



An  
Bord  
Pleanála

**Board Direction**  
**BD-017021-24**  
**ABP-318164-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/07/2024.

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 the Newtownmountkenedy Town Plan 2022-2028 and Wicklow County Development Plan 2022-2028, and to the land-use zoning objective of the area, the existing and permitted use on the site, and to the nature, form, scale and design of the proposed development to be retained, it is considered that, subject to compliance with the conditions set out below, the development and change of use for which retention is sought, would be compatible with the zoning objective for the area and would not seriously injure the residential or community/ educational amenities of the area. The development proposal and change of use to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1.	<p>The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to the planning authority on the 09/05/2023 and 28 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</p>
	<p>prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. <b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The opening hours of the tourism/ hospitality element of the development including tap rooms, food van, outdoor seating area and tours of the facility shall be restricted to between the hours of 10am until 7pm Monday to Sunday. No tours and no serving or consumption of alcohol or food on site is permitted outside of these hours.</p> <p>(b) Hot food shall not be made available on site for takeaway, collection or delivery and shall only be available for consumption on the premises.</p> <p>(c) Only 1 no. food van is permitted on site at any one time.</p> <p><b>Reason:</b> In the interest of clarity and of the residential amenities of property in the vicinity.</p>

3.	<p>The car parking layout as indicated on Drawing No. PL-W-053-005 submitted as part of this planning application shall be constructed in full and open for use within 6 months of the final grant of this permission.</p> <p><b>Reason:</b> In the interest of clarity and of the residential amenities of property in the vicinity.</p>
4.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p>
	<p><b>Reason:</b> To provide for the appropriate management of waste, and in particular recyclable materials in the interest of protecting the environment.</p>
6.	<p>No additional advertising signs, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on the overall site, whether or not such signs or advertisements would constitute exempted development, without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.</p> <p><b>Reason:</b> In the interest of visual amenity and in order to permit the planning authority to assess the suitability of any such signage on the visual and residential amenities of the area through the statutory planning process</p>



7. 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 the 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 the Board 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

Joe Boland

Date: 17/07/2024