



An  
Bord  
Pleanála

**Board Direction**  
**BD-009141-21**  
**ABP-309197-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/09/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of Objective CD17 as set out in the Wicklow County Development Plan 2016-2022, which seeks to provide for new or extended residential care facilities for the elderly at Killckbawn, Killpedder (c.6ha as shown on Map 8.02), and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of traffic and pedestrian safety and convenience, would not be prejudicial to public health and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 10<sup>th</sup> day of November 2020, and on the 2<sup>nd</sup> day of December 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

3. No occupation of the nursing home shall occur until a certificate from a suitably qualified professional (with professional indemnity insurance) stating that the Wastewater treatment and disposal system has been installed in accordance with the requirements of the Discharge Licence which has been submitted to the Planning Authority.

**Reason:** To ensure the provision of an adequate sewage disposal system, in the interests of public health and residential amenity.

4.
  - (a) Once Irish Water have confirmed in writing that a connection to a public foul sewer is feasible, the proposed development shall be connected to the



public foul sewer within 6(six) months of such confirmation, at the developers own expense.

- (b) Upon connection to the public foul sewer, the developer shall agree proposals for either the removal/reuse of the proposed waste water treatment system with the planning authority, in consultation with Irish Water. Where it is agreed to remove the disposal system it shall be decommissioned and removed from site and the grounds shall be suitably landscaped to match the surrounding area.

**Reason:** To ensure the provision of an adequate sewage disposal system, in interests of public health and proper planning and sustainable development.

5. A single management company shall be established with the entire responsibility for the maintenance and repair of all infrastructural services and facilities necessary for the development including access road, footpaths, public lighting, maintenance and repair of common areas, the temporary onsite waste water treatment plant and the management of car parking areas.

**Reason:** In the interest of proper planning and sustainable development, public health, safety and amenity.

6. Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority:

- (a) Final design details of the proposed entrance onto the L-1043 Kilpedder Interchange Link Road.



(b) Final design details of the proposed new pedestrian link footpath from the north-west pedestrian access to the local bus stop and nearby commercial premises. This link shall be constructed by the developer at their own expense.

(c) Proposals for traffic calming measures along the access driveway serving the development. On no account shall ramps or similar vertical traffic calming measures be installed notwithstanding any regulations exempting such development.

**Reason:** In the Interest traffic safety, pedestrian safety and proper planning and sustainable development.

7.

(a) The entrance to the north west of the site shall be restricted to pedestrian use only. Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority proposals for physical measures to be put in place to prevent the use of this entrance by vehicles.

(b) Prior to the occupation of the nursing home, the pedestrian link from the north-west pedestrian access to the local bus stop and nearby commercial premises as agreed under condition 7(a) above shall be completed to the written satisfaction of the Roads Authority.

**Reason:** In the interest of traffic safety and pedestrian safety and the proper planning and sustainable development of the area.

8. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and



agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual amenity.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

12. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging.



The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

**Reason:** In the interest of sustainable transport.

13. A comprehensive boundary treatment scheme (including details of berms and landscape planting) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and the proper planning and sustainable development of the area.

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Public lighting within the proposed development shall be directed and cowled such as to reduce as far as possible the light scatter to adjacent properties and the public road.

**Reason:** In the interests of amenity and public safety.

15. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in



writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and



(ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act



be applied to the permission.

**Board Member**

*Maria Fitzgerald*  
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Maria FitzGerald

**Date:** 23/09/2021



