

An
Coimisiún
Pleanála

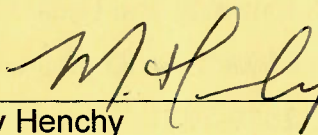
Direction
CD-020508-25
ABP-322479-25

The submissions on this file and the Inspector's report were considered at a meeting held on 19/08/2025.

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

Planning

Commissioner:


Mary Henchy

Date: 19/08/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Commission had regard to the following:

- (a) The need to plan for increased growth in accordance with the National Planning Framework, First Revision, April 2025, and the flexibility that applies to projected targets for future growth, including National Policy Objective 11.
- (b) The flexibility that applies to the Core Strategy housing targets set out in the Wicklow County Development Plan 2022-2028, and the zoning of the site as 'New Residential - Priority 1' in accordance with the Blessington Local Area Plan 2025.

- (c) The nature, scale and design of the proposed development, which is in accordance with the policies and objectives of the Wicklow County Development Plan 2022-2028 and the Blessington Local Area Plan 2025;
- (d) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- (e) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023;
- (f) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024;
- (g) The provisions of Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities, issued by the Department of the Environment, Heritage and Local Government in 2007;
- (h) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- (i) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (j) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Office of Public Works and Department of Environment, Heritage and Local Government, 2009;
- (k) The Childcare Facilities Guidelines for Planning Authorities, issued by the Government of Ireland, 2001;
- (l) The Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, July 2023;
- (m) The submissions and observations received;
- (n) The reports from the Planning Authority; and
- (o) The reports of the Planning Inspector.

The Commission noted the Order of the High Court (H.JR.2024.0001371) remitted solely the part of the Board's decision that related to the refusal of 329 no. residential

units (319657-24) and not the Town Park or the extension to the Blessington Inner Relief Road that had been approved.

The Commission noted the Inspectors report is an addendum report, and that in this report the Inspector recommended the addendum report (reference 322479-25) should be read in conjunction with the Inspectors report ref 319657-24. The Commission therefore considered both reports, noting that sections of the 319657 report that relate to the Town Park and Blessington Inner Relief Road are settled. For the avoidance of doubt, relevant sections of the Inspectors Report ref 319657-27 included but not limited to are; all submissions and observations, Section 8.2 Water Quality, 8.5 Social Infrastructure, 8.6 Traffic, the Environmental Impact Assessment and the Screening for Appropriate Assessment, this in addition to the totality of the report reference number 322479 informed this consideration.

The Commission also considered the content of the submissions received from all parties on foot of, the further information request issued in accordance with Article 73A(1)(a) of the Planning and Development Regulations, 2001 (as amended), and under the request issued in accordance with Section 131 of the Planning and Development Act 2000 (as amended), both subsequent to the High Court Order.

Climate Action

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale, and location of the proposed development adjoining the serviced urban area, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the Appropriate Assessment documentation submitted with the

application, the incorporation within the proposal of best-practice standard measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site, the submissions and observations on file, the reports of the planning authority, and the Planning Inspector's reports. In completing the screening exercise, the Commission agreed with and adopted the reports of the Planning Inspector that, by itself or in combination with other development, plans and projects in the vicinity (including the Town Park and Inner Relief Road permitted under ABP-319657-24), 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, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

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

- (a) The nature, scale, location, and extent of the proposed development (including the cumulative impact of the Town Park and Inner Relief Road permitted under ABP-319657-24);
- (b) The Environmental Impact Assessment Report and associated documentation submitted with the application and the appeal response;
- (c) The content of the appeals, the reports of the planning authority, and the submissions received from third parties and prescribed bodies; and
- (d) The reports of the Planning Inspector.

Reasoned Conclusions on the Significant Effects:

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 is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Commission agreed with the summary and examination, set out in the Inspector's reports, 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 is

satisfied that the Inspector's reports set out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Commission's decision.

The Commission considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- **Population and Human Health:** Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- **Population and Human Health:** Positive cumulative socioeconomic effects through the availability of improved transport facilities and public open space associated with the development permitted under ABP-319657-24.
- **Biodiversity:** Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including lighting and landscaping) which will retain and protect important habitats, and features.
- **Biodiversity:** Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.
- **Land, Soil, & Geology:** The loss of land and soil of high importance due to the potential for granular aggregates, which would be mitigated by the delivery of improved facilities and amenities in accordance with the proper planning and sustainable development of the area.
- **Water:** Construction stage impacts on groundwater and surface water quality, including associated downstream impacts on drinking water and biodiversity, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.

- **Water:** Operational stage surface water discharges to groundwater and the adjoining Deerpark Stream, including associated downstream impacts on drinking water and biodiversity, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- **Landscape:** Changes to the localised landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.
- **Cultural Heritage:** Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.
- **Cultural Heritage:** Positive cumulative impacts associated with the Town Park permitted under ABP-319657-24, which protects, enhances, and promotes the cultural heritage value of the historic landscape, including the Downshire House site and its associated features.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the proposed mitigation measures as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Commission adopted the report and conclusions of the reporting inspector.

Conclusions on Proper Planning and Sustainable Development:

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Wicklow County Development Plan 2022-2028 and Blessington Local Area Plan 2025, would provide an acceptable quantum of residential development at this location which would be served by an appropriate level of physical and social / community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or the

amenities of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increasing the risk of flooding to other lands, would be capable of being adequately served by wastewater, surface water, and water supply infrastructure in a manner which would not adversely impact on water quality or regime, and would not seriously detract from the ecological or archaeological value of the area. The proposed development would, therefore, contribute to good placemaking and 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 received by the planning authority on the 19th day of December 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. This permission relates only to the Large-Scale Residential Development comprising, *inter alia*, 329 no. residential units and associated development. For the avoidance of any doubt, it does not relate to the proposed 10.65 Hectare Town Park or the extension of the Blessington Inner Relief Road (previous permission ABP-319657-24 refers).

Reason: In the interest of clarity.

3. The mitigation measures relevant to the development hereby permitted (i.e. as per Condition No. 2 (above)), as contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. The proposed development shall be amended as follows:
- (a) A pedestrian/cycle route shall extend in a northeast direction from the eastern side of the proposed pedestrian bridge to facilitate a link at the site boundary (i.e. the boundary to the rear of the duplex block).
 - (b) A total of 57 no. car-parking spaces shall be provided to serve the proposed apartment block.
 - (c) The provision of an area for a dog park within the new town park (previous permission ref ABP 319657)

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of transport convenience and permeability.

5. (a) No dwelling units shall be occupied until the new town park (previous permission ABP-319657-24 refers), is completed in full.
- (b) No dwelling units shall be occupied until the northern section of the Blessington Inner Relief Road (previous permission ABP-319657-24 refers) is completed in full and is available for public use.
- (c) In addition to (a) and (b) above, the development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
- (d) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

6. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the requirements of the ecological mitigation measures contained within the Environmental Impact Assessment Report. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

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 and shall be designed in accordance with the guidance document "Implementation of Urban Nature-based Solutions: Guidance

Document for Planners, Developers and Developer Agents" (LAWPRO 2024). Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

8. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

10. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction relating to working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall.

be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of residential amenities, public health and safety, and environmental protection.

11. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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 amenities of property in the vicinity.

13. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and 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.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site in accordance with the Environmental Impact Assessment Report mitigation measures. 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 who shall monitor all site investigations and other excavation works, and
- (c) 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 Coimisiún 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.

- 15. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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 to ensure an appropriate high standard of development.

- 16. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping details and drawings submitted with the application, as amended by the further plans and particulars received by the planning authority on the 19th day of December 2023. This work shall be completed before any of the dwellings are made available for occupation, unless otherwise agreed in writing with the planning authority, and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

- 17. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

18. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (b) All proposed parallel parking spaces shall be accessible.
- (c) Electric Vehicle charging facilities shall be in accordance with the requirements of the planning authority.
- (d) The final details of the size, structure, and materials/finishes of the proposed pedestrian bridge shall be in accordance with the requirements of the planning authority.

Proposals in respect of the above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

19. A Road Safety Audit shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the relevant planning authority and all measures recommended by the Auditor shall be undertaken unless the relevant planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development.

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

20. 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.

21. 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, 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

22. (a) The three marketing signs and marketing suite shall be removed not later than 3 years from the date of erection and the sites of the structures shall be reinstated unless planning permission has been granted for their retention for a further period prior to that date.
- (b) A written and photographic record of the erection of the structures shall be submitted to the planning authority within one month of their erection.

Reason: In the interest of visual amenity and orderly development.

23. (a) 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, 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 residential 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.

24. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

25. 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 Coimisiún Pleanála for determination.

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

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 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 Coimisiún 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.