

An
Bord
Pleanála

Board Order

ABP-318978-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/390

Appeal by Keatingstown Residents Association on behalf of Sylvie Narp of 29 Keatingstown, Wicklow Town, County Wicklow against the decision made on the 8th day of January, 2024 by Wicklow County Council to grant, subject to conditions a permission to Noeleen Dickenson care of Alphaplan Design, Suite 14, Block 1, Broomhall Business Park, Rathnew, County Wicklow.

Proposed Development: Demolition of existing structures including a dwelling and farm sheds and proposed residential development consisting of 13 dwellings with connection to services and associated works including new road, footpaths, public lighting, open space, boundaries, landscaping, attenuation system with entrance location at existing farmyard entrance all, at Keatingstown Farmyard, Ballynerrin Townland, Wicklow, 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 relevant objectives of the Wicklow County Development Plan 2022-2028, the National Planning Framework including specific objectives to consolidate residential growth in urban areas, the Sustainable Residential Development and Compact Settlements Guidelines issued by the Department of Housing (January 2024), the nature of the proposed development, and the pattern of development in the surrounding area, the documentation on file including the full detail on ecology/bats submitted by the applicant subsequent to a further information request from the Commission and the response commentaries from the third party, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with relevant policies and objectives of the development plan, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would provide an acceptable standard of amenity for future occupants, would not give rise to a traffic hazard, would not be prejudicial to public health and would constitute an acceptable form of development at this location adequately integrating with the adjoining residential development. The proposed development would, therefore, 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 planning application, as amended by the further plans and particulars received by the planning authority on the 4th day of December 2023, and to An Coimisiún Pleanála on the 24th day of June 2025 and the 26th day of September 2025, 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. The mitigation measures as outlined in the 'Bat Fauna Impact Assessment (20th day of June 2025), received by An Coimisiún Pleanála on the 24th day of June 2025 and the 26th day of September 2025, prepared by Altemar Marine and Environmental Consultancy shall be implemented as part of the development and shall be supervised by a qualified Ecologist.

Reason: In the interest of environmental protection and nature conservation.

3. The proposed development shall be amended as follows: -
The west facing elevation of house number 7 shall be redesigned as a dual fronted dwelling to provide additional enhanced frontage onto the internal access road. Revised plans and elevations incorporating the above amendments shall be submitted to the planning authority for written agreement, prior to commencement of development.

Reason: In the interest of the protection of residential amenity.

4. Prior to commencement of development, drawings which detail the design and finish of the proposed bin and bicycle storage areas as indicated on drawing number KFY-23-01A shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and visual amenity, and to prevent littering.

5. A comprehensive boundary treatment scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

This scheme shall include the following: –

- (a) All rear gardens shall be bounded by block walls, 1.8 metres in height, capped and rendered, on both sides.

- (b) Details of boundary treatment proposals relating to the sides and front of each dwelling.
- (c) Details of all boundary treatments relating to the adjoining lands, and to the boundaries of the site.
- (d) Detail proposals for the re-use of salvaged original stonework to be used on boundary treatments, from the demolished structures.

Reason: In the interests of residential and visual amenity.

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.
 - (a) The developer shall submit a lighting scheme plan for the written agreement of the planning authority. All external lighting shall be designed and installed using best practice to reduce impacts on bats and other wildlife in accordance with 'Bat and Lighting, Guidance Notes for: Planners, Engineers, Architects and Developers December 2010'.
 - (b) The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of environmental protection, the protection of bats and in the interest of amenity and public safety.

7. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

8. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the

disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

9. (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) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

10. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtailage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

11. (a) An Arboricultural Impact Assessment shall be carried out by a qualified arborist or landscape architect and shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of

each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained. It shall identify any trees that have potential for use as bat roosts.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of environmental protection and nature conservation and visual amenity.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) Existing boundaries, trees, hedgerows specifying which are proposed for retention as features of the site landscaping.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (iv) Details of roadside/street planting.
- (v) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (vi) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (vii) A timescale for implementation including details of phasing where required.

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 interest of residential and visual amenity.

13. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed 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.

14. 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 shall be relocated underground as part of the site development works.

Reason: In the interest of visual and amenity.

15. Proposals for the numbering scheme and associated signage shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development. Thereafter, all numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

16. The details, type and positioning of the proposed lighting shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure that design requirements are met in the interest of orderly development.

17. 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. The plan shall provide details of intended construction practice for the proposed development, including management of construction traffic, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

18. Site development and building works shall be carried out only between the hours of 0700 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.

19. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Wicklow County Council's Taking in Charge Policy and Completion of Developments Policy 2010. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning

authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

20. (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 such specified residential unit, it is demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each specified 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 under (b) shall be subject to receipt by the Planning Authority and housing authority of satisfactory documentary evidence from the application or any person with an interest in the land regarding the sales and marketing of the specified residential 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 condition has been discharged in respect of each residential 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.

21. 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 on the land 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.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 satisfactory reinstatement of the site.

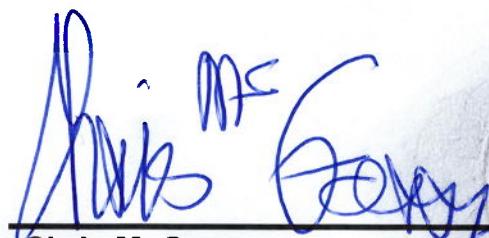
23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on

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.

24. The developer shall pay to the planning authority a financial contribution in respect the Wicklow Port Access and Town Relief Road benefiting the area in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority 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 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Chris McGarry

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

Dated this 12th day of January 2025.