

An
Bord
Pleanála

Board Order
ABP-306905-20

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: 20/15

Appeal by Aysar Barbouti care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Wicklow and by others against the decision made on the 3rd day of March, 2020 by Wicklow County Council to grant subject to conditions a permission to Joe O'Neill care of Joe McDonald of Emoclew, Drumkay Court, Wicklow Town, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Completion of 366.32 square metres first floor bedroom extension and roof to existing ground floor plan, consisting of dining room, reception, sun lounge, toilets, store, lift and lobby to existing ground floor extension, car parking, connection to existing services and site ancillary works granted planning reference number 08/20 at Woollen Mill, Derrybawn, Laragh, County Wicklow. Further public notices were received by An Bord Pleanála on the 25th day of February, 2021.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the planning history of the site, the provisions of the current Wicklow County Development Plan and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment – Stage 1 (Screening)

The Board 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 a zoned and serviced urban site, the documentation submitted with the application and appeal, the Inspector's Reports dated the 8th day of October, 2020 and the 9th day of May, 2022 and the submissions on file. In completing the screening exercise, the Board 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 Special Area of Conservation (Site Code 002122) where the proposed development has the potential to have a significant effect in view of the conservation objectives for these sites and for which Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and the revised Natura Impact Statement submitted with An Bord Pleanála on the 10th day of December, 2020 and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development on the Wicklow Mountains Special Area of Conservation (Site Code 002122) in view of the site's conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board 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 site.

In completing the Appropriate Assessment, the Board 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 site, having regard to the site's conservation objectives.

In overall conclusion, the Board 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 site's conservation objectives. 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.

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 An Bord Pleanála on the 10th day of June 2020, the 22nd day of June, 2020 and the 10th day of December 2020, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures and monitoring commitments identified in the Ecological Impact Assessment Report and the Natura Impact Statement received by An Bord Pleanála on the 22nd day of June 2020, and the revised Natura Impact Statement received by An Bord Pleanála on the 10th day of December, 2020 and other plans and particulars submitted with the application, shall be carried out in full, except as may otherwise be required in order to comply with other conditions.

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

3. The proposed development shall be amended so that the layout of the courtyard car parking area shall be in accordance with the Revised Site Layout Plan drawing number JONL/4–20A submitted to An Bord Pleanála on the 22nd day of June, 2020.

Reason: In the interest of the maintaining the location of the existing 'Green Road' on site and the proper planning and sustainable development of the area.

4. A revised site layout plan indicating an oil interceptor within the new car parking area located to the northern section of the site shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of public health and to protect local water sources.

5. (a) Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The light scheme shall include proposals for 'bat sensitive' lighting.
- (b) The proposed external lighting design shall comply with the Guidance Notes for the Reduction of Obtrusive Light GN01:2011. Prior to the commencement of use of any lighting, confirmation, from a suitably qualified professional that the development complies with this standard shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of the environment, residential amenity and public safety.

6. Any clearance of vegetation from the site, including the felling of trees, shall be carried out during the period September to February only.

Reason: In the interest of nature conservation and to prevent the destruction of nests, eggs and nestlings of breeding birds.

7. The construction of the development shall be managed in accordance with an updated 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 hours of working, noise management measures, dust minimisation measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. Prior to commencement of development, the developer shall confirm in writing with the planning authority, the chosen route option for connection from the site to the public foul mains sewer.

Reason: In the interest of clarity.

9. 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.

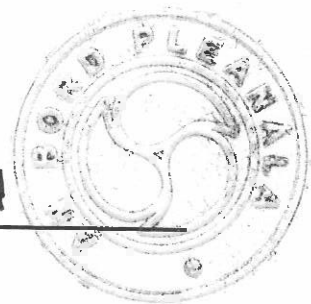
Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 15th day of June 2022.