

# Further Information Response Report

## Large Scale Residential Development

On lands located at Tinakilly,  
Rathnew, Co. Wicklow

Reg. Ref. 2360219

On behalf of Keldrum Limited

November 2023

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Planning & Development Consultants

63 York Road,

Dun Laoghaire,

Co. Dublin

[www.brockmcclure.ie](http://www.brockmcclure.ie)

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## 1. INTRODUCTION

We, Brock McClure Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin, are instructed to submit this Further Information Response Report on behalf of Keldrum Limited, c/o Ardale Property Group, Unit B4, Oakfield Industrial Estate, Dublin 22 D22XD28 regarding a Large-Scale Residential Development proposal at lands located at Tinakilly, Rathnew, County Wicklow.

On the 6<sup>th</sup> of October 2023, Wicklow County Council requested Further Information regarding 5 no. items relating to Planning Application Reg Ref. 23/60219. This response is submitted within 2 months from the date of the request for further information was made by Wicklow County Council.

The Applicant and their design team has endeavoured to positively respond to each of the items requested. We confirm the concerns of the Planning Authority have been fully addressed by the following contributors:

- Brock McClure Planning and Development Consultants;
- Murphy & Sheanon Landscape Architects
- The Tree File Arborists
- IAC Archaeology
- CS Consulting Engineers

It is now considered that all items have been adequately addressed to the satisfaction of the Planning Authority.

It is noted at this stage that the changes now made to the scheme at Further Information stage as part of this Further Information Response do not impact the findings of the Natura Impact Statement or Environmental Impact Assessment Report originally lodged with the application.

## 2. FURTHER INFORMATION RESPONSE

The further information request and response is detailed herein for the convenience of the Planning Authority.

### Further information Request Item 1

*Please submit a Planning & Design Statement in relation to how the proposed development would provide for and enhance pedestrian and cyclist use and permeability within the proposed development, between the proposed development and existing development and between the proposed development and the wider area, including existing public amenity areas and local services. The Statement should identify existing pedestrian and cyclist routes and any new routes that would be developed, or supported, by the proposed development. The Statement should set out how the proposed development aligns with the Objectives of the County Development Plan 2022, and National & Regional Planning Policy, to create healthy places that enable a high quality of life, reduce reliance on vehicular travel, promote active travel, facilitate pedestrian and cycle linkages, etc.*

*The Statement should also address the following specific items:*

*(a) The Wicklow Town – Rathnew Development Plan 2013 identifies a pedestrian walkway along the existing Tinakilly Avenue and the road leading to the Murrough SAC/SPA. Furthermore, Tinakilly Avenue and the road leading to the Murrough SAC/SPA are used, and have been historically used, by the public as a walking and cycling route between the R750 and the Murrough SAC/SPA. It would appear that the proposed development includes both the provision of a timber boundary and controlled gates located on the existing Tinakilly Avenue, which would sever this particular route.*

*Such severance would have a severe and unacceptable impact on pedestrian and cycle permeability, would be contrary to the Objectives of the County Development Plan 2022 - 2028 and the Wicklow Town – Rathnew Development Plan 2013, as well as National & Regional Planning Policy and may block an existing public right of way.*

*(b) The proposed development, by virtue of the provision of a timber boundary across Tinakilly Avenue, would result in pedestrian and cycle access from the proposed development being reliant on the proposed Inner Relief Road, which joins the R750 at Merrymeeting and the R761/R772 on the northern side of Rathnew. Having regard to,*

*(i) the location of the proposed development and the permitted adjoining housing development to the south, both of which are part of 2 residential zoning blocks (R1 & R2) detailed in the Clermont – Tinakilly Action Area of the Wicklow Town – Rathnew Development Plan 2013,*

*(ii) the location of an existing bus stop on the R750 opposite the existing entrance to Tinakilly Avenue and*

*(iii) the location of existing services within Rathnew Town Centre, It is considered that the proposed development would result in a circuitous pedestrian and cycle route from the proposed and adjoining development, which would not enhance and promote pedestrian and cycle permeability and accessibility.*

*(c) The submitted documents state that the owner of Tinakilly Avenue will close the original entrance at the R750. However, no details have been provided what this entails and how it would be achieved. In this regard, it is noted that the existing entrance onto the R750 is located outside of the subject site and there are currently no gates on the said entrance, nor would it appear that any planning permission exists for such closure*

*d) The proposed development, by virtue of the proposed controlled gates located on the existing Tinakilly Avenue to the east of the proposed Inner Relief Road, would effectively block vehicular, cycle and pedestrian*

***access to existing dwellings located on the road leading to the Murrough SAC/SPA. No information, or evidence, has been submitted that the Applicant has sufficient interest to carry out the proposed blocking of such access.***

***In responding to this item, the Applicant may wish to submit revised proposals to address any matters identified.***

**Applicant Response to Item 1 (a-d)**

In response to Further Information Request Items 1 a – d, a Planning and Design Statement has been prepared by Brock McClure Planning and Development Consultants to accompany this Further Information Response Pack to specifically itemise out and respond to each of the Further Information queries as listed by Wicklow County Council in Further Information Request Item 1 a through 1 d.

It is submitted that as part of the Further Information Response prepared by the Applicant and Design Team, the treatment of Tinakilly Avenue has been revised in response to the Planning Authority request and Local Resident submissions, and we now confirm that the Avenue design as submitted with this Further Information Response Pack maintains access for pedestrians and cyclists along the entirety of the Avenue.

We refer the Planning Authority to the accompanying Planning and Design Statement submitted as part of this Further Information Response Pack, which directly responds to each of the queries 1A – 1D as requested by the Planning Authority, and shows how the now proposed Avenue design is compliant with the objectives of the Wicklow County Development Plan 2022 – 2028 and National and Regional Planning Policy to create healthy places and enable a high quality of life, reduce reliance on vehicular travel, promote active travel and facilitate pedestrian and cycle linkages etc.

**Further information Request Item 2**

***The applicant is proposing the provision of an Avenue Parkland along a section of Tinakilly Avenue to the west of the inner relief road crossing over the avenue. These lands are within the ownership of a Third Party and while a letter of consent has been submitted allowing the applicant to include these lands as part of the planning application, concerns are raised regarding the future ownership of the proposed Avenue Parkland along Tinakilly Avenue having particular regard to the potential requirement for the Local Authority in relation to the taking in charge of this public open space area at a future date. Please address.***

In response to Further Information Request Item 2, it is confirmed that an agreement is in place between the applicant and the owner of the proposed section of park land on the western portion of Tinakilly Avenue, which commits the applicant to purchasing this section of the Avenue subject to a grant of planning permission for the proposed development.

Following a grant of Planning Permission, Keldrum Limited will take ownership of this portion of Tinakilly Avenue, which was included in the original application pack with consent from the current landowner.

Once the development is operational, it is envisaged that this area of the Avenue, as well as all other public open spaces throughout the development site, can be taken in charge by Wicklow County Council.

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**Further information Request Item 3 (a-b)**

**A). The boundary plan indicates that the boundary with a large adjoining field to the east of the site will comprise in part of a block built 2 metre high wall to the rear of the proposed maisonettes but the remaining boundary, which comprises of the existing timber and wire fence will remain in situ and is not very robust or secure.**

In Response to Further Information Request Item 3a it is now proposed that the boundary treatment adjacent to the field east of the site has been revised as part of this Further Information Response Pack.

The proposed boundary treatment at this location now consists of a 1.5m high welded mesh fence with evergreen hedge/ native whip planting and standard tree planting, replacing the previously proposed retention of the existing timber and wire fence. The proposed welded mesh fence with planting will provide a more robust and durable boundary treatment at this location than the retention of the existing timber post and wire fence. An example of the proposed welded mesh fence boundary treatment is now shown below for the benefit of the Planning Authority:



**Figure 1: Examples of proposed 1.5m high welded mesh fence boundary treatment along eastern site boundary.**

The 2m high wall along this boundary to the rear of the proposed maisonette units will remain as per the originally lodged planning application. Additional planting will be provided at this location to screen the proposed maisonette units from the adjacent site to the east outside of the applicants ownership.

We refer the Planning Authority to the revised Boundary Treatments drawing prepared by Murphy & Sheanon Landscape Architects for a detailed overview of the updated Boundary Treatment proposed at this location. We trust that the now proposed boundary treatments alleviate any concerns of the Planning Authority.

**B). There is a single dwelling along the northern eastern boundary of the southern field of the site. The existing boundary comprises of planting and a wire and post fence. The applicant is not proposing any change along this section of the boundary; however it is considered that a more secure boundary treatment should be erected along this boundary to protect the privacy, security and amenity of this adjoining property. Please address.**



In Response to Item 3b it is now proposed that the boundary treatment adjacent to the existing dwelling along the north eastern boundary of the southern field has been revised as part of this Further Information Response Pack.

The proposed boundary treatment at this location now consists of a 2.4m high block wall, rendered and capped, replacing the previous proposal to retain the existing wire and post fence along the site boundary at this location. This wall will be constructed where the existing timber fence is located or, where required, outside of the RPA of existing trees as agreed with the adjoining land owner. To the south of where the boundary to this single dwelling ends, we are proposing a 1.5m high welded mesh fence replacing the previous proposal to retain the existing wire and post fence.



Figure 2: Example of proposed 2.4m high block wall

We refer the Planning Authority to the revised Boundary Treatments drawing prepared by Murphy & Sheanon Landscape Architects for a detailed overview of the updated Boundary Treatment proposed at this location. We trust that the now proposed boundary treatment alleviates any concerns of the Planning Authority.

**Further information Request Item 4**

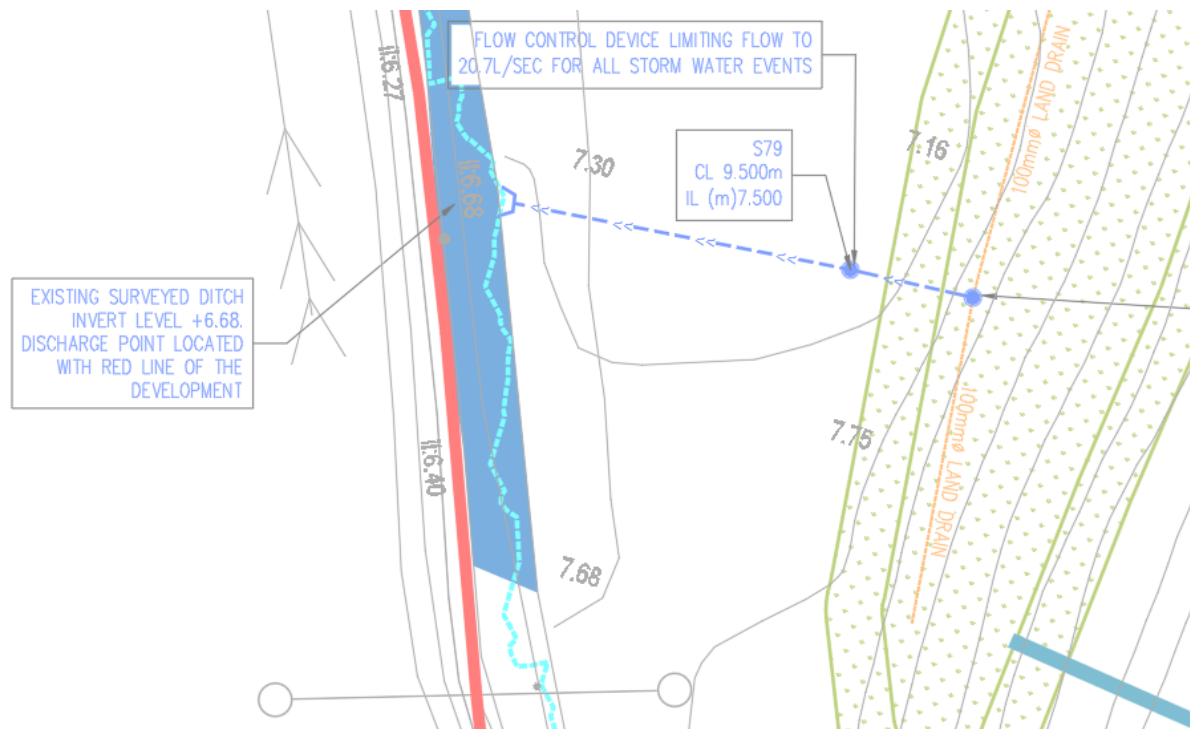
***A third party observation has raised concerns regarding works to be carried out along and within the adjoining water course to the west of the site as part of the surface water drainage system. The applicant is requested to demonstrate that they have sufficient legal interest to carry out the works to accommodate the proposed outfalls to the adjoining watercourses and to confirm that the red line boundary does not include any third party lands for which the Applicant has no consent from such owner.***

In Response to Further Information Request Item 4, Keldrum Limited confirm that all lands included within the application redline are in the ownership of the applicant, or have the necessary consents in place for the applicant to lodge a planning application on these lands.

Keldrum Limited confirm that they are the landowner of all lands included in the application redline boundary, other than where letters of consent have been provided.

The project Engineers, CS Consulting, confirm that all storm water outfall locations for the proposed development reside within the development redline boundary.

The outfall locations have been designed based on a detailed topographical site survey which has surveyed the watercourse / ditch locations and has obtained invert levels of same. We refer to figure 3 below which indicates the outfall location for catchment B, we have identified the outfall location, the invert level of the watercourse and shaded in blue the extent of the surveyed channel, all located within the development red line.



We refer to figure 4 below which indicates the outfall location for catchment D, we have identified the outfall location, the invert level of the watercourse and shaded in blue the extent of the surveyed channel, all located within the development red line.



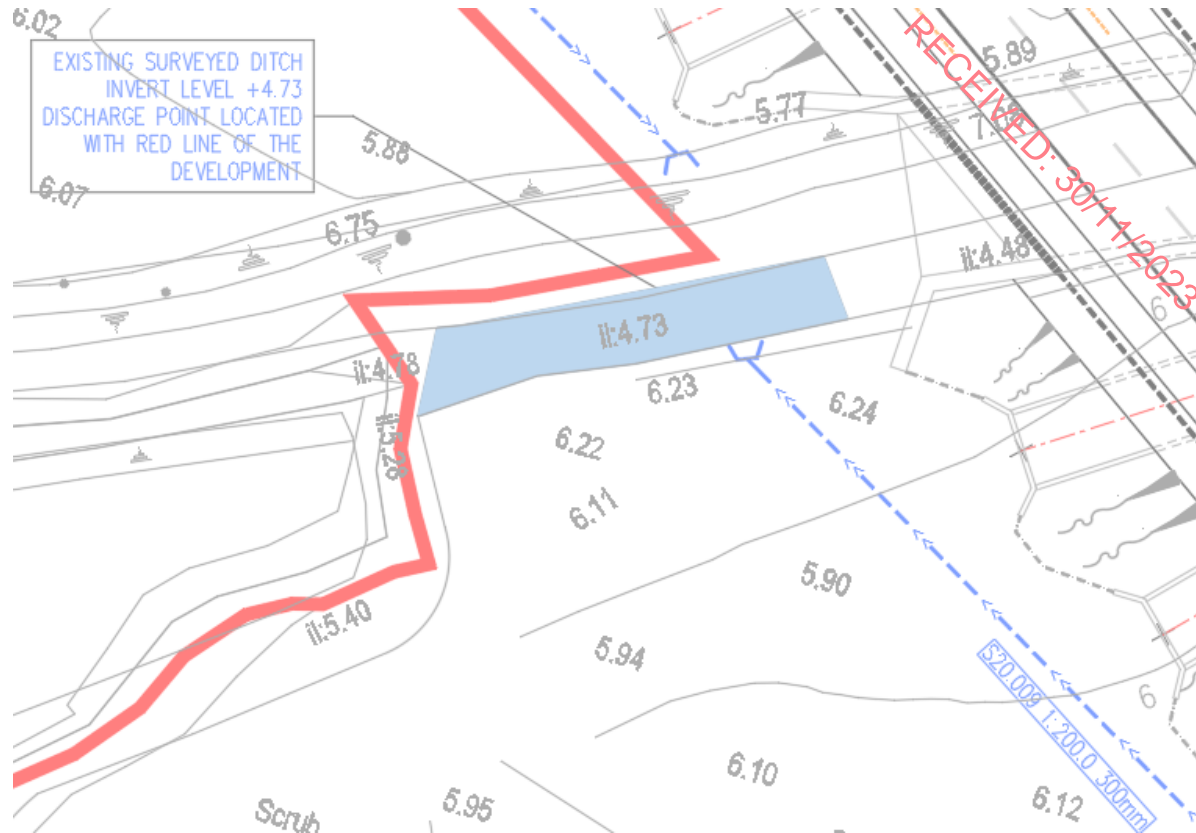


Figure 4 – Outfall Location Catchment D

**Further information Request Item 5**

**A number of third party observations have raised concerns with regard to a tree located centrally within the southern field which has been referred to as a fairy tree of local significance. It is noted that the tree survey and arboriculture report prepared by The Tree File does not include the tree referred to as the Fairy Tree and it is not clear why it has been excluded.**

**The applicant is required to submit an updated arborist report in relation to the tree, including any relevant historical information and if appropriate put forward mitigation measures to protect/preserve the tree.**

In Response to Item 5 the applicant submits that the project Archaeology and Cultural Heritage Consultants IAC have noted the submissions referring to the tree in the southern field as a ‘fairy tree’, and have investigated the history of the tree and the field in this respect. It is noted that no historic references to the noted tree as a ‘fairy tree’ have been found by IAC throughout their examination.

One of the key resources for understanding local folklore, is the Schools Collection, published on ducas.ie. The 1930s record for Rathnew School has been reviewed and the ‘Fairy Tree’ at Tinakilly is not included in any of the accounts.

The FI response prepared by IAC notes the following in respect of the tree:

*As author of the Cultural Heritage Chapter of the EIAR submitted as part of the planning application, I can confirm, that whilst the tree may have local cultural heritage significance to the current population of Rathnew, I can find no record of historic references to this tree during the course of research. One of the key resources for understanding local folklore, is the Schools Collection, published on ducas.ie. The 1930s record for Rathnew School has been reviewed and the ‘Fairy Tree’ at Tinakilly is not included in any of the accounts.*

The tree itself is not marked as a Fairy Tree within any of the historic mapping of the proposed development area. The lands in question formed part of the demesne associated with Tinakilly House, which would not have historically been accessible to members of the public. In addition, no footpaths are marked within the historic mapping that would have provided access to the location of the tree. The tree, which is Hawthorn, would not be a tree commonly planted as part of a demesne landscape. Specimen species such as Oak, Beech and Chestnut were commonly used, such as those mature examples along the avenue at Tinakilly, with examples also located along the field boundaries. It is highly likely that the Hawthorn tree post dates the establishment of the demesne landscape as a whole, with any cultural heritage associations with fairies being established more recently, due to the specimen type.

Hawthorn trees are mentioned multiple times within the above Schools Collection of Irish Folklore, as being associated with buried pots of gold, or associated with the death of someone who cut a Hawthorn down. Bringing the flowers of the tree into the home was considered to be very bad luck. The tree is also associated with spring, and are often called 'May Trees' and these trees or bushes were often decorated by children on 1<sup>st</sup> May (a practice mentioned in the Schools Collection from Rathnew School, although the 'May Bush' is noted as being cut and put into the ground).

In summary, it appears that the notion of the 'Fairy Tree' at Tinakilly, seems to be relatively recent in terms of origin, with no record of antiquity associated with the site.

We refer the Planning Authority to the FI Response Letter prepared by IAC accompanying this FI Response Pack for a full detailed analysis.

In addition to this, the project Arborist, The Tree File, has prepared a revised Arboricultural Drawing Pack and associated Arborists Report, updated to include additional information surrounding the 'Fairy Tree', which is an individual Hawthorn on the southern field as included within the application lands.

In light of Wicklow County Council requesting a report in relation to the tree, the site was revisited by The Tree File to specifically assess the hawthorn noted as a 'Fairy tree'. The Tree File note that this planted area within the southern field on the application site is likely to be naturally arising and is associated with poor, rocky ground conditions. There is no historic or archaeological evidence to suggest that this area of planting on the proposed development site existed prior to the 20<sup>th</sup> century.

It is appreciated that the context of the Hawthorn lends itself to being named as a 'fairy tree', through it is considered that this comparison is more associated with parallels of expected appearance rather than any historic connections.

The Tree File conducted an assessment of the Hawthorn to respond to the Planning Authority's Further Information query, which concluded the following:

- The tree comprises a small community of specimens, dominated by Hawthorn. The cumulative plant stands nearly 8 metres tall, and it is unclear whether it comprises a single plant or combines either 2 or 3 directly adjoining plants whose stems, through continued growth, have combined into a single stem.
- The Hawthorn is directly adjoined by additional bramble material including to the south east by an Elderberry and also elements of Dog Rose and Bramble.
- Notwithstanding the congested form and combination of plants at the Hawthorn location, its general health status remains reasonably good.

In conclusion, there appears to be no evidence, historic or archaeological, to corroborate or confirm anything other than the very recent references to the Hawthorn on the site being a ‘fairy tree’.

The applicant and design team have prioritised the retention of trees older than the Hawthorn ‘fairy tree’, that were part of the original demesne in the application design. It is considered that retention of the ‘fairy tree’ in its current location is not achievable. The applicant, Keldrum Limited, therefore confirms that should planning permission be granted for the subject development, a relocation of the ‘fairy tree’ will be attempted to move the tree from its current location to the linear park area which runs along the central portion of the eastern section of the site.

We refer the Planning Authority to the Arboricultural Drawings and Reports prepared by The Tree File and the FI Response Memo prepared by IAC Archaeology as part of the Further Information Response Pack for a detailed overview of the history, context and quality of the Hawthorn on site noted as a ‘fairy tree’.

### 3. CONCLUSION

It is our considered opinion that the proposal now submitted addresses all concerns raised by the Planning Authority, and we are of the view that any potential issues that may arise following consideration of this submission can be appropriately addressed by condition. As such, we foresee there being no reason to seek clarification on any of the matters given the comprehensive response prepared by the design team in this case.

All considered, we trust that the Planning Authority will look favourably on the proposed development and grant permission for the proposal as appropriate.

## 4. ENCLOSURES

Please find enclosed the following documents prepared as part of this Further Information Response Pack now submitted to Wicklow County Council in respect of application Reg Ref. 2360219:

- **Brock McClure**
  - Further Information Response Report
  - Further Information Planning and Design Statement in response to FI Item 1a – d.
  
- **Murphy & Sheanon**
  - Further Information Landscape Drawings and Illustrations
  
- **The Tree File**
  - Further Information Arborists Drawings and Report
  
- **IAC**
  - Further Information Response Report

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