



An
Bord
Pleanála

Inspector's Report

ABP-317785-23

Development	Construction of 27 dwellings, 1 no. retail unit and all ancillary associated site works.
Location	Killmacullagh, Main Street, Newtownmountkennedy, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23175
Applicant(s)	Papaver Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Patrick T. O'Brien and Martin White and others (Riverview Residential Association)
Observer(s)	None
Date of Site Inspection	27 th August 2024
Inspector	Clare Clancy

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	10
3.4. Third Party Observations	10
4.0 Planning History	10
4.1. Appeal Site	10
4.2. Adjoining Site to Northwest	11
5.0 Policy Context	11
5.1. National Policy	11
5.2. Section 28 Ministerial Guidelines	12
5.3. Development Plan	13
5.4. Newtownmountkenedy Town Plan 2022-2028 – Part of Volume 2 of the CDP	16
5.5. Natural Heritage Designations	17
5.6. EIA Screening	17
6.0 The Appeal	18
6.1. Grounds of Appeal	18
6.2. Applicant Response	19
6.3. Planning Authority Response	19
6.4. Observations	19
7.0 Assessment	19

7.1.	Principle of Development	20
7.2.	Density & Overdevelopment	21
7.4.	Amenity Impacts	24
7.5.	Boundary Treatments	26
7.6.	Flood Risk & Surface Water Discharge.....	27
7.7.	Other Matters	28
8.0	AA Screening.....	30
9.0	Recommendation.....	32
10.0	Reasons and Considerations.....	33
11.0	Conditions	33
Appendix 1 – Form 1: EIA Pre-Screening		

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of the R722 on the southern approach to Newtownmountkennedy within the 50 km/ph speed limit. It is located within the designated town centre at the southern end. The site has direct access onto the adjoining public road R772 which also facilitates access to the existing public wastewater pumping station located to the rear of the site via an internal access road, and is zoned PU – Public Utility. The existing pumping station is located outside of the application site boundaries. The levels on the site initially fall sharply from the adjoining public road and then gradually within the site towards the water course (Altidore river) which is located to the east / rear of the site.
- 1.2. The roadside boundary is defined by a low stone wall backed by hedgerow and trees. There is an existing footpath and a bus stop adjacent to the site. The site is bounded to the northwest by a commercial premises with car parking to the side (Druids Well Pub). A small housing scheme (Riverview) fronts onto Main Street / Wood Stock road, and comprises of single storey semi-detached dwellings which bound the appeal site to the northwest with rear back gardens backing onto the site. There are a number of other existing dwellings on individual sites located along the Wood Stock Road to the north of the site, on the other side of the River. The adjoining area to the northeast of the site is defined by a belt of mature trees and hedgerow along the route of the water course. This area is zoned OS1 – Open Space. The adjoining site to the southeast which is outside of the settlement boundary, comprises of agricultural land.

2.0 Proposed Development

- 2.1.1. The proposed development comprises of the construction of 27 units in 5 blocks, the provision of a retail unit at ground floor in Block 1, the provision of bins and a bike store at lower ground floor level, 39 car parking spaces and the realignment and widening of the adjoining public road R772 and the relocation of the existing bus stop.
- 2.1.2. The overall stated area of the site is 0.66 ha and the proposed gross floor area for the development is stated as 3,199 m² (residential 3,042 m², Retail Unit 156 m²).
- 2.1.3. The development proposes 27 units in 5 blocks as follows:

Block 1: 3 no. Apartments, House type A1 2 x 1-bed and House type A3 1 x 2-bed, max roof height 9 m. Retail unit at ground floor level.

Block 2: 6 no. Townhouse units, triplex townhouse, 4-bed, max roof height 11.94 m.

Block 3: 2 no. Duplex Apartments, 3-bed, max roof height above GFL 11.09 m.

Block 4: 10 no. Houses, House type B 7 x 3-bed, House type B1 2 x 4-bed, max roof height 9.12 m.

Block 5: 6 no. Apartments, House type F 3 x 2-bed, House type G 3 x 3-bed, max roof height 12.30 m.

- 2.1.4. External finishes or the overall development comprise of a select brick finish, standing seam roof cladding system, black slate, with render finish to the walls. The boundary treatments proposed comprise of boundary walls and timber fence panelling on concrete base.
- 2.1.5. A new direct access onto the adjoining R772 is proposed including road realignment / widening works, and the relocation of the existing bus stop. An internal access road will be provided within the site along with a new access road to the existing pumping station to the rear of the site. Car parking and bicycle parking is also proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant planning permission by Order dated 17th July 2023 subject to 25 conditions, 12 of which are pre-development conditions.

3.1.2. Conditions

The Planning Authority included 12 pre-development conditions which relate to standard matters that include inter alia for construction management, hours of operation, development contributions and cash / security bond, compliance with Part V, Irish Water connection. The following conditions are of relevance to note:

- Condition no. 2 – Requires the development to be carried out in 2 phases, phase 1 requiring the construction of the bus stop, the access road serving the

pumping station and block 1, 2 and 3. Phase 2 relates to the completion of the remainder of the development, blocks 4 and 5.

- Condition no. 15 (b) – Requires details in relation to the design and finish of the refuse bin store along Main Street to be agreed.
- Condition no. 20 – Requires that the bay window provided to unit A2 Block 1 shall not have side panel windows.
- Condition no. 24 – Relates to archaeology and the requirement to carrying out monitoring in relation to ground works being undertaken at construction stage.

3.2. Planning Authority Reports

Planning Reports

3.2.1. Two planning reports form the basis of the assessment and recommendation.

The first planning report assessed the development proposal in terms of principle of development and compliance with policy at national and local level relevant to the development proposal. It was assessed in relation density, layout, car parking, residential amenities, private and public open space provision, landscaping and boundary treatments, public lighting, Part V and traffic safety. The following is noted:

- Density – 30-40 units per ha at centrally located sites which the appeal site achieves and the mix was considered appropriate and acceptable.
- Works proposed to be carried out outside of the site boundary footpaths, car parking, bus stop – queried who will undertake the works as a Part 8 application related to this area.
- Layout – Notes that the proposed ground floor retail unit in Block 1 is an extension of the main street and is accepted. The residential element Block 2 and 3 are set back from the road with car parking and bicycle parking proposed adjacent to the road. Further Information sought (FI) to give justification for this in a design statement noting a strong streetscape onto the public road is desirable.
- Noted the adjoining site to the northwest which was granted permission for a mixed use development (P.A. Ref. 22/612).

- Privacy and amenity – noted overlooking and loss of privacy raised in observations – addressed by provision of landscaping along boundary, balconies on Block 5 not higher than a standard two storey rear window, town centre location, does not give rise to undue overlooking, therefore deemed to be acceptable.
- Apartment Sizes – issue of storage required clarification, bedroom size of Unit 2A Block 1 is below required size – sought FI in relation this issue.
- Open Space – not providing open space per requirements at 15% - but town centre location and considered it acceptable.
- Car parking – proposed quantum was acceptable – town centre location and frequent bus service. Issues raised – bus stop proposed relocation and proposed car parking conflicting with the Part 8 application.
- Flooding – noted that the site is outside Flood Zone A and B, therefore site specific FRA not required.

Further Information was requested by the Planning Authority in relation to the aforementioned issues.

3.2.2. The Planning Authority sought Further Information in relation to the following:

- To clarify why the building line of Blocks 1, 2 and 3 is setback from the adjoining public road and not in alignment with the established pattern of development along Main Street, and to submit a rational along with detailed design statement in regard to same.
- Clarification in relation to who will construct / provide the public car parking, footpath works and the relocation of the existing bus stop which are not within the application site boundary.
- To increase storage provision for a number of apartments, and increase the bedroom size in one of the proposed units.
- Revisions required to address the private amenity space proposed for Block 3 due to it being accessible to the public.

3.2.3. The response to the Further Information was deemed to be significant and revised details were submitted which included for the following:

- Blocks 1, 2, 3 relocated 1.8 m in the direction of the public road in line with the adjoining permitted development to the northwest (P.A. Ref. 22/612). The public footpath has maintained a 1.8 m wide minimum dimension between the car parking and the transition area in front of the houses.
- The location of the bus stop was revised and repositioned approx. a further 43 m from the initial proposed location. This was carried out to avoid the removal of mature trees and hedgerow.
- The application site boundaries were revised accordingly and the site area increased to 0.7064 ha.
- Internal storage for apartment units was increased and designated secure 'lock up' storage was provided to the lower ground level adjacent to the bin and bicycle store.
- Bedroom in unit A2 Block 1 was amended with the addition of a bay window to comply with required standards.
- Secure gated rear access provided to the private rear gardens of Block 3 apartments.
- Revisions carried out to the private amenity space for unit B1 with the inclusion of a 1 m strip of low planting thereby increasing the provision of private amenity space for the units to 70 m² and 72 m² respectively.

3.2.4. The second planning report notes that the issues raised were addressed. The revised location of the bus stop which will be 118 m from the initial proposed location was considered to be acceptable, was within the application site boundaries, and safeguards existing mature trees which would otherwise have been removed to facilitate it. The privacy issues and public access to the amenity space were considered to be dealt with by the provision of security gates and the incorporation of the side stripes into the side units thereby increasing private amenity space to units 1 and 10.

3.2.5. Other Technical Reports

- Housing Directorate (28th March 2023) – No objections raised in principle, notes the existing wayleave through the site to access the council's wastewater treatment plant.

- Transportation, Water & Emergency Services (11th April 2023) – Notes a Part 8 Town Centre Refurbishment Project which would be affected by the proposed development and recommended FI in relation to relocation of the bus stop, the car parking proposed which differed from the Part 8 proposal, and spaces 33 to 39 cannot be allocated to the proposed development.
- Transportation, Water & Emergency Services (second report 06th July 2023) – no objection to the revised details to the FI request subject to conditions in regard to details on footpath and bus stop.

3.3. Prescribed Bodies

- 3.3.1. Irish Water (29th March 2023) – No objections subject to conditions including connection agreement.
- 3.3.2. Dept. Housing, Local Government & Heritage (DHLGH)
- First Observation (30th March 2023) – Noted the site's proximity to 2 no. archaeological monuments and recommended FI in relation to the carrying out of an Archaeological Impact Assessment (AIA).
 - Second Observation (13th June 2023) – Recommended conditions in relation to AIA.

3.4. Third Party Observations

- 3.4.1. Two third party observations were received to the proposed development. The issues raised are largely covered by the grounds of appeal. I note that no further submissions were made by the third party observers in relation to the further information response which was deemed to be significant.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. VS/NTMK/01 (ABP Ref. 316190-23) – Refers to a Section 15 Notice of Demand for Payment of Vacant Site Levy which the Board determined that the site was vacant and the amount of the levy was correct.

PA Ref. 23/175 (ABP Ref. 317723-23) – Refers to an application for the construction of 27 dwellings, car parking and associated site works. Appeal lodged August 2023. WCC. INVALID.

P.A. Ref. VS/NTMK/01 (ABP Ref. 313715-22) – Refers to a June 2022 Section 18 appeal against Demand for Payment of Vacant Site Levy. INVALID.

P.A. Ref. 22/484 – Refers to a 2022 decision to refuse permission for the construction of 27 dwellings, car parking and associated site works (27th June 2022).

Reasons for refusal related to (1) design and layout and substandard form of development of a gateway site, (2) traffic hazard, (3) prejudicial to public health due to insufficient public wastewater treatment facilities.

P.A. Ref. 21/5344 – Refers to a 2021 application for the construction of 26 dwellings, car parking and associated site works. Withdrawn.

P.A. Ref. 20/815 – Refers to a 2020 application for the construction of 24 dwellings, car parking and associated site works. Withdrawn.

P.A. Ref. 09/52 – Refers to mixed use development, 30 residential units, 2 retail units, 3 offices, medical centre, creche. Granted permission subject to 33 conditions (28th August 2009).

4.2. Adjoining Site to Northwest

P.A. Ref. 22/612 – Refers to a 2022 application granted permission for a large retail unit (421 m²), first floor office space and a two storey apartment block.

5.0 Policy Context

5.1. National Policy

5.1.1. Project Ireland 2040 – National Planning Framework (NPF) and National Development Plan 2021 – 2030 Project Ireland 2040.

- Seeks to focus growth in cities, towns and villages with the overall aim of achieving higher densities. Relevant National Strategic Outcomes and Policy Objectives include NSO 1 Compact Growth, NPO 3a, NPO 3c.

5.1.2. Climate Action Plan 2024.

5.2. Section 28 Ministerial Guidelines

The following Section 28 Ministerial Guidelines are of relevance to the consideration of the proposed development:

5.2.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, January 2024.

Having regard to the nature of the proposed development, I consider the following to be relevant:

- Section 3.3.4 Small and Medium Sized Towns (1,500 – 5,000 population) the overall objective is to support consolidation within and close to the existing built-up footprint.
- Table 3.6 Area and Density Ranges Small to Medium Sized Towns – the policy and objective for Small / Medium Town – Centre is that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure).
- Section 5.3.1 relates to Separation Distances noting that a high standard of residential amenity and good place making can be achieved with separation distances of less than 22 m.
- SPPR 1 sets out the required standards that relate to minimum separation distances in relation to considering planning applications.
- Section 5.3.3 and Policy and Objective 5.1 set out the policy for Public Open Space provision for housing schemes.
- Section 5.3.4 sets out the policy objective for car parking in terms of quantum, form and location with a specific emphasis on reduced car parking, particularly in locations in an urban context that are serviced by public transport. SPPR 3 provides the specific planning policy to reflect this.

- SPPR 3 (iii) states that in intermediate and peripheral locations defined in Chapter 3, that the maximum rate of car parking for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.

5.2.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (DoH LG & Heritage, December 2022, last updated March 2023).

5.2.3. The Guidelines on Quality Housing for Sustainable Communities: Best Practice Guidelines (2007).

5.2.4. Urban Development and Building Height Guidelines, (2018).

5.2.5. The Design Manual for Urban Roads and Streets, (2019 updated version).

5.3. **Development Plan**

The Wicklow County Development Plan 2022-2028 (CDP) is the current operative plan. The relevant chapters and policy objectives of the current CDP include the following:

5.3.1. Chapter 4 Settlement Strategy

- Newtownmountkenedy is designated in Table 3.3 as a Level 4 Self-Sustaining Town settlement. Delivering compact growth, regeneration and revitalisation of the town centre is a key priority. Sustainable mobility should be facilitated and promoted as part of any new development.
- CPO 4.2 – Seeks to achieve compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements.
- CPO 4.3 – Seeks to increase the density in existing settlements through a range of measures.
- CPO 4.6 – To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.
- CPO 4.13 – To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.

5.3.2. Chapter 6 Housing

- Section 6.3.5 Densities – Requires higher densities to be encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements.
- Table 6.1 Density Standards – For ‘Small Towns and Villages’ which includes for Newtownmountkennedy:
 - Centrally located sites: 30 – 40+ units per hectare for mainly residential schemes may be appropriate or for more mixed use schemes.

In summary, other related housing objectives include for the following:

- CPO 6.2: The sale of all developments of residential units to commercial institutional investment bodies shall be prohibited.
- CPO 6.3: New Housing development shall enhance and improve the residential amenity of any location, and shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.
- CPO 6.4: This relates to all new housing developments which shall achieve the highest quality of layout and design in accordance with Appendix 1.
- CPO 6.5: Requires that new development is of the highest quality design, and layout and contributes to the development of a coherent urban form and attractive living environment.
- CPO 6.28: This notes that apartments generally will only be permitted in settlements Levels 1 to 6 and in accordance with the location requirements set out in Section 2.4 of the Design Standards for New Apartments, Guidelines for Planning Authorities (2020).

5.3.3. Chapter 10 Retail

- Table 10.1 Retail Hierarchy & Strategy for County Wicklow – notes Newtownmountkennedy in Level 3.

5.3.4. Chapter 12 Sustainable Transportation

Parking Objectives:

- CPO 12.56: Requires appropriate car parking provision, including provision for EVC points, with particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement is available. At such location, car parking standards set out in Table 2.3 of Appendix 1 shall be taken as **maximum standards**, and such a quantum of car parking will only be permitted where it can be justified.

5.3.5. Appendix 1 Development & Design Standards.

The following development standards are relevant:

Table 2.2 Vehicle Charging Points

- Residential multi-unit buildings – installation of 1 recharging point for every 10 car parking spaces (with a minimum 1 for developments under 10 spaces)
Installation of ducting infrastructure for every parking space within property boundary.

Table 2.3 Car Parking Standards

- Dwelling 1-2 bedrooms 1.2 per unit (refer to Section 3.1.5 for further guidance).
- Dwelling 3-4 bedrooms 2 per unit.
- Retail 4 per 100 sqm floor area.

Table 2.4 Bicycle Parking Standards

- Residential 1 space per bedroom + 1 visitor space per 5 units
- Shops 1 space for every 10 car spaces

Section 3.0 Mixed Use and Housing Developments

- Section 3.1.3 Privacy

The following standards will be applied for boundary walls:

- All walls bounding the private (usually rear) garden shall be 2 m in height.
- Side boundaries between houses shall be provided at a height of 2 m and shall extend from the front façade of the house to the rear wall of the house.
- All boundaries shall be of solid construction i.e. they form a complete screen barrier with no gaps.

- Walls bounding any public areas shall be rendered and capped on the outside.
- If timber boundaries are utilised, they must be bounded and supported by concrete posts. Concrete post and plank walls will not be permitted for any boundary visible from the public domain.

Section 8.5 Residential Public Open Space

- Public open space will normally be required at a rate of 15% of the site area – areas within the site that are not suitable for development or for recreational use must be excluded before the calculation is made;
- The need to provide public open space in town centre developments may be waived, particularly where public amenity space such as a town park or beach is in close proximity.

5.4. Newtownmountkennedy Town Plan 2022-2028 – Part of Volume 2 of the CDP

5.4.1. Zoning:

- The site is zoned TC 'To provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use'.
- Section 1.2.1 Zoning Objectives – notes that uses generally appropriate for **town and village centres (TC / VC)** includes for residential development, commercial, retails etc.
- The site is located within the 'Regeneration Boundary' of the town.

5.4.2. The Plan notes the following relevant policies:

- Delivering compact growth, regeneration and revitalisation of the town centre is a key priority for all Level 4 settlements.
- In terms of Population and Housing Objectives, the Plan notes that 'a minimum of 30% of the targeted housing growth shall be directed into the existing built up area of the settlement, on lands zoned 'town centre', 'village centre', 'existing residential' and 'mixed use'.

- Proposals for regeneration and renewal should be heritage led where possible and informed by healthy placemaking. Sustainable mobility will be promoted as part of any new development within these settlements.

5.5. Natural Heritage Designations

5.5.1. The nearest European sites and Natural Heritage Areas in close proximity to the appeal site are the following:

- SPA The Murrough Site Code 00186 – 4.14 km to the east.
- SAC The Murrough Wetlands Site Code 002249 – 4.14 km to the east.
- pNHA The Murrough Site Code 000730 – 4.14 km to the east.
- SAC Glen of the Downs Site Code 000719 – 4.46 km to the north.
- pNHA Glen of the Downs Site Code 000719 – 4.46 km to the north.
- SAC Carriggower Bog Site Code 000716 – 3.8 km to the northwest.
- pNHA Carriggower Bog Site Code 000716 – 3.8 km to the northwest.

5.6. EIA Screening

5.6.1. Having regard to the nature, size and location of the proposed development comprising the construction of 27 residential units and 1 no. retail unit on a site with a revised stated area of 0.7064 ha, and to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 and 2 in relation to this.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third party appeals were received from Patrick T. O'Brien and Martin White and others (Riverview Residential Association). The grounds of appeal can be summarised as follows:

- Substandard application failing to show the context of the site or distances from adjoining properties / boundaries.
- Poor design proposal which would be detrimental to the character of the area in general.
- Car parking is not in accordance with the Development Plan and will lead to increased on-street parking.
- Density proposed is high to the detriment of sufficient car parking provision, children's play area, and public open space.
- Scale of Development – Riverview backs on to the appeal site and is a small residential scheme comprising of 6 single storey semi-detached dwellings and a dormer at the end. Block 5, the scale, height and bulk of which is out of character with the area, and within 2 m of the boundary of the adjoining properties.
- Overlooking and loss of privacy –
 - Not addressed by the planning authority.
 - Unclear from plans if adequate screening is provided to the rear to prevent overlooking of adjoining rear gardens.
 - Concerns raised by overlooking from the balconies at the rear, and the provision of garden space at first floor level which will directly overlook the gardens of some dwellings.
 - Unclear what trees are being removed.

- The proposed development will exacerbate ongoing health issues (irregular spills to Altidore River, emissions of noxious odours) for residents as a result of increased density discharging to the existing pumping station.
- Boundary treatments – no boundary treatment proposed between the adjoining dwellings and the application site. Landscaping proposal does not address screening proposals or details of existing trees.
- Drainage between application site and Riverview Cottages – concerns raised regarding where the proposed development will drain to, as it is unclear from the application details. Water levels of the existing river can be high, further drainage to the river raises concerns for residents.
- Flood Risk – concerns raised in relation to rear gardens flooding which was not considered by the planning authority.

6.2. **Applicant Response**

None.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Density & Overdevelopment

- Amenity Impacts
- Boundary Treatment
- Flood Risk & Surface Water Discharge
- Other Matters

7.1. Principle of Development

- 7.1.1. The proposed development seeks permission for the provision of 27 residential units comprising of apartments, duplex apartments and houses. In addition, 1 no. retail unit is proposed. The appeal site is located within the designated 'town centre' within the Level 4 Settlement of Newtownmountkennedy. Under the Newtownmountkennedy Town Plan 2022-2028, the site is designated TC zoning (Town Centre), the objective of which seeks 'To provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use'.
- 7.1.2. The Town Plan notes in Section 1.2.1 that the Planning Authority shall determine each proposal on its merits, and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective. Uses that are materially inconsistent with and detrimental to the zoning objective shall not be permitted.
- 7.1.3. The Town Plan identifies residential development as generally being an appropriate use type for Town Centre zoned areas. I would note that the town is identified as a Level 3 Town in Table 10.1 of the CDP which relates to the Retail Hierarchy and Strategy for Co. Wicklow. Notwithstanding, I note that the objective for Newtownmountkennedy is to strengthen the town centre, increase the retail offer, and to provide additional retail units along the Main Street and that the focus of any new development should be on strengthening the urban structure of the town centre.
- 7.1.4. Given the nature of the proposed development and its location at the periphery of the town centre, I am satisfied that the principle of the proposed development is acceptable, as it provides a retail development which is an extension of the Main Street and the adjoining permitted development. The proposal is therefore considered to be in accordance with the zoning objective for the site.

7.2. Density & Overdevelopment

- 7.2.1. It is raised in the grounds of appeal that the density of the proposed development is high and to the detriment of insufficient car parking, children's play area, and public open space.
- 7.2.2. The appeal site is a green field site and the proposed development is for 27 residential units on a 0.7064 ha site (site area revised on foot of response to FI request) which equates to 38 units per hectare. It is located within the settlement boundary of Newtownmountkennedy which is designated as a Level 4 Settlement, in the Settlement Strategy of the CDP and the Newtownmountkennedy Town Plan 2022-2028.
- 7.2.3. Table 6.1 of the Development Plan outlines for Small Towns and Villages which includes for Newtownmountkennedy, that 30 – 40+ units per hectare for centrally located sites for mainly residential schemes may be appropriate, and more for mixed use schemes. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) notes that the policy and objective for small / medium towns which would include for Newtownmountkennedy given its population size, and sites that are town centre sites, that the scale of new development in the central areas should respond to the existing context.
- 7.2.4. I note that the density standards in the CDP 2022-2028 have not yet been amended to date following the publication of the Section 28 Guidelines, however the CDP supports higher densities in appropriate locations. Section 6.3.5 of the CDP notes that higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. This would be in line with the stated strategic objectives of the NPF and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- 7.3. Having regard to the sites' context which is a town centre location fronting onto the Main Street within a designated 50 km/hr speed limit, the availability of public footpaths and public transport, and the adjoining existing commercial development and permitted development, I consider that the proposed development provides for an acceptable density relative to the established pattern of development in the immediate surrounds and is therefore acceptable.

Public Open Space

- 7.3.1. The grounds of the appeal note that due to the density of the proposed scheme, that the provision of public open space is deficient. I note that Section 3.1.4 of the CDP requires the provision of open space at a rate of 15% of the site area, but that the need to provide public open space in town centre developments may be waived if the subject development achieves other overriding aims of the Plan.
- 7.3.2. The Board will note that the Sustainable Residential Development and Compact Settlement Guidelines (Jan. 2024) under Policy and Objective 5.1 states that the requirement for public open space provision shall not be less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area, save in exceptional circumstances.
- 7.3.3. It is noted that 392 m² of communal open space is proposed to be provided in the north western corner of the site, to the rear of Block 5. This equates to approx. 10.1% of net site area. The subject development does not achieve the CDP requirement of 15% and the Planning Authority accepted this shortfall on the basis of the sites' town centre location and the achievement of a higher density in a town centre location. It was also noted that there is an existing play park within the town centre, permitted amenity proposals by Wicklow County Council, and adjoining public amenities to the town centre including forest and river walks.
- 7.3.4. Having regard to the private open space that is proposed to serve each of the units which I note complies with the standards set out in Section 3.1.4 of the CDP, the minimum requirements prescribed in SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines, and Appendix 1 of the Sustainable Urban Housing Design Standards for New Apartments, and at least 10 of which exceed minimum requirements, and having regard to the sites' town centre location, I consider this to be appropriate and in accordance with Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines. I would note for the Board that the CDP does not make provision for any shortfall of private open space arising within a proposed development.

Car Parking

- 7.3.5. The proposed development will provide for a residential development consisting of a mix of houses, apartments and a small scale retail element. I note that regular public

transport is available in the form of bus routes between Newtownmountkennedy, Greystones, Bray, Dublin and Wicklow which pass the appeal site along the R772 and whereby there is a bus stop in situ providing linkages also to Wicklow Railway Station to the south and Bray Dart Station to the north. The site also has the benefit of pedestrian linkages to the town by the existing public footpath network.

- 7.3.6. I note that Newtownmountkennedy was the subject of a Part 8 Town Centre Refurbishment Project which relates to the R772 and a section of which is adjacent to the appeal site. The Planning Authority raised the issue in relation to the relocation of the existing bus stop but was otherwise satisfied, and raised no particular issues concerning the layout of the overall proposed development, the impact on the local road network or the quantum of car parking proposed.
- 7.3.7. In respect of car parking provision, it is stated by the appellant that the proposed density is high and to the detriment of car parking provision to serve the development.
- 7.3.8. The proposed development includes 39 car parking spaces including car parking disability spaces and 2 x EVC pillars (to serve 15 no. spaces 7-21), 26 short-stay bicycle and 80 long-stay bicycle parking spaces. The provision of 39 car park spaces is distributed in a manner that designates formal car park spaces to Blocks 4 and 5 and informal car parking is designated to Blocks 2 and 3, with 7 no. spaces proposed adjacent to the main street. There are no car spaces given to Block 1. Car parking is facilitated on-street throughout the scheme layout.
- 7.3.9. Based on the car parking requirements as set out in Table 2.3 of Appendix 1 of the CDP, there would be a total max requirement of 58.6 spaces to serve the residential element of the proposed development including 3 no. visitor spaces, and approx. 6 no. spaces to serve the retail element. I would note that 39 car park spaces alone would equate to 1.4 spaces per dwelling unit. CPO 12.56 of the Development Plan seeks to reduce the use of the private car in locations where public transport and parking enforcement are available. The objective further states that the car parking standards set out in Table 2.3 of Appendix 1 shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified.
- 7.3.10. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) further seek to reduce car parking in urban locations and to eliminate car parking at locations with good access to urban services

and to public transport. As noted previously, the site is located in the town centre. Having regard to the availability of public transport and pedestrian and cycle linkages to the town centre, and having regard to Table 3.8 of the Sustainable Residential Development and Compact Settlements Guidelines, I would consider the site to be in an intermediate location. SPPR 3 (iii) of the Guidelines notes that the maximum rate of car parking shall be 2 no. spaces per dwelling however, subject to the justification by the developer that the spaces proposed are required and necessary. Such a scenario has not been presented by the developer. Having regard to the foregoing, I am satisfied that adequate car parking is provided for to serve the density of the development proposed and is therefore acceptable.

7.4. Amenity Impacts

Residential Amenity

- 7.4.1. The appellant argues that the Planning Authority did not address overlooking and loss of privacy arising from the balconies to the rear on Block 5 with the provision of garden space at first floor level. Separately, it is submitted by another appellant that the proposed development gives rise to an unacceptable level of overlooking into their property which is located to the north of the site on the other side of the Altidore River.
- 7.4.2. The Planning Authority noted the concerns raised by third parties in relation to overlooking and loss of privacy arising from Block 5 but considered that this was addressable by the provision of appropriate landscaping along the boundary. I note that no specific condition was included in relation to same. In noting the balconies proposed at first floor level, the Planning Authority considered that they were not higher than a standard two storey window and were appropriate given the sites urban context, and would not unduly overlook adjoining third party properties.
- 7.4.3. Block 5 is proposed in the north western corner of the site. The adjoining single storey housing scheme to the northwest known as Riverview, backs onto the appeal site. Block 5 is three-storey in scale with balconies proposed at first floor on the northeast elevation and open terraces proposed at the rear on the southwest elevation which relate to units 4, 5 and 6. I note that no windows are proposed on the northwest facing gable elevation which faces in the direction of Riverview cottages. To give an indication of the height context of the terrace balcony at first floor level, the top of the

window serving the sitting room area of unit 6 is approx. 5.7 m above ground level and the overall height of Block 5 is 12.3 m above ground level, bearing in mind that 3 floors are accommodated within the complex.

- 7.4.4. I note that the appellant has indicated that it is unclear from the landscaping plan what trees are proposed to be removed, however I would not agree as having reviewed the landscaping plans submitted, in particular the Arboriculture Impact dwg.102, it indicates that 1 no. tree identified along the northwest boundary is proposed to be removed and a number of others along the north eastern boundary of the site and I note that the planning officer also refers in the report to the loss of 1 no. tree on the boundary between no. 5 and 6, and 5 no. trees are proposed along this boundary. I note that the proposed boundary treatment will provide for a post and rail timber fence and hedging at this location, however no height is specified.
- 7.4.5. The site layout plans and sections provided do not show the relationship between Block 5 and the adjoining third party property Riverview to the northwest, particularly in terms of separation distances or ground levels. This is an issue raised in the grounds of the appeal with which I would agree. Notwithstanding, I am satisfied that adequate information is contained on the file and combined with my site inspection, to allow for a sufficient appraisal. I note from the 'Proposed General Arrangement' dwg 0001 that the rear back garden of the adjacent Riverview cottages are quite generous in depth. I am satisfied that no direct overlooking occurs, however I would note that the open balcony terrace at first floor level relating to unit 6 of Block 5, could give rise to a degree of overlooking. However, given the separation distances it is not considered to be unduly significant. Notwithstanding, I would recommend the inclusion of a condition with regard to the provision of opaque screening at the northwest end of this balcony, to satisfactorily address the issue.
- 7.4.6. In relation to the property located to the north of the site on the other side of the Altidore River, I note that this property is located to the south of the Woodstock Road approx. 60+ m to the northeast of the appeal site. I noted at time of site inspection that there is a mature buffer of trees and hedgerow between the appeal site and the appellant's property. Having regard to same and the separation distances arising, I am satisfied that the proposed development will not impact on the residential amenities of this property.

- 7.4.7. As noted in Section 7.3.2 above, the condition mentioned in the planning report with regard to the provision of appropriate landscaping along the north western boundary was not included. I note that P.A. condition no. 17 (a) seeks the implementation of the submitted landscaping details in relation to all open spaces. I would consider this to be satisfactory in conjunction with the addition of obscured screening on the northwestern side of the subject balcony terrace to address the issues raised.

Visual Amenity

- 7.4.8. The appellants argue that the height, scale and bulk of the development, with specific reference to Block 5, is out of character with the surrounding area, and where the height of adjoining family homes are low profile.
- 7.4.9. In respect of Block 5, the proposed development will be three storey in scale with a max. roof ridge height of 12.3 m. Separation distances between the northwest elevation building line of Block 5 and the rear boundaries of the adjoining dwellings located to the northwest range from approx. 2.2+ metres. The separation distances to the rear of the dwellings located to the northwest are greater, ranging from approx. 20 – 30 metres. I note that the Planning Authority have not raised any concerns with regard to the design, massing or form of the overall proposed development or in relation to Block 5. Having reviewed the plans and particulars and having inspected the appeal site, and having regard to the location of Block 5 at the rear of the site which is backland in nature and whereby the ground levels are lower and the separation distances are generous, I am generally satisfied that the development is designed to a good standard and is of a scale, height and form which the site can adequately accommodate. I therefore consider that the proposed development would not seriously injure the visual amenities or character of the surrounding area.

7.5. Boundary Treatments

- 7.5.1. The appellant queries the boundary treatment proposed between the appeal site and the north western site boundary to the rear of the Riverview housing scheme. I note that P.A. condition no. 16 requires the provision of a concrete post and timber panel fencing at a minimum height of 1.8 m between houses, and to the rear of proposed dwellings.

- 7.5.2. In relation to the perimeter fencing of the sites' boundaries, this is not specifically conditioned by the Planning Authority. I note from the proposed landscaping plans that a post and rail timber fence is proposed to define the north western boundary of the appeal site adjacent to the Druid's Well pub, and to the rear of the appellant's properties. The height is not stipulated. A 1.2 m high timber fence is proposed to define the north eastern and south eastern boundaries of the site. No rational is set out in the Landscape Design Statement.
- 7.5.3. The development standards outlined in Section 3.1.3 of Appendix 1 of the CDP with regard to boundary walls requires all walls bounding the private (usually rear) garden and side boundaries between houses to be 2 m in height.
- 7.5.4. I consider that a pre-development condition should be included in relation to defining the height and construction details for suitable boundary treatments, as to provide a standard condition may conflict with the retention of existing boundary vegetation / trees / hedgerow / planting etc, or the overall landscape masterplan for the site. In addition, it is my consideration that the rear garden boundaries between dwellings should achieve the development plan standard of 2 m in height. However, I do not have any objection to the proposal to provide 1.8 m high concrete post and timber panel fencing between housing units. Having regard to the foregoing, I recommend the inclusion of a condition to this effect.

7.6. Flood Risk & Surface Water Discharge

7.6.1. Flood Risk

From the submitted information and the available information as per Map No. 3 'Indicated Flood Zones' in the Newtownmountkenedy Town Plan, and Appendix 8 Strategic Flood Risk Assessment of the CDP, I am satisfied that the risk of flooding on site is low, and that the proposed development will not adversely affect adjoining lands. The subject lands are not located within Flood Zone A or B. I further note from the Strategic Flood Risk Assessment in Appendix 8, that the appeal site was not identified as a flood risk area. I note that the Planning Authority did not raise any issues of concern regarding flooding and considered that a site specific flood risk assessment was not warranted, which I concur with.

7.6.2. Surface Water Drainage

Regarding surface water drainage arising from the proposed development, I note that surface water generated from hardstanding areas, roads, roofs within the proposed development will be managed by a network of road gullies and underground pipe networks.

The proposed development will provide for a comprehensive SUDs scheme ensuring that surface water run-off is at a greenfield rate. In addition, a swale designed with check dams are is proposed to be provided at regular intervals to slow the rate of water flow / discharges. A 30 m² bioretention area is proposed at Block 5 at the northwestern corner. A stormtech cellular attenuation system and petrol and oil separators is proposed to be provided to ensure any hydrocarbons are collected, prior to discharge to the adjoining water course. I note that there is an existing 225mm diameter surface water pipeline on the main street (R772) which traverses the mid-section of the appeal site and discharges to the Newtownmountkenedy River. It is proposed to divert the alignment of this pipe to accommodate the subject development. The proposed new gravity assisted surface water network will discharge to the diverted 225mm diameter surface water sewer. I would note here that the levels on the site to the rear of the Riverview properties fall gradually in a south easterly direction (as noted on drawing Proposed Watermain Layout dwg 3080-MHT-CV-XX-DR-0100). Runoff from the site will be restricted by means of a hydrobrake flow control system to greenfield runoff rate. DWG 3080-MHT-CV-BG-DR-0500 indicates details of the proposed surface water draining system. I therefore consider that the applicant has demonstrated that a suitable surface water drainage system can be provided to serve the development. It is recommended that a condition regarding construction management is included, providing for measures that safeguard against spillages that could potentially impact on the adjoining water course to the northeast of the site.

7.7. Other Matters

Health Issues / Odour Emissions / Irregular Spills to Watercourse

- 7.7.1. I note the matters raised in relation to historical health issues relating to spills to the adjoining water course and ongoing emissions of noxious odours arising from the existing pumping station. At time of site inspection, there was no foul odours observed. I note that the Water Services Section and the Environmental Section of Wicklow

County Council made no observations in relation to the development proposal. Furthermore, I note that Irish Water had no objection to the development and did not raise any queries in relation to the issues raised regarding the existing pumping station in its submission. I note that there is no evidence of capacity issues raised in relation to the pumping station. It is my consideration that the issues raised would be evaluated under separate legal codes relating to water pollution and air pollution and are therefore not a matter for the Board for the purposes of this appeal.

7.7.2. Planning Conditions

- Condition no. 2

I note that the Planning Authority included a condition in relation to the subject development being carried out in 2 no. phases and the submission of a Phasing Plan for written agreement. No objection to the phasing condition was raised in the grounds of the appeal.

I note that Phase 1 relates to the provision of the relocated bus stop and car parking along the Main Street, the proposed access road to serve the existing water pumping station and the construction of Blocks 1, 2 and 3. Phase 2 relates to the completion of the remainder of the overall development. As the proposed development requires the completion of works that relate to the Part 8 development permitted by Wicklow County Council for this area, and which the developer has stated that they will be undertaking along with providing the internal access to the Irish Water asset at the rear of the site, I consider this condition is necessary and appropriate and recommend its inclusion, should the Board be minded to grant the development, so that the council can carry out its strategic objectives for the town.

- Condition 15(b)

This is a pre-development condition requiring details in relation to the refuse bin storage for each unit specifically relating to the design and finish of proposed bin store along Main Street relating to Blocks 2 and 3. I would consider it appropriate to include this condition in order to ensure that the design and finish does not impact on visual amenities.

- Condition 20

The Planning Authority required the inclusion of this condition in order to omit side panel windows relating to the bay window on unit A2, Block 1. The reason for this condition is to mitigate against overlooking on the balcony which could arise from the window. Having considered this I would concur with same as a balcony is proposed on the northwest elevation which relates to unit A3 at first floor level. This will safeguard the amenities of the balcony area at first floor level. I therefore recommend the inclusion of this condition.

- Condition 24

I note that the Dept. Housing, Local Government & Heritage (DHLGH) raised concerns in relation to the proximity of the site to a number of recorded monuments (approx. 500+ metres to the east, as identified on Newtownmountkenedy Town Plan Map No. 2 Heritage Objectives), and recommended that a condition is included in relation to the carrying out of an Archaeological Impact Assessment. The P.A.s condition requires monitoring of ground works to be undertaken and I note that no rational was given in relation to same, notwithstanding two observations made by the Development Applications Unit (DAU). The condition attached by the Planning Authority constitutes a standard condition on the notification process. Given the concerns raised by the DAU, I consider it appropriate and recommend the inclusion of a condition requiring an Archaeological Impact Assessment to be carried out, in advance of ground works being undertaken.

8.0 AA Screening

8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 (as amended).

8.1.2. Description of Development

- The subject site is located within the settlement boundary of Newtownmountkenedy within the town centre.
- The proposed development comprises the construction of 27 no. residential units (houses, apartments, duplex apartments) and a retail development. The site will be served by an new entrance off the adjoining R772. A new internal

access road will be constructed to provide access to the existing water pumping station at the rear of the site.

- The site has the benefit of readily available access to adjoining piped water and foul water services.
- Surface water will be managed by the proposed surface water management plan in accordance with SUDs, and discharged to the water course located approx. 50 m to the northeast of the site. This includes for attenuation whereby systems are designed accordingly and with runoff managed / restricted by means of hydrobrake.
- The Planning Authority concluded that the proposed development would not have a significant effect on a European Site.

European Sites

8.1.3. The following are identified as the closest European Sites, part of the Natura 2000 Network:

- SAC Carriggower Bog Site Code 000716 – 3.8 km to the northwest.
- SPA The Murrough Site Code 004186 – 4.14 km to the east.
- SAC The Murrough Wetlands Site Code 002249 – 4.14 km to the east.
- SAC Glen of the Downs Site Code 000719 – 4.46 km to the north.

8.1.4. The proposed development is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).

8.1.5. The boundary of the nearest European Sites are within 4.14 km of the appeal site and are considered to be located within a potential zone of influence of the proposed development. These are:

- SPA The Murrough Site Code 004186 – 4.14 km to the east, via Altidore River.
- SAC The Murrough Wetlands Site Code 002249 – 4.14 km to the east, via Altidore River.

Likely Impacts of the Project (alone or in combination)

- 8.1.6. Potential impacts of the project that could arise relate to construction site run off to the adjoining water course Altidore River which is located approximately 55+ metres to the east of the site. Construction works are temporary and until the project is completed. Also, surface water run off arising from the completed development is a potential impact.
- 8.1.7. Likely significant effects on the European Sites may include temporary impacts arising from site clearance and construction resulting in silt and cementous material entering the water course and resulting in changes in ecological functions e.g. decreased water quality.

Overall Conclusion

- 8.1.8. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and in particular, SAC site The Murrough Wetlands Site Code 0022 and SPA site The Murrough Site Code 004186, and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.1.9. This determination is based on:
- The separation distances between the appeal site and the adjoining water course the Altidore river, the screening buffer comprising of trees, hedgerow etc that will not be disturbed (outside of application site boundaries), and the dilution effects over the course of approx. 4.14 km.
 - The location of the development in a serviced urban area, that has the benefit of piped water and wastewater services.
 - The surface water management measure proposed to be carried out, to prior to the discharge of surface water to the water course.

9.0 Recommendation

I recommend that permission for the proposed development should be granted.

10.0 Reasons and Considerations

Having regard to;

- The relevant objectives of the Wicklow County Development Plan 2022-2028 and Newtownmountkennedy Town Plan 2022-2028, including the TC (Town Centre) zoning objective for the site;
- 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,

it is considered that, subject to compliance with the conditions set out below, the proposed development 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 be prejudicial to public health and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application on the 23 rd day of February 2023 and as amended by Further Information received on the 31 st May 2023, 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
----	---

	Reason: In the interest of clarity.
2.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with the planning authority, prior to commencement of any development.</p> <p>(a) Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with the planning authority.</p> <p>(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.</p> <p>Reason: To ensure that road, car parking and pedestrian / cycle infrastructure is provided in accordance with the plans of the Local Authority, and the timely provision of services, for the benefit of the occupants of the proposed dwellings, and in the interest of proper planning and sustainable development.</p>
3.	<p>(a) Prior to commencement of development, the developer shall submit revised plans and elevations to the Planning Authority for written agreement, to specify the height and construction details of all boundary treatments, including the site perimeter and dividing boundaries between residential dwelling units. In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.</p> <p>(b) All rear gardens shall be bounded with 2 metre high concrete block walls, suitably capped and rendered on both sides.</p> <p>Reason: In the interest of the protection of residential amenity.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>(a) An obscure privacy screen shall be provided at the north western end of the balcony terrace serving the sitting room of Apartment Unit 6, Block 5 at first floor level, positioned on the southwest facing elevation.</p>

	<p>(b) The bay window provided to Apartment Unit 2, Block 1 at first floor level on the northwest facing elevation, shall not have side panel windows.</p> <p>Revised plans and elevations incorporating the above amendments shall be submitted to the Planning Authority for written agreement, prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.</p> <p>Reason: In the interest of the protection of residential amenity.</p>
4.	<p>(a) Refuse storage shall be provided for each unit as details on drawings received by the Planning Authority on the 31st May 2023, unless otherwise agreed in writing with the Planning Authority, prior to commencement of development.</p> <p>(b) Prior to commencement of development, drawings which detail the design and finish of the proposed bin stores relating to Block 2 and Block 3 along Main Street shall be submitted to the Planning Authority for approval and agreement.</p> <p>Reason: In the interest of visual amenity, and to prevent littering.</p>
5.	<p>(a) The use of the retail unit herein permitted shall be restricted to uses specified in Article 5 of the Planning and Development Regulations 2001, (as amended) or Class 2 – Office/Professional Services (excluding use as a betting office) as set out in Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended).</p> <p>(b) Any change of use, subdivision, or amalgamation of the unit , whether or not such change, subdivision or amalgamation would otherwise constitute exempted development, under the Planning and Development Regulations 2001 (as amended) shall not be undertaken without the prior approval of the Planning Authority.</p> <p>(c) The hours of operation of the retail units and commercial element of the live/work units shall be within the hours of 8am to 9pm Monday to Saturday and 9am to 8pm on Sundays and Bank Holidays.</p>

	<p>(d) No music or amplified sound shall be broadcast externally from any of the retail or live work units.</p> <p>Reason: In order to clarify and regulate the use of the development hereby permitted in the interests of proper planning and development.</p>
6.	<p>The proposed shopfront shall conform to the following requirements:</p> <p>(a) Signage shall be restricted to a single fascia sign using writing or comprising either hand-painted lettering or individual mounted lettering.</p> <p>(b) Internally illuminated or plastic signs shall not be used.</p> <p>(c) No roller shutters, awnings, canopies or projecting signs or other additions shall be erected on the premises without a prior grant of planning permission.</p> <p>Reason: In the interest of visual amenity and to protect the character of the area.</p>
7.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Drainage arrangements including the attenuation of disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
9.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the Planning Authority, prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
10.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs and access road to</p>

	<p>the adjoining public wastewater pumping station 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).</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>A maximum of 39 no. car parking spaces shall be provided. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with the Planning Authority, prior to commencement of development.</p> <p>Reason: To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and of visual amenity.</p>
12.	<p>A minimum of 10% of all car parking spaces serving the apartments shall be provided with functioning EV charging stations / points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points / stations at a later date. Where proposals relating to the installation of EV ducting and charging stations / points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority, prior to the occupation of the development.</p> <p>Reason: To provide for and / or future proof the development such as would facilitate the use of Electric Vehicles.</p>
13.	<p>Safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>

14.	<p>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. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing 221166-LP_B. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
15.	<p>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.</p> <p>Reason: In the interests of visual and amenity.</p>
16.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with the Planning Authority, prior to commencement of development. Thereafter, all such names and numbering shall be provide in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
17.	<p>The developer shall implement the recommendations set out in the Arboricultural Report (including Tree Protection Plan) and associated drawings submitted with the application. Prior to the commencement of development an Arborist shall be retained by the developer for the duration of the construction and shall commence a program for implementation of the recommendations contained in the submitted report. Such works shall be commenced as soon as possible and shall be completed within one year of the completion of development works.</p> <p>The Arborist shall carry out a post construction tree survey / assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all works are completed and in line with the</p>

	<p>submitted original tree report and landscape drawings. The certificate shall be submitted to the Planning Authority for written agreement prior to taking in charge.</p> <p>Reason: To protect trees and hedgerows during construction.</p>
18.	<p>The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) [specify as appropriate following consultation with the National Monument Service (NMS) or Local Authority Archaeologist] in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA and/or UAIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/ analysis, visual impact assessment [specify appropriate methods following consultation with NMS]. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA and/or UAIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative</p>

	<p>works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
19.	<p>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:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

	<p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;</p> <p>Reason: In the interest of amenities, public health and safety and environmental protection.</p>
20.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
21.	<p>(a) The areas of the development for Taking in Charge shall be agreed in writing with the Planning Authority, prior to the commencement of development on site.</p> <p>(b) All areas not taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(c) Details of the management company contract, and drawings / particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed with writing with the Planning Authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of the development in the interest of residential amenity.</p>
22.	<p>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 & Completion of Developments Policy 2010.</p> <p>Following completion, the development shall be maintained by the</p>

	<p>developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
23.	<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure and adequate choice</p>

	and supply of housing, including affordable housing, in the common good.
24.	<p>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 Bord Pleanála for determination.</p> <p>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.</p>
25.	<p>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 Bord Pleanála for determination.</p> <p>Reason: To ensure satisfactory reinstatement of the site.</p>
26.	<p>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</p>

	<p>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.</p> <p>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.</p>
--	--

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Clare Clancy
Planning Inspector

01st October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317785-23			
Proposed Development Summary	Construction of 27 dwellings, 1 no. retail unit, car parking, widening of road and relocation of bus stop, new access road to existing pumping station, and all ancillary associated site works.			
Development Address	Killmacullagh, Main Street, Newtownmountkennedy, Co. Wicklow.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	✓	The proposed development is for the construction of 27 residential units, 1 no. retail unit, new access road, widening / relocation of bus stop and all ancillary site development works. The subject site has a revised stated area of 0.7064 ha	Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) Construction of more than 500 dwelling units.	<ul style="list-style-type: none"> The subject development is 	Proceed to Q.4

		Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	for 27 residential units <ul style="list-style-type: none"> • The subject site has a revised stated area of 0.7064 ha. 	
--	--	--	--	--

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 – Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317785-23	
Proposed Development Summary	Construction of 27 dwellings, 1 no. retail unit, car parking, widening of road and relocation of bus stop, new access road to existing pumping station, and all ancillary associated site works.	
Development Address	Killmacullagh, Main Street, Newtownmountkennedy, Co. Wicklow.	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes / No / Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The appeal site is located on a green field site on lands zoned 'Town Centre' as designated in the Newtownmountkennedy Town Plan 2022-2028 which accords with the zoning objective for site.</p> <p>The introduction of a residential and 1 retail unit on a zoned service site will not have an adverse impact in environmental terms, on surrounding land uses.</p> <p>Surface water to be discharged in accordance with SuDS and via network of road gullies and underground pipe networks.</p> <p>The subject site retains the benefit of public services including, water, wastewater, footpaths.</p> <p>Irish Water raised no objections in relation to capacity to facilitate the</p>	No

	<p>proposed development in terms of wastewater.</p> <p>The proposed development will consist of typical construction related activities and works. Site clearance works including removal of landscaping and topsoil and C&D waste generated will not be significant, and will be localised and construction impacts will be temporary.</p> <p>Development to be constructed in accordance with a construction management plan.</p> <p>The proposed development would not give rise to waste, pollution, or nuisances that differ from that arising from other adjoining housing in the area.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The site has a revised stated area of 0.7064 ha that and is within the town settlement boundary of Newtownmountkennedy.</p> <p>The size of the development which is considered to be relatively small scale, is not exceptional in the context of the existing urban environment.</p> <p>The site is located in an urban area. All other existing adjoining developments are established uses. Having regard to the nature and scale of the proposal, the location on serviced lands, the pattern of development in the area, and the nature of the receiving environment, there is no real likelihood of significant effects / cumulative considerations on the receiving environment arising from the proposed development.</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The nearest ecologically sensitive location to the site is the Altidore River located approx. 30+ m to the east of the site with a buffer strip of land, trees, hedgerow between.</p> <p>The proposed development is not located on or within proximity to any designated European site or any designated NHA/pNHA.</p> <p>The nearest European Sites to the appeal site is:</p> <ul style="list-style-type: none"> ▪ SAC Carriggower Bog Site Code 000716 – 3.8 km to the northwest. ▪ SAC Glen of the Downs Site Code 000719 – 4.46 km to the north. ▪ SPA The Murrough Site Code 00186 – 4.14 km to the east. ▪ SAC The Murrough Wetlands Site Code 002249 – 4.14 km to the east. <p>Potential impacts that could arise from the proposed development to receiving receptors may include impacts to ground water arising from the mismanagement of surface water disposal on site.</p> <p>The site is serviced in terms of wastewater and storm water disposal.</p> <p>In the event that planning permission is upheld, any surface water arising from the proposed development will be managed by condition that will include for standard best practices and methodologies for the control and management of surface water on site.</p>	<p>No</p>
--	---	-----------

	Given the absence of pathways to any sensitive ecological sites / receiving environment, it is considered that no issues arise.	
Conclusion		
There is no real likelihood of significant effects on the environment. EIA is not required.	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.
✓		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)