



An  
Coimisiún  
Pleanála

**Commission Order**  
**ACP-323367-25**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 25/60387**

**Appeal** by Certain Assets of Dawnhill and Windhill Limited care of McGill  
Planning of 9 Pembroke Street Upper, Dublin against the decision made on  
the 16<sup>th</sup> day of July, 2025 by Wicklow County Council to refuse permission.

**Proposed Development:** Demolition of three number structures on site  
including a two-storey habitable house (total gross floor area of 207 square  
metres) and two number sheds/outbuildings (circa 580 square metres).  
Closures of two number existing entrances onto the Kilbride Road (L-6179).  
Construction of a new residential development and local centre comprising:  
666 number units (578 number semi-detached and terraced housing (100  
number two-bed, 317 number three-bed, 161 number four-bed) and 88  
number apartments and duplex apartments (24 number one-bed, 51 number  
two-bed and 13 number three-bed)). All residential units will have associated  
private open space facing north/south/east/west. The proposal will also  
include a local centre (circa 2,335 square metres) comprising a creche (circa  
1,095 square metres) with outdoor play area, three number  
community/medical units (circa 450 square metres), and three number retail  
units (circa 790square metres). Building heights within the development will

range from one to five storeys. The development will include streets, pedestrian/cycle links, open spaces/parks (with play areas) and will include amendments to the permitted open spaces and access road granted as part of the Phase 1/Character Area 1a development (planning register reference number 23/756) on the subject lands. The development will also include a public boardwalk/bridge for pedestrians and cyclists from the development across Arklow Town Marsh and the Avoca River to the Arklow Riverwalk north of Arklow Town Car Park and the Town Centre, with the bridge element (and associated works) across the Avoca River constructed atop the concrete columns (debris traps) permitted as part of the Arklow Flood Relief Scheme (An Coimisiún Pleanála reference number ABP-310368-21). All associated site development works, site reprofiling, infrastructural and drainage works, surface water attenuation and natural attenuation areas, connection to public services and utilities (including undergrounding of ESB lines), provision of substations, bin stores, bicycle stores, car and cycle parking at surface and undercroft levels, public lighting, landscaping and planting, public/communal/private open spaces and boundary treatment works, all at Kilbride, Arklow, County Wicklow. This development will form part of the designated Kilbride Action Area Plan AAP3.

## **Decision**

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

## Reasons and Considerations

1. Having regard to the population targets and housing requirements for Arklow set out in the Core Strategy of the Wicklow County Development Plan 2022-2028, to the Spatial Development Strategy set out in the Arklow and Environs Local Area Plan 2018 whereby the granting of residential planning permissions is intended to ensure these targets are not exceeded and proceed in the order of priority set out in Appendix D, to the number of current extant permissions in Arklow, to the quantum of new housing being proposed, and to the location of the proposed development site in a Priority 3 development area (AAP3) in Arklow, it is considered that the excessive scale of proposed development would result in the population targets and housing requirements set out in the Core Strategy being substantially exceeded, and would be sequentially premature pending the further development of lands within Priority 1 and Priority 2 development areas which will also allow for the delivery of the 'port access road' which is deemed an essential piece of road infrastructure for the wider town to remove port bound traffic from the main street and town centre. In the absence of any satisfactory demonstrable exceptional circumstances to warrant contravention of the above principles, it is considered the proposed development would not be in accordance with Policy Objectives 4.1 and 6.19 of the Wicklow County Development Plan 2022-2028 and Objectives H2 and H4, and Appendix D of the Arklow and Environs Local Area Plan 2018. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The submitted Environmental Impact Assessment Report does not present or assess route alternatives for the boardwalk through, or around, the Arklow Marsh proposed Natural Heritage Area and it is not apparent how the scope of environmental baseline information presented has informed the selection of the proposed boardwalk route

directly through Arklow Marsh proposed Natural Heritage Area. In the absence of such information, it has not been satisfactorily demonstrated that the construction and operation of the boardwalk, along the proposed route through Arklow Marsh proposed Natural Heritage Area, is most likely to avoid/suitably mitigate significant impacts or to maintain the favourable conservation status. It is, therefore, considered the proposed development would not be in accordance with Policy Objective CPO 17.8 of the Wicklow County Development Plan 2022-2028 or Policy Objective HT1 of the Arklow and Environs Local Area Plan 2018.

3. The commencement and completion of the boardwalk and pedestrian bridge as part of this proposed development is entirely predicated on the commencement and completion of elements of a separate and unrelated grant of planning permission in the area (that is, ABP-310368-21, the Arklow Flood Relief Scheme). Therefore, the commencement and completion of the development, as proposed and environmentally assessed, is not in the control of the applicant. In such circumstances, it is considered the development as proposed and assessed in the submitted Environmental Impact Assessment Report is premature pending the commencement of the approved Arklow Flood Relief Scheme.

While the Commission agreed with the Inspector's assessment with respect to material contravention, in deciding not to accept the Inspector's recommendation to grant permission the Commission did not accept the submission of the Applicant or the assessment of the Inspector that conflicting policies and exceptional circumstances exist to justify contravention of the Development Plan and Local Area Plan.

The Commission concurred with the Inspector on a numbers-based assessment that the proposed development for 666 residential units, in conjunction with the 802 extant permissions, would result in a total of 1,468 units permitted during the lifetime of the development plan. However, the Commission did not accept the Applicant's submission that a pattern of development, at a rate slower than projected, meant the housing and population targets for the lifetime of the plan are unlikely to be met, because extant permissions can be commenced at any point in the lifespan of their approval and there is sufficient reason, in the current policy climate of land and housing activation along with the delivery of new Wastewater Treatment Plant in Arklow, to consider that a significant quantum of extant permissions may proceed. Therefore, the Commission concurred with the planning authority and considered it appropriate, in this instance, that extant permissions be included in the Core Strategy calculations. Regarding the deployment of the Section 28 guidelines National Planning Framework Implementation: Housing Growth Requirements 2025, to project possible future levels of growth that may be allocated to Arklow Town by the planning authority thereby creating some potential headroom to exceed Core Strategy targets, the Commission noted that these Guidelines (page 4) clearly state 'the Guidelines provide the basis for ensuring that the Revised NPF takes effect within the planning system in a plan-led manner as required by the Planning and Development Act 2000 (as amended) and, for the avoidance of doubt, the Guidelines alone may not be relied on for the purposes of any consenting or permitting process and the purpose of the Guidelines is to inform a plan review or variation processes'. In relation to any flexibility conferred by Zoning Principle 1, the Commission is satisfied no quantitative restriction inferred from the Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites creates no ambiguity in relation to the proposed development of 666 units at AAP3 - a greenfield site more distant from the town centre. Regarding the development of Priority 3 lands above Priority 1 and Priority 2 lands, the Commission did not consider itself constrained by a precedent principle of ABP-319604-24 that granted permission for 84 residential units on

AAP3 lands because the scale of this proposed development of 666 residential units is significantly different that, if granted, could potentially overwhelm the Core Strategy targets for Arklow Town and fundamentally undermine the Spatial Development Strategy for Arklow Town and Environs as agreed by the Elected Members. In light of the scale of this proposed development, the Commission considered priority must be afforded to the future development of Arklow Town proceeding on a plan-led rather than developer-led strategy. To that end, the Commission considered the proposed scale of the planning authority's Spatial Development Strategy and priority development areas to be clearly set out in Appendix D of the Arklow and Environs Local Area Plan 2018, had regard to the Draft Arklow Local Planning Framework, and in noting the submission of the Applicant and the counter submission from Observer with respect to a possible infrastructural deficit in relation to priority 2 lands, reached a balanced view that exceptional circumstances have not been satisfactorily demonstrated to justify developing AAP3 lands at this scale.

Regarding the second reason for refusal set out above, the Commission noted the Inspector's assessment of alternatives within the Environmental Impact Assessment Report that these had evolved through a sequence of historical proposals. In disagreeing with the Inspector however, the Commission considered that while clear alternatives were set out in relation to the design and layout of the proposed housing, where the boardwalk across Arklow Marsh proposed Natural Heritage Area was concerned no real alternatives were set out beyond the proposed route or not having a boardwalk at all. As the boardwalk and pedestrian bridge represented a key element of the proposed development, the Commission had no way of ascertaining from the available baseline information presented whether this boardwalk route was the least impactful route option for the protection of the proposed Natural Heritage Area in line with development plan requirements. While the option to omit the boardwalk as suggested by the Applicant was considered by the Commission, it decided that this was not the proposed development that was assessed across the full suite of environmental parameters in the

Environmental Impact Assessment Report. While the boardwalk omission may have been considered from a traffic perspective, this relates to just one of the necessary range of environmental considerations across the EIAR that weren't available to inform the Commission's determination.

Regarding the third reason for refusal, the Commission considered the boardwalk and pedestrian bridge constituted a key aspect of the proposed development. Essential to this however is the existence of the debris traps in the Avoca River as part of a planned flood relief scheme and while the Commission noted that planning approval has been received by the Office of Public Works (OPW), in disagreeing with the Inspector, it is considered the commencement and completion of this aspect of the proposed development is outside the control of the Applicant and, in such circumstances, the Commission agreed with the assessment of the planning authority that a proposed development of this nature is premature.

*Eamonn James Kelly*

Eamonn James Kelly

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this *1<sup>st</sup>* day of *December*, 2025.