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## **Planning and Development Acts 2000 to 2018**

### **Planning Authority: Wicklow County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11<sup>th</sup> day of September 2018 by Kimpton Vale Limited care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

#### **Proposed Development:**

A strategic housing development on lands at Bullford, Kilcoole, Co. Wicklow. The site is located to the west of Main Street, Kilcoole.

The development will consist of the construction of 267 number residential units, five number retail units, four number office units, a childcare facility, an innovation hub facility including adjacent civic space, internal roads, car parking, pedestrian and cycle paths, public open space, and all associated site and infrastructural works to facilitate connection to all public services.

The 267 number residential units will consist of:

- 30 number four-bed semi-detached houses (Type A)
- 7 number four-bed detached houses (Type B)
- 56 number three-bed end-terraced houses (Type C)
- 38 number three-bed mid-terraced houses (Type D and D1)
- 29 number three-bed townhouses (Type E)
- 18 number three-bed semi-detached houses. (Type F)

- 5 number two-bed bungalows (Type G)
- 42 number two-bed duplex apartments (Type H1)
- 42 number three-bed duplex houses (Type H2)

The housing units will be two to three storeys in height and the duplex / apartment buildings will be three storeys in height. The four number office and five number retail units are proposed in two number two-storey buildings fronting onto Main Street, Kilcoole, with a gross floor area of 615 square metres and 821 square metres respectively. The childcare facility and innovation hub facility will comprise of two number three-storey buildings with a gross floor area of 905 square metres and 785 square metres, respectively.

The associated site and infrastructural works include foul and surface water drainage, attenuation tanks, 602 number car parking spaces consisting of 501 number spaces for the residential units and 101 number spaces to serve the proposed retail and office units, the childcare facility, innovation hub facility and to replace an existing car park on site, public open space, bicycle parking and bin storage, landscaping, street lighting, walls, railings and fences.

The proposal includes upgrades / improvements to Main Street to facilitate the two main vehicular access points and upgrades / improvements to Farm Lane to tie-in with the permitted development to the south, which requires the carrying out of works on local authority lands and which will be carried out through agreement with the local authority.

## **Decision**

**Refuse permission for the above proposed development based on the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. There is a lack of certainty in relation to the wastewater network capacity, pump station capacity and the water storage requirements for the development. Having regard to the existing deficiency in the provision of adequate sewerage and water supply infrastructure serving the subject site, it is considered that the proposed development would be premature by reference to the existing deficiencies in the provision of sewerage and water supply facilities and the period within which this constraint may reasonably be expected to cease, and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the information provided in the Report for the purposes of Appropriate Assessment Screening, dated the 26<sup>th</sup> day of June 2018, and the absence of any assessment of the potential for effects from the deficiencies in the existing municipal sewer network and treatment system, the Board could not be satisfied that the potential for effects on Special Conservation Interest bird species of The Murrough Special Protection Area (site code 004186) or the potential effects on qualifying interests (annual vegetation of drift lines, perennial vegetation of stony banks, Atlantic salt meadows, Mediterranean salt meadows, Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* and Alkaline fens) within the The Murrough Wetlands Special Area of Conservation (site code 002249) could be logically ruled out.

The Board therefore cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites, The Murrough Special Protection Area and The Murrough Wetlands Special Area of Conservation in view of the sites' conservation objectives.

3. The proposal for the construction of 14 number residential units, namely 113-122, on lands zoned open space would materially contravene an objective indicated in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, which objective is considered reasonable. It is considered that the inclusion of these houses, within an area of land in which residential development is not permitted, would not be in accordance with Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Accordingly, the Board is not in a position to grant permission for these residential units.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018**