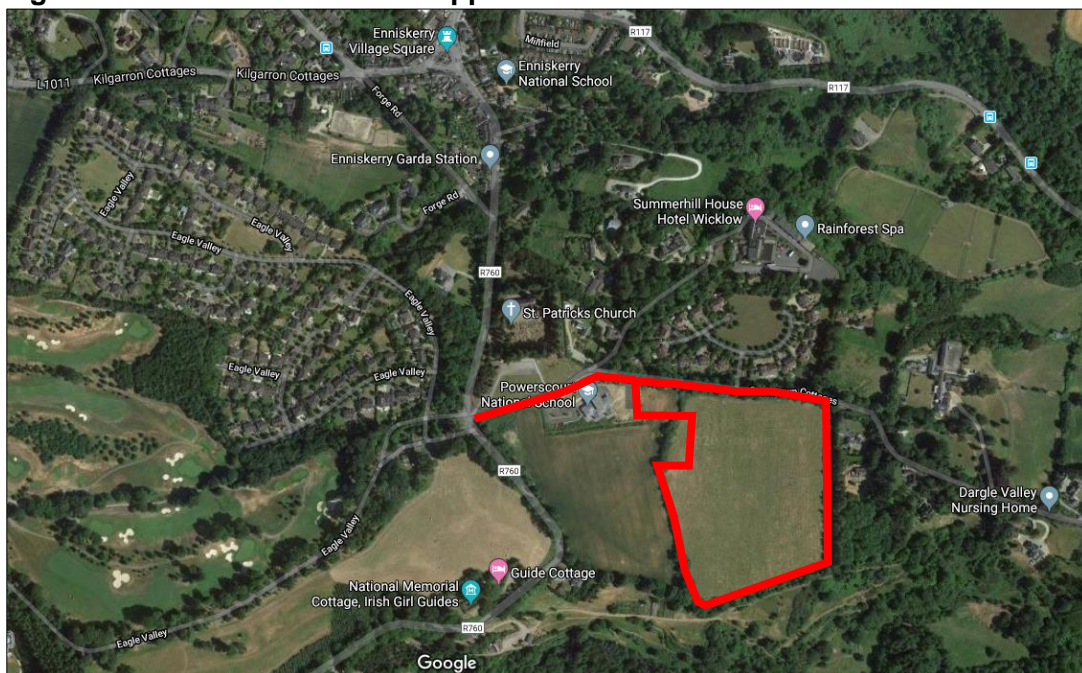
- 1.6 This application is accompanied by a comprehensive range of documentation which specifically seeks to address the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Planning and Development (Strategic Housing Development) Regulations 2017, and items raised by the Planning Authority during pre-application discussions, An Bord Pleanála's Opinion as well as the relevant sections of the Wicklow County Development Plan 2016-2022 and the Bray Municipal Local Area Plan 2018.

2.0 SITE LOCATION AND DEVELOPMENT DESCRIPTION

2.1 Site Location

- 2.1 The subject lands are located on the south eastern side of Enniskerry, c.1km from the village centre. The lands are situated to southern side of the L1020 (Cookstown Road) and to the east of the R760. The lands under the ownership of Cairn comprises 6.27 hectares with additional areas for footpath and public lighting upgrade (and services along the Cookstown Road) of c. 0.3 ha, resulting an overall area of 6.57 hectares. The relevant letters of consent are included in the particulars with the SHD application (in Appendix 5 of this report).
- 2.2 Enniskerry is a village with a rich built heritage located 20 km south of Dublin City Centre, 5 km west of Bray and approximately 2.5 km west of the N11. The town is located in close proximity to a number of tourism and heritage attractions including Powerscourt Estate and Gardens.
- 2.3 The lands are currently in agricultural use and are bounded to the north by existing residential development in Enniskerry Demesne, with the Summerhill House Hotel located further to the north. The Powerscourt National School is located immediately adjacent, adjoining the site to the west. A small number of standalone houses are also located in the vicinity, to the east and south. There is zoned residential lands to the west (recently granted permission for a residential development). The Powerscourt Estate and Hotel are located further to the west.

Figure 2.1 – Site Location with approximate extent of site outlined in red



(Source: Google Maps)

2.4 The village has an attractive centre and historic streetscape. It provides a range of retail shops and services as well as a number of coffee shops/restaurants and public houses.

2.2 Residential Development

2.5 The Site Layout Plan (figure 2.2) prepared by MOLA Architects shows the overall layout in context.

Figure 2.2 – Overall Masterplan



Source: MOLA

2.6 The site’s main access will be from the LP1020 (Cookstown Road), with permeability provided to the boundary to the lands to the west, along with pedestrian connection through the open space along the southern boundary to the ‘Lover’s Leap Lane’, which connects to the R760 (and pedestrian path), which links to the village centre.

2.7 The overall mix is as follows:

Table 2.1 – Overall Dwelling Mix

	1 bedroom	2 bedroom	3 bedroom	4 bedroom	Overall
Houses			49	56	105
Duplex Apartments/Apartments		28	28		56
Maisonette Dwellings	4				4
Overall Mix	4	28	77	56	165
	2.4%	17.0%	46.7%	33.9%	100%

Source: MOLA Architects Schedule of Areas

2.8 The proposed 165 no. dwellings are as follows:

- 49 no. 3 bedroom houses and 56 no. 4 bedroom houses;
- 56 no. apartments/duplex apartments in 6 no. 3 storey blocks – (28 no. 2 bedroom apartments at ground floor and 28 no. 3 bedroom duplexes above) all units to have terrace;
- 4 no. 1 bedroom Maisonette dwellings in a 2 storey building

2.2.1 Houses

2.9 The houses are designed as two storey family dwellings, in semi-detached and terrace 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.

Figure 2.3 – View from Linear Open Space



Source: CGI no. 3 – 3D Design Bureau

2.10 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.

Figure 2.4 – Private Open Space (houses)

House/ Apartment Type	Unit Type	Description	Gross Unit Area (Sq.M)	Number of Units in Scheme	# Bedrooms	Garden area per bedroom (required)	Garden area per bedroom Quantify in compliance	Garden area 0.64 per unit area required	Garden area 0.64 per unit area achieved (worst case)	Quantity in compliance
House	A	Semi Detached	140.47	30	4	60-75	ALL	89.9008	89.99	ALL
House	B	Semi Detached / End of Terrace	118.80	32	3	60-75	ALL	76.032	77	ALL
House	B1	Semi Detached / End of Terrace - Side Entry	118.80	2	3	60-75	ALL	76.032	76.6	ALL
House	B2	Mid Terrace	119.80	10	3	60-75	ALL	76.672	76.8	ALL
House	D	Semi Detached	143.60	2	4	60-75	ALL	91.904	127	ALL
House	E	Semi Detached	180.24	20	4	60-75	ALL	115.3536	115.9	ALL
House	E1	Semi Detached - Side Entry	181.76	8	4	60-75	ALL	116.3264	116.5	ALL

Source: MOLA HQA

2.2.2 Duplex Apartment Buildings

Figure 2.5 – Duplex Elevation



Source: Mola Architects

2.11 It is proposed to provide 56 no. apartments/duplex apartments in 6 no. 3 storey buildings (28 no. 2 bedroom apartments and 28 no. 3 bedroom duplex apartments) all with terrace. The duplex apartments are located in the north western portion of the subject site, with 2 no. buildings fronting onto the Cookstown Road (and 2 no. further blocks located to the south). In addition it is proposed to provide 2 no. further duplex blocks along the eastern boundary.

2.2.3 Maisonette Dwellings

2.12 It is proposed to provide 4 no. 1 bedroom Maisonette dwellings in a 2 storey building located in the western portion of the subject site.

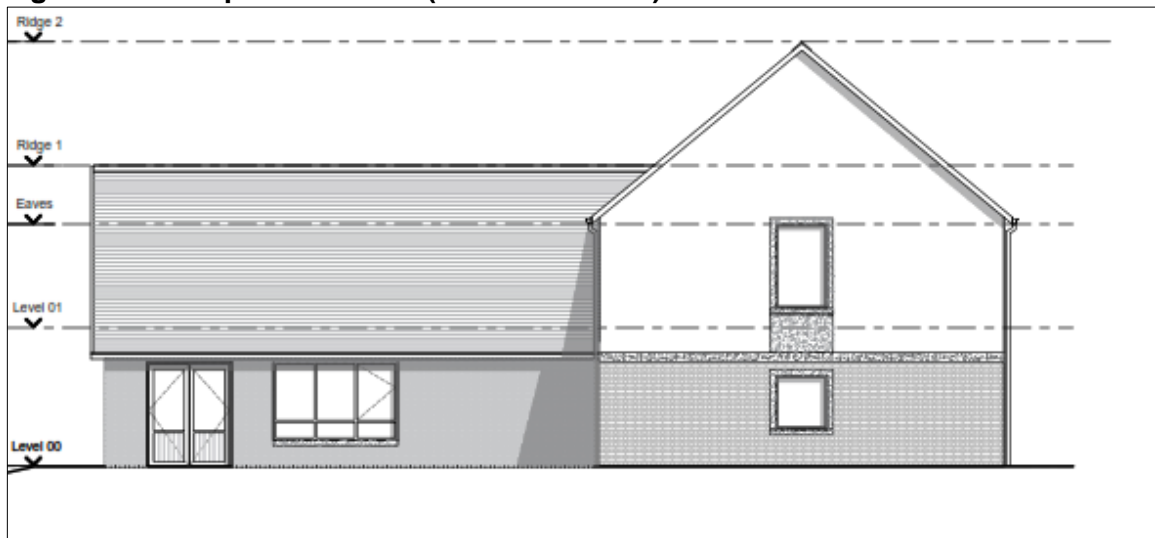
Figure 2.6 – Maisonette Elevation (front)



2.3 Creche Provision

2.13 It is proposed to provide a two storey creche of c. 510 sq. m (including storage) along with an external play area. The creche is located to the north of the site, positioned beside Powerscourt National School. The creche will provide c. 100 childcare spaces based on a gross floor space of 5 sq. m for each child. The creche is located on the Community CE zoned lands which is considered appropriate for this use.

Figure 2.7 – Proposed Creche (North Elevation)



Source: MOLA

2.3.1 Refuse Storage

2.14 Waste storage is provided for the individual blocks by the provision of a separate bin store. The refuse stores provide adequate storage space to satisfy the three-bin system for the collection of mixed dry recyclables, organic waste and residual waste.

2.3.2 Temporary Marketing Suite and Signage

2.15 It is proposed to provide a single storey temporary marketing suite (c. 84 sq. m) within the southern portion of the subject site along with signage (at 3 no. locations) for a period of 3 years.

2.4 Internal Road Layout

2.16 The internal road layout (as set out in the DMURS Statement of Compliance, prepared by BMCE) has been designed in accordance with the key design principles of the Design Manual for Urban Roads and Streets (DMURS) as follows:

- Design Principle 1: Connected Networks
- Design Principle 2: Multifunctional Streets
- Design Principle 3: Pedestrian Focus
- Design Principle 4: Multidisciplinary Approach

2.17 The development strategy maximises connectivity with the local environment through the provision of permeable and legible, orthogonal street networks, with a particular focus on adherence to the hierarchy of road users and sustainable means of travel.

2.18 The development proposals make provision for future linkages to adjacent lands to the west and east. This represents good planning practice and allows for the integration of adjacent lands in the future to the subject lands, thereby ensuring that wider permeability can be provided over time as other adjacent lands are developed.

2.5 Access and Parking

2.19 The site's main access will be from the LP1020 (Cookstown Road), with permeability provided to the boundary to the lands to the west, along with pedestrian connection through the open space along the southern boundary to the 'Lover's Leap Lane', which connects to the R760 (and pedestrian path), which links to the village centre.

2.5.1 Car Parking and Bicycle Parking

2.20 It is proposed to provide 313 no. car parking spaces 2 per house – 210 spaces as well as 103 no. car parking spaces for the duplex/apartment units, maisonette units and the creche as follows:

Table 2.2 – Car Parking for Apartments/Duplex/Creche

Car Parking Requirement				
Apartment/Duplex Unit Type	No. of Units	No. per Unit	Spaces Required	Spaces Provided
Block A1	8	1.5	12	12
Block A2	8	1.5	12	12
Block B1 (Part V)	8	1	8	8
Block B2 (Part V)	4	1	4	4
Block B2	4	1.5	6	6
Block C	12	1.5	18	18
Block D	12	1.5	18	18
Unit Types F & F1 (Part V)	4	1	4	4
Creche			20	11
EV spaces (10% of total)			9.5	10
Total No. of Spaces			111.5	103

Source: Mola

2.21 In addition, it is proposed to provide 150 no. bicycle spaces as follows:

- 88 no. for the duplex/apartments;
- 12 no. for the creche;
- 40 no. visitor spaces;
- 10 no. visitor spaces – Linear Park;

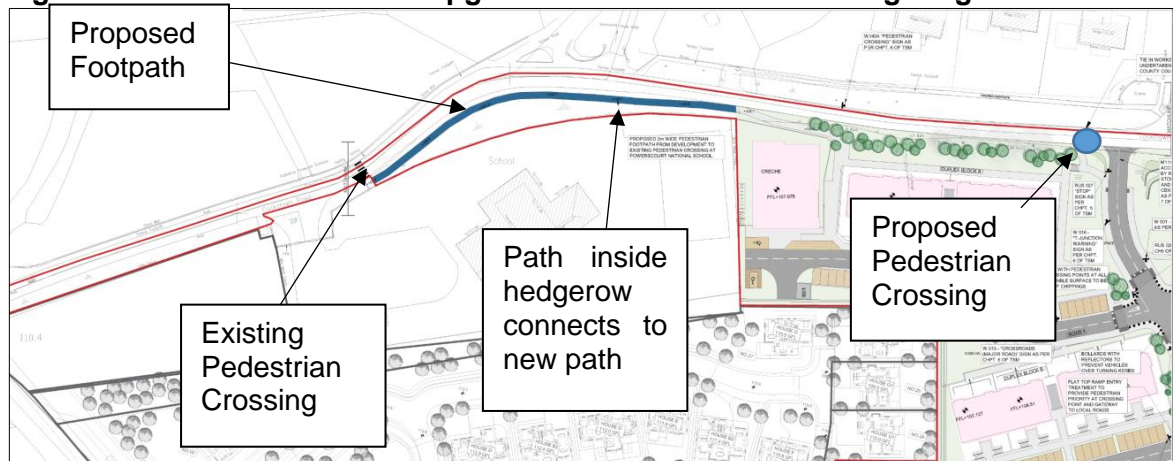
2.22 The development includes provision for secure cycle storage. The apartment/duplex blocks will have access to bike stores (88 no. in total). In addition, external Sheffield stands will be located throughout the scheme, providing spaces for use by visitors (50 no. no. spaces).

2.6 Footpath Upgrades

2.23 The proposal includes a footpath upgrade (including lighting) along the southern side of the Cookstown Road to the Primary School where there is a crossing connecting to the northern side of the Cookstown Road, and which connects to the town centre of Enniskerry to the north. In addition it is proposed to provide public lighting between the Primary School and the junction of R760 to the west. The relevant letters of consent are included with the application. Additional lighting is proposed between the school and the R760 to the west. The footpath joins up with the internal footpaths in the scheme (so as to maintain as much as possible the trees along the Cookstown Road).

2.24 A lighting plan, prepared by Sabre is included with the SHD application, which was reviewed by Dr Tina Aughney (Bat Specialist for the project) and appropriate mitigation included.

Figure 2.8 – Cookstown Road Upgraded Pedestrian Link and Lighting



Source: BMCE 18243-BMD-00-ZZ-DR-C-1010

2.25 In addition, a pedestrian crossing is to provided to tie into the existing footpath located on the northern side of the Cookstown Road.

2.7 Landscaping Strategy

2.26 We refer the Board to the enclosed Landscape Design Statement prepared by Kevin Fitzpatrick – Landscape Architecture (KFLA). Proposed pedestrian routes provide for connection to the adjoining lands to fully integrate the landscape scheme with the surrounding landscape. The pedestrian circulation network is designed to accommodate movement through the space at a gradient of less than 1:20. The layout

of the paths and planting allows smaller areas of lawn suitable for passive uses by smaller children and other alternative uses to the kickabout space.

Figure 2.9 – Linear Parkland



Source KFLA

- 2.27 The proposed development includes a substantial linear park open space area (primarily on zoned OS1) along the southern boundary of the subject site of c. 0.93 hectares.

Figure 2.10 – Northern Open Space – ‘The Lawn’

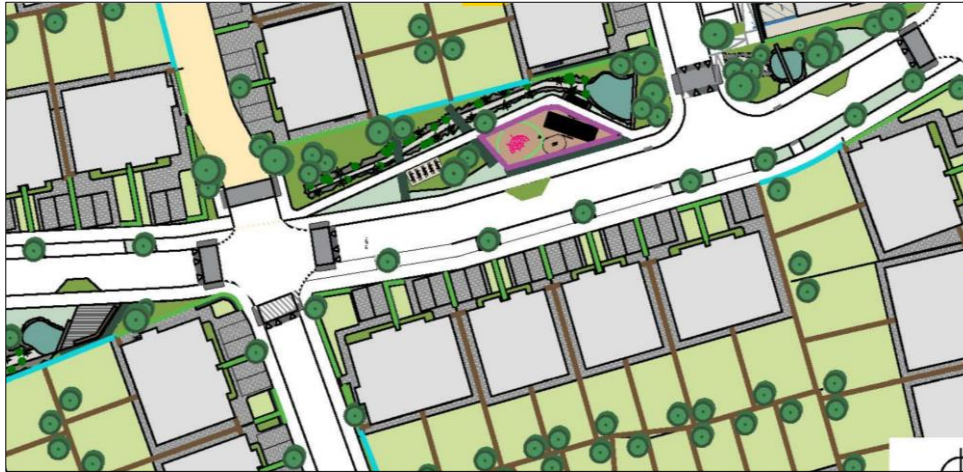


Source KFLA

- 2.28 As set out in the KFLA report, this large linear open space of c. 0.93 hectares has been designed as an ecological park with the aim of strengthening local biodiversity while offering a range of uses to residents of the local area. This approach creates new habitats for local flora and fauna and encourages easier movement of smaller mammals through the site. Breaks in the tree and shrub planting have been created to establish a visual connection between the proposed park area and the streetscape, encouraging residents and passers-by to utilise the park and to allow a high level of passive supervision. New connections are also provided to the boundary of amenity walks to the south to ‘Lovers Leap Lane’ and surrounds.

2.29 In addition to this on the residential zoned area of 5.17 hectares, some 0.4 hectares of open space is provided, equating to 7.7% of the residential zoned land. Combining the two areas amount to 1.33 hectares of the gross site area (or 21.2% of the development site area of 6.27 hectares).

Figure 2.11 – Central Spaces ‘The Vista’



Source KFLA

2.30 The design of the Northern Open space is centred around a central lawn space for active and passive recreation. A series of formal hedges are used to create an edge to the space and control active activities from spilling out on to the street. The entrance to the scheme from the public road is to be marked by a series of stone walls, drawing on some of the traditional materials and landscape elements found in the local landscape. The walls will be designed in an aesthetic, sculptural arrangement to highlight the entrance area.

2.31 This series of spaces has been designed using the linear drainage systems as the focal element of the landscape. The arrangement of these spaces aims to accentuate the vista to the Sugarloaf Mountain.

2.32 With reference to communal open space Blocks A and B require 256 sq. m whereas the communal open space provided is in excess of this requirement at 460 sq. m. For Blocks C and D, the requirement is 192 sq. m communal open space and 1,060 sq. m is provided, both substantially in excess of the 2018 Apartment Guidelines.

2.7.1 Communal Open Space

Figure 2.12 – Communal Open Space (Duplex Apartments)

Communal Amenity Space Requirement & Provision				
Apartment/Duplex Unit Type	No. of Units	No. per Unit	Hectares Requirement	Hectares Provided
Block A1, A2, B1 & B2				
2 Bed	16	0.0007	0.0112	0.021
3 Bed	16	0.0009	0.0144	0.025
Total Residential	32		0.0256	0.046
Total Hectares			0.0256	0.046
Block C & D				
2 Bed	12	0.0007	0.0084	
3 Bed	12	0.0009	0.0108	
Total Residential	24		0.0192	
Total Hectares			0.0192	0.06

Source: MOLA

- 2.33 With reference to communal open space Blocks A and B require 256 sq. m whereas the communal open space provided is in excess of this requirement at 460 sq. m. For Blocks C and D, the requirement is 192 sq. m communal open space and 1,060 sq. m is provided, both substantially in excess of the 2018 Apartment Guidelines.
- 2.34 Duplex units are provided with private amenity space at both front and rear of the ground floor apartment units, while the upper duplex units are provided with a large terrace area. Communal open space is also provided adjacent to the duplex blocks, with the duplex units over-looking the spaces providing passive surveillance.

2.7.2 Materials

- 2.35 The play areas throughout the scheme are designed as a 'Natural Play Area', this is where a preference is given to natural play features, materials, and objects over the standard manufactured play equipment. There is a greater emphasis on building, creation, exploration and pretending as activities to extend the interest in the play area for users that visit regularly, as is common in a residential landscape space.
- 2.36 The surfaces will be primarily grass, gravel and sand. Level changes, grass mounds and steps will be incorporated into the scheme as a central feature of the space. Within the space created a number of activities are facilitated such as balancing, jumping, climbing and crawling.
- 2.37 Durable and low maintenance materials are specified by the Landscape Architects for the hard landscaping in the scheme. Car parking areas are integrated into the landscape design, using small unit concrete paviors or flags for the on-curtilage car parking and hard landscape areas to the house.

2.7.3 Planting Strategy

- 2.38 The plant species are chosen to respect and enhance the local environment while providing suitable vegetation that is harmonious with a residential area and will be successful through all stages of its maturity. Therefore, the planting palette has a limited number of species chosen for their appropriateness and with a preference for native planting where possible. Large native Oaks are the dominant tree species proposed throughout the main open space areas and will be complimented by large Horse Chestnuts, Limes, Beech and Red Oak trees.
- 2.39 These trees will mature into large parkland specimens. When the trees mature, they will have a strong visual presence and will define the character of the development as the existing trees go into decline. The street trees are chosen due to their more compact habit. These species are appropriate for the scale of the spaces in which they are to be used and are of a variety that will complement other native trees. Each street is to be planted using a single variety of tree and hedge giving a specific landscape character to each part of the development.
- 2.40 The existing trees that are retained within the scheme are to be enhanced and strengthened by additional planting of native and naturalised broadleaf tree planting.
- 2.41 The perimeter planting around the site will be native and naturalized broad-leaf hedgerow and tree-planting, along with dense woodland and understory planting to create visual screening and improve biodiversity. Native plants Blackthorn, Hawthorn, Hazel and Holly are all used in the hedgerow mix and tree-planting in the hedgerows consists of Common Birch, Native Oak, Horse Chestnuts and Common Alder.

2.8 Services

- 2.42 The Civil Engineering Infrastructure Report and Flood Risk Report and drawings prepared by BMCE Consulting Engineers, submitted with the SHD application provides the overall strategy and detail for the services to serve the subject lands.
- 2.43 The proposed development has received both a Confirmation of Feasibility, and a Statement of Design Acceptance from Irish Water.

2.8.1 Surface Water Drainage and Attenuation

- 2.44 The proposed development will be served by a new separate gravity surface water drainage network falling towards the north boundary of the site alongside the Cookstown Road, where it is proposed to install a soakaway designed in accordance with Ciria 756 guidelines. The infiltration rate determined on site at the soakaway location was 0.148m/hr, which is sufficient to allow for a soakaway design.
- 2.45 The development of this site will result in increased paved and impermeable areas that have the potential to create pressure on the environment and existing services due to the generation of increased run-off and pollution. In order to avoid this the development will be designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as embodied in the recommendations of the Greater Dublin Strategic Drainage Study (GSDSDS) and as set out in the CIRIA Guide C753.
- 2.46 A full audit of the surface water design & drawings was carried out by JBA Consulting in October 2020. Questions from JBA arising from the audit were responded to and taken on board in the design. The report from JBA Consulting is contained in Appendix IX of the Civil Engineering Infrastructure Report and Flood Risk Report prepared by BMCE Consulting Engineers.

2.8.2 Foul Sewer

- 2.47 It is proposed for the gravity foul drainage network on site to drain to the northeast corner of the site, which is the lowest point of the development. From here it is to be pumped to the existing 225mm foul sewer at the R760 sewer junction. Wicklow County Council stated that the proposed development should accommodate future connections from neighbouring sites, allowing for the existing Enniskerry Demesne Foul pumping station to be decommissioned in future.
- 2.48 The additional Sites contributing to the foul pumping station are set out in the calculations as follows:
1. Adjoining site future development 27 no. houses
 2. Existing Enniskerry Demesne 14 no. houses
 3. Permitted development WCC Reg Ref 16/976 6 no. houses (site adjacent to Enniskerry Demesne on east side)
- 2.49 The new below ground foul pumping station (at the northern portion of the subject site) for the development is proposed to accommodate an average flow of 1.064l/s and has a 24hr dry weather flow emergency overflow storage requirement of that equates to 92m³, which will be met through the provision of a 73m³ concrete storage tank, and the remaining volume within the pumping station 'wetwell'. The pumping station will be built to the specifications outlined in Irish Waters Code of Practice and standard details. The foul water is then pumped from the new below ground foul pumping station via a

100mm diameter HDPE foul rising main that connects to a new foul standoff/discharge manhole and then by a short gravity connection to the existing foul sewer on the main Enniskerry Road (R760).

2.8.3 Water Supply

- 2.50 There is an existing 180mm HDPE running beneath the northern side of the Cookstown Road, and a 100mm uPVC watermain beneath the south side. Both mains are relatively new, having been installed in 2005 and 2004 respectively.
- 2.51 The site connection will be via a 150mm diameter (internal bore) connection into the existing 180mm HDPE watermain line in Cookstown Road. Twenty-four-hour storage will be provided in each house via an attic tank to cater for possible shut-downs in the system.
- 2.52 Hydrants will be provided on the ring main, subject to fire cert requirements. Sluice valves will be provided at junctions and appropriate locations to facilitate isolation and purging of the system. Air valves will be provided at high points for system venting. All watermains infrastructure is to be to Irish Waters Code of Practice and standard details.

2.8.4 ESB Networks

- 2.53 There is extensive ESB Networks infrastructure in the vicinity of the site and we understand it has the capacity to cater for this new development. The number and approximate locations of substations for providing new power supply to the dwellings on site have been identified to comply with the ESB current grid lines and will also be discussed and agreed once the formal application is made. A formal application cannot be made at this stage but will be made as soon as the planning permission has been granted and the addresses are confirmed.

3.0 PLANNING HISTORY

3.1 Subject Lands

3.1.1 Planning Reg. Ref. 14/1704 (An Bord Pleanála Ref: PL 27.246401)

3.1 On the 8th of August 2016, Under Planning Reg. Ref. 14/1704 (ABP Ref. PL27.246401), An Bord Pleanála upheld the decision of Wicklow County Council and granted permission for the proposed development of 26 no. dwelling units all on a site of c. 2.75 hectares, (with a density of 9.5 units per hectare gross). This permission is due to expire on the 17th of November 2021.

3.2 Adjoining Site to the west

3.2.1 Planning Reg. Ref. 19/871

3.2 Under Planning Reg. Ref. 19/871, Scalaheen Ltd., lodged an application for planning permission on the 9th of August 2019... for development comprising 27 no. dwellings, with access from the R760 in respect of the adjoining site to the west. Scalaheen Ltd. submitted a Further Information response on the 14th of January 2020. Clarification of Further Information was issued by WCC on the 5th of February 2020, which was responded to by the Applicant on the 27th of March 2020. A final grant of permission was issued on the 30th of June 2020.

4.0 CONSISTENCY WITH NATIONAL AND REGIONAL PLANNING POLICY

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

4.1 National Planning Framework

4.2 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.

4.3 As a strategic development framework, 'Project Ireland 2040' sets the long-term context for our country's physical development and associated progress in economic, social and environmental terms and in an island, European and global context.

4.1.1 National Strategic Outcomes

4.4 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.

4.5 Chapter 4 of the National Planning Framework seeks to make urban places stronger *"to enhance people's experience of living and working in and visiting urban places in Ireland."*

4.6 The following is outlined in the Framework:

4.7 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"*.

4.8 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'*.

4.9 National Planning Objective 13 states *"in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected"*

4.10 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.'*

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

4.12 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.'*

4.1.2 Evaluation of Consistency

- 4.13 With reference to NPO 3a, the proposed development accords with the 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.
- 4.14 The NPF seeks to influence the location of new housing development and future population growth and targets the location of 40% of new housing development within and close to the existing 'footprint' of built up areas over the lifetime of the framework. In this respect the subject site is a natural extension of Enniskerry. The area of the site on which the residential units are proposed is zoned for residential development and is in accordance with the National Planning Framework.
- 4.15 The subject development, with 165 units at the density proposed, 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 the location of the proposed housing is prioritised within the existing settlement of Enniskerry. The proposed increase in density aligns with national policy guidance and is considered suitable and appropriate development on the subject lands.
- 4.16 The proposal in compliance with NPO4 will provide an attractive, liveable well designed high quality urban place, which will enjoy a high quality of life and well-being.
- 4.17 In accordance with National Policy Objective 33, new homes will be provided at a sustainable location, with access to existing services and facilities, a village centre with Dublin Bus links within 700m of the subject site. In accordance with National Policy Objective 35, the proposal will increase residential density within an existing settlement. The proposal will provide adaptable homes that can accommodate the changing needs of a household over time (in compliance with NPO 34).

4.2 Regional Economic and Spatial Strategy 2019-2031

- 4.18 The Regional Economic and Spatial Strategy (RSES), which was published on the 5th of November 2018, 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.
- 4.19 RPO 3.2 – seeks to promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- 4.20 The primary status of the RSES is to support the implementation of Project Ireland 2040 – the National Planning Framework (NPF) and National Development Plan (NDP) and the economic policies and objectives of the Government by providing a long term strategic planning and economic framework for the development of the region.

4.2.1 Evaluation of Consistency

4.21 Enniskerry is located in the Core Region as defined in the RSES. The proposal seeks to provide for residential development to increase densities and urban consolidation in the town of Enniskerry, which is in compliance with RPO 3.2. The proposed development therefore is compliant with the overall policies and objectives of the RSES in this regard.

4.3 Rebuilding Ireland – Action Plan for Housing and Homelessness

4.22 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.

4.23 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.*

4.3.1 Evaluation of Consistency

4.24 The proposal will deliver much needed housing 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.”*

5.0 CONSISTENCY WITH SECTION 28 GUIDELINES

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

- 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);
- Sustainable Urban Housing: Design Standards for New Apartments (2020);
- Quality Homes for Sustainable Communities (2008);
- Design Manual for Urban Roads and Streets (2013);
- Guidelines for Planning Authorities on Childcare Facilities (2001);
- Draft Water Service Guidelines for Planning Authorities (2018);
- The Planning System and Flood Risk Management (2009);
- Appropriate Assessment of Plans and Projects – Guidance for Planning Authorities (2009);

5.1 Sustainable Residential Development in Urban Areas (2009)

5.2 The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 (“SRD Guidelines”) 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.

5.3 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.

5.4 With reference to pre-application consultations with the Planning Authority the design team had regard to the advice set down in the *'In Practice'* section of the Urban Design Manual (2009), which recommends the following approach:

- *Development Brief:* The Action Area Plan criteria set out in the Bray Municipal District Local Area Plan 2018 and the Wicklow County Development Plan 2016-2022 sets out a specific development brief for the subject lands. These criteria have been incorporated in terms of the allocation of lands uses within the Action Area 3 lands at Cookstown and a draft Action Area Plan (AAP) for the AA3 lands was submitted to Wicklow County Council during pre-application consultation and was approved by Wicklow County Council by letter dated 30 June 2020. The letter dated 30 June 2020 stated that *"planning applications may be submitted in relation to this area"*.
- *Site Analysis:* A thorough site analysis was undertaken in the preparation of the Action Area Plan involving various consultants, including engineers, architects, landscape architects, ecologists, archaeologists and planners. The resulting proposal is based on the findings and assessments undertaken on the subject lands and responds appropriately to the development brief, relevant objectives of the Wicklow County Plan 2016-2022, the Bray Municipal District LAP 2018-2024, and policies in the National Planning Framework as well as the Apartment Guidelines 2020 along with the Building Height Guidelines 2019.
- *Concept Proposals:* A layout plan which was the next step following the preparation of and Action Area Plan was developed with a multi-disciplinary approach.
- *Pre-application:* A Section 247 meeting took place with Wicklow County Council to discuss the layout plan. This meeting was generally positive and constructive feedback was provided. Details of the pre-application discussion are included as Appendix 2.

5.1.1 Evaluation of Consistency

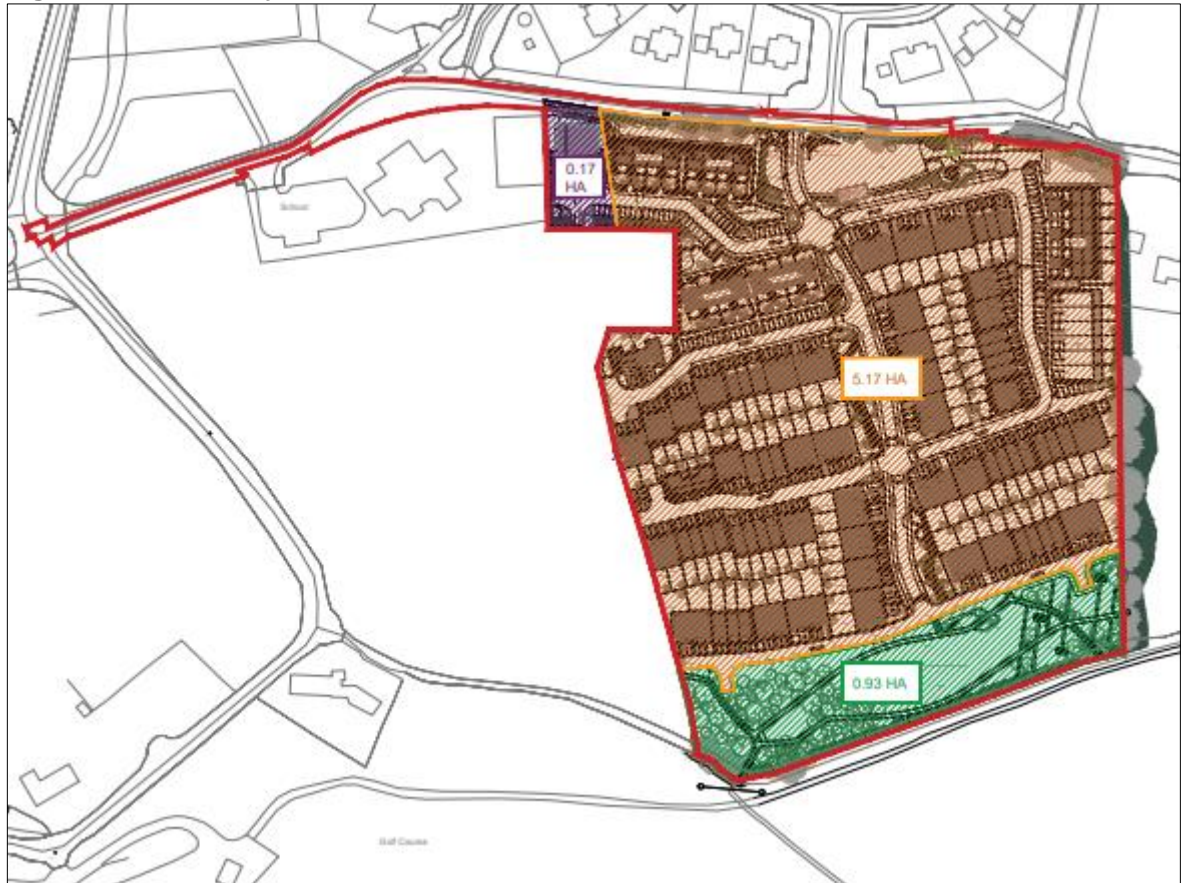
5.5 Sustainable neighbourhoods require a range of community facilities, and each district/neighbourhood will need to be considered within its own wider locality, as some facilities may be available in the wider area while others will need to be provided locally. The proposed development provides a crèche and multipurpose open spaces.

5.1.1.1 Density

3.3 As set out in further detail below, the BMD LAP and Action Area Plan criteria specify a density standard of 10 and 20 units per hectare on lands zoned R10 New Residential and R20 New Residential respectively.

- 5.6 The proposed development provides for 165 residential units on the subject lands, at a density of 25.7 units per hectare gross (based on a development site of c. 6.27 hectares).
- 5.7 The proposed development provides 31.9 units per hectare (net, excluding the CE zoned lands and the OS1 zoned lands), based on a net site area of 5.17 hectares, with the areas as identified below.

Figure 5.1 – Density Calculation



- 5.8 Appendix A of the Guidelines sets out that ‘*open spaces serving a wider area*’ may be excluded in the calculation of net density. These three areas are designated as public open space and will serve the wider area (and are zoned primarily OS1).
- 5.9 On delivery of the remaining uses on the Action Area lands, these public open spaces will be further utilised by the wider area.
- 5.10 It is considered that the most appropriate categorisation of the subject lands is as ‘*small town or village*’ category. Chapter 6 of the Guidelines deals with small towns and villages and sections 6.9 to 6.12 sets out the density standards for (a) centrally located sites, (b) edge of centre sites and (c) edge of small town/village sites. The subject site is located outside the town centre of Enniskerry village and as such is not considered to be a ‘centrally located site’.
- 5.11 Section 6.11 of the Guidelines states:

“(b) Edge of centre sites

“The emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.”

5.12 It is clear that the subject lands are located within a ‘small town or village’ category, and “an edge of centre site”, where the guidelines advise that a range of 20-35 dwellings per hectare applies to this site under consideration. The proposed development is at a density towards the higher end of this range.

5.13 Section 6.12 of the Guidelines state:

“In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. This is to ensure that planned new development in small towns and villages offer a range of housing types, avoiding the trend towards predominantly low density commuter-driven developments around many small towns and villages within the commuter belts of the principal cities and other Gateway locations. Such lower density development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside.”

5.14 The proposed development would provide 165 of the 472 unit growth target for Enniskerry, at 34.9% of the total housing needed for Enniskerry in the next 5 years. As the proposal comprises in excess of 20% of the total new planned housing stock, section 6.12 does not apply and a density of 15-20 dwellings per hectare would not be compliant with the Section 28 Guidelines.

5.15 It is noted that the subject site is not located within the Dublin Metropolitan Area Spatial Plan (MASP; EMRA RSES); located in the Core Area.

5.16 The location of the subject site is in a transitional location between the built up area of Enniskerry village and the western edge of the village. The proposal constitutes in excess of 20% of the total new planned housing stock set out in the core strategy allocation for Enniskerry and therefore does not fall under the criteria to be considered under Section 6.12 above. The subject proposal therefore falls into the density requirement of 20-35 units per hectare, in accordance with the Guidelines. As the site is located in a sensitive area in terms of visual considerations is also important having regard to the character of Enniskerry village, the context of the proposed development, (including St. Patrick’s church) and Powerscourt, 25.7 units per hectare gross (31.9 net) has been proposed.

5.17 The proposal addresses the Cookstown Road positively, with denser development to the roadside, with the density lowering towards the rear of the site.

5.18 This density provides a balance between the ecological and visual considerations and objective of the National Planning Framework and RSES for compact growth of existing

settlements. The proposed density is within the guidelines whilst also providing for a layout which is appropriate for the subject site and its context.

5.19 The proposed development conforms to the more detailed guidance within the guidelines on layout, design and density – by making effective use of the site; making a positive contribution to its surroundings; having a sense of identity and place; providing for effective connectivity, and featuring a design which is guided by the principles of passive surveillance. The proposed development meets the 12 criteria for sustainable residential development contained within the Urban Design Manual (2009), a companion document to the SRD Guidelines, examined below and set out in the MOLA Architects design statement.

5.20 The BMD LAP and Action Area Plan criteria of 20 units per hectare is relatively low having regard to the 20-35 guideline range in the Guidelines of national policy. The Statement of Material Contravention provides justification for contravening the density standards in the BMD LAP and Action Area Plan including by reference to the 2009 Guidelines.

5.1.2 Urban Design Manual – A Best Practice Guide (2009)

5.21 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.” The 12 no. criteria are evaluated as follows (and in the MOLA Architectural Design Statement:

Figure 5.2 – Urban Design Manual 12 criteria



Source: Urban Design Manual DoEHLG 2009

5.1.3 Context: How does the development respond to its surroundings?

5.22 The proposed development responds to its surroundings by providing attractive streets and open spaces, high quality buildings and features setbacks from neighbouring dwellings, located to the east. The duplex apartments are located towards the lower

part of the site to provide a strong urban edge to the subject lands. Dwellings are orientated side on (to the permitted residential development to the west). Connections are provided up to the boundary to facilitate permeability in the southern linear open space as well as within the scheme.

- 5.23 The location main open space area complements the existing boundary to the south, where links can be provided to the boundary to the existing Lover's Leap Lane. This 0.93 hectares of open space also anticipates and responds to the context to the west (relating to the permitted development) where the open space ties in with a wider open space area.
- 5.24 With reference to the eastern boundary, (adjacent to '*Pine Heights*') the distance from the rear façade of the duplex building is c. 28.4m to the adjoining residence. Furthermore it is noted that the proposed windows are c. 11.9m from the existing boundary and that the existing planting along the boundary will remain in place.

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

- 5.25 The layout provides permeability through the site allowing for integration to the existing Lover's Leap Lane located to the south. The substantial public open space will be designed so as to link to the boundary of the lands located to the west, providing additional permeability and links through the adjoining permitted development, which connects to the footpath on the R760 to the west.
- 5.26 It is proposed to provide a road crossing connecting the subject site to the existing footpath, located on the northern side of the Cookstown Road, which ultimately links the subject site to the town centre of Enniskerry, located to the north.
- 5.27 In addition it is proposed to provide a footpath on the southern side of the Cookstown Road which will connect to the path on the northern side of the Cookstown Road at the Primary School, providing a pedestrian link to the town centre. In addition, it is proposed to provide public lighting between the Primary School and the R760,

5.1.5 Inclusivity: How easily can people use and access the development?

- 5.28 The proposed development includes 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.
- 5.29 The overall development will include 10% social housing which will be provided within the scheme.
- 5.30 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 footpaths to increase the overall level of connectivity and permeability for future residents.
- 5.31 The development will provide for disabled car parking spaces and all communal areas and house types are designed to be accessible to all.

5.1.6 Variety: How does the development promote a good mix of activities?

5.32 The proposed development provides for a good mix of dwelling types including a mix of duplex apartments, Maisonettes 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 southern open space measuring c. 0.93 ha along the boundary. 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 Enniskerry and wider Bray area.

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

5.33 The proposed development proposes a net density of c. 31.9 no. units per hectare based on a net site area of 5.17 hectares (excluding CE zoned lands and OS1 zoned lands) and 165 no. dwellings. This density makes efficient use of the residential zoned lands and includes an appropriate quantum of public open space (0.4 hectares or 7.7% on residential zoned area and an overall 1.33 hectares or c. 21.2%) which will link to the wider green network in this area.

5.34 The layout and orientation of the scheme has been designed by MOLA 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.

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

5.35 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 KFLA 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.

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

5.37 There is a variety and mix of dwelling types, heights and design, with a mix of duplexes 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 duplex units/terrace and detached and semi-detached dwellings and also to include a crèche of c. 510 sq. m (including storage with outdoor play area).

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

5.38 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).

5.39 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 a central route along with a number of other streets and footpaths branching off this main access street.

5.1.10 Public Realm: How safe, secure and enjoyable are the public areas?

5.40 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 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 direct frontage onto all public areas ensuring the provision of a safe, secure and enjoyable residential development.

5.41 The public realm will provide a southern linear park area of open space of c. 0.93 hectares which is greater than the area indicated in Action Area Plan 3 for the western portion of the AA3 area (0.93 hectares provided – 0.918 required, with the additional amount zoned residential). Please refer to MOLA drawing no. 0102 which shows the arrangement of Action Area Open Space across the AA3 lands.

5.42 In addition to this on the residential zoned area of 5.17 hectares, some 0.4 hectares of open space is provided, equating to 7.7% of the residential zoned land. Combined the two areas amount to 1.33 hectares of the gross site area (or 21.2% of the overall site area – 6.27 ha. including CE zoned lands).

5.43 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 prepared by Kevin Fitzpatrick, Landscape Architects (KFLA), and the Landscape Design Statement which confirms a high degree of amenity for future residents of the scheme.

5.1.11 Adaptability: How will the buildings cope with change?

5.44 Each of the proposed dwellings meets or exceeds the minimum standards for residential unit size. The development provides a mix of 2, 3- and 4-bedroom units that can be easily reconfigured to adapt to the changing life cycles and personal needs of each resident.

5.45 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.

5.1.12 Privacy / Amenity: How do the buildings provide a high-quality amenity?

5.46 Each dwelling (houses, duplex apartments/apartments and Maisonette dwellings) is provided with a generous area of useable private open space which meets or exceeds the Development Plan standards, and Apartment Guidelines 2018 standards, where applicable. 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.

- 5.47 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.
- 5.48 In this regard, reference should be made to Housing Quality Assessment prepared by MOLA Architects, which contains a detailed appraisal of the standards achieved in the proposed development in meeting the space and amenity needs of future residents.
- 5.49 In summary, each proposed residential unit is in accordance with relevant storage requirements.

5.1.13 Parking: How will the parking be secure and attractive?

- 5.50 It is proposed to provide 313 no. car parking spaces (2 per house – 210 spaces) and 103 no. car parking spaces for the duplex units, maisonette units and the creche along with 150 no. cycle spaces (88 no. cycle spaces for the duplex/apartment buildings, 12 no. cycle spaces for the creche, 40 no. visitor spaces and 10 no. spaces for the linear park).
- 5.51 On-street parking with perpendicular and parallel parking is proposed for the apartment units and will be overlooked by surrounding dwellings.
- 5.52 The development includes provision for secure cycle storage. The apartment/duplex blocks will have access to bike stores (88 no. in total). In addition, external Sheffield stands will be located throughout the scheme, providing spaces for use by visitors (50 no. spaces).

5.1.14 Detailed Design: How well thought through is the building and landscape design?

- 5.53 The proposed design of the development has been subject to a pre-application consultation 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 MOLA Architects. The landscape design rationale is set out in the Landscape Design Statement prepared by KFLA.
- 5.54 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 application.

5.2 Urban Development and Building Heights Guidelines (December 2018)

5.55 The Urban Development and Building Heights contain 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.”*

5.2.1 Evaluation of Consistency

5.56 The proposed development provides an appropriate density in compliance with the Sustainable Residential Development in Urban Areas (2009) at 31.9 units per hectare (net).

5.57 The proposal includes for a mix of building heights and includes 2 storey dwellings and 3 storey duplex apartments. In addition, the proposal avoids mono-type building typologies, and includes a range of dwelling types, comprising 4 no. 1 bedroom apartments (Maisonettes), 28 no. 2 bedroom duplex units, 28 no. 3 bedroom duplex units, 49 no. 3 bedroom houses, and 56 no. 4 bedroom houses.

5.3 Sustainable Urban Housing: Design Standards for New Apartments (2020)

5.58 Updated Sustainable Urban Housing Design Standards for New Apartments were published in December 2020. The guidelines provide for revised guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.

5.3.1 Evaluation of Consistency

5.59 This application is accompanied by a Housing Quality Assessment, prepared by MOLA 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.

5.60 The following is noted with reference to the Specific Planning Policy Requirements (SPPRs):

Specific Planning Policy Requirement 1 (Mix)

5.61 Specific Planning Policy Requirement 1 (SPPR1) states that *‘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) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been*

agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)'.

- 5.62 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).
- 5.63 The Proposed development complies with SPPR 1 (4 no. 1 bedroom apartments 2.4%).
- 5.64 We also note that no Housing Need and Demand Assessment has been undertaken by the Planning Authority for this area of the County, and it is therefore submitted that the proposed unit mix is consistent with the relevant planning policy requirement for Unit Mix.

Specific Planning Policy Requirement 2 (Small Urban Infill Sites)

- 5.65 Does not apply to the subject site.

Specific Planning Policy Requirement 3 (Minimum Areas)

- 5.66 SPPR3 of the Apartment Guidelines 2018 state that the following minimum floor areas for apartments apply:
- Studio apartment Minimum 37 sq.m
 - 1 bedroom apartment Minimum 45 sq.m
 - 2 bedroom apartment Minimum 73 sq.m
 - 3 bedroom apartment Minimum 90 sq.m
- 5.67 The proposed development complies with the minimum apartment floor area requirements set out in SPPR3. The schedule of accommodation / Residential Quality Audit and drawings prepared by MOLA Architects demonstrates that the proposed development complies and exceeds the standards outlined in the Sustainable Urban Housing: Design Standards for New Apartments 2018.

Table 5.1 – Compliance with SPPR3

Apartment Type	Apartment Guidelines 2018	Apartment Size in Proposed Development
1 bedroom Maisonette apartment F	45 sq.m	56.80 sq. m
1 bedroom Maisonette apartment F1	45 sq.m	56.8 sq. m
2 bedroom Duplex Apartment Mid Terrace (A&B)	73 sq.m	83.90 sq. m
2 bedroom Duplex Apartment End of Terrace (A&B)	73 sq.m	83.70 sq. m
2 bedroom Duplex Apartment End of Terrace Corner (A&B)	73 sq.m	84.90 sq. m
2 bedroom Duplex Apartment Mid Terrace (C&D)	73 sq.m	81.70 sq. m

2 bedroom Duplex Apartment End of Terrace (C&D)	73 sq.m	79.20 sq. m
3 bedroom Duplex Mid Terrace (A&B)	90 sq. m	116.90 sq. m
3 bedroom Duplex End of Terrace (A&B)	90 sq. m	119.0 sq. m
3 bedroom Duplex End of Terrace Corner (A&B)	90 sq. m	120.30 sq. m
3 bedroom Duplex Mid Terrace (C&D)	90 sq. m	117.50 sq. m
3 bedroom Duplex End of Terrace (C&D)	90 sq. m	117.50 sq. m

Source: MOLA Architects

- 5.68 In addition, the Guidelines state that *‘the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%).’*
- 5.69 The proposed development complies with the above as detailed in the table above and as set out in the MOLA Housing Quality Assessment.

Specific Planning Policy Requirement 4 (Aspect)

- 5.70 SPPR4 of the Guidelines relates to the provision of dual aspect units and states the following:

“Specific Planning Policy Requirement 4

In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

(i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

(ii) 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.

(iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.” (Emphasis added)

- 5.71 The proposed development includes 100% dual aspect units. There are no north facing single aspect units within the scheme.

Specific Planning Policy Requirement 5 (floor to ceiling heights)

- 5.72 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)

- 5.73 SPPR 6 notes that a maximum of 12 apartments per core may be provided within apartment schemes.
- 5.74 The proposal complies with this SPPR6.
- 5.75 The Residential Quality Audit, prepared by MOLA 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.
- 5.76 With reference to communal open space Blocks A and B require 256 sq. m whereas the communal open space provided is in excess of this requirement at 460 sq. m. For Blocks C and D, the requirement is 192 sq. m communal open space and 1,060 sq. m is provided, both substantially in excess of the 2018 Apartment Guidelines.

SPPR 7, 8 and 9- Build to Rent and Shared Accommodation

- 5.77 The above SPPR's do not apply to the proposed development.

5.4 Delivering Homes, Sustaining Communities (2008)

- 5.78 The Department's policy statement Delivering Homes, Sustaining Communities, Guidance provides the overarching policy framework for an integrated approach to housing and planning. The purpose of these Guidelines is to promote high standards in the design and construction and in the provision of residential and services in new housing schemes.
- 5.79 They encourage 'best use' of land and inclusion of services and infrastructure alongside the provision of new housing; to create 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.

5.4.1 Evaluation of Consistency

- 5.80 The proposed development has taken regard of this departmental policy in its design and development and is observed to promote a high-quality residential scheme which makes optimum use of land in a strategic location and promotes a sense of community.

5.5 Design Manual for Urban Roads and Streets (DMURS) (2013)

- 5.81 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.

5.5.1 Evaluation of Consistency

- 5.82 The DMURS Statement of Compliance prepared by BM Consulting Engineers provides further detail in respect of the consistency of the proposed development with DMURS.
- 5.83 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.
- 5.84 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.
- 5.85 The development incorporates a conspicuous hierarchy of multifunctional streets that offer route choice and flexibility for managing movement within the development. The layout facilitates creation of distinct place-based streets which serve to emphasise the low-speed residential nature of the development, providing safe means of travel for more vulnerable road users such as cyclists and pedestrians.
- 5.86 Both horizontal and vertical deflections have been introduced throughout the road network to address the need for self-regulating traffic-calming. In addition, road levels have been designed to minimise surface gradients to reduce the need for revving engines and associated noise and emissions. Standard local street widths of 5.5m within the development are proposed in compliance with Section 4.4.9 of DMURS and Wicklow County Council Roads Department's pre-application submission observations. Junctions have been designed to minimise corner radii in line with Section 4.3.3 of DMURS.
- 5.87 Self-regulating shared surface homezones are included in appropriate locations which serve to create a sense of place while balancing the needs of all users. These shared surface homezones are designed with a minimum 4.8m wide carriageway along with associated 1.2m wide flush pedestrian comfort zones as per pre-application observations received from Wicklow County Council Roads Department. Furthermore, these shared surface homezones will be distinguished from standard local streets using contrasting surfacing materials to create a distinct change in environment from standard local streets, further enhancing the sense of place in these areas.
- 5.88 The proposed development layout facilitates the creation of a low-speed residential environment. With respect to the hierarchy of road users outlined in DMURS, the development places a strong focus on creating a vibrant and sustainable pedestrian environment, prioritising pedestrians while balancing the needs of all road users.
- 5.89 Footpaths in the development are designed as 2m wide typically, which meets the minimum requirement of 1.8m widths outlined in Section 4.3.1 of DMURS. Pedestrian

crossing points along with associated tactile paving in accordance with the Traffic Management Guidelines are provided at anticipated pedestrian desire lines, while pedestrian priority raised table crossings have been located in line with higher demand crossing locations. Further to this, pedestrian priority will be provided at internal crossroad junctions in the form of raised tables which also serve as a traffic calming measure. Residential shared space homezones with contrasting surface finishes are proposed to encourage lower vehicular speeds and create a more attractive, high quality space for pedestrians.

- 5.90 The design of the layouts involved close collaboration and coordination between the Architect, Structural Engineer, Civil Engineer, Landscape Architect and Mechanical & Electrical Engineer, and takes account of the observations and comments raised by Wicklow County Council and An Bord Pleanála at the preapplication stage of the planning process.

5.6 Guidelines for Planning Authorities on Childcare Facilities (2001)

- 5.91 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.

5.6.1 Evaluation of Consistency

- 5.92 The proposed childcare facility of 510 sq. m (including storage), and adjacent play area, is considered appropriate for the subject site. It is estimated that this childcare facility could cater for the in the order of 100 children having regard to an accepted industry average of c. 5 sq.m gross floor space per child depending on the type of childcare offered by the end user. 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.

5.7 Draft Water Services Guidelines for Planning Authorities (2018)

- 5.93 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.
- 5.94 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.

5.95 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.*

5.96 Section 5 sets out development management guidance in respect of developments. The Draft Guidelines note that applications “*should indicate if it is intended to connect to Irish Water’s water supply and / or wastewater networks, whether a pre-connection enquiry has been made to Irish Water and where available a copy of the Confirmation of Feasibility (see 5.4) issued by Irish Water should be included with the application.*”

5.97 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.

5.7.1 Evaluation of Consistency

5.98 BM Consulting Engineers have consulted with Irish Water on the design of the development and a confirmation of design acceptance dated 7th of August 2020 from Irish Water is included with the application material, in the particulars.

5.8 Guidelines for Planning Authorities on ‘The Planning System and Flood Risk Management (November 2009)’

5.99 *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.

5.8.1 Evaluation of Consistency

5.100 In order to comply with these Guidelines a Site-Specific Flood Risk Assessment has prepared by BM Consulting Engineers is included in the Civil Engineering Infrastructure Report & Flood Risk Assessment.

5.101 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*”.

5.102 The report concludes that:

“There is no risk to flooding affecting the site from coastal or fluvial sources. Local knowledge suggests pluvial flooding may impact the lowest points of the site along the northern boundary with the Cookstown Road. To alleviate any surface water which may build up at local low points of the Cookstown Road it has been proposed to provide drainage to the section bordering the site and treat that within the developments surface water network.

The mitigation measures to be incorporated into the design, as outlined above, ensure that any flood events on surrounding lands do not cause flooding of the proposed development, and that the development does not increase flood risk elsewhere. Therefore, the development is deemed acceptable from a flood risk assessment perspective.”

5.9 Appropriate Assessment of Plans and Projects – Guidance for Planning Authorities (2009)

5.103 An Appropriate Assessment Screening Report (AASR) prepared by Openfield Ecological Consultants is enclosed with this Application.

5.104 The AASR concludes as follows:

“It can be excluded on the basis of objective information that the proposed development, individually or in combination with other plans and projects, will have a significant effect on the Murrough Wetlands SAC, the Murrough SPA, Glen of the Downs SAC, Rockabill to Dalkey Island SAC, Dalkey Islands SPA, Knocksink Wood SAC, Ballyman Glen SAC, Wicklow Mountains SAC & SPA, Bray Head SAC, Carriggower Bog SAC, South Dublin Bay and Tolka Estuary SPA, South Dublin Bay SAC, or any other European site. This conclusion is based on best scientific knowledge.

Accordingly, an Appropriate Assessment is not required in respect of the proposed development.”

6.0 CONSISTENCY WITH LOCAL PLANNING POLICY

6.1 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 Bray Municipal Local Area Plan 2018.

6.2 An evaluation of the proposed development in terms of the relevant policy or policies in the above two documents is included below.

6.1 Wicklow County Development Plan (2016-2022)

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

6.4 The proposed development contravenes Objectives HD5 and HD13 of the Wicklow County Development Plan 2016-2022 and a Statement of Material Contravention is enclosed with the application in this regard which sets out the basis it is considered permission should be granted for the proposed development, notwithstanding the contravention of Objectives HD5 and HD13.

6.1.1 Relevant Policies and Objectives

Table 6.1 – Evaluation of the proposed development in terms of relevant county plan development management policies for housing

Development Management Policy	Evaluation
Objective SS1 seeks 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	The proposal can be facilitated by existing and available infrastructure and is located within a small growth town within the GDA hinterland area.
Objective SS3 seeks to ensure that all settlements as far as practicable develop in a self-sufficient manner with growth occurring in tandem with physical and social infrastructure and development should support a compact urban form	The proposed development provides a new residential community, in tandem with a creche and open space, within the existing town of Enniskerry and provides a compact form of development.
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.	The proposed development is located on appropriately zoned land within the Bray MDLAP and as part of an agreed Action Area Plan for the lands.
SS5 To implement the population and housing growth targets as set out in the Core Strategy and Settlement Strategy.	The proposal will support the implementation of the population and growth targets in the core strategy for Enniskerry, which has to date not delivered the envisaged numbers of dwellings, also noting that the proposal contravenes the overall no. of units identified for the Action Plan area, and this is addressed in the material contravention statement.

Development Management Policy	Evaluation
Objective HD1 requires that new housing development is located on suitably zoned or designated land in settlements and not in the open countryside	As per SS4 above.
Objective 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.
Objective 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
Objective HD4 requires proposals to include 10% provision for social housing.	The proposed development will comply with the 10% provision of social housing.
Objective HD7 requires the sequential development of zoned lands.	The site is within an action area plan which dictates this site as an area for the development of new housing within the existing Enniskerry area. The lands are sequentially located to Enniskerry Demesne located to the north. The adjacent site to the west has received a final grant of permission for 27 no. dwellings.
Objective 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. 510 sq. m as well as green space totalling 1.33 hectares (including 0.93 hectares along southern boundary) and links to 'Lover's Leap Lane' to the south. The creche would be able to facilitate c. 100 children, based on gross area of 5 sq. m per child.
Objective 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.
Objective 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 semi-detached, detached and terraced housing, Maisonettes and duplex apartments/apartments in a sustainable mix of 1,2,3, and 4 bedroom dwellings.
Objective HD17 requires developments of over 200 units to be divided into areas differentiated from one another by different design themes.	The development is below 200 dwellings, however it includes duplex apartments which will provide their own character within the subject lands. Furthermore, the houses fronting onto the open space to the south will provide a different character to other areas.

6.1.2 Community Development

- 6.5 Table 6.2 sets out relevant county plan development management policies for community development and an evaluation of the proposed development.

Table 6.2 – Evaluation of the proposed development in terms of relevant Community Policies

Development Management Policy	Evaluation
Objective D27 seeks in residential development > 50 dwellings public open space and a dedicated children's play area following consultation with WCC.	Proposed development will include a dedicated children's natural play area in the linear open space as well as additional play equipment in the Vista open space.
Objective CD28 requires safety in the design of streets,	The layout of the Road has been subject to a Road Safety Audit (see BM material) in accordance with Policy CD28.
Objective CD29 seeks retention of trees, streams etc.	Trees will be retained within the layout where feasible. There are no streams.
Objective CD31 requires MUGA areas for Active Open Space areas.	The proposal includes natural play areas in the linear open space and in the central open space. The proposal does not include Active Open Space.
Objective CD43 requires open space to be provided in tandem with new residential development.	The proposed development will provide c. 1.33 hectares of open space throughout the site (c. 21.2% of the site) as well as pedestrian links to Lover's Leap Lane to the south of the site via the substantial linear open space in the southern portion of the subject site.

6.1.3 Natural Heritage and Landscape

- 6.6 Table 4.3 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 6.3 – Evaluation of the proposed development in terms of relevant Natural Heritage Objectives

Development Management Policy	Evaluation
Objective NH17 discourages the felling of mature trees.	The proposed development will retain the majority existing notable and high quality trees within the proposed layout. The 10 no. trees identified for removal are of relatively low quality (4 category C and 6 Category U). There are no. Category A or B trees identified for removal.
Objective NH19 encourages the retention of hedgerows.	The proposed development will entail the removal of some low quality hedgerows but

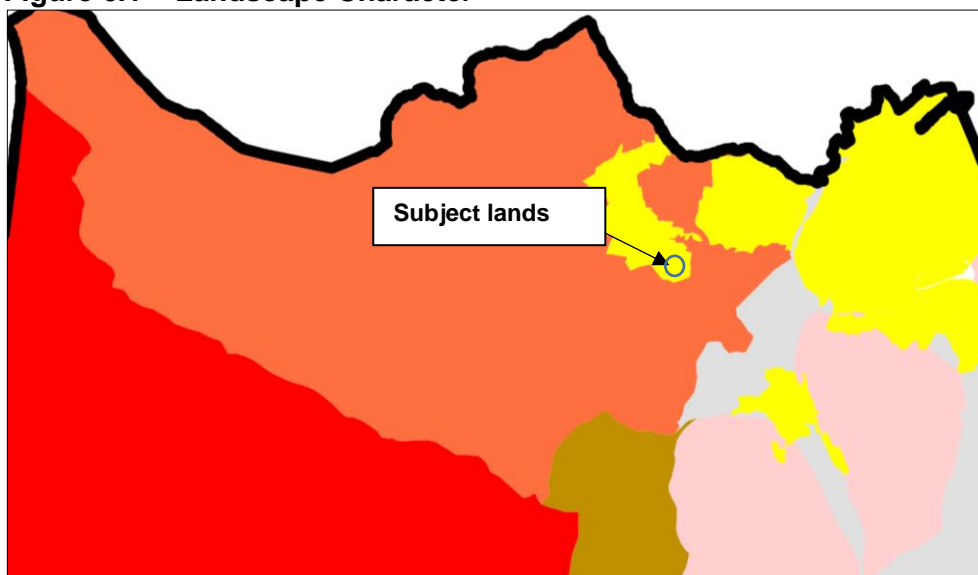
Development Management Policy	Evaluation
	will retain the majority of the existing hedgerows and trees on the site boundaries and within the scheme. No internal hedgerows exist within the scheme.
Objective NH20 ensures the protection, improvement and sustainable use of waterbodies.	No direct hydrological link to waterbodies. Therefore the quality of surface or groundwater bodies, (as outlined in the BM Report and AA screening) will not be impacted.
Objective NH32 seeks to protect existing green infrastructure and facilitate the development of new green infrastructure.	The proposed development features a substantial linear park of c. 0.93 hectares which bounds the existing <i>Lover's Leap Lane</i> to the south. Where possible, access will be provided to integrate the two areas as well as providing permeability to the boundary to the west (to the permitted landscaped area on the adjoining site to the west)
Objective NH39 facilitates the use of natural areas for active outdoor pursuits.	The proposed linear park of c. 0.93 hectares will facilitate the use of this area for outdoor pursuits such as walking and jogging as well as a natural play area.

6.7 This SHD application is accompanied by a Archaeology Assessment, 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 Archaeological Report (prepared by IAC for further details).

6.1.4 Landscape Character Areas & Views and Prospects

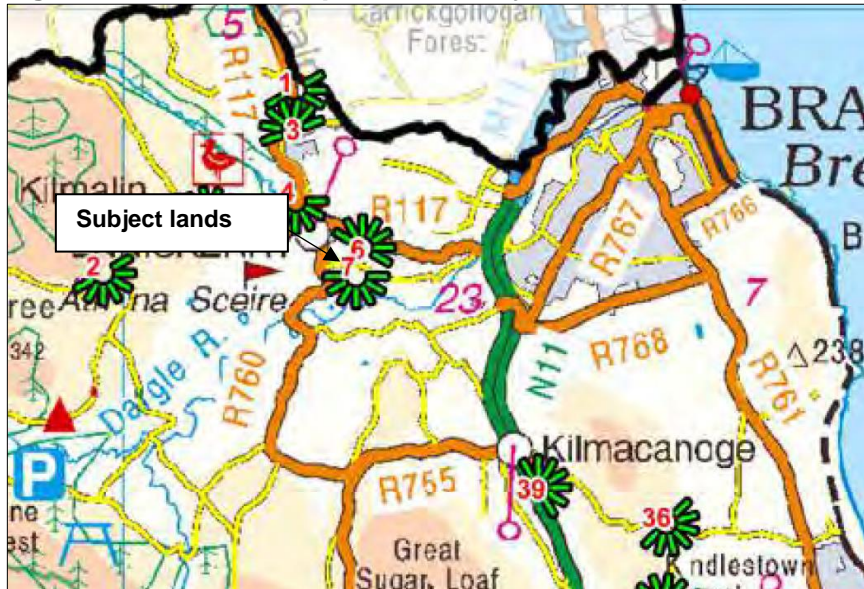
6.8 From Map 10.13(a), the subject lands are located within an urban area.

Figure 6.1 – Landscape Character



- 6.9 Schedule 10.14 of the CDP outlines the Views of Special Amenity Value or Special Interest, which includes view no. 7 “From Cookstown Road” described as “View towards the Great Sugarloaf Mountain.” The views are illustrated on Map no. 10.14 (see extract below). It is noted the Bray Municipal District LAP includes a similar view (Map H12 refers).

Figure 6.2 – Views of Special Amenity Value or Special Interest



- 6.10 The CDP notes that some views / prospects are intermittent in nature and appear through gaps in vegetation or buildings and that “*where listed views / prospect occur in settlements, it is not the intention that all lands in the view / prospect will be ‘sterilised’ from development.*”
- 6.11 Policy NH52 seeks:
- To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.*
- 6.12 The CDP notes that any application for development in such locations will be required to provide an assessment of the view / prospect and an evaluation of how the development would change or interfere with that view / prospect.
- 6.13 The proposed development will not significantly impact on any protected views or prospects listed in the Wicklow County Development Plan 2016-2022. There are expected impacts locally to the site; however, this must be taken in the context of the land being zoned for development. There are further views and prospects listed for preservation in the area surrounding Enniskerry none of which will be impacted by the proposed development.
- 6.14 Áit Urbanism and Landscape note the following in the Environmental Impact Assessment Report submitted with the SHD application (Chapter 9 refers):

“The overall visual impact of the proposed development is considered to be neutral in the medium to long term. The proposed development will result in a change which does not affect the quality of the environment and will allow for consolidation of the subject lands which are located within the ‘Urban Area’ landscape category. It is considered that the impact will alter the character of the environment in a manner that is consistent with existing and emerging trends. As shown in Verified Viewpoint 7, views of the Great Sugarloaf Mountain, the iconic summit, will be retained from the protected view listed within the Wicklow County Development Plan 2016-2022. The cumulative impact of the separate approved residential development (Planning Reg. Ref. 19/871 – Powerscourt Residential Development) on agricultural lands located immediately adjacent to the west of the site has also been assessed. From viewpoints 1 and 2 located within the grounds of St. Patrick’s Church of Ireland, the cumulative impact has been assessed to be slight to not significant and neutral, and moderate and neutral respectively. From viewpoint 3 it has been assessed that the cumulative impact will be moderate and adverse as a result of partial views of the Great Sugarloaf Mountain being screened. From viewpoints 4,5,12 and 13 which are located on key arterial routes surrounding the site, the cumulative impact is considered to be significant and adverse during the construction phase. This will reduce to moderate and neutral in the medium to long term during the operational phase and when all planting has established. From the remainder of the viewpoint locations, it has been assessed that there will be no cumulative visual impact over and above the impacts arising from the proposed development described above.”

6.1.5 Development Management Standards – Wicklow County Development Plan 2016-2022

6.15 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.

Private Open Space

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

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

6.17 The proposed development provides generous private open space and exceeds the minimum standards outlined above and the general ‘rule of thumb’ standard of 0.64 sq. m of private open space for each 1 sq. m of house floor area.

House/ Apartment Type	Unit Type	Description	Gross Unit Area (Sq.M)	Number of Units in Scheme	# Bedrooms	Garden area per bedroom (required)	Garden area per bedroom Quantity in compliance	Garden area 0.64 per unit area required	Garden area 0.64 per unit area achieved (worst case)	Quantity in compliance
House	A	Semi Detached	140.47	30	4	60-75	ALL	89.9008	89.99	ALL
House	B	Semi Detached / End of Terrace	118.80	32	3	60-75	ALL	76.032	77	ALL
House	B1	Semi Detached / End of Terrace - Side Entry	118.80	2	3	60-75	ALL	76.032	76.6	ALL
House	B2	Mid Terrace	119.80	10	3	60-75	ALL	76.672	76.8	ALL
House	D	Semi Detached	143.60	2	4	60-75	ALL	91.904	127	ALL
House	E	Semi Detached	180.24	20	4	60-75	ALL	115.3536	115.9	ALL
House	E1	Semi Detached - Side Entry	181.76	8	4	60-75	ALL	116.3264	116.5	ALL

Source: MOLA HQA

Public Open Space

- 6.18 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.*”
- 6.19 Appendix 1 further 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.*”
- 6.20 The proposed development includes a substantial linear park open space area (zoned OS1) along the southern boundary of the subject site of c. 0.93 hectares. In addition to this on the residential zoned area of 5.17 hectares, some 0.4 ha of open space is provided (7.7%), which is above the 7.5% minimum requirement. Combined the two areas amount to 1.33 hectares of the gross site area or c. 21.2% of the overall site area.

6.2 Bray Municipal District Local Area Plan 2018

6.2.1 Overall Development Strategy

- 6.21 The Bray Municipal District Local Area Plan (‘the LAP’) sets out the overall development strategy for the LAP area. The sections and tables below detail the objectives relating to the subject development and how they are addressed.
- 6.22 The proposed development contravenes the density standards in the LAP and the number of units lands (105) indicated in the LAP for the Action Area Plan 3 lands. A Statement of Material Contravention is enclosed with the application in this regard which sets out the basis it is considered permission should be granted for the proposed development, notwithstanding the contravention of the LAP.

6.2.2 Population & Housing growth targets

- 6.23 The 2022, 2025 and 2028 population targets for the settlements in the Bray MD are provided in the Core Strategy of the County Development Plan – the County Development Plan does not provide a target for the overall MD or for rural areas.
- 6.24 Table 6.4 below illustrates the population history and predictions for Enniskerry within the LAP. This predicted 21.3% growth in population is expected to require an additional 472 houses in total in Enniskerry by 2025 (as per Table 2.7 of the LAP).

Table 6.4 – Project Population Change for Enniskerry. Source: BM LAP

	Number of Persons		
	2011	2016	2025
Enniskerry	1,811	1,889	2,401
% Population Increase	-3.9%	4.1%	21.3%

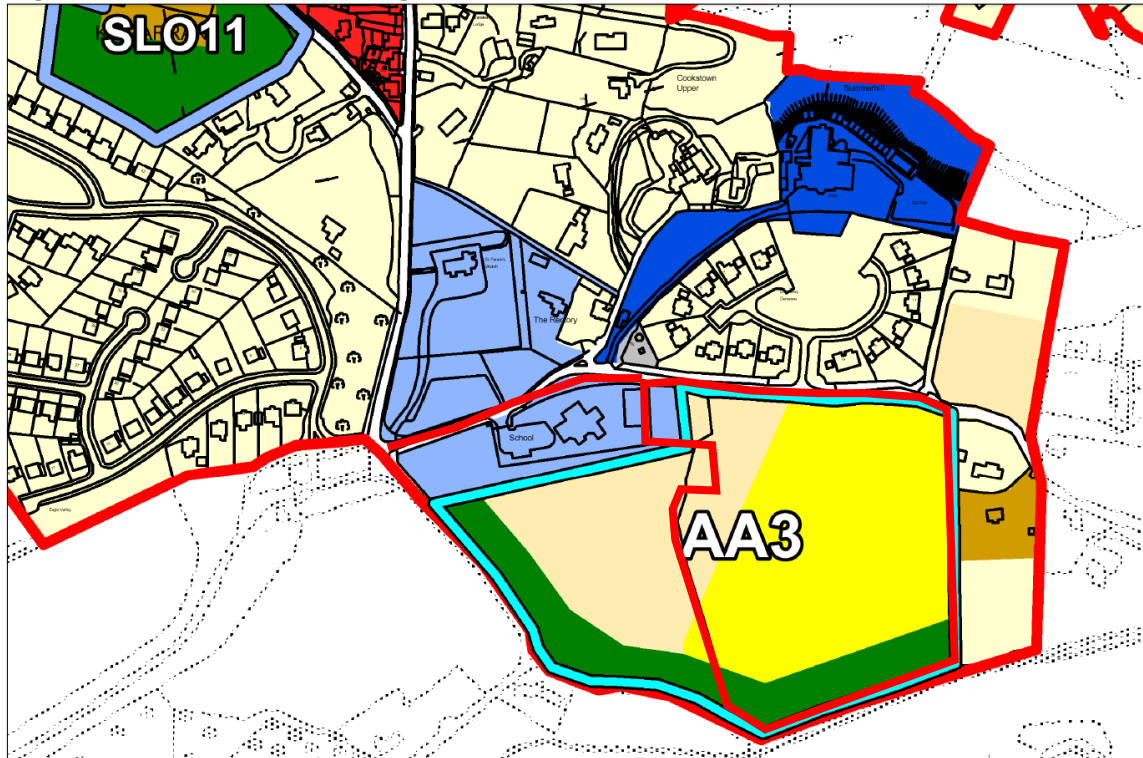
Table 3.2 of the LAP sets out the potential housing yield for various locations in Enniskerry. Table 3.2 provides that there is a potential housing yield of 105 units for “Action Area Plan 3 – Cookstown”. The application site includes c. 64% of the lands identified as Action Area Plan 3 (AA3) of the Bray Municipal District Local Area Plan 2018, with the remainder on the lands to the west (which has an extant permission, 19/871).

- 6.25 The subject proposal would exceed the potential housing yield for entirety of the AA3 lands as set out in Table 3.2 of the LAP. The Statement of Material Contravention accompanying the application in this regard sets out the basis on which it is considered that permission should be granted notwithstanding the contravention of the potential housing yield for the AA3 lands set out in Table 3.2 of the LAP.
- 6.26 It is noted the adjoining site to the west (located in the AA3 lands) has an extant permission for 27 no. dwellings (Planning Reg. Ref. 19/871). There are no further lands available within the AA3 for future development. From a review of the main landbanks in the Enniskerry LAP (table 3.2 of the LAP refers), it is further noted there is a proposal on lands at Kilgarron Hill (on the AA2 lands), which received a reasonable basis opinion from An Bord Pleanála (on the 21st January 2021 – ABP Ref. 308676-20) for 219 no. dwellings. It is noted the SLO10 lands, permission was granted for 12 no. detached dwellings on the 18/4/2020 by An Bord Pleanála (PL27.248914 WCC Ref. 17/15). The Powerscourt Demesne landbank has an extant permission for 47 no. dwellings. There are no recent applications on the Monastery Grove, on the lands to the east of AA3, or SLO11 Kilgarron lands. The remainder of the lands identified are infill sites which would not contribute much (indicated as c. 45 units). From the above there is planning permission for 59 no. units which is substantially below the 475 no. dwellings indicated in Table 3.2.

6.2.3 Land Use Zoning

- 6.27 The subject lands are zoned, R10 New Residential, R20 New Residential, OS1 Open Space and CE Community and Education. The relevant extracts from the LAP in relation to the residential lands are as follows:

Figure 6.3 – Land Use Zoning



Source: Bray Municipal District LAP

	Municipal District Boundary		CE Community & Education		AOS Active Open Space
	Settlement Boundary		TC Town Centre		OS1 Open Space
	RE Existing Residential		LSS Local Shops & Services		OS2 Open Space
	R Special New Residential		F1 Employment		Conservation Area
	R20 New Residential		PU Public Utility		
	R15 New Residential		T Tourism		
	R10 New Residential				

“R10 – New Residential

Objective: To protect, provide and improve residential amenities at a lower density not exceed 10 units/ha.

Description: To facilitate for the provision of high quality new residential environments with excellent layout and design, reflecting the low-medium density character of the surrounding area.”

“R20: New Residential

Objective: To protect, provide and improve residential amenities at a density up to 20 units/ha.

Description: To facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, to provide an appropriate mix of houses sizes, types and tenures in order to meet household needs and to promote balanced communities.”

6.28 The LAP states that uses generally appropriate for residential zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare, health centres, guest house, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the CDP.

6.29 The LAP provides as follows in relation to the Open Space Lands:

“OS1: Open Space

Objective: To protect and enhance existing and provide for recreational open space.

Description: To facilitate the further development and improvement of existing parks and casual play areas, to facilitate opportunities for the development of new high quality amenity open areas and to restrict developments / activities (such as the use or development of such lands for formal sports grounds for organisations that are not available for a broad range of the public) that would reduce the opportunities for use by the wider public.”

6.30 Uses appropriate for open space (OS1) zoned land are formal / informal landscaped parks with off-road walking / cycling paths, as well as playgrounds, skate parks, Mixed Use Games Areas and outdoor gyms.

6.31 The LAP provides as follows in relation to the CE zoned lands:

“CE: Community & Education

Objective: To provide for civic, community and educational facilities.

Description: To facilitate the development of necessary community, health, religious, educational, social and civic infrastructure.”

6.32 Uses generally appropriate for community and educational zoned land include community, educational and institutional uses include burial grounds, places of worship, schools, training facilities, community hall, nursing homes, health related developments, sports and recreational facilities, utility installations and ancillary developments for community, educational and institutional uses in accordance with the CDP.

Evaluation of Consistency

6.33 The proposed development is in accordance with the LAP’s land use zoning policies: The development comprises a residential development on the residential zoned lands, open space on the Open Space zoned lands and a creche facility located on the CE zoned lands.

6.34 While childcare is not specifically referenced in the general list of uses, it is considered appropriate in the CE zoned lands as a community use. We would also note that childcare is not listed in the town centre, or neighbourhood centre list of uses.

6.35 We refer the Board to the enclosed legal opinion from Eamonn Galligan Senior Counsel (see Appendix 3) which states:

“I am also of the opinion that the proposed development does not contravene the Community and Educational zoning objective as the proposed creche facility falls within the description of a “community use”, which is expressly included as a use “generally appropriate for community and educational zoned land”. Accordingly, I am of the opinion that no issue arises in relation to material contravention of the zoning of the land on which the development is proposed. Therefore, the Board has jurisdiction to grant planning permission for the proposed development.”

6.36 The average proposed net densities of 31.9 dwellings per hectare (DPH) in the proposed development are higher than the 20 and 10 dph prescribed in the LAP for residential-zoned parts of the proposal site.

6.37 With reference to the R10 and R20 density standards, we refer the Board to the legal opinion from Eamon Galligan Senior Counsel (see appendix 3) which states:

“Having regard to the foregoing statutory provisions, and the case law referred to, and subject to any qualifications or assumptions expressed above, I am of the opinion that the proposed development does not contravene either the Residential or Community and Educational objectives applying to the subject site. The proposal does contravene the density standards or objective applying to the residentially zoned lands under the R10 and R20 objectives, but this does not constitute a material contravention of the land use zoning objective, which is for residential purposes, for the reasons set out above. In summary, the contravention of density standards is not a matter which relates to the zoning of the land, within the meaning of the Planning and Development Act, 2000, as amended...”

6.38 Accordingly, the proposed net densities of 31.9 dwellings per hectare is not a material contravention of the land use zoning objective. Whilst the proposed development does contravene the density standards in the LAP, the proposal is considered acceptable for the reasons set out in the Statement of Material Contravention.

Table 6.5 – Evaluation of the proposed development in terms of the LAP’s relevant objectives for population and housing

Population and Housing Objectives	Evaluation
R1 All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.	The proposed development is in accordance with the housing objectives and standards set out in the Wicklow County Development Plan (see section 6.1), save Objectives HD5 and HD13 in respect of which a Statement of Material Contravention is included with this application.
R2 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. Lands zoned Residential – High Density will be expected to achieve a density of not less than 50 units / hectare.	The proposed site is within a residential zoning of R10 and R20 which has a density standard of 10 and 20 units per ha. respectively. The proposed development is however, 31.9 units per ha (net). This is in contravention of the density standards but not the zoning objective and is in keeping with national policy which encourages higher density development in cases of sustainable design and location. In this regard, a Statement of Material Contravention is included with this application.
R3 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 proposals, may be required to provide a social and community facility/facilities as part of the proposed development or the developer may be	A Social Infrastructure Audit has been carried out and submitted as part of this application. In addition, the development provides creche facilities as well as extensive open space, for active and passive uses.

Population and Housing Objectives	Evaluation
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.	
R6 The maximum size of any single 'housing estate' shall be 60 units and developments that include more than 60 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.	The proposed development includes 165 no. dwellings which will read as different character areas, having regard to the inclusion of duplex apartments in the north western portion of the site and the eastern portion of the site, which will serve to provide variety in the masterplan layout.
R7 A full range of unit sizes, including smaller 1 and 2-bedroomed units shall be provided in all new housing areas. No more than 50% of the units in any development shall exceed 3 bedrooms or 125sqm in size	A full range of unit sizes is provided including 1 bedroom Maisonettes, 2 and 3 bedroom duplex units as well as 3, and 4 bedroom units. 33.9% of the dwellings exceed the 125 sq. m size.

6.2.4 Social Infrastructure

6.39 Table 6.5 provides an evaluation of the subject lands in relation to social infrastructure.

Table 6.6 – Evaluation of the proposed development in terms of the LAP's overall Social Infrastructure

Social Infrastructure	Evaluation
<p>CD2 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.</p>	<p>The proposed development includes a substantial linear open space area (zoned OS1) along the southern boundary of the subject site of c. 0.93 hectares. In addition to this on the residential zoned area of 5.17 hectares, some 0.4 hectares of open space is provided, equating to 7.7% of the residential zoned land. Combined the areas amount to 1.33 hectares of the gross site area (or c. 21% of the overall site area). A natural play area will be provided within the linear open space. In addition a play area is provided in the central open space</p>

6.2.5 Transport and Services Infrastructure

- 6.40 Table 6.7 sets out relevant LAP objectives for transport and service infrastructure and an evaluation of the proposed development in terms of each objective.

Table 6.7 – Evaluation of the proposed development in terms of the LAP’s overall Transport and Service Infrastructure

Transport and Services Infrastructure	Evaluation
<p>PT2 To support and facilitate the implementation of measures to improve overall accessibility, public transport and walking / cycling opportunities within the Municipal District and between the Municipal District and other centres of population and activity identified in the Bray and Environs Local Transport Study, currently being undertaken by the NTA, Wicklow County Council and TII.</p>	<p>The proposed layout of the development makes provisions for foot and cycleways as priority movements throughout the development, including improving pedestrian access/permeability to pedestrian route ‘<i>Lover’s Leap Lane</i>’ to the south of the development. The No. 44 (Dublin Bus) and No. 185 (Go Ahead) routes run close to the subject site. Bus Connects Route L15, running every 40 minutes, will replace the current No. 185 route as the link from Bray to Enniskerry. While the No. 88 route will replace the current No. 44 route which links Enniskerry to Kiltarnan and Sandyford.</p>
<p>CW2 To require all new regional and local roads to include foot and cycleways, except in cases where shared road space is provided.</p>	<p>The proposal includes the provision of a footpath along the Cookstown Road which will connect across at the Primary School and ultimately to the town centre through existing infrastructure.</p>

6.2.6 Green Infrastructure

- 6.41 Table 6.8 sets out relevant LAP objectives for biodiversity and green infrastructure and an evaluation of the proposed development in terms of each objective.

Table 6.8 – Evaluation of the proposed development in terms of the LAP’s relevant objectives for biodiversity and green infrastructure

Biodiversity and Green Infrastructure	Evaluation
<p>B1 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.</p>	<p>This application is accompanied by an Ecological Impact Assessment Report and an Arboricultural Report. The impact of the proposed development on biodiversity has been minimised by the careful siting and design of the layout and the inclusion of open space along the southern boundary.</p> <p>The proposed development will retain the majority existing notable and high quality trees within the proposed layout. The 10 no. trees identified for removal are of relatively low quality (4 category C and 6 Category U). There are no. Category A or B trees identified for removal. The proposed development will entail the removal of some low quality hedgerows but will retain the majority of the existing hedgerows and trees on the site boundaries and within the scheme. No internal hedgerows exist within the scheme.</p>
<p>G11 New development and redevelopment proposals, where considered appropriate, are required to contribute towards the protection, management and enhancement of the existing green infrastructure assets and corridors of the local area in terms of the design, layout and landscaping of development proposals.</p>	<p>The development will include a substantial linear public open space area of 0.93 hectares along the southern boundary which will integrate with the existing ‘Lover’s Leap Lane’ to the south and provision of a path to the boundary of the remainder of the AA3 lands to the west.</p>
<p>G14 To promote the preservation of trees, groups of trees or woodlands in particular native tree species, and those trees associated with demesne planting, where considered to be viable, safe and in line with sound arboricultural management, in the interest of amenity or the environmental, as set out in the Heritage Schedules of this plan.</p>	<p>As per B1 above.</p>

6.2.7 Action Area Plan AA3

- 6.42 The Bray Municipal District Local Area Plan 2018 identifies a number of ‘Action Area Plans’ including “ACTION AREA PLAN 3: COOKSTOWN”. As illustrated in Figure 6.3, the application site includes approximately half of the Action Area Plan 3: Cookstown (AA3) lands which are zoned R10 New Residential, R20 New Residential and OS1 Open Space. The lands zoned CE Community and Education are not within the AA3 lands.

6.43 The LAP states as follows:

“Action Area Plans’ have been identified in this plan. ‘Action Area Plans’ are to be the subject of comprehensive (not piecemeal) integrated schemes of development that allow for the sustainable, phased and managed development of the Action Area during the plan period. Separate applications for sections of each Action Area Plan will not be considered until an overall Action Area Plan has been agreed in writing with the Planning Authority unless it can be shown that any application will not undermine the achievement of the overall objectives for that Action Area and would contribute its ‘pro rata’ share of the public infrastructure and facilities set out in this plan for that specific area.”

6.44 The overall objectives for Action Area 3 are set out in the LAP:

This Action Area Plan is located south of the town centre, in the townland of Cookstown. This action area plan measures c. 9.4ha. This action area plan shall be developed as a residential, open space and community space in accordance with the following criteria:

- *A maximum of 105 housing units may be provided in this action area, with density not exceeding 10/ha on the lands zoned R10, and the remainder may be developed at a higher density but not exceeding 20/ha.*
- *A minimum area of 0.4ha shall be provided for voluntary / sheltered housing, of a type to be agreed with the Local Authority, as part of any Part V obligations under the Wicklow Housing Strategy. Permission will not be considered for private housing until sufficient progress has been made on this element.*
- *Access to the site shall be from local road LP-1020.*
- *A public park of a minimum of 2ha shall be established along the full southern and western boundaries of the action area, which shall comprise an amenity walk area along the existing tree lined field boundaries connecting through the development to regional road R760 (Enniskerry – Kilmacanogue) and to the existing pedestrian route along the Dargle. In light of the provision of such an amenity space, the incidental open space required to be interspersed throughout the residential area may be reduced to 7.5% of the total zoned residential area.*
- *Any development shall be so designed to maintain maximum views of the Sugarloaf from Cookstown Road.*

6.45 A draft Action Area Plan (AAP) for the AA3 lands was submitted to Wicklow County Council during pre-application consultation and was approved by Wicklow County Council by letter dated 30 June 2020. The letter dated 30 June 2020 stated that *“planning applications may be submitted in relation to this area”*.

6.46 As set out in the AAP approved on 30 June 2020, the AA3 lands totalling c. 9.4 hectares are divided into two separate ownerships Cairn Homes (c. 6.09 ha.) and lands under the control of Scalaheen Ltd. (c. 3.89 ha.). The subject site includes the AA3 lands within the ownership of Cairn Homes.

6.47 The proposed development is now considered by reference to the criteria for development on the AA3 lands as set out in the LAP and the Action Area Plan approved by Wicklow County Council on 30 June 2020.

- ***A density of 10 units per ha on RE10 lands and 20 on RE20 lands***

6.48 The gross area of the proposed development relates to c. 6.27 hectares resulting in a gross density of c. 31.9 units per hectare. As set out in the Opinion of Senior Counsel (Appendix 3), the proposed development contravenes the density standards or objective applying to the residentially zoned lands under the R10 and R20 objectives, but this does not constitute a material contravention of the land use zoning objective. The accompanying Statement of Material Contravention outlines why it is considered permission should be granted for the proposed development notwithstanding this contravention.

- ***A maximum of 105 units provided across the 9.4 ha***

6.49 The increase in the number of units correlates with the increased density proposed for the site. While the number of units (165) proposed is higher than the maximum of 105 in the action plan it is in keeping with national objectives in relation to housing and providing sustainable densities on serviced zoned land. The accompanying Statement of Material Contravention outlines why it is considered permission should be granted for the proposed development notwithstanding this contravention.

- ***A minimum area of 0.4 ha for voluntary/ sheltered housing as part of any Part V obligations under the Wicklow Housing Strategy***

6.50 The AAP approved on 30 June 2020 stated as follows:

“With reference to the sheltered housing, 0.4ha of land or alternative Part V provision, subject to agreement with Wicklow County Council, shall be included as part of a planning application on Cairn Homes lands. Scalaheen Ltd shall agree Part V requirements on their lands with Wicklow County Council.”

6.51 The letter from Wicklow County Council 30th June 2020 approving the Action Area Plan for the lands stated:

“The development of the residential lands within Action Area 3 shall be linked to the provision of both physical infrastructure (including water services and any road improvement works) and social infrastructure (including the delivery of the public park and the provision of childcare facilities) deemed necessary to serve this development, and the delivery of the 0.4 hectares minimum area of voluntary/sheltered housing.”

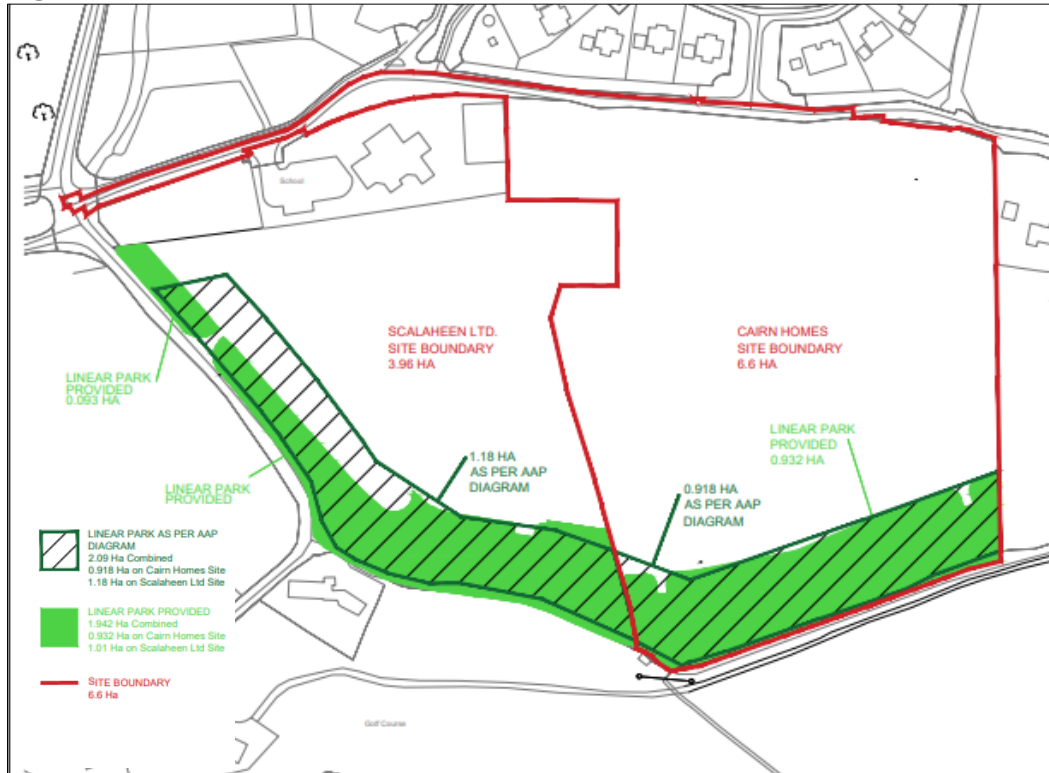
“A minimum area of 0.4 hectares shall be provided for voluntary/sheltered housing of a type to be agreed with the Local Authority, as part of any Part V obligations under the Wicklow housing Strategy.”

6.52 The applicant has entered into initial discussions with the Housing Department of Wicklow County Council in respect of Part V. We understand that Sheltered

Accommodation is not required by the Housing Department, but that the provisions of the LAP remains in place.

- 6.53 It is proposed that 16 no. Part V units will be provided as part of the proposed development comprising duplex apartments and maisonette dwellings and further detail are provided in Appendix 4 in relation to Part V. The total area of these 16 Part V units is c. 0.2ha.
- 6.54 With reference to the Wicklow Housing Strategy, there is no guidance or definition of voluntary/sheltered housing. Similarly, voluntary/sheltered housing is not defined in the BMD LAP. The LAP simply states that the voluntary/sheltered housing is of a type to be agreed with the Local Authority as part of any Part V obligations.
- 6.55 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.
- 6.56 In this regard, the maisonette dwellings could be managed by an Approved Housing Body (AHB), subject to agreement with the Housing Department of Wicklow County Council. We note a letter of support from Tuath Housing Association enclosed with the SHD application, in respect of Part V. It is further noted that 8 no. of the Part V units proposed are ground floor units which may be suited for sheltered housing if Wicklow County Council feel there remains a requirement for such types of dwellings in Enniskerry.
- 6.57 Accordingly, should some voluntary/sheltered housing be required by Wicklow County Council as part of any Part V obligations, the proposed development can accommodate same within the 16 no. Part V units proposed for voluntary / sheltered housing.
- 6.58 However, the Board may consider that the proposed development materially contravenes the Bray Municipal District LAP in this regard, and should the Board so consider, the Statement of Material Contravention outlines why it is considered that permission should be granted for the proposed development notwithstanding this contravention.
- 6.59 We refer the Board to the letter of support from Tuath Housing Body, which is included with the SHD application.
- ***Access to the site shall be from local road LP-1020.***
- 6.60 The proposed access to the site is from the local road LP-1020 (Cookstown Road) in accordance with the AA3.
- ***A minimum of a 2ha public park within the Open Space zoned lands***
The proposed development includes a total of c. 1.33 hectares of open space. This includes c. 0.93 hectares of linear public open space on the OS1 lands in the southern part of the site as part of the overall provision of 2 hectares on the AA3 lands zoned OS1. The linear public open space within the proposed development will connect and integrate to the adjoining development in respect of which permission has been granted under planning reg. ref. 19/871 to Scalaheen Ltd. All of the lands zoned OS1 within Cairn ownership, comprising 0.918 hectares, are included in the proposed public open space at the southern part of the site.

Figure 6.4 – OS1 Provision AAP



- **Maintain maximum views from the Cookstown road towards the Sugarloaf**

6.61 The layout of the proposed development has had cognisance of this where the development footprint is pulled back from the central access road and includes public open space along the frontage, to maximise the views towards the Sugarloaf from the Cookstown Road.

6.2.8 Evaluation of Consistency

6.62 Having regard to the evaluation above, the proposed development is considered to be consistent with all relevant LAP objectives, save to the extent identified above and considered in the Statement of Material Contravention accompanying the application.

7.0 PART V

7.1 The applicant has entered into initial discussions with the Housing Department of Wicklow County Council in respect to Part V. It is proposed that 16 no. Part V units will be provided. 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. The Part V detail is provided in Appendix 4 of this report.

8.0 RECOMMENDED PLANNING CONDITIONS

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

8.1 Taking in Charge

8.2 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 “MOLA Site Plan Taken in Charge Diagram”, 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.”

8.2 Boundary Treatment

8.3 Carin Homes are proposing the following condition:

“All rear gardens of houses shall be bounded with concrete post and base with concrete panel fencing, which shall be a minimum of 1.8 meters high, except where bounding public open spaces and roads, where the walls shall be two meters in height and either capped and rendered or have a brick finish.”

8.4 The proposed boundary treatment will be high quality, solid construction with no gaps. The proposed boundary detail is acknowledged industry wide to be structurally sound, of high quality and requires minimum maintenance.

8.3 Finishes

8.5 Carin Homes are proposing the following condition:

“Details of the materials, colours and textures of all the external finishes to the proposed dwellings and buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.”

8.4 Car Parking Management

8.6 Carin Homes are proposing the following condition:

“Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned and managed.”

9.0 CONCLUSIONS

- 9.1 The statement set out herein demonstrates the consistency of the proposed development with the relevant national, regional and local planning policy context, save to the extent identified in this Report and in the Statement of Material Contravention.
- 9.2 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);
 - The Planning System and Flood Risk Management (2009);
 - Draft Water Services Guidelines for Planning Authorities (2018);
- 9.3 Consistency is also demonstrated with the policies and provisions of the Wicklow County Development Plan 2016-2022 and the Bray Municipal Local Area Plan 2018, which are the key planning policy documents at a local level, save to the extent outlined in this Report and in the Statement of Material Contravention, which provides justification for the grant of permission notwithstanding such contravention.
- 9.4 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.
- 9.5 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, complies with all relevant national, regional and local planning policies and guidelines and, to the extent that the proposed development contravenes the relevant LAP and CDP, such contravention is justified by amongst other things reference to national planning policy and section 28 guidelines as detailed in the Statement of Material Contravention. Accordingly, Cairn Homes respectfully request that An Bord Pleanála grant permission for the proposed development.

APPENDIX 1 POLICIES AND 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 lands¹. 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 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 development² 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.

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 plan¹² (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 sites¹³ 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).

NH52 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

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.

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

WCC 247 Meeting 18th February 2020 – Attendees

Fergal Keogh (FK) -WCC Senior Engineer Planning Department, Brian O' Sullivan (BOS) – WCC Engineer, Lucy Roche (LR) – WCC Executive Planner, Dominic Gillian, Bray Municipal Engineer (DG)

Emma Flanagan (EF) – Cairn Homes, John Grace Cairn Homes (JG) – Cairn, Homes; Daibhi Mac Domhnaill (DMcD) Cairn Homes, Naomi Lloyd (NL) – MOLA Architects; Thomas McHale (TMcH) – BM Consulting Engineers; John Spain (JS) – John Spain Associates, Rory Kunz (RK) – John Spain Associates

No.	Item
1.0	Architecture – Layout/Open Space
1.1	FK queried densities, and acknowledged that Government Guidance and An Bord Pleanála's requirements would be different compared to LAP
1.2	LR – mix queried whether 1 bedroom units should be provided.
1.3	Policy PR6 – variation between housing estates – distinction between character areas
1.4	LR noted greater connectivity between open space and 'Lovers Lane' through weaker sections in the hedgerow. FK stated that public park to be integrated with multiple access points. WCC prefer public ownership.
1.5	FK queried whether lands were to be taken in charge.
1.6	FK queried whether POS would ultimately be transferred to WCC.
1.7	LR sought clarification on quantum of Open Space and whether 0.86 ha was proportionate to the site.
1.8	LR scheme to avoid blank gables onto POS.
1.9	LR noted playground requirement & how it is integrated into the scheme.
1.10	Query on whether car parking provision required for public park. Balance to be struck on whether required at all. Car parking provided in the adjacent Church, presently but ad hoc parking on public road.
1.11	BOS recommended that shared surface to be provided all the way to POS – no need for path on POS side.
1.12	FK indicated that requirements of IW and shared surfaces to be reviewed (to accommodate services sufficiently)
1.13	LR queried whether overlooking possible on western side of site (duplexes)
1.14	LR queried Communal open Space provision for duplex apartments.
1.15	WCC confirmed that layout could use hammer heads extending into the linear park.
2.0	Part V
2.1	FK queried Part V provision and phasing of site.
2.2	JG noted that sheltered housing could be located at ground floor of duplex apartments if feasible.
2.3	BOS queried cycle parking provision for the duplex apartments (covered, safe and secure)
3.0	Action Area Plan
3.1	FK noted that vehicular connection between two sites not to be indicated in AAP. Preference was a pedestrian connection between the two areas.
3.2	Community and Education zoning- FK noted that purpose of CE zoning in his view was not for creches, but community uses. (even though zoning facilitated same along with commentary in CDP).
3.3	FK recommended that draft Action Plan be sent into WCC at the earliest opportunity
4.0	Engineering - Roads
4.1	DG queried the footpath along the Cookstown Road in front of school – ownership noted as being under Slazanger control.
4.2	WCC require an alternative proposal (crossing to link to existing footpath on opposite side of road) if the footpath on Cairn side can't be delivered.
4.3	WCC may suggest a occupancy condition in respect of delivery but ultimately WCC could undertake works as WCC have powers to put in a path on a public road.
4.4	DG confirmed that there was no requirement for a right hand turning lane
4.5	FK/DG noted the trees along the Cookstown Road and the condition of same.

4.6	FK requested that potential for expansion of small section of road to 5.5m to allow for agricultural traffic to be examined.
4.7	FK noted that as many trees to be kept as possible
5.0	Engineering - Foul
5.1	FK stated that pumping station to be Irish Water TIC standards. Pumping Station would be serving multiple sites, potentially.
5.2	FK stated that no issue with pumping station serving adjoining site.
5.3	Fencing detail to be shown if required for pumping station.
6.0	Engineering – Flood Risk
6.1	DG noted that the Cookstown Road flooded along the north western side of site. Hydrology Assessment required.
6.2	DG queried whether possible to connect SW to river – acknowledging that it was through multiple ownerships.
6.3	DG noted that IWater do not have a separation programme in relation to SW and foul water infrastructure.
6.4	FK stated that SuDs should not just rely on attenuation. Some form of additional combined measures to be incorporated. Request for an overflow system for the attenuation in the event the attenuation fails.
6.5	FK stated that it may be possible to pump surface water up to Enniskerry Road. WCC would be happy to take in charge water pumping infrastructure, if required.
6.6	DG stated that some soakaways could be accommodated within the rear gardens of the houses. 1 cubic metre per house, to allow for recharge to the groundwater.
7.0	Construction Traffic
7.1	DG queried construction traffic impacts on the Cookstown Road. Reinstatement or possible rebuild required. Road vulnerable to trenching – cores of road would provide detail.
7.2	Directional drilling was noted as a possible solution.
7.3	Public Lighting would be required from site to junction at school.
8.0	Internal Street layout
8.1	BOS queried extent of looping roads.
8.2	BOS indicated raised tables not favoured – pedestrian priority to be provided.
8.3	BOS/WCC require horizontal deflection within road design where appropriate.

APPENDIX 3 EAMONN GALLIGAN SENIOR COUNSEL OPINION

**Re: Proposed SHD application at Cookstown,
Enniskerry, Co. Wicklow**

Querist: Cairn Homes Properties Limited

**Agent: John Spain Associates (JSA), Planning and
Development Consultants**

Counsel: Eamon Galligan S.C.

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SCOPE OF OPINION AND BACKGROUND FACTS

1. Agents have requested my opinion in relation to two issues that have been raised by Wicklow County Council in the context of the pre-application consultation procedure concerning an intended Strategic Housing Development (SHD) application for lands at Cookstown, Enniskerry, Co. Wicklow. The development proposal is for 165 no. dwellings (105 houses & 60 no. duplex/duplex apartments and Maisonettes) creche and associated site works.
2. The first issue that is raised concerns the Council's opinion in the initial planning report of the Council dated the 22nd May, 2020, relating to the two residential zoning objectives that apply to the site and whether they would be materially contravened by the proposed development. The area the subject of these objectives is in fact only intended to be developed for residential purposes so that there is no question as to the appropriateness of the type of use proposed. However, the objective as described under the LAP also refer to a maximum density standards which would be breached by the proposed development.
3. Part of the subject lands are zoned "R10 – New Residential". The relevant extract from the LAP is as follows:

"R10 – New Residential:

Objective: To protect, provide and improve residential amenities at a lower density not exceed 10 units/ha.

Description: To facilitate for the provision of high quality new residential environments with excellent layout and design, reflecting the low-medium density character of the surrounding area."

4. A further part of the subject site is zoned "R20 – New Residential". The objective and policy in relation to this zoning objective is set out under the Land Use Zoning Table at page 78 of the LAP as follows:

"R20: New Residential

Objective: To protect, provide and improve residential amenities at a density up to 20 units/ha.

Description: To facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, to provide an appropriate mix of houses sizes, types and tenures in order to meet household needs and to promote balanced communities.”

5. The proposed development would provide for 164 residential units on the subject lands, at a density of 25.7 units per hectare gross (based on a site of c.6.27 hectares). Based on a nett site area of 5.17 hectares (excluding the CE zoned lands and the OS1 zoned lands), the proposed development provides 31.9 units per hectare.
6. The site includes approximately half of the Action Area Plan 3 (AAP) for Cookstown, under the LAP. It also includes a portion of land outside the AAP, which are zoned CE. The AAP area measures c.9.4 ha. On page 63 of the LAP, it is stated as follows:

“This Action Area Plan shall be developed as a residential, open space and community space in accordance with the following criteria:

*“● A maximum of 105 housing units may be provided in this action area, **with density not exceeding 10/ha** on the lands zoned R10, and the remainder may be developed at **a higher density but not exceeding 20/ha**.*

● A minimum area of 0.4ha shall be provided for voluntary / sheltered housing, of a type to be agreed with the Local Authority, as part of any Part V obligations under the Wicklow Housing Strategy. Permission will not be considered for private housing until sufficient progress has been made on this element.

● Access to the site shall be from local road LP-1020.

● A public park of a minimum of 2ha shall be established along the full southern and western boundaries of the action area, which shall comprise an amenity walk area along the existing tree lined field boundaries connecting through the development to regional road R760 (Enniskerry – Kilmacanogue) and to the existing pedestrian route along the Dargle. In light of the provision of such an amenity space, the incidental open space required to be interspersed throughout the residential area may be reduced to 7.5% of the total zoned residential area.

● Any development shall be so designed to maintain maximum views of the Sugarloaf from Cookstown Road”¹

¹ Emphasis added.

7. This AAP is one of a number AAPs which are referred to as “Key Development Areas” under Chapter 10 of the LAP. On page 57 of the LAP, the purposes of AAPs are explained as follows:

*“Action Area Plans’ have been identified in this plan. ‘Action Area Plans’ are to be the subject of comprehensive (not piecemeal) integrated schemes of development that allow for the sustainable, phased and managed development of the Action Area during the plan period. Separate applications for sections of each Action Area Plan will not be considered until an overall Action Area Plan has been agreed in writing with the Planning Authority **unless** it can be shown that any application will not undermine the achievement of the overall objectives for that Action Area and would contribute its ‘pro rata’ share of the public infrastructure and facilities set out in this plan for that specific area. Footnote: (Based on the quantum of development proposed in any individual application vis-à-vis the total amount of development targeted as per the objectives of this plan.)*

The position, location and size of the land use zonings shown on plan maps 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 for the Action Area Plan.”

8. The second issue that is raised concerns the Council’s opinion in its initial planning report dated the 22nd May, 2020, that the Community and Education zoning objective that applies to part of the site (outside the Action Area Plan referred to below) would be materially contravened by the proposed development of a creche on this portion of the subject site. The even narrower question to be considered in my Opinion is whether the proposed use as a creche is a “generally appropriate” use on lands to which this zoning objective applies.
9. The objective and policy in relation to the CE zoning objective is set out under the Land Use Zoning Table at page 78 of the LAP as follows:

“CE - Community and Education:

Objective: To provide a form civic, community and educational facilities.

Description: To facilitate the development of necessary community, health, religious, educational, social and civic infrastructure .”²

² Emphasis added.

10. There is no Land Use Zoning Matrix under the LAP. However, there is a “box” on page 81 of the LAP which sets out examples of the uses that are considered “generally appropriate” for different land use zones. The “box” is introduced by the following paragraph:

*“The box below gives typical appropriate uses for each zone type. The planning authority shall determine each proposal on its merits, and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective. Uses that are **materially inconsistent with** and detrimental to the zoning objective shall not be permitted.”³*

11. The uses considered to be generally appropriate under the various zoned areas are preface by the word “include”, thereby indicating that the examples of uses are not intended to be exhaustive:

*“Uses generally appropriate for **residential** zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare, health centres, guesthouse, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the CDP...*

*Uses generally appropriate for **community and educational** zoned land include community, educational and institutional uses include burial grounds, places of worship, schools, training facilities, community hall, nursing homes, health related developments, sports and recreational facilities, utility installations and ancillary developments for community, educational and institutional uses in accordance with the CDP.”⁴*

12. In the initial planning report dated the 22nd May, 2020, the Council states as follows:

“The proposed scheme includes for the provision of a creche facility on lands zoned Community and Education. Notwithstanding the fact that the objectives for childcare and pre-school facilities are set out in the Community Chapter of the County Development Plan, the Planning Authority is not satisfied that the provision of a privately owned commercial creche facility on these lands would accord with the zoning objective.”

13. The descriptive words “privately owned commercial” applied to “creche facility” appear to suggest that some planning distinction should be made between privately

³ Emphasis added.

⁴ Underlining added.

run creche facilities and creche facilities which are publicly funded. However, in considering the Bray Metropolitan District Local Area Plan, 2018-2024, and Chapter 8 of the Wicklow County Development Plan, 2016-2022, entitled "*Community Development*", no distinction is made between private childcare facilities or creches and public childcare facilities or creches. The Council's planning report does not explain why the manner in which childcare facilities or creches are funded is material in planning terms. In each case, the land use impacts would appear to be the same.

14. The Council's opinion in relation to compliance with the "*Community and Educational*" (CE) zoning objective also states that:

- "- it is considered that the childcare facility required to serve this residential development (in accordance with CDP Objective CD24) should be provided on lands zoned for residential development.*
- lands zoned Community and Educational should be retained to facilitate the future expansion of the adjoining school or for other uses listed under the Zoning Objective."*

15. As indicated above, "*childcare*" is specifically listed as one of the uses which is considered "*generally appropriate for residential zoned areas*". It can, for the reasons elaborated upon below, also be described as a "*community use*", which is one of the uses considered under the LAP to be "*generally appropriate for community and educational zoned land*".

16. It is against the foregoing background that my opinion is sought in relation to the two issues identified above.

WHETHER THE PROPOSAL IS IN MATERIAL CONTRAVENTION OF RESIDENTIAL ZONING OBJECTIVES

17. *Section 9(6)(b)* of the Planning and Development (Housing) and Residential Tenancies Act, 2016, as amended ("*the 2016 Act*") 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 land."

18. In relation to the zoning objectives R20 – New Residential and R10 – New Residential, it is clear that the development that is proposed within these zoned areas is residential and is therefore consistent with the type of use envisaged under these zoning objectives. The question is whether the planning authority is correct in its opinion that because the quantum of development proposed for these areas will exceed the permitted density under these objectives, that it would therefore contravene the Development Plan “*in relation to the zoning of the land*”.
19. In my opinion, the proposed development does not contravene these residential zoning objectives because the permitted density has nothing to do with the “*zoning of land*” for the purposes of the planning legislation. *Section 19(2)* of the 2000 Act uses the phrase, the “*zoning of land*”, and provides as follows:

“(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...

20. Therefore, in the context of local area plans, the “*zoning of land*” relates to the use of land for particular purposes. The “*zoning of land*” is also a phrase used under *Section 10(2)(a)* of the Planning and Development Act, 2000, as amended (“*the 2000 Act*”) which again focuses on the use of land, and gives examples of the particular purposes for which lands might be zoned. This provides as follows:

“(2) Without prejudice to the generality of subsection (1), a development plan shall include objectives for—

(a) the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or a mixture of those uses), where and to such extent as the proper planning and sustainable development of the area, in the opinion of the planning authority, requires the uses to be indicated;...”

21. In my opinion, the Board has jurisdiction to grant permission in material contravention of density standards as these do not relate to “*the zoning of land for the use solely or primarily of particular areas for particular purposes*”. The phrase “*the zoning of the land*” under *Section 9(6)(b)* of the 2016 Act must be given an interpretation which is consistent with *Section 19(2)* (relating to LAPs) and *Section 10(2)(a)* (relating to development plans) of the 2000 Act.

22. The planning authority cannot deprive the Board of its jurisdiction to grant planning permission in material contravention of a Development Plan or Local Area Plan in relation to matters other than “*the zoning of the land*”. Section 9(6)(a) confers that jurisdiction on the Board by providing as follows:

“(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.”

23. My opinion on this issue, as set out above, is supported by the judgment of Simons, J. in *Redmond .v. An Bord Pleanála*⁵. In that case, the Court accepted the above argument submitted on behalf of the Notice Party, developer (on whose behalf I acted). The relevant extract from the judgment of Simons, J. is set out below:

“60. For the reasons set out above, I have concluded that the application site is subject to the development plan policies and objectives applicable to institutional lands. The next question to be considered is whether the decision to grant planning permission involved a material contravention of a zoning objective of the development plan.

61. The significance of the distinction between zoning objectives and non-zoning objectives is that An Bord Pleanála is precluded from granting planning permission for strategic housing development under the PD(H)A 2016 if the proposed development would constitute a material contravention of the development plan or local area plan in relation to the zoning of the land (section 9(6)(b)).

62. Map 1 of the 2016–2022 development plan indicates that the application site is subject to the zoning objective “Objective A To protect and or improve residential amenity”.

*63. There was some debate at the hearing before me as to whether the label which a development plan attaches to a particular objective is conclusive on the question of whether the objective is a zoning objective or not. Put shortly, does the fact that the development plan describes a particular policy as a “zoning objective” make it such. **Counsel for the developer suggested that what a development plan labels as a “zoning objective” may, in truth, entail a combination of zoning and non-zoning objectives. Counsel cited, by way of***

⁵ Unreported, High Court, 10th March, 2020.

example, a development plan which purported to zone an area for “low density residential development,” and suggested that the policy in respect of density does not form part of a zoning objective within the meaning of section 10 of the PDA 2000.

64. For the reasons which follow, I have determined that whereas the label “zoning objective” as employed under a development plan will usually coincide with the legal concept of a zoning objective, the label cannot be conclusive. **The concept of a zoning objective is a term of art under the planning legislation.** The concept is introduced under section 10(2)(a) of the PDA 2000 as follows:

“(2) Without prejudice to the generality of subsection (1), a development plan shall include objectives for—

(a) the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or a mixture of those uses), where and to such extent as the proper planning and sustainable development of the area, in the opinion of the planning authority, requires the uses to be indicated;”

65. A zoning objective enjoys an enhanced status over that of other policies and objectives under a development plan. This is most immediately apparent from the provisions of section 9(6)(b) of the PD(H)A 2016 discussed above. A zoning objective also has a particular significance in the context of statutory compensation under Part XII of the PDA 2000. The general position under Part XII is that a decision to refuse planning permission will attract the payment of statutory compensation if that decision has the effect of reducing the value of an interest in the affected lands. This entitlement to compensation is, however, subject to a large number of exceptions. Relevantly, compensation will not be payable where planning permission has been refused for the following reason. (Schedule 5 of the PDA 2000, paragraph 20).

“20. The development would contravene materially a development objective indicated in the development plan for the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise or a mixture of such uses).”

66. *(This is subject to certain safeguards which address the contingency of a change in zoning objective having been made during the currency of the development plan).*
67. *The question of whether a particular development represents a material contravention of a zoning objective thus has a special importance both to landowners and to the local planning authority (as the entity liable to pay statutory compensation). **It would be unsatisfactory were the label that the planning authority attached to an objective in the development plan to be conclusive of whether the objective was a zoning objective.** Put otherwise, the fact that a development plan mistakenly describes a particular policy as a “zoning objective” cannot defeat a claim for compensation. It is clear from the case law that the courts will consider the substance of the relevant development plan policy or objective in order to determine whether or not it operates to exclude compensation. See, for example, *Ebonwood Ltd v. Meath County Council* [2004] 3 I.R. 34.”⁶*
68. The judgment of Simons J in *Redmond* was considered further by McDonald J in another judicial review challenge to a decision of the Board to grant permission for strategic housing development in *Highlands Residents Association and another v An Bord Pleanala*.⁷ In that case the applicant contended that the Board had no jurisdiction to grant permission for the proposed development on lands which were designated Phase II residential lands, which were expressly stated under the plan not to be developed during the lifetime of the development plan. The developer sought to argue that the Phase II aspect of the objective did not relate to the zoning of the land but to the order of priority for development of land for residential purposes under the development plan. McDonald J disagreed as he considered that the real meaning of the objective was that the lands were not zoned for residential purposes as the plan effectively prohibited residential development on the lands during the lifetime of the plan. This meant that the Board had exceeded its jurisdiction in granting permission for the proposed development on Phase II lands in material contravention of the zoning of the objectives of the development plan for the use of land for residential purposes. At paragraph 42 of his judgment McDonald J stated as follows:

“As noted in para. 23, counsel for the applicants, stressed the use of the words in para. (ii) of SP 1 namely that the lands now qualified by the “Residential Phase II (Post 2019)” designation “are not available for residential development within the life of this Development Plan”

⁶ Emphasis added.

⁷ {2020} IEHC 622

(emphasis added). Those words must, in my view, be read against the relevant legislative backdrop. It is clear from s. 9 of the 2000 Act that a development plan is intended to have a limited lifetime. Section 9 (1) requires every planning authority to make a development plan every six years. Furthermore, under s. 11 (1) (a), a planning authority, not later than four years after the making of a development plan, must give notice of its intention to review its existing development plan and to prepare a new development plan for its area. Thus, when para. (ii) of SP 1 speaks of land not being available for residential development “within the life” of the County Development Plan, that seems to me to plainly prohibit the use of such lands for residential development for the duration of the Plan and I believe that this is the way in which the words used would be read by the ordinary and reasonably informed member of the public.”

65. McDonald J considered a further argument put forward by the applicant which was that the wording used in section 9(6)(a) of the SHD Act – “***in relation to the zoning of the land***” (emphasis added) – had a very broad meaning. He observed, *obiter*, that as the Phase II designation of the relevant lands qualified the zoning objective, it followed that a grant of permission in breach of that provision was in breach of a provision “*in relation to*” the zoning of land. At paragraph 45 of his judgment he stated:

The choice of such wide words by the Oireachtas is striking. It would have been an easy matter for the Oireachtas to provide that the Board shall not grant permission where a proposed development contravenes a zoning objective of a development plan. Instead the Oireachtas chose to use much wider language namely “in relation to the zoning of the land”. Thus, it would appear that there is some substance to the suggestion made by counsel for the applicant that, even if the “Residential Phase II (Post 2019)” designation was not itself a zoning objective, it nonetheless fell within the wider ambit of the words “in relation to the zoning of the land”. For this purpose, it is clear from the land use zoning objectives map that the designation was used to qualify the previous zoning of the land as residential in the unvaried version of the 2019 plan and the designation could, accordingly, be legitimately viewed as being related to the zoning of the land. In such circumstances, even if the designation falls short of a zoning objective per se, there would appear to be a proper basis to conclude that the decision of the Board materially contravened the County Development Plan in relation to the zoning of the land. However, I stress that this observation is obiter

and the matter might well require more significant debate in the event that the issue is ever to arise in any future proceedings.

66. However, in my opinion, the reference to the density of development is not a matter which either relates to or is “in relation to ” the residential zoning objective for the purposes of Section 10(2) of the 2000 Act.

WHETHER THE PROPOSAL IS IN MATERIAL CONTRAVENTION OF “COMMUNITY AND EDUCATIONAL” ZONING OBJECTIVE

24. As discussed above, a non-exhaustive list of the uses considered to be “*generally appropriate for community and educational zoned land*” is set out under the LAP as follows:

*“Uses generally appropriate for community and educational zoned land **include community**, educational and institutional **uses** and **include** burial grounds, places of worship, schools, training facilities, community hall, nursing homes, health related developments, sports and recreational facilities, utility installations and ancillary developments for community, educational and institutional uses in accordance with the CDP.”⁸*

25. It was held by Barr, J. in *Tennyson .v. Dun Laoghaire Corporation*⁹ that the correct approach to the interpretation of Statutory Development Plans was that set out by McCarthy, J. in *In Re XJS Investments Limited*¹⁰, where he 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 cannons 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 ...”.*¹¹

⁸ Emphasis added.

⁹ [1991] 2 IR 527.

¹⁰ [1986] IR 750.

¹¹ Emphasis added.

26. More recently, in *Lanigan .v. Barry*¹², Clarke, J. (giving the judgment of the Supreme Court), stated as follows:

"[30] The principles applicable to the construction of a planning permission are, of course, well settled and were described by McCarthy J. in the oft-quoted passage from In re X.J.S. Investments Ltd. [1986] I.R. 750 as requiring the court to construe planning documents not as complex legal documents drafted by lawyers but rather in the way in which ordinary and reasonably informed persons might understand them. It might, in passing, be appropriate to note that this was, perhaps, an early example of the move towards what has been described as the "text in context" method of construction appropriate to the determination of the meaning of all documents potentially affecting legal rights and obligations. This approach has now become well established. The "text in context" approach requires the court to consider the text used in the context of the circumstances in which the document concerned was produced including the nature of the document itself."

27. In my opinion, the "text in context" method of interpretation involves a consideration of the "circumstances in which the "document concerned", namely the LAP, was produced." Section 19(2) of the 2000 Act establishes the requirement for an LAP to be consistent with the objectives of the Development Plan. As already indicated above, Section 19(2) provides as follows:

"(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...¹³

28. This sub-section does not elaborate upon the particular purposes for which land may be zoned under an LAP. In the present case, the planning authority has zoned part of the subject site for "community and education" purposes. What does "community" mean in the context of planning legislation? No definition of "community" is provided under the definition section of the 2000 Act. However, planning authorities are given the power under Section 10(2) of the 2000 Act to include objectives in their Development Plan for –

¹² [2016] 1 IR 656.

¹³ Emphasis added.

*“... (l) the provision, or facilitation of the provision, of services for **the community** including, in particular, schools, **creches and other** education and **childcare facilities**; ...”¹⁴*

29. It is clear from the foregoing that for the purposes of planning legislation, both creches and childcare facilities are regarded as community facilities or uses.
30. It is also apparent from a consideration of Chapter 8 of the Wicklow County Development Plan, 2016-2022, entitled “*Community Development*” that childcare facilities, including creches, are community uses. This would appear to have been conceded by the planning authority in the opinion that it expresses at page 12 of the Planning Report dated the 22nd May last (“[N]otwithstanding the fact that the objectives for childcare and pre-school facilities are set out in the community chapter of the County Development Plan ...”). “Childcare” facilities are listed under section 8.3 of Chapter 8 of the Development Plan, headed “*Social Infrastructure*”. Section 8.3 states, *inter alia*, as follows:

*“The provision of “social infrastructure”, in the form of buildings, facilities, clubs and the means of accessing and using services, is necessary for the development of sustainable communities. **The purpose of such infrastructure is “to provide a service” and also to promote community cohesion and community identity** and in so doing to combat social isolation and alienation.”¹⁵*

31. The legal difficulty with the opinion of the planning authority that the proposed development would contravene the zoning objective “*Community and Educational*” is that it is based on matters which are not related to “*the zoning of the land*” as that term is used under *Section 19(2)* and *Section 10(2)(a)* of the 2000 Act. The proposed use as a creche is clearly within the scope of the term “community...use”, which is considered to be “*generally appropriate*” under the CE zoning objective. However, in forming its opinion on material contravention, the planning authority considered three extraneous considerations not related to the zoning of the land.
32. First, it has apparently had regard to the fact that the creche facility proposed will be “*privately owned*” and will have a “*commercial*” element to it, i.e. it will not be publicly funded. Having said that, it is not even clear to me that the proposal for a creche facility was presented as a “*privately owned commercial creche facility*”. As most creche facilities are run on this basis, it was perhaps not an unreasonable deduction for the planning authority to make. However, it is difficult to see how it is relevant in planning terms whether a creche facility is publicly funded or is paid for by the parents whose children will avail of the proposed creche facility. The more fundamental point is that

¹⁴ Emphasis added.

¹⁵ Emphasis added.

the ownership and/or financial structure of this community facility is not a matter which relates to the “*zoning of the land*” at all.

33. The second extraneous consideration that the planning authority has taken into account is that, in its view, “*the childcare facility required to serve this residential development (in accordance with CDP objective CD24) should be provided on lands zoned for residential development.*”. However, as the CE zoning objective allows for community uses, which, in my opinion (and the planning authority effectively concedes) includes creche facilities, the planning authority’s view that it should be provided on lands zoned for residential development, does not render the proposal in material contravention of the CE zoning objective. It is relevant in this context again to consider the judgment of Simons, J. in *Redmond .v. An Bord Pleanala* where he clearly took the view that the “*zoning of the land*” had to be interpreted in accordance with the meaning given to it under planning legislation rather than an extended meaning that might be attributed to it by a particular planning authority in the context of a particular Development Plan (or LAP, for that matter) by attaching additional policies to the core zoning objective.
34. The third extraneous consideration which is irrelevant to “*the zoning of the land*” is the planning authority’s view that lands zoned Community and Education “*should be retained to facilitate the future expansion of the adjoining school or for other uses listed under the Zoning Objective*”. Again, this consideration does not relate to the “*zoning of the land*” in the context of how this statutory phrase was interpreted by Simons, J. in *Redmond*.¹⁶
35. For the foregoing reasons, I am therefore of the opinion that the proposed development does not contravene the Community and Educational zoning objective as the proposed creche facility falls within the description of a “*community use*”, which is expressly included as a use “*generally appropriate for community and educational zoned land*”.

CONCLUSIONS

36. Having regard to the foregoing statutory provisions, and the case law referred to, and subject to any qualifications or assumptions expressed above, I am of the opinion that

¹⁶ Although not related to the issue of the zoning of the land, it should be pointed out that there is no policy objective under the LAP that the portion of the subject site that is zoned “*Community and Educational*” should be retained to facilitate the future expansion of the adjoining school. This distinguishes the present situation from the facts in *Redmond* where there was such a specific policy objective which applied in the context of the institutional objective under the relevant Development Plan (which Simons, J. held was not a zoning objective).

- the proposed development does not contravene either the Residential or Community and Educational objectives applying to the subject site.
37. The proposal does contravene the density standards or objective applying to the residentially zoned lands under the R10 and R20 objectives, but this does not constitute a material contravention of the land use zoning objective, which is for residential purposes, for the reasons set out above. In summary, the contravention of density standards is not a matter which relates to the zoning of the land, within the meaning of the Planning and Development Act, 2000, as amended.
38. I have carefully considered the recent judgment of McDonald J in *Highlands Residents Association and another v An Bord Pleanala*¹⁷ which approved the decision of Simons J in the **Redmond** case referred to above. I am firmly of the opinion that the “zoning objective” as so described in the development plan in the present case can only be regarded as an objective for the purposes of section 10 (2) of the 2000 Act, to the extent that it relates to the use of the relevant land for residential purposes. The density requirement under the objective is not part of the zoning objective in the statutory sense, nor is it a matter which relates to or is “in relation to” the zoning objective for the purposes of section 10 (2) of the 2000 Act. Therefore, the grant of permission for a higher density of development than that permitted under the relevant development plan objective is not a material contravention “in relation to the zoning objective” for the purposes of section 9(6)(b) of the SHD Act.
39. I am also of the opinion that the proposed development does not contravene the Community and Educational zoning objective as the proposed creche facility falls within the description of a “community use”, which is expressly included as a use “generally appropriate for community and educational zoned land”.
40. Accordingly, I am of the opinion that no issue arises in relation to material contravention of the zoning of the land on which the development is proposed. Therefore, the Board has jurisdiction to grant planning permission for the proposed development. In the event that it makes such a decision, it will be necessary to justify the grant of permission in material contravention of the LAP (other than in relation to zoning) by reference to the matters referred to under *Section 37(2)(b)* of the 2000 Act.

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

Eamon Galligan SC

11th December, 2020.

¹⁷ [2020] IEHC 622.

APPENDIX 4 PART V MATERIAL



Enniskerry, Co Wicklow.
 165 Units & Creche
 10.12.2020



Wicklow County Council
 CORHAILE CHONTAE CHILL MHAINTAIN

Part V

Description	Beds	No.	Area/Unit		Total Area	Per Unit Cost Alloc											Total/Unit
			m2	ft2		Build Cost	Site Works	Abnormals	Indirect Costs	Professional Fees	Development Con	Finance Costs	Margin	EUV	Vat		
House Types																	
Maisonette Ground Floor Unit	1 Bed	1	56.8	612	612	81,680	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	325,792	
Maisonette Ground Floor Unit	1 Bed	1	56.8	612	612	81,680	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	325,792	
Maisonette Upper Floor Unit	1 Bed	1	84.6	910	910	121,514	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	365,626	
Maisonette Upper Floor Unit	1 Bed	1	84.6	910	910	121,514	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	365,626	
Duplex/Apartments																	
Duplex Block B1																	
Duplex A/B - Lower Ground Floor Apartment - End	2 Bed	1	83.7	901	901	120,307	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	364,419	
Duplex A/B - Lower Ground Floor Apartment - End	3 Bed	1	83.7	901	901	120,307	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	364,419	
Duplex A/B - Upper Floor Unit - End	3 Bed	1	119.0	1,281	1,281	171,005	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	415,117	
Duplex A/B - Upper Floor Unit - End	3 Bed	1	119.0	1,281	1,281	171,005	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	415,117	
Duplex A/B - Lower Ground Floor Apartment - Mid	2 Bed	1	83.9	903	903	120,609	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	364,721	
Duplex A/B - Lower Ground Floor Apartment - Mid	3 Bed	1	83.9	903	903	120,609	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	364,721	
Duplex A/B - Upper Floor Unit - Mid	3 Bed	1	116.2	1,251	1,251	166,967	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	411,079	
Duplex A/B - Upper Floor Unit - Mid	4 Bed	1	116.2	1,251	1,251	166,967	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	411,079	
Duplex Block B2																	
Duplex A/B - Lower Ground Floor Apartment - End	2 Bed	1	83.7	901	901	120,278	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	364,390	
Duplex A/B - Upper Floor Unit - End	3 Bed	1	119.0	1,281	1,281	171,005	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	415,117	
Duplex A/B - Lower Ground Floor Apartment - Mid	2 Bed	1	83.9	903	903	120,609	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	364,721	
Duplex A/B - Upper Floor Unit - Mid	3 Bed	1	116.2	1,251	1,251	166,967	39,518	13,121	46,015	24,103	17,566	24,544	26,513	1,879	50,854	411,079	
		16			16,052											6,048,816	



PART V COMPENSATION COST CLAIM

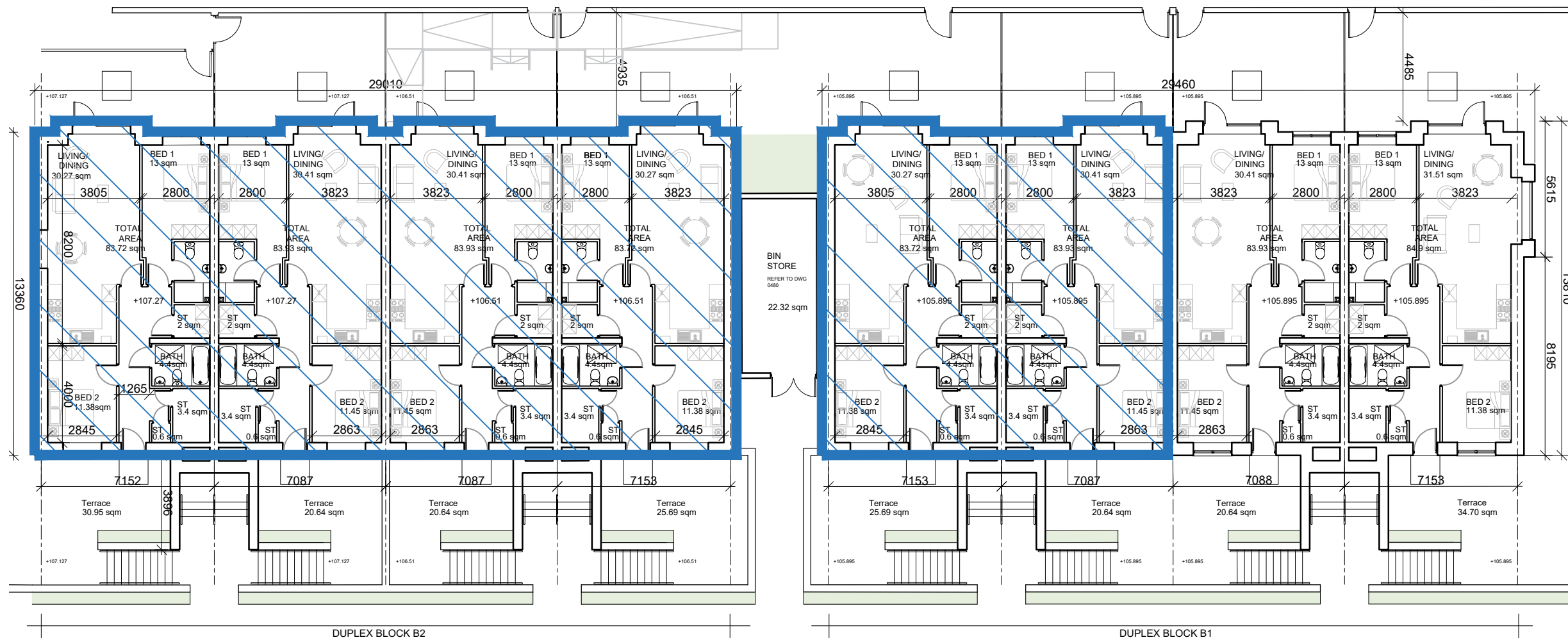
DEVELOPER/CONTRACTOR CAIRN HOMES CONSTRUCTION LTD

SCHEME ENNISKERRY , CO.WICKLOW
165 Units

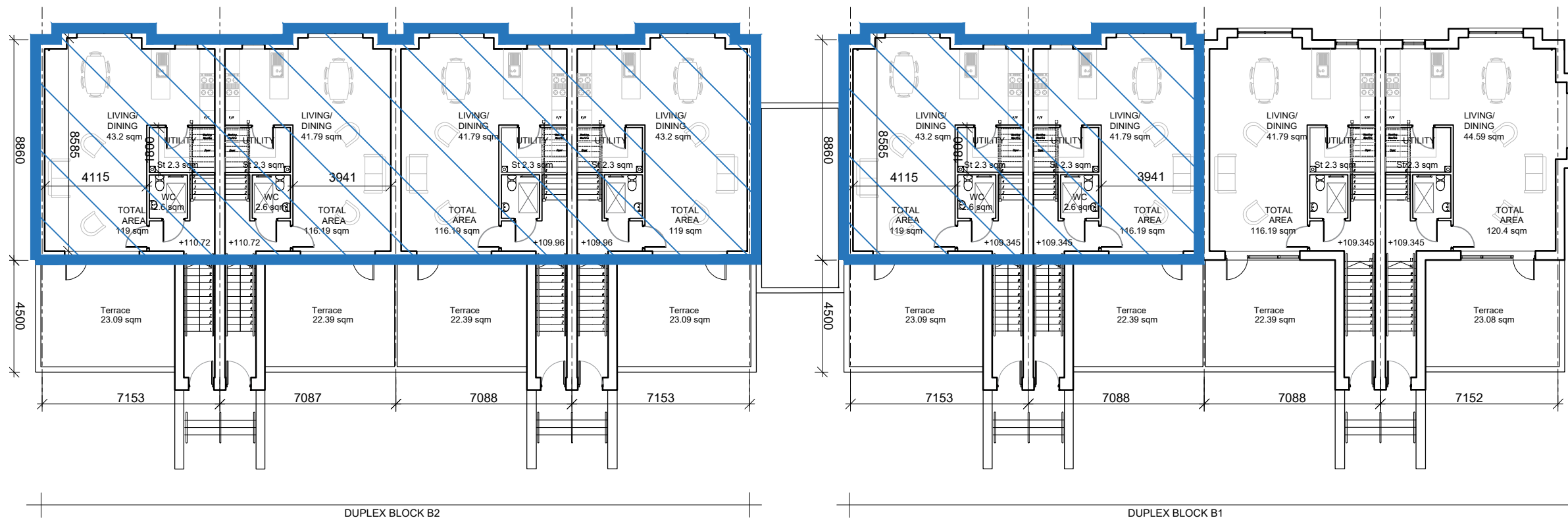
MAIN COST SUMMARY

		Total Cost €
BUILDING COSTS	Page	
Substructures - Basement Car-Parking	2	€0
Substructures Generally	3	€2,733,533
Superstructures	4 & 5	€24,440,012
External Works	6	€295,340
Site Development Works	7	€6,520,390
Abnormal Works	8	€2,165,000
Indirect Project Costs	9	€7,592,398
Total:	1	€43,746,673
DEVELOPMENT ON COSTS		
Professional Fees		€3,976,970
Development Contributions		€2,898,360
Finance Costs		€4,049,760
Total:	2	€10,925,091
DEVELOPERS' PROFIT		
On Building Costs	10%	43,746,673
	3	€4,374,667
LAND COSTS		
Existing Land Use Value	4	€310,000
SUB-TOTAL:	1 - 4 above	€59,356,431
add:		
Value Added Tax		€8,390,930
TOTAL COSTS:		€67,747,361
No Of Units	165	€410,590
Net internal floor area (Sales Area)	223,146	€303.60
SqM and SqFt		

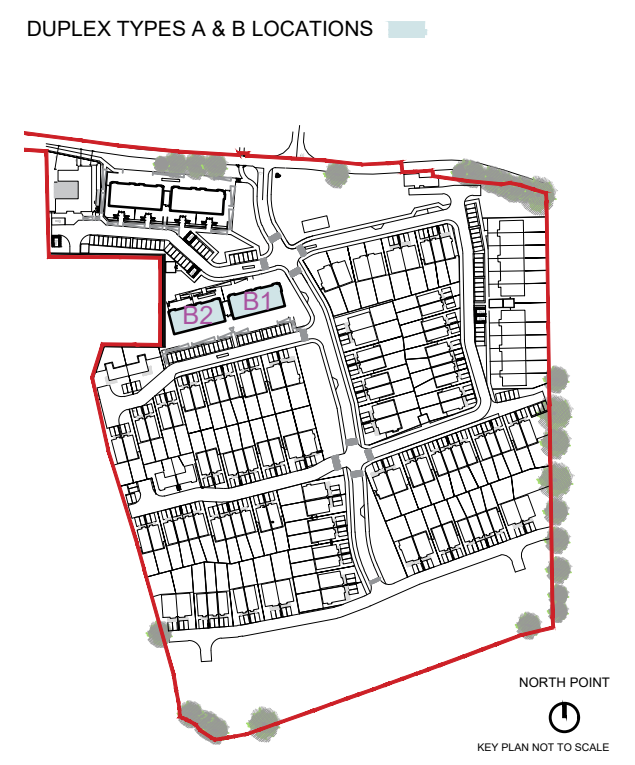
House/ Apartment Type	Unit Type	Description	Gross Unit Area (Sq.M)	Unit Area (Sq.Ft)	Number of Units in Scheme	Total Type Area (Sq.M)	Floor - to - Ceiling (minimum achieved)	Living Areas							Area by Bedroom							Storage			Parking		Amenity		Aspect/Orientation					
								# Bedrooms	# Bedspaces	# Bathrooms	# Ensuites	# Storeys	Agg Living Area SQ M	Living Room Sq M	Kitchen/ Dining Sq M	Bed 1 SQ M	Bed 2 SQ M	Bed 3 SQ M	Bed 4 SQ M	Study SQ M	Total Bed SQ M	Internal Storage required SQ M	Internal Storage achieved SQ M	No of Car Parking Spaces	Car Space Location	Private Amenity required SQ.m	Private Amenity achieved SQ.m	Apartment Aspect						
0																																		
House	A	Semi Detached	140.53	1,512.65	26	3653.78	2585	4	6	1	1	2	48.03	18.86	29.17	13.56	12.23	10.20	8.74		44.73	9.00	9.00	2	On-Curtilage	89.9	89.99	Dual	Varies					
House	B	Semi Detached / End of Terrace	118.87	1,279.50	32	3803.84	2436	3	5	1	1	2	39.61	18.21	21.40	16.40	12.58	8.26			37.24	9.00	9.00	2	On-Curtilage	76	77.00	Dual	Varies					
House	B1	Semi Detached - Side Entry	118.89	1,279.72	2	237.78	2436	3	5	1	1	2	44.66	24.45	20.21	15.90	12.59	8.26			36.75	9.00	9.00	2	On-Curtilage	76	76.64	Triple	Varies					
House	B2	Mid Terrace	119.84	1,289.95	15	1797.6	2436	3	5	1	1	2	40.00	18.41	21.59	16.50	12.59	8.43			37.52	9.00	9.00	2	On-Curtilage	76.7	76.82	Dual	Varies					
House	D	Semi Detached	143.60	1,545.70	2	287.2	2550	4	6	1	1	2	55.13	21.85	33.28	14.13	12.66	11.50	7.71		46.00	9.00	9.00	2	On-Curtilage	91.9	127.14	Triple	N & S					
House	E	Semi Detached	180.24	1,940.09	20	3604.8	2453	4	7	1	1	2	64.93	24.35	40.58	16.69	11.38	10.69	10.65	7.54	56.95	9.00	9.30	2	On-Curtilage	115.35	115.95	Dual	Varies					
House	E1	Semi Detached - Side Entry	181.78	1,956.66	8	1454.24	2453	4	8	1	1	2	65.55	24.43	41.12	16.69	11.38	13.12	17.36		58.55	9.00	10.70	2	On-Curtilage	116.34	116.52	Triple	Varies					
105 14839.24																																		
Apartment	F	Ground Floor	56.84	611.82	2	113.68	3110	1	2	1	0	1	27.94								13.95	3.00	4.40	1	Off-Curtilage	36.38	43.20	Dual	N & S					
Apartment	F1	Upper Floor	84.56	910.20	2	169.12	2550	1	2	1	0	1	33.40								11.80	3.00	7.08	1	Off-Curtilage	54.12	54.40	Triple	N & S					
4 282.8																																		
56 5608.88																																		
Duplex Apartment	A	Mid Terrace	83.93	903.41	4	335.72	2698	2	4	1	1	1	30.41	30.41	30.41	13.00	11.45				24.45	6.00	6.00	Varies	Off-Curtilage	7.00	25.59	Dual	N & S					
Duplex House	A	Mid Terrace	116.19	1,250.66	4	464.76	2400	3	5	1	1	2	41.79	41.79	41.79	13.00	11.48	7.62			32.10	9.00	9.00	Varies	Off-Curtilage	9.00	22.39	Dual	N & S					
Duplex Apartment	A	End of Terrace	83.72	901.15	3	251.16	2698	2	4	1	1	1	30.27	30.27	30.27	13.00	11.38				24.38	6.00	6.00	Varies	Off-Curtilage	7.00	30.41	Dual	N & S					
Duplex House	A	End of Terrace	119.00	1,280.90	3	357	2400	3	5	1	1	2	43.20	43.20	43.20	13.67	11.99	7.62			33.28	9.00	9.00	Varies	Off-Curtilage	9.00	23.09	Triple	N & S					
Duplex Apartment	A	End of Terrace Corner	84.96	914.50	1	84.96	2698	2	4	1	1	1	31.51	31.51	31.51	13.00	11.38				24.38	6.00	6.00	Varies	Off-Curtilage	7.00	40.00	Triple	N & S					
Duplex House	A	End of Terrace Corner	120.40	1,295.97	1	120.4	2400	3	5	1	1	2	44.59	44.59	44.59	13.67	11.99	7.62			33.28	9.00	9.00	Varies	Off-Curtilage	9.00	23.08	Triple	N & S					
Duplex Apartment	B	Mid Terrace	83.93	903.41	4	335.72	2698	2	4	1	1	1	30.41	30.41	30.41	13.00	11.45				24.45	6.00	6.00	Varies	Off-Curtilage	7.00	20.64	Dual	N & S					
Duplex House	B	Mid Terrace	116.19	1,250.66	4	464.76	2400	3	5	1	1	2	41.79	41.79	41.79	13.00	11.48	7.62			32.10	9.00	9.00	Varies	Off-Curtilage	9.00	22.39	Dual	N & S					
Duplex Apartment	B	End of Terrace	83.72	901.15	3	251.16	2698	2	4	1	1	1	30.27	30.27	30.27	13.00	11.38				24.38	6.00	6.00	Varies	Off-Curtilage	7.00	25.69	Dual	N & S					
Duplex House	B	End of Terrace	119.00	1,280.90	3	357	2400	3	5	1	1	2	43.20	43.20	43.20	13.67	11.99	7.62			33.28	9.00	9.00	Varies	Off-Curtilage	9.00	23.09	Triple	N & S					
Duplex Apartment	B	End of Terrace Corner	84.96	914.50	1	84.96	2698	2	4	1	1	1	31.51	31.51	31.51	13.00	11.38				24.38	6.00	6.00	Varies	Off-Curtilage	7.00	34.70	Triple	N & S					
Duplex House	B	End of Terrace Corner	120.40	1,295.97	1	120.4	2400	3	5	1	1	2	44.59	44.59	44.59	13.67	11.99	7.62			33.28	9.00	9.00	Varies	Off-Curtilage	9.00	23.08	Triple	N & S					
Duplex Apartment	C	Mid Terrace	81.73	879.73	4	326.92	2700	2	4	1	1	1	32.78	32.78	32.78	14.24	12.01				26.25	6.00	6.03	1.5	Off-Curtilage	7.00	78.66	Dual	E & W					
Duplex House	C	Mid Terrace	117.50	1,264.76	4	470	2400	3	5	1	1	2	40.19	40.19	40.19	13.89	12.58	7.22			33.69	9.00	9.00	1.5	Off-Curtilage	9.00	19.76	Dual	E & W					
Duplex Apartment	C	End of Terrace	79.29	853.47	2	158.58	2700	2	4	1	1	1	31.57	31.57	31.57	13.35	12.01				25.36	6.00	6.03	1.5	Off-Curtilage	7.00	93.60	Triple	E & W					
Duplex House	C	End of Terrace	117.47	1,264.44	2	234.94	2400	3	5	1	1	2	40.19	40.19	40.19	13.87	12.56	7.22			33.65	9.00	9.00	1.5	Off-Curtilage	9.00	19.93	Triple	E & W					
Duplex Apartment	D	Mid Terrace	81.73	879.73	4	326.92	2700	2	4	1	1	1	32.78	32.78	32.78	14.24	12.01				26.25	6.00	6.03	1.5	Off-Curtilage	7.00	78.69	Dual	E & W					
Duplex House	D	Mid Terrace	117.50	1,264.76	4	470	2400	3	5	1	1	2	40.19	40.19	40.19	13.89	12.58	7.22			33.69	9.00	9.00	1.5	Off-Curtilage	9.00	19.76	Dual	E & W					
Duplex Apartment	D	End of Terrace	79.29	853.47	2	158.58	2700	2	4	1	1	1	31.57	31.57	31.57	13.35	12.01				25.36	6.00	6.03	1.5	Off-Curtilage	7.00	78.44	Triple	E & W					
Duplex House	D	End of Terrace	117.47	1,264.44	2	234.94	2400	3	5	1	1	2	40.19	40.19	40.19	13.87	12.56	7.22			33.65	9.00	9.00	1.5	Off-Curtilage	9.00	19.93	Triple	E & W					
56 5608.88																																		
Unit Totals					165	20730.92																												
								Ground Floor Area	First Floor Area																									
Creche			509.60	5,485.28	1	509.6	2500	319.1	190.5																			28.2	11	Off-Curtilage		103	Multiple	All
Overall Area Total 21523.32																																		



1 Ground Floor Plan NORTH POINT



2 First Floor Plan NORTH POINT



NOTES / LEGEND

GROUND FLOOR EAST END TERRACE UNIT TOTAL AREA 84.96 SQM
 GROUND FLOOR MID TERRACE UNIT TOTAL AREA 83.93 SQM
 GROUND FLOOR WEST END TERRACE UNIT TOTAL AREA 83.72 SQM
 UPPER FLOOR EAST END TERRACE UNIT TOTAL AREA 120.40 SQM
 UPPER FLOOR MID TERRACE UNIT TOTAL AREA 116.19 SQM
 UPPER FLOOR WEST END TERRACE UNIT TOTAL AREA 119 SQM

3.3 Sqm storage of each upper floor unit located in attic space. Access and flooring to attic.



Rev.	Date	Description	By

MOLA
 2 Donnybrook Road,
 Donnybrook,
 Dublin 4, Ireland
 Telephone +353 1 218 3900
 www.molaarchitecture.com

PLANNING

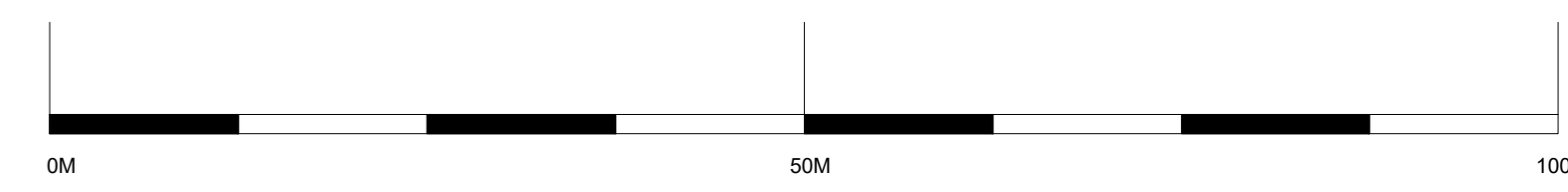
Client: Cairn Homes Properties Ltd.
 Project: Cookstown Road Enniserry
 Drawing: Part B Duplex B - Ground & First Floor Plans
 Date: Feb 2021 Scale: 1:200 at A3
 Drawing No.: 19010_MOLA_A00_00_DR_A_XX_A00_0902_S0
 Status: 3
 Revision: 19010
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EXISTING TREES AND HEDGED ARE RETAINED

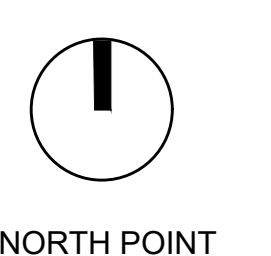
Adjoining application Planning Reg. Ref. 19/871 under separate ownership

ACCESS TO LOVE LANE INCLUDED ON LANDSCAPE DRAWING

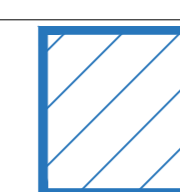


Golf Course

NOTES / LEGEND



PLEASE REFER TO SABRE ELECTRICAL SERVICES LTD DRAWING SES 15220 FOR PUBLIC LIGHTING LEGEND AND SPECIFICATION

 PART V HOUSING UNITS
TOTAL PART V AREA = 2105 SqM (0.2 HA)

DRAWING INCLUDES OS MAP AND SURVEY INFORMATION FROM LAND SURVEYS (DRAWING REF D15391 - F)

OS Order No. #50102809
Centre Point Coordinates:
X,Y= 722662.0,716803.0

Rev:	Date:	Description:	By:

Key Plan:	Rev:	Date:	Description:	By:

Stage:	Client:	Project:	Drawing:	Date:	Scale:	Revision:	Author:
PLANNING	Carm Homes Properties Ltd.	Cookstown Road Enniserry	Part V Site Plan	Feb 2021	1:500 at A0	3	19010

MOLA 2 Derrybrook Road,
Dorridge,
Dublin 4, Ireland
Telephone: +353 1 218 3900
www.molamainline.com

Notes:
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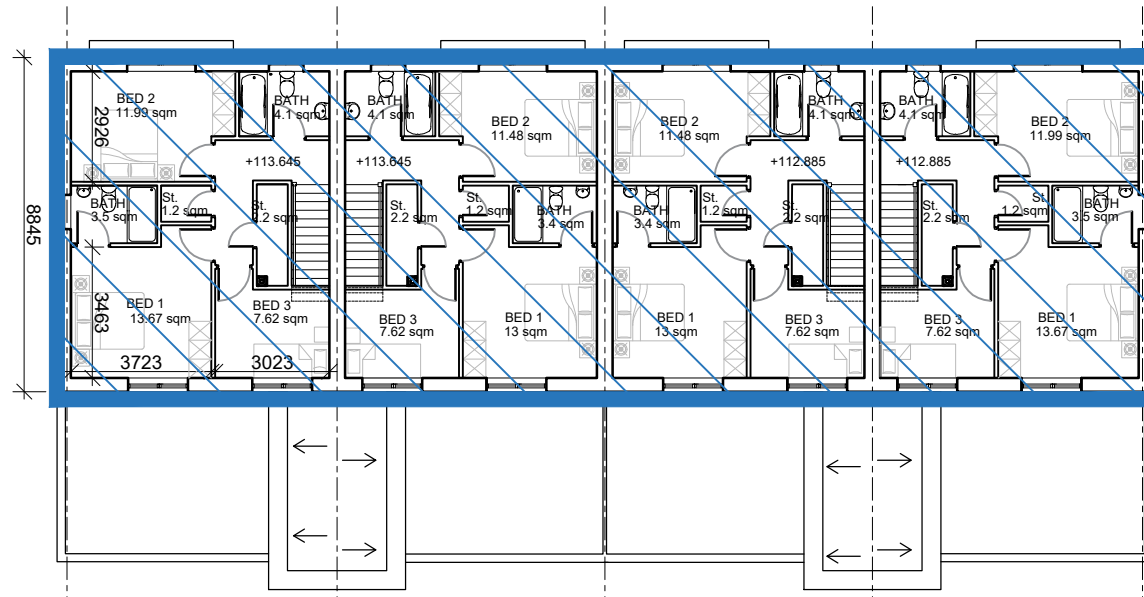
Stage: PLANNING
Client: Carm Homes Properties Ltd.
Project: Cookstown Road Enniserry
Drawing: Part V Site Plan
Date: Feb 2021
Scale: 1:500 at A0
Revision: 3
Author: 19010
MOLA_A00_00_DR_A_XX_A00_0900_S0



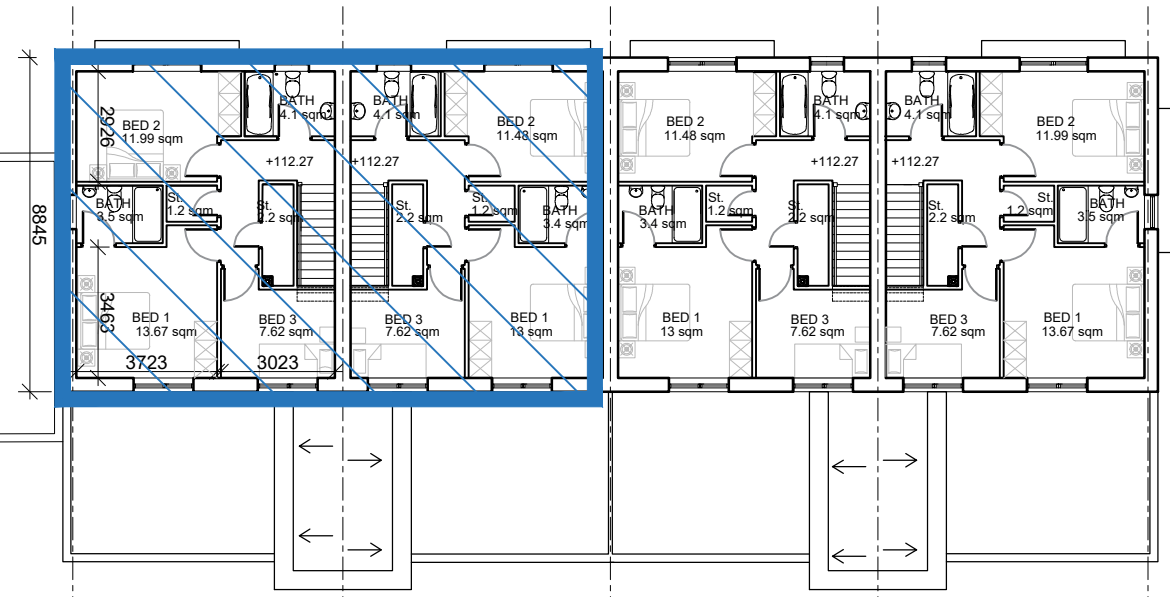
NORTH POINT



1 Second Floor Plan



DUPLEX BLOCK B2



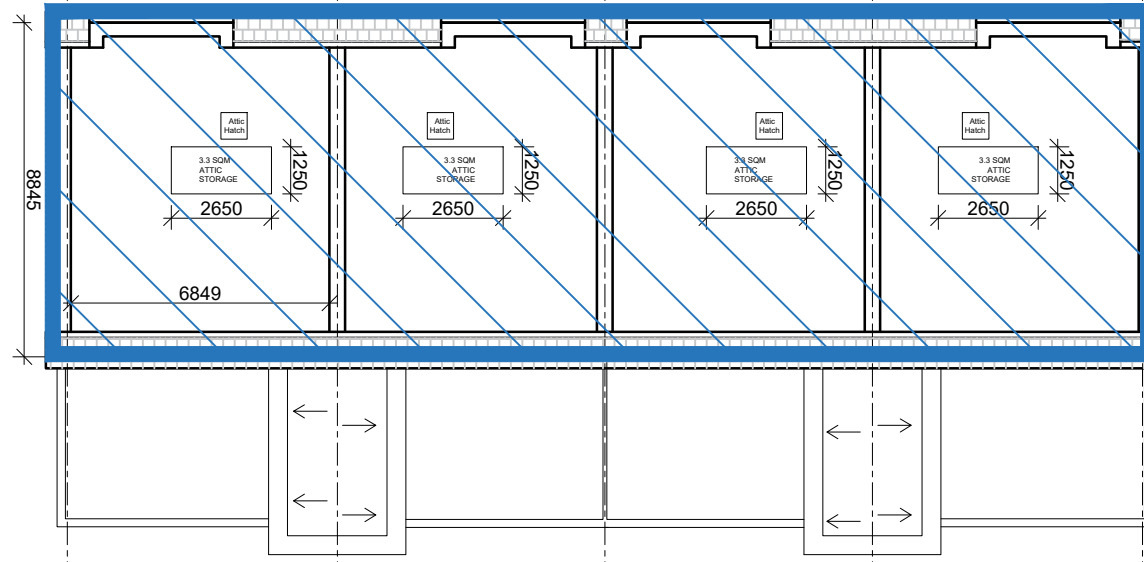
DUPLEX BLOCK B1



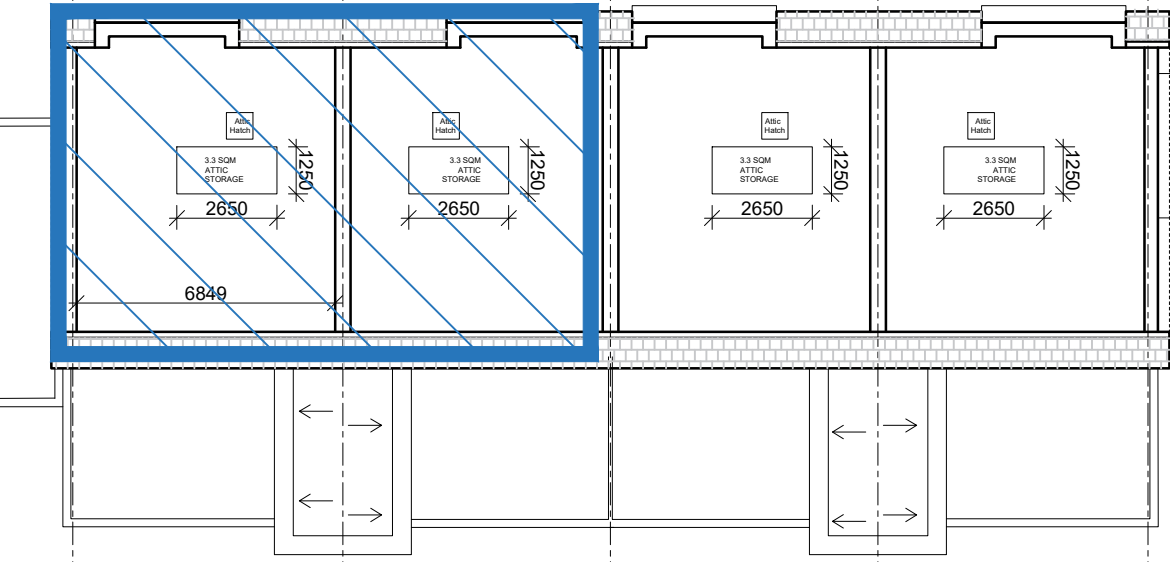
NORTH POINT



2 Attic Floor Plan

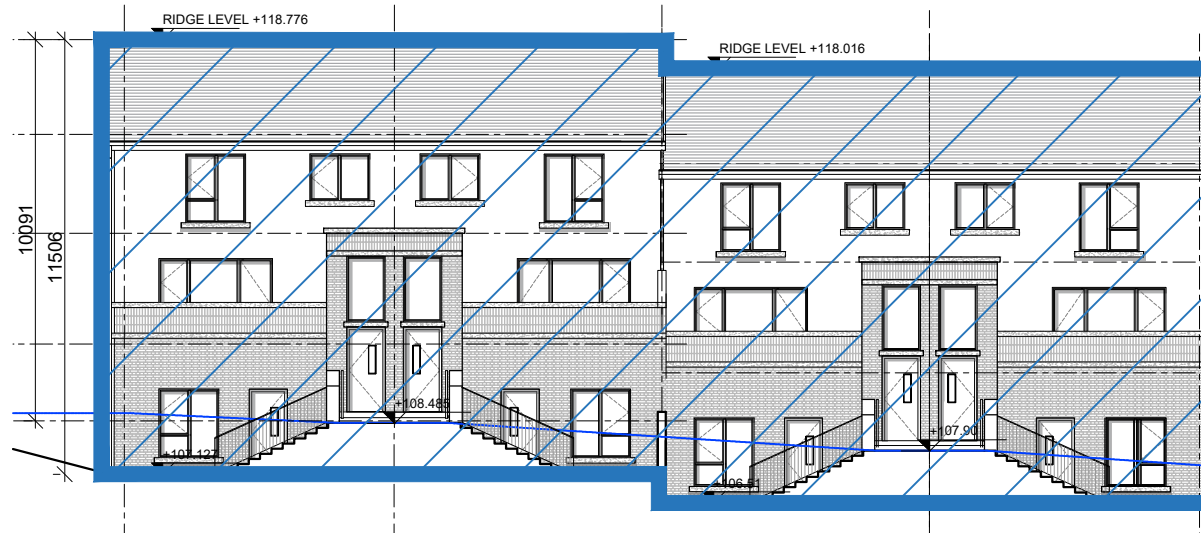


DUPLEX BLOCK B2



DUPLEX BLOCK B1

3 South Facing Elevation



DUPLEX BLOCK B2



DUPLEX BLOCK B1

NOTES / LEGEND

3.3 Sqm storage of each upper floor unit located in attic space. Access and flooring to attic.



PART V HOUSING UNITS

Key Plan:

Rev. Date: Description: By:

Rev.	Date	Description	By

MOLA 2 Donnybrook Road, Donnybrook, Dublin 4, Ireland Telephone +353 1 218 3900 www.molaarchitecture.com

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Stage: **PLANNING**

Client: **Calm Homes Properties Ltd.**

Project: **Cookstown Road Enniskerry**

Drawing: **Part V - Duplex B - Second Floor Plan, Attic Floor Plan & South Elevation**

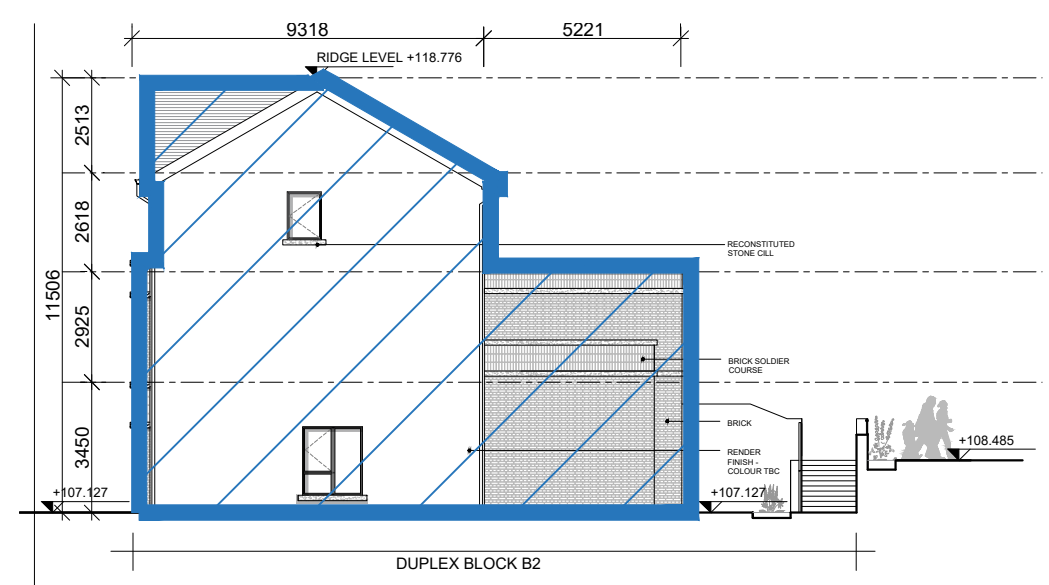
Date: **Feb 2021** Scale: **1:200 at A3** Stage: **3** Rev. No: **19010**

Drawing No: **19010.MOLA.A00.00.DR.A.XX.A00.0903.S0** Status: **S0** Revision: **00**

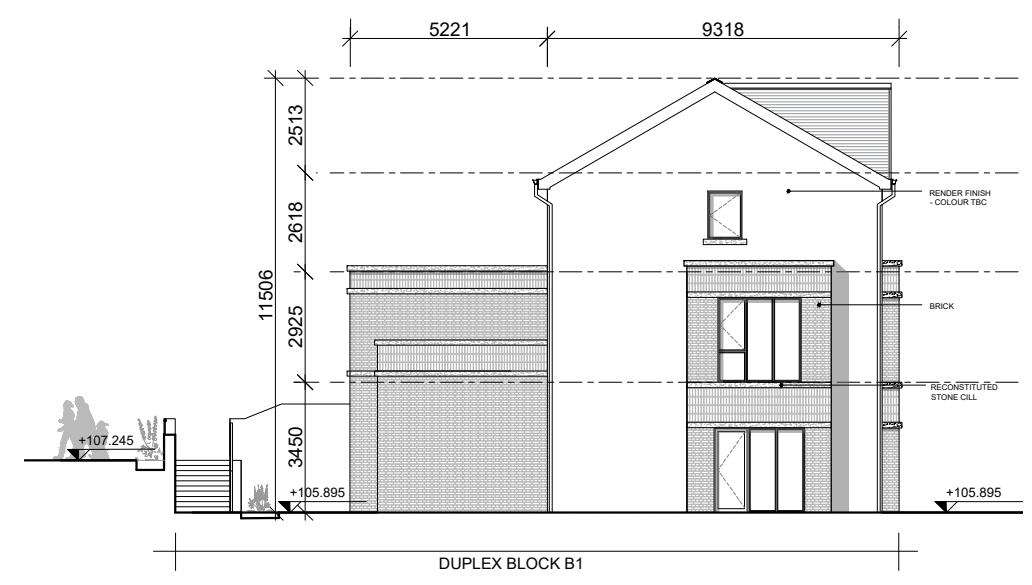
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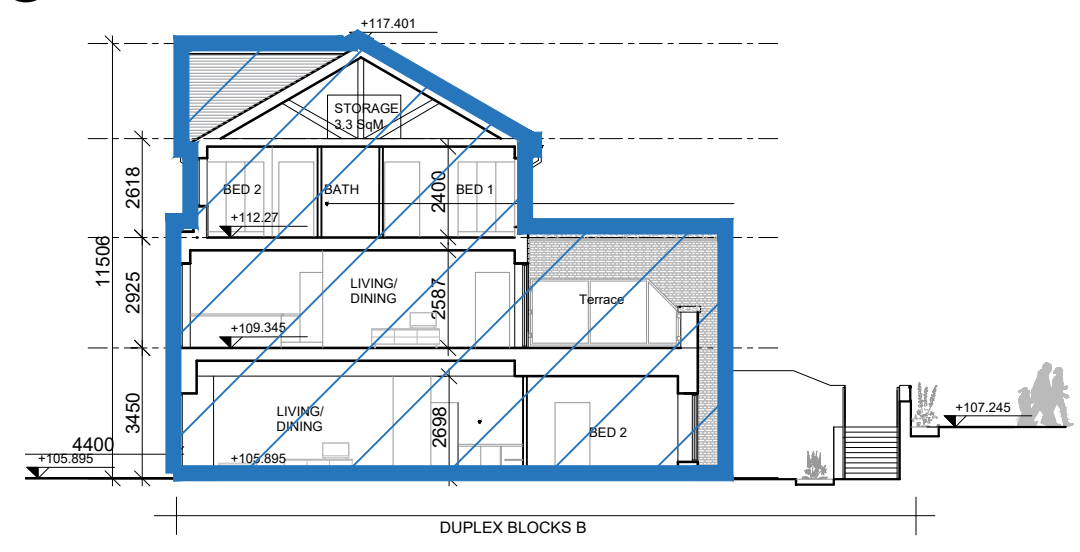
1 North Facing Elevation
0455



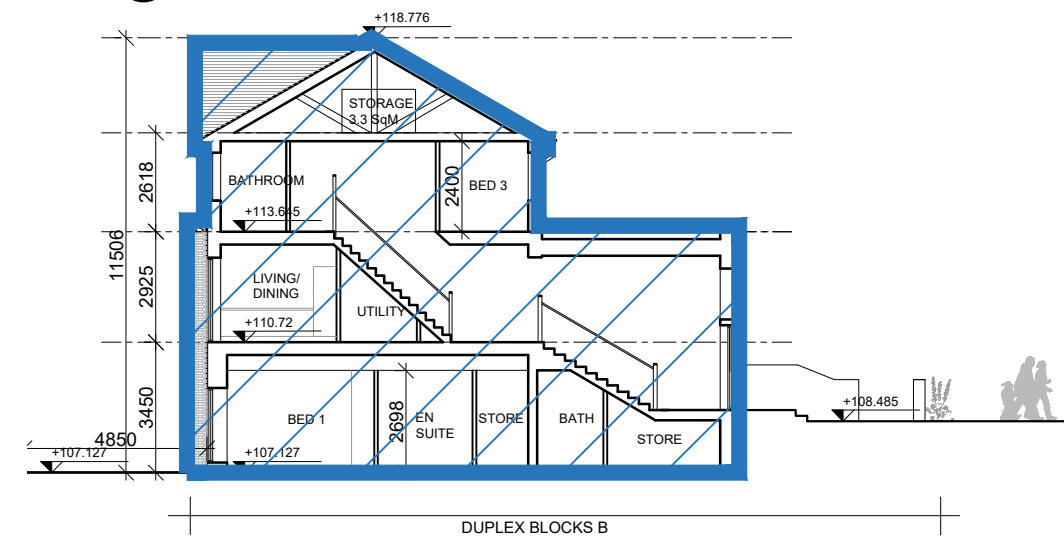
2 West Facing Elevation
0455



3 East Facing Elevation
0455



4 Section A
0455



5 Section B
0455

NOTES / LEGEND

3.3 Sqm storage of each upper floor unit located in attic space. Access and flooring to attic.



Key Plan:

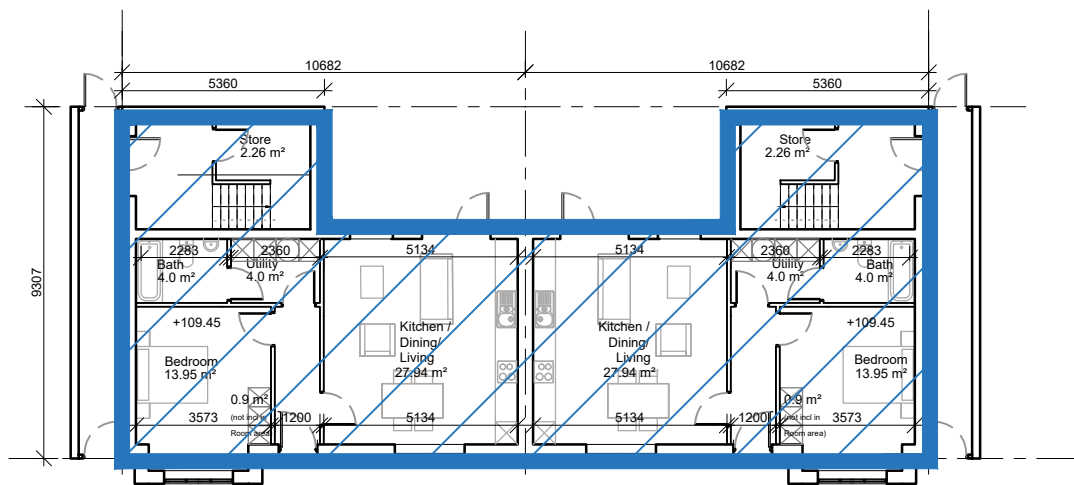
Rev.	Date	Description	By

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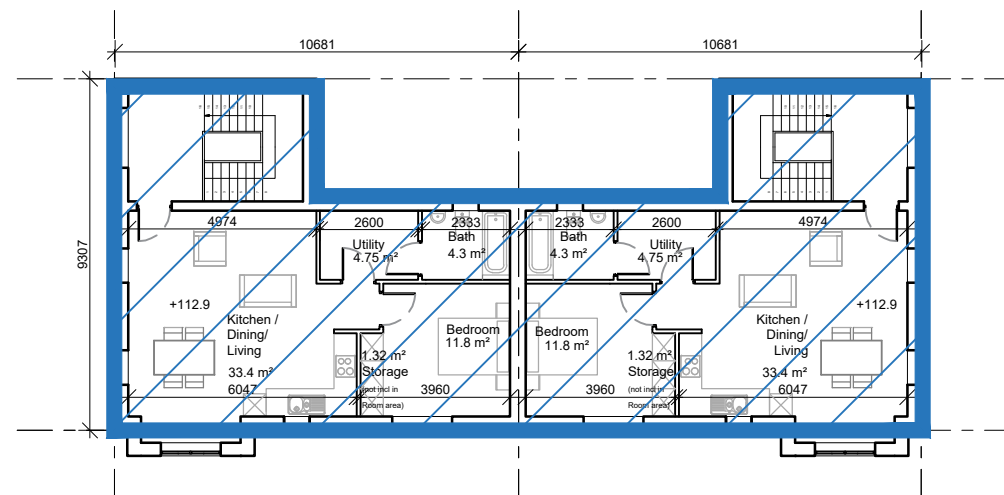
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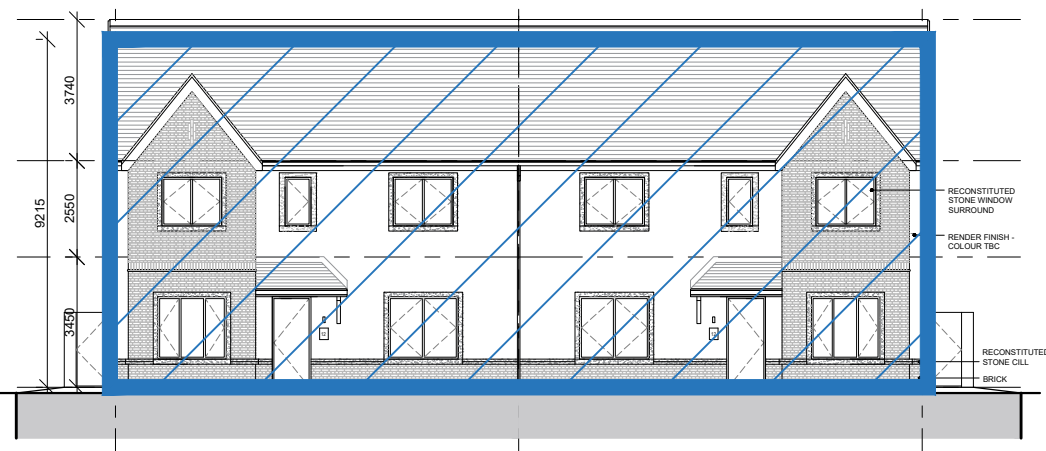
Stage:	PLANNING
Client:	Calm Homes Properties Ltd.
Project:	Cookstown Road Enniskerry
Drawing:	Part V Duplex B - North, East & West Elevations & Sections
Date:	Feb 2021
Scale:	1:200 at A3
Sheet:	3
Job No.:	19010
Drawing No.:	19010_MOLA_A00_00_DR_A_XX_A00_0904_S0
Status:	SO
Revision:	00



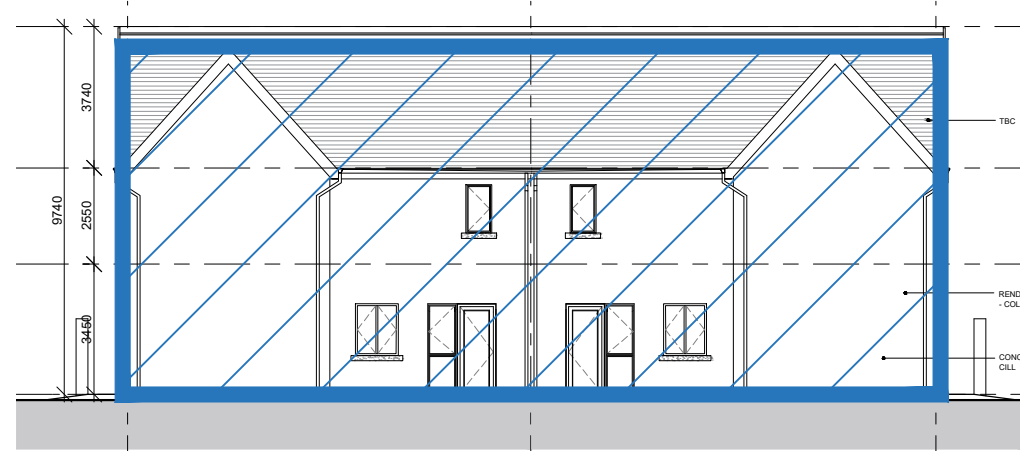
1 Ground Floor Plan - Type F
0906 NORTH POINT



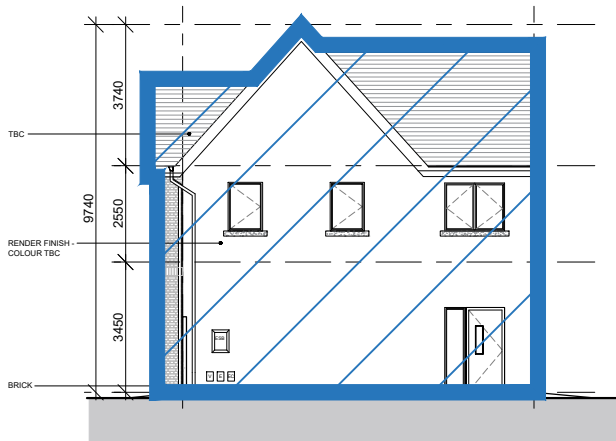
2 First Floor Plan - Type F1
0906 NORTH POINT



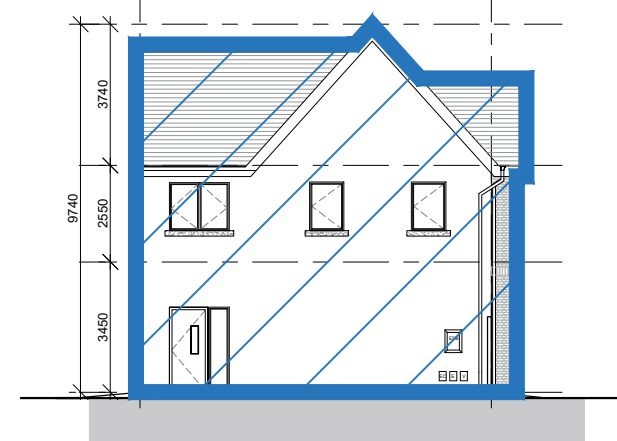
3 Front Elevation
0906



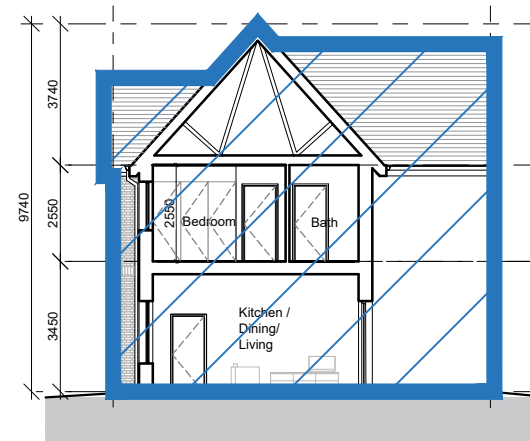
4 Rear Elevation
0906



5 Side Elevation
0906



6 Side Elevation
0906



7 Section
0906

Part V Location



NORTH POINT
KEY PLAN NOT TO SCALE

NOTES / LEGEND

NORTH POINTS AND LEVELS TO BE REFERENCED FROM SITE PLAN

- GROUND FLOOR UNIT 1: 56.84m²
- GROUND FLOOR UNIT 2: 56.84m²
- FIRST FLOOR UNIT 1 (INCL STAIRS): 84.56m²
- FIRST FLOOR UNIT 2 (INCL STAIRS): 84.56m²



PART V HOUSING UNITS

Key Plan:	Rev:	Date:	Description:	By:

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Donnybrook,
Dublin 4, Ireland
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Stage:	PLANNING
Client:	Calm Homes Properties Ltd.
Project:	Cookstown Road Enniskerry
Drawing:	Part V House Type F & F1
Date:	Feb 2021
Scale:	1:200 at A3 1:100 at A1
Sheet:	3
Int. Job No.:	19010
Drawing No.:	19010_MOLA_A00_00_DR_A_XX_A00_0906_S0
Status:	SO
Revision:	00

Mr. John Grace,
Manager Planning & Development,
Cairn PLC,
3rd Floor, Block 7,
Clanwilliam Court,
Lower Grand Canal Street,
Dublin 2

27 November 2020

RE: PROPOSED DEVELOPMENT OF 166 UNITS AT COOKSTON ROAD, ENNISKERRY, CO. WICKLOW

Dear John,

Further to your expression of interest I wish to confirm the interest of Tuath Housing, subject to the support of Wicklow County Council, in acquiring the Part V element of this proposed development at Cookstown Road, Enniskerry, Co. Wicklow. We have no preference as to whether they are allocated as one contained block or pepper potted throughout the development although if it is apartments, from a management perspective it is easier if they are all in one block, however we will accept whatever phasing is agreed with Wicklow County Council.

Tuath Housing will source funding to purchase these Part V homes with a mix of CALF (Capital Advance Leasing Facility) which will be provided by the Department of Housing, Local Government and Heritage to a maximum of 30% of the acquisition costs and the remainder will be funded by private finance, through the Housing Finance Agency.

Tuath would be delighted to work with Cairn PLC on this development and look forward to progressing this proposal to your satisfaction at the earliest opportunity.

Please note that all correspondence is subject to contract/contract denied.

Yours sincerely



Martin Loughran
Head of New Business & Development

APPENDIX 5 LETTERS OF CONSENT

Wicklow County Council

Benchford Holdings Ltd.

Powercourt Estate

Rory Kunz

From: Rory Kunz
Sent: Wednesday 17 February 2021 12:52
To: 'Fergal Keogh'
Subject: re: Cookstown
Attachments: 19010_MOLA_A00_00_DR_A_XX_A00_0100_SITE LOCATION PLAN_LAND CONSENT.pdf

Dear Fergal,

I hope you are well. Further to our recent conversation, I refer to the proposed Strategic Housing Development at Cookstown Road, Enniskerry, Co. Wicklow comprising 165 no. dwellings and a creche. As part of the development the proposed foul rising main and water mains are running within the public Road (Cookstown Road) from the site to the R760. In addition a toucan crossing is proposed.

On behalf of our client Cairn Homes Properties Ltd., we are requesting consent from Wicklow County Council to include these works. I attach a map identifying the areas and would be grateful if you could provide a letter of consent to be issued to Cairn Homes Properties Ltd., to facilitate the lodging of the application.

Best regards,

Rory

Rory Kunz, *Executive Director*,

John Spain Associates,
39 Fitzwilliam Place,
Dublin 2,
D02 ND61.

T: 01 662 5803
M: 087 322 5858
e-mail: RKunz@johnspainassociates.com
web: www.jsaplanning.ie



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Rory Kunz

From: Fergal Keogh <FKeogh@wicklowcoco.ie>
Sent: Tuesday 2 March 2021 16:44
To: Rory Kunz
Attachments: cookstownConsent120221.pdf

Rory,

Cf attached as requested.

Fergal

Fergal Keogh
Senior Engineer
Planning & Development
Wicklow County Council
00 +353 404 20107

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Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

RE: Proposed Strategic Housing Development, Ref. ABP 307089-20, Cookstown, Enniskerry, Co.
Wicklow

Dear Rory,

I refer to your email of the 17/02/21, including the attached Site Location Plan Drawing No. 19010_MOLA_A00_00_DR_A_XX_A00_0100 Rev 00, regarding your request for a letter of consent in relation to a proposed Strategic Housing Development, Ref. No ABP 307089-20, at Cookstown, Enniskerry, Co. Wicklow.

I can confirm that the area hatched in red and outlined in red on Drawing No. 19010_MOLA_A00_00_DR_A_XX_A00_0100 Rev 00 forms part of the public road L- 1020.

Yours Sincerely

Fergal Keogh
Senior Engineer
Planning & Development
Wicklow County Council

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Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.





Description:
 =====
 Digital Cartographic Model (DCM)
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 v_50102809_1.dwg
 =====
 Clip Extent / Area of Interest (AOI):
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 LRX,LRX= 723077.0,716495.5
 ULX,ULY= 722247.0,717110.5
 URX,URY= 723077.0,717110.5
 =====
 Projection / Spatial Reference:
 =====
 Projection= IRENET95_Irish_Transverse_Mercator
 =====
 Centre Point Coordinates:
 =====
 X,Y= 722662.0,716803.0
 =====
 Reference Index:
 =====
 Map Series | Map Sheets
 1:2,500 | 3616-B
 1:2,500 | 3567-D
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 Data Extraction Date:
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 Date= 16-Jan-2020
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 Ní thaispeánann léarscail de chuid Ordanáis Shuirbhéireacht na hÉireann teorann phointí cleathúil de mhaoin riamh, ná úinéireacht de ghnéithe fhísiúla.

Benchford Holdings Ltd
Summerhill Hotel,
Cookstown Rd.
Enniskerry
Co. Wicklow

Secretary
An Bord Pleanála
64 Marlborough St
Dublin 2

10/03/2021

To whom it may concern

RE: PROPOSED DEVELOPMENT OF 164 RESIDENTIAL UNITS AND CRECHE AT COOKSTOWN RD,
ENNISKERRY, CO WICKLOW

I, Jarlath Sweeney, on behalf of Summerhill Hotel, consent to Cairn Homes Properties Ltd including my land, as per Drawing No. 19010_MOLA_A00_00_DR_A_XX_A00_0100_SITE LOCATION PLAN Summerhill Hotel enclosed, within their planning application to facilitate the provision of a footpath along Cookstown Road.

Yours Sincerely

A handwritten signature in blue ink, appearing to be 'Jarlath Sweeney', written over a horizontal dashed line. The signature is stylized and extends above and below the line.

On behalf of Summerhill Hotel



POWERSCOURT
ESTATE

Secretary

An Bord Pleanála

64 Marlborough St

Dublin 2

16th December 2020

To whom it may concern

RE: PROPOSED DEVELOPMENT OF 164 RESIDENTIAL UNITS AND CRECHE AT
COOKSTOWN RD, ENNISKERRY, DUBLIN 2

I, Sarah Slazenger, on behalf of Powerscourt Estates Ltd, consent to Cairn Homes Properties Ltd including the land owned by Powerscourt Estates Ltd within their planning application to facilitate the provision of public lighting and services along the Cookstown Road.

Yours Sincerely

Sarah Slazenger
Managing Director

Powerscourt Estates Ltd.

Registered Office: Powerscourt Estate, Enniskerry, Co. Wicklow. Telephone: 01 204 6000. Fax: 01 204 6900

www.powerscourt.ie

*Directors: J Slazenger, P. Slazenger, W Watson, J Griffin, S Slazenger, D Clarke, D Dwyer, B Smyth, I Mudie (British)
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