

An  
Bord  
Pleanála

Board Order  
ABP-314715-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 22/777**

**Appeal** by Dublin Letting and Management Limited care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 2<sup>nd</sup> day of September, 2022 by Wicklow County Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of the existing derelict dwelling (64.7 square metres) and outbuildings (145.8 square metres); the construction of a residential scheme comprising of four number houses (two number three bedroom, two-storey house and two number four bedroom, two-storey with dormer attic houses); 10 number car parking spaces; cycle parking; hard and soft landscaping; public lighting; boundary treatments; internal roads and reconfiguration of existing entrances at L5046 to provide a single multi-modal entrance; and all associated works above and below ground on a 0.3076 hectare site at Willow Cottage and the L5046 Local Road, Johnstown, Kilpedder, County Wicklow.

## **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 nature and scale of the proposed development for four houses located within the settlement boundary of Kilpedder, it is considered that the proposal would be in accordance with the Wicklow County Development Plan 2022-2028 and, 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 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have significant effects on a European site. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of the Appropriate Assessment Screening.

## 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 29<sup>th</sup> day of September 2022, 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. (a) The use of two (2) of the proposed dwellings shall be restricted to persons who comply with the Settlement Strategy for a Level 7 – Village (Type 1) as set out in the Wicklow County development Plan 2022-2028 and as the planning authority agrees to in writing. This requirement shall be embodied by a legal undertaking by the occupant of every dwelling restricted by this condition and shall be registered as a burden against the title of the land in the Land Registry or Registry of Deeds and shall be of seven years duration from the date of first occupation. Evidence of this registration shall be submitted to the planning authority within six months of the occupation of the dwelling.
- (b) No development shall commence on the houses until the sites to be restricted in accordance with this condition have been confirmed in writing with the planning authority.
- (c) No occupation of any dwelling shall occur until confirmation from a solicitor with professional indemnity insurance that the dwellings have been sold in accordance with this condition.

(d) Within two months of the occupation of any dwelling restricted by this condition the occupier shall submit to the planning authority, a written statement of confirmation of the date of occupation of the dwelling.

**Reason:** To ensure that the proposed houses are suitably restricted to meet the local growth needs as opposed to regional needs and in the interest of sustainable development.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. Proposals for an estate/house 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 numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

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

6. 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.

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development.

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

8. The landscaping scheme, as submitted to the planning authority on the 12<sup>th</sup> day of July 2022, shall be carried out within the first planting season following substantial completion of external construction works. Hedges and trees shall not be removed during the nesting season, (i.e. March 1<sup>st</sup> to August 31<sup>st</sup>). All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

9. The areas shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.

**Reason:** In the interest of the amenities of the occupants of the proposed housing

10. Prior to the commencement of development, the developer shall have a Stage 2 Road Safety Assessment, (RSA), carried out by an independent, approved, Road Safety Auditor and submitted to the planning authority for written agreement.

**Reason:** In the interests of orderly development and public safety.

11. The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, sightlines, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points.

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

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. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

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

13. 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.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays 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 residential amenities of property in the vicinity.

15. 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 sustainable waste management.

16. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.



17. 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.

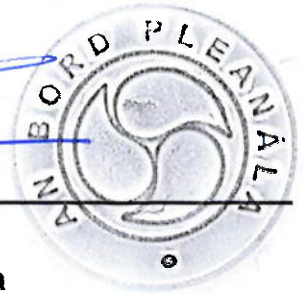
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

18 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 of roads, footpaths, watermains, drains, 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 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 of the development.

  
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**Joe Boland**

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



Dated this *1<sup>st</sup>* day of *March* 2024.