



An
Coimisiún
Pleanála

Commission Order
ABP-322525-25

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 24/60516

Appeal by Robert Kavanagh and Mandy Hunter of Ballymacahara Road, Ashford, County Wicklow against the decision made on the 28th day of April, 2025 by Wicklow County Council to grant permission subject to conditions to O'Neill Electrical and Michelle Esmonde care of Plan 8 Architects of Church Road, Delgany, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Construction of four number dwellings comprising 226.8 square metres each, split level arranged over one to three storeys. (2) Access to each dwelling directly off existing Ballymacahara Road (L5095 Public Road). (3) Connection to all public services via existing housing development. (4) All necessary ancillary works to facilitate this development all at lands located off Ballymacahara Road, Ashford, County Wicklow, as revised by further public notices received by the planning authority on the 16th day of April, 2025.

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 provisions of the Wicklow County Development Plan 2022-2028, including the zoning objective for the site ('RE – Existing Residential') where the objective is to protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity and would provide an acceptable standard of amenity for future residents. 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 application to the planning authority, as amended by the further plans and particulars received by the planning authority on the 7th day of April 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. Details of the materials, colours, and textures of all the external finishes to the proposed building and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

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

3. Prior to commencement of development, the developer shall submit an acceptable naming and/or numbering scheme for the written agreement of the planning authority.

Reason: In the interest of orderly development.

4. 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 interests of public health and surface water management.

5. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

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

6.
 - (a) Prior to commencement of development, final design details of all earthworks and associated retaining structures shall be submitted to, and agreed in writing with, the planning authority. The details shall be accompanied by an Engineering Report setting all cut and fill requirements, rock excavation methods and rock stability requirements, and detailed design of the retaining structures, including any associated safety fencing/railings at the top of all retaining structures.
 - (b) Prior to occupation of any dwelling, a Certificate from a Chartered Engineer, or other suitably qualified Professional, with professional indemnity insurance, shall be submitted, certifying all earthworks, rock excavations, and retaining structures have been carried out and constructed in accordance with the details agreed under (a) above and relevant Engineering Standards.

Reason: To ensure that all earthworks and retaining structures have been carried out and constructed such that the slope stability of the site and surrounding lands have been protected and in the interest of proper planning and sustainable development.

7. 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. Such lighting shall be provided prior to making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

8. 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 interests of visual and residential amenity.

9. 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 or public holidays. Deviation from these times shall 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.

10. 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. This plan shall provide details of intended construction practice for the development, including noise, dust, debris management measures, traffic management measures, and off-site disposal of construction waste.

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

11. 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 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.

12. 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.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *3rd* day of *September*, 2025.

