

An  
Coimisiún  
Pleanála

**Direction**  
**CD-020512-25**  
**ABP-322476-25**

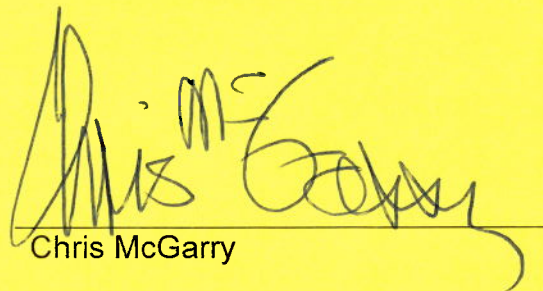
The submissions on this file and the Inspector's report were considered at a meeting held on 20/08/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

**Planning**

**Commissioner:**

**Date:** 22/08/2025



Chris McGarry

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

The Commission made its decision consistent with the relevant provisions of the Climate Action Plan 2024 and 2025,  
and the Commission had regard to the following:

- (i) the relevant provisions of the Wicklow County Development 2022-2028, as varied, including the zoning objectives for the subject site, objective CPO 7.29 (childcare and preschool) and CPO 17.22 (preservation of individual trees, as part of the development management process).

- (ii) the relevant provisions of the Wicklow Town-Rathnew Local Area Plan 2025,
- (iii) Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage, January 2024,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, December 2023,
- (vi) the objectives and targets and National Biodiversity Action Plan (NBPA) 2023-2030;
- (vii) The policies and objectives set out in the National Planning Framework, including the National Planning Framework First Revision, April 2025;
- (viii) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- (ix) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (x) the availability in the area of a wide range of social and transport infrastructure,
- (xi) the pattern of existing and permitted development in the area including the emerging distributor road alignment in accordance with the statutory development plan and local area plan for the area, and
- (xii) Submissions received, and
- (xiii) the Inspector's reports

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 be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian

and traffic safety, would be adequately served by established services in the immediate vicinity including childcare services, would constitute an appropriate form of development on lands which currently have the benefit of statutory zoning which facilitates residential development and associated uses including open space, and would be in accordance with the overall provisions of the Wicklow County Development Plan 2022-2028, as varied and the Wicklow Town-Rathnew Local Area Plan 2025. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment (AA) – Stage 1:**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Wicklow Mountains SAC (site code 002122), The Murrough Wetlands SAC (site code 002249) and the Murrough SPA (site code 004186).

### **Appropriate Assessment - Stage 2**

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Wicklow Mountains SAC (site code 002122), The Murrough Wetlands SAC (site code 002249) and the Murrough SPA (site code 004186) in view of these sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in

relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

#### **Environmental Impact Assessment (EIA):**

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development. The site is located on lands zoned for residential and associated development within the Wicklow County Development Plan 2022-2028, as varied and the Wicklow Town-Rathnew Local Area Plan 2025;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;

(c) The submissions from the Planning Authority, prescribed bodies and third parties in the course of the application;

and

(d) The Inspector's reports.

The Commission considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Commission agreed with the examination, set out in the Inspector's report dated 30/05/2024, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

#### **Reasoned Conclusion on Significant Effects:**

Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Assessment Report and other information provided by the undertaker, and the submissions from the planning authority, prescribed bodies and observers during the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- **Population and Human Health:** Impacts are likely to be positive with the provision of additional housing and an increased local population that will avail of services/facilities in the area. The increased demand on services is likely to require the

upgrading of existing services and this will benefit the wider community. No significant negative impacts from the development and no significant residual effects are identified.

- Biodiversity: Impacts to be mitigated by the provision of a suitable surface water drainage network and best practice measures to be fully operated during the construction phase of the development. Suitable bat friendly lighting will be provided on site and lighting will be controlled to ensure that there is no spillage onto adjoining lands. No significant negative impacts from the development and no significant residual effects are identified.
- Land & Soils: The impacts to be mitigated by construction management measures including control/ management of water/ surface water runoff, management of works in the vicinity of water courses, management of material removal/ delivery, control of use of fuel/ chemicals/ plant and machinery and management processes for unanticipated discharges on site. A Construction Environment Management Plan (CEMP) will be put in place during the construction phase of this development. No specific measures are required at the operational stage of this development. No significant negative impacts from the development and no significant residual effects are identified, subject to appropriate mitigation measures.
- Water: The impacts to be mitigated by management of surface water run-off during construction; management/ control of materials from off-site sources, appropriate fuel/ chemical handling, and management of accidental discharges on site. Suitable monitoring measures will be put in place during the construction phase of this development. No significant negative impacts from the development are identified.
- Air Quality & Climate: The impacts will be mitigated by suitable measures taken on site during the construction phase of development. These will be detailed in the adopted Construction Environment Management Plan (CEMP). The list of measures is standard for a development of this nature. No specific measures are required at operational stage of this development.
- Noise & Vibration: Impacts will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive

locations and through the use of suitable noise control techniques on site such as the use of acoustic screening.

- **Landscape & Visual Impact:** No mitigation or monitoring measures are proposed during the construction phase. Operational phase measures will rely on the design and type of materials that will be used for the proposed units and a suitable landscaping proposal is included with the application. No monitoring measures are required during the operational phase of the development.
- **Archaeology and Cultural Heritage:** Archaeological testing will be undertaken prior to the commencement of development and will be in accordance with the requirements of the National Monuments Service. Ongoing monitoring will take place during the construction phase and no specific measures will be required in the operational phase of this development. The character of Tinakilly House and its attendant ground would not be impacted by construction and operational phase of the proposed development.
- **Material Assets – Traffic:** Impacts to be mitigated by implementation of a suitable construction traffic management measures during the construction phase, and the promotion of sustainable travel by residents during the operational phase of this development.
- **Material Assets – Waste & Utilities:** Impacts will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum.

### **Conclusions on Proper Planning and Sustainable Development:**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Commission considered that the proposed development is in accordance with the relevant provisions of the Wicklow County Development Plan 2022-2028, as varied and the Wicklow Town-Rathnew Local Area Plan 2025 and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission first noted and agreed with the overall assessment of the proposed development as set out in the inspector's first report dated 30/05/2024, wherein the inspector recommended a grant of permission. That recommendation was supported by the Commission, and it was determined that the proposed development would in substantive terms be in accordance with the proper planning and sustainable development of the area. Subsequent to that first report of the inspector, (and a further information request with the applicant and planning authority) the Commission refused permission for the proposed development on the basis of an absence of statutory land use zoning at that time, and an issue related to the Core Strategy of the Wicklow County Development Plan 2022-2028.

Following a legal exercise, the case was remitted to the Commission. It is now confirmed that statutory land zoning is in place for the subject site and this zoning facilitates its use for the purposes proposed in the application, such that a decision can be made by reference to the relevant provisions of Section 32A of the Planning and Development 2000, as amended.

In a second report, the Inspector assessed the proposed development by reference to the provisions of the Wicklow County Development 2022-2028, Variation No.2 and the Wicklow Town-Rathnew Local Area Plan 2025, insofar as they may relate to the current application. His second report dated 07/08/2025 recommended refusal for reasons related to the failure of the applicant to comply with a list of requirements – childcare, mixed games areas provision, retention of an identified 'fairy tree' - set out under Specific Local Objective SLO2 contained in the mapping of the County Development Plan and within the Local Area Plan.

While the Commission acknowledged the recommendation of the inspector on these points, it disagreed for the following reasons. With regard to childcare, SLO2 of the Local Area Plan states that any development proposal shall comply with the County Development Plan, this Local Area Plan and the following... 'provision of a childcare facility at an appropriate location on the RN1 zoned lands in line with the relevant Guidelines for Planning Authorities'.

The Commission noted the provisions of the County Development Plan which states at CPO 7.29,

*'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.'*

In addition, the Commission considered the Ministerial Guidelines 'Childcare Facilities, Guidelines for Planning Authorities' June 2001, which state, '*Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments.*'

In this regard, the Commission noted the totality of the relevant documentation on file, including a clear demonstration of available childcare capacity within the immediate catchment of the subject site (though not on the actual subject site) and confirmation from Wicklow Childcare Committee that the proposed provision of childcare for the development is acceptable. This evidence was accepted by the planning authority, and the inspector.

Thus, in line with the relevant Guidelines for Planning Authorities, CPO 7.29 of the Development Plan and the full wording of SLO 2 of the local area plan, the Commission determined that the information provided with the application regarding available childcare provision in the immediate catchment of the subject site, constitutes compelling evidence which demonstrates adequate availability without the need to provide a specific additional childcare resource within this current application. The Commission also concluded that a conditioned grant of permission for the proposed development without the direct provision of a childcare facility on the RN1 lands, would nevertheless be fully in accordance with the proper planning and sustainable development of the area and would not constitute a material contravention of the Wicklow County Development Plan 2022-2088, as varied, which incorporates both CPO 7.29 and references (via mapping) to SLO2 of the local area plan.

To conclude on the issue of childcare provision, the Commission determined that on the basis of the evidence presented within the application documentation, along with the relevant Ministerial Guidance and statutory policy context, the assessment and decision of the planning authority and the assessment of the inspector in his first report, that childcare capacity in the immediate area is available and that no requirement for a childcare facility within the confines of the current application arises.

On the matter of the retention of the 'fairy tree', as identified in the LAP, the Commission determined that, on the basis that there is no evidence on file to state that this tree cannot be retained, to the relatively modest land area (albeit centrally located within Phase Two area) upon which the tree sits and in the context of an overall understanding of proper planning and sustainable development for this subject site, including national policy and objectives in support of the delivery of housing, the retention of the 'fairy tree' can readily be secured by means of condition. This is considered appropriate and proportionate. In this regard, the Commission noted that the Concept Plan set out in the LAP, while merely a reflection of what might be plausible at this location, is a useful indicator as to the capability of the Phase Two area to contain residential development and retain the 'fairy tree' as part of an overall design format. Condition No. 2 attached to this Order enables the retention of the fairy tree in the context of the current application, while allowing for reconfiguration of the

relevant section of the overall development to provide residential development by means of a separate consent exercise retaining the 'fairy tree' as part of the layout of any such further consent.

On the matter of the provision of a mixed games area, the Commission determined that, in the context of an overall understanding of proper planning and sustainable development for this subject site, including national policy and objectives in support of the delivery of housing, it is reasonable, appropriate and in accordance with the spirit and intent of the provisions of SLO2 that a conditioned grant of permission should issue. While it is recognised that any further application for reconfiguration of the original proposed Phase 2 area, or a consent for a mixed games area elsewhere within the overall SLO 2 area, cannot be confirmed as certain, the full wording of SLO2 allows for an element of housing on RN1 lands (no more than 20% unless otherwise agreed with the planning authority) to be provided. This is considered reasonable and appropriate and in accordance with the overall zoning and related provisions of the County Development Plan and Local Area Plan as they apply to this subject site and wider area. In this regard the Commission has also attached a phasing condition.

To conclude on these matters, the Commission determined that the grant of permission as set out, including conditions which provide for the retention of the 'fairy tree' and facilitate a reconfiguration of available land to enable future consent for and provision of a mixed games area (whether within the current application site or elsewhere within the SLO2 area), does not constitute a material contravention of the Wicklow County Development Plan 2022-2028, as varied, nor would be inconsistent with the totality of the relevant provisions of the Local Area Plan.

On the basis of the above consideration and assessment, the Commission determined that a refusal of permission in the form as recommended by the Inspector was not

warranted and a conditioned grant of permission would 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, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The development shall be amended as follows:

(a) The residential units and associated roads (with the exception of the roadway within Phase 2 which directly serves the residences within Phase 3) and open space areas set out within Phase 2 as identified on Drawing 2110-STW-SIT-ZZ-DR-A-0112 (PL.1) submitted with the application shall be omitted. Any future development on this Phase Two area shall be developed in accordance with the relevant provisions of Objective SLO2 of the Wicklow Town-Rathnew Local Area Plan 2025.

(b) The total number of dwellings permitted is 223.

**Reason:** To ensure the retention of the 'fairy tree' and to ensure available space allocation for active playground/sports facilities within the overall SLO2 area of which the application site forms part, in any future application/s, in the interest of overall residential amenity.

3. The development shall be carried out on a phased basis, which shall be agreed in writing with the Planning Authority.

**Reason:** In the interest of orderly development.

4. The Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application shall be carried out in full.

**Reason:** In the interest of protecting the environment.

5. The Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement submitted with this application shall be carried out in full.

**Reason:** In the interest of protecting the environment.

6. The developer shall enter into water and waste water connection agreement(s) with Uisce Éireann, prior to commencement of development.

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

7. 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 and surface water management

8. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

9. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit and demonstrate that it is bat friendly.

**Reason:** In the interests of amenity and public safety, and to ensure the protection of bats.

11. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. 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.

**Reason:** In the interests of visual and residential amenity.

13. The road network serving the proposed development, including turning bays, junction with the public road, footpaths and kerbs, shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

14. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

15. A minimum of 10% of all car parking spaces serving the apartments shall be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

16. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

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

17.

(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

18. (a) 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 for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

20. 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:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

**Reason:** In the interest of amenities, public health and safety.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, from 0800 to 1400 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.

22.

(a)

Unless otherwise agreed in writing with the planning authority, prior to the commencement of any residential unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b)

An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c)

The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory

documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form

and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

25. 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.

26. 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 Supplementary Development Contribution Scheme (Wicklow Port Access and Town Relief Road) made under section 49 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 49 be applied to the permission.