



An
Bord
Pleanála

Board Direction
BD-014473-23
ABP-315732-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2023.

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 location of the site within the settlement of Kilcoole, which is defined as a Level 4 self-sustaining town in the Wicklow County Development Plan 2022-2028, the pattern of development in the area and the planning history within the immediate vicinity of the site, it is considered that subject to the conditions set out below, the proposed development would not adversely affect the setting of a protected structures, would be acceptable in terms of traffic and pedestrian safety and would accord with the relevant provisions of the Wicklow County Development Plan 2022-2028 including the policies set out in Chapter 7 of the aforementioned plan as it relates to social and community development. 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 as amended by the further plans and particulars submitted to the planning authority on the 15th day of December 2022 and by the further plans and particular revied by An Bord Pleanala on the 3rd day of July

2023, 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. The developer shall ensure that all mitigation measures, as set out in the Natura Impact Statement and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

3. No development shall commence until the access road granted permission under ABP-311747-21 (WCC Ref. 21/469) has been completed to the satisfaction of the planning authority.

Reason: In the interest of pedestrian and traffic safety.

4. 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. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

Reason: In the interest of environmental protection and public health.

5. Public lighting shall be designed in line with the provisions of Bat Mitigation Guidelines for Ireland – V2 Irish Wildlife Manuals, No. 134. National Parks

and Wildlife Service, Department of Housing, Local Government and Heritage. Where lighting is required, directional lighting shall be used to prevent overspill onto habitats which may be used by bats.

Reason: In the interest of biodiversity protection.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing the species, variety, number, size and locations of all proposed trees and hedgerows (which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder).

- (b) Specifications for mounding, levelling, cultivation and other operations associated with grass establishment.

- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. The developer shall enter into water and wastewater connection agreements with Uisce Eireann.

Reason: In the interest of public health

8. 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.

9. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include a construction programme of works, construction traffic management plan, noise and dust mitigations measures, surface water measures and construction lighting. A Construction Management shall be appointed to liaise directly with Wicklow County Council.

Reason: To safeguard the amenities of the area.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) Development of the pipeline will travel within the zone of the notification surrounding enclosure MA030-010. Archaeological testing shall be

undertaken at this location in advance of any excavation works and a report on the findings forwarded to all relevant authorities.

(d) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. 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.

Note:

The Board noted the Inspectors recommended second reason for refusal in the report dated 18 April 2023 which referred to the potential impact on bat species and in particular the suitability of public lighting. The Board considered that the matter, which had not been raised by the planning authority or third party, could be appropriately addressed by way of an appropriate condition for a lighting scheme for the site which would be specifically designed to prevent any impact on bat species. In this regard the matter of the potential impact on bat species was considered by the Board to have been appropriately considered.

Board Member


Una Crosse

Date: 06/11/2023