



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318978-24

#### Development

Demolition of structures including a dwelling and farm sheds, construction of 13 houses, new road, footpaths, public lighting, open space, boundaries, landscaping, attenuation system with entrance location at existing farmyard entrance and associated works.

#### Location

Keatingstown Farm, Ballynerrin  
Townland, Wicklow, Co. Wicklow

#### Planning Authority

Wicklow County Council

#### Planning Authority Reg. Ref.

23390

#### Applicant(s)

Noeleen Dickenson

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Sylvie Narp, Keatingstown Residents  
Association

#### Observer(s)

None

**Date of Site Inspection**

21<sup>st</sup> November 2024

**Inspector**

Clare Clancy

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## 1.0 Site Location and Description

- 1.1.1. The appeal site is located to the west of Wicklow town. It is an infill site within Keatingstown estate. It adjoins Keatingstown housing estate to the northeast which comprises of 66 no. detached, single storey dwellings. The topography of the estate is in general at a higher level relative to the appeal site.
- 1.1.2. The site is of irregular configuration and contains a redundant farmyard that includes a dwelling and outbuildings. The site is extensively overgrown. The levels within the site fall to the east. The levels of the site adjacent to the internal road to the west fall from the southern end of the site, rising again to the north from the middle of the site.
- 1.1.3. The site is served by an existing gated vehicular access. There is a block wall with palisade fencing at the entrance and a grass verge extends along the full length of the western boundary of the site. The eastern boundary of the site is defined by mature trees and boundary fencing. There is an area of public open space at the entrance to Keatingstown bounding the site to the north.
- 1.1.4. The site is flanked to the northwest and west by the internal access roads serving Keatingstown estate, the Hawkstown Road to east and Broomhall road to the north. The appeal site is located immediately adjacent to the intersection of these roads. The entrance to Keatingstown is off the Broomhall road. There are pedestrian linkages from Keatingstown estate to the wider area.

## 2.0 Proposed Development

- 2.1. Permission is sought to demolish existing structures that include for a dwelling and farm buildings, and to construct 13 no. dwellings, to connect to services and associated works including for new road, footpaths, public lighting, open space, boundaries, landscaping, attenuation system, and vehicular entrance from existing farmyard entrance.
- 2.1.1. It is proposed to demolish an existing dwelling 142 m<sup>2</sup> and associated outbuildings / sheds 514 m<sup>2</sup>.
- 2.1.2. The development proposed comprises as follows:

Site Area	0.55 ha
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<b>No. of Residential Units</b>	13	
<b>Gross Floor Area</b>	1,407 m <sup>2</sup>	
<b>Density</b>	23.6 dph	
<b>Housing Mix</b>	<b>Unit Type</b>	<b>No. of Units</b>
	2 bed bungalow terrace	3
	4 bed two-storey terrace / semi-detached	7
	3 bed three-storey terrace	3
<b>Finishes</b>	Nap plaster finish to walls, zinc to flat roof, grey / black flat concrete roof tile.	
<b>Parking</b>	2 per dwelling (26) No EV charging points	
<b>Public Open Space</b>	0.108 ha (greater than minimum required 0.085 ha) c.19%	
<b>Access</b>	Proposed via the exiting agricultural entrance serving the site	
<b>Surface Water Drainage</b>	Public sewer. 2 no. attenuation tanks and flow control manhole proposed.	
<b>Water Supply</b>	Connect to public mains	
<b>Foul Drainage</b>	Connect to public sewer	

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. The planning authority decided to grant planning permission by Order dated 08<sup>th</sup> January 2024 subject to 25 conditions.

#### 3.1.2. Conditions

The decision included 16 pre-development conditions which relate to standard matters that include inter alia for material finishes, lighting scheme, Irish Water connection agreement, construction and demolition management, hours of operation for the

duration of construction phase, financial conditions relating to development contributions and a cash / security bond, compliance with Section 96 Part V. The following pre-development conditions are of relevance to note:

- Condition 4: Supplementary development contribution Section 49(1), in relation to the construction of the Wicklow Port Access and Town Relief Road.
- Condition 13: Relates to a bat impact report and mitigation measures for protection.
- Condition 16: Relates to the submission of specific design details of the proposed access road and junction with the public road, including pedestrian facilities and links, parking areas, turning areas.
- Condition 24: Relates to compliance with Objective CPO 12.8 of the CDP in relation to the provision of electric charging for electric cars.
- Condition 25: Requires the submission of proposals for bin and bicycle storage.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Two planning reports form the basis of the assessment and recommendation to grant permission.

The first planning report dated 04<sup>th</sup> January 2024 raised concerns regarding the proposed development and recommended that 11 no. items of further information be requested. In summary, the following is noted:

- The principle of development was assessed in relation to compliance with the relevant local planning policy which was the Wicklow Town and Rathnew Development Plan 2013-2019 and the Wicklow County Development Plan 2022-2028 and deemed it acceptable.
- The demolition of the existing structures was justified noting that stone and brick should be reused.
- It was assessed in relation to density noting that the Board considered the density of the previous application refused on the site was too low (ABP Ref. 302253) and that 13 units per ha was acceptable in this case.

- The layout was generally acceptable given the sites' constrained configuration.
- The proposal was not considered to give rise to impacts on any adjoining residential amenities.
- Access – acceptable in terms of sight distances and capacity of adjoining public road to accommodate additional traffic.

Further Information was requested which are summarised as follows:

1. Revised proposals to address the lack of visual integration and physical connectivity with the adjoining area including Keatingstown junction and the issues raised under ABP Ref. 302253.
2. The proposed development may encroach on existing public open space serving the wider area and to address this.
3. To submit proposals for the reuse of salvage original stone from the existing structures to be demolished.
4. Submit an Arboricultural Impact Assessment.
5. To clarify proposed boundary treatments.
6. To indicate where bins and bicycles will be stored in relation to the proposed terraced dwellings.
7. To carry out a bat survey.
8. To provide revised drawings to demonstrate autotrack analysis and turning movements and car parking within the site, and cross sections to indicate gradients.
9. To submit revised proposals to demonstrate compliance with Part V.
10. To submit revised details and drawings to demonstrate compliance with SUDS particularly in relation to nature based measures, and additional design and calculation details to address surface water management and disposal.
11. To submit revised proposals to comply with private open space standards in accordance with Appendix 1.

The second planning report considered the further information response received on the 04<sup>th</sup> December 2023. The response was not deemed to be significant and the



planning authority considered that the response was acceptable and recommended permission be granted. I would note for the Board that a number of the items raised where full details were not furnished in the response to the FI request, that the planning authority considered that a condition to address anything outstanding was satisfactory. In this regard, I note that all boundary treatments, landscaping proposals, and a bat survey are specific conditions included.

### **3.2.2. Other Technical Reports**

#### **Roads**

Report dated 17<sup>th</sup> May 2023 – Requested FI as follows:

- To clarify the proposed footpath arrangements at open space adjacent to unit 1.
- The provision of a pedestrian link from the site to the public road at unit 13.
- The submission of auto track analysis.
- Concerns raised in relation to road gradients and seeking clarification on the level difference between the proposed estate road and the existing public footpath.

Roads Report 2 3<sup>rd</sup> January 2024 – Noted the responses to the FI request in relation to items 1(b) and (c), 8(a),(b),(c) and (d) and had no further comment to make in relation to same. Recommended conditions in the event of a grant to include for the following:

- Full road construction details including footpaths, and all uncontrolled points to be provided.
- Signage and road marking detailed to be submitted and agreed.
- Prior to occupation of the development, a Stage 3 Road Safety Audit carried out and any issues identified to be addressed.

#### **Water & Environmental Services**

Report dated 02<sup>nd</sup> May 2023 – Requested FI in relation to revised design for the proposed drainage scheme and details on the site-specific construction stage of a flow control device, and measures to address surface water runoff for roads, prior to receiving waters.

## Housing Directorate

Report dated 23<sup>rd</sup> May 2023 – No objection raised.

## Fire Service

Report dated 02<sup>nd</sup> May 2023 – No objections raised subject to inclusion of conditions.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

- 3.4.1. Twelve third party observations were received in relation to the proposed development. The issues raised are largely covered by the grounds of appeal.

## **4.0 Planning History**

P.A. Ref. 18/526, ABP Ref. 302253-18 – Permission refused for 9 no. dwellings for 1 no. reason.

In summary, the proposed residential layout and design were of insufficient quality due to the lack of integration and connection with the adjoining Keatingstown residential estate including the existing open spaces, the absence of visual integration with the Keatingstown junction, the design and orientation of dwellings backing onto open space, the absence of permeability for pedestrians and cyclists through the site, and lack of innovative to secure an appropriate density for the serviced site.

P.A. Ref. 97/6294 – Permission refused for 5 no. holiday homes on the subject site.

P.A. Ref. 95/2376 – Original permission for Keatingstown house estate, 66 dwellings.

## **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 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.

### 5.3. **Other Relevant Guidance**

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

### 5.4. **Development Plan**

The Wicklow County Development Plan 2022-2028 (CDP) is the current operative plan. The following is relevant to note:

- It is an objective of the CDP to prepare a new Wicklow Town – Rathnew Local Area Plan.
- The Proposed Variation No. 2 of the CDP has commenced, the purpose of which is to integrate the land use zoning maps and key development objectives for a

number of settlements including specifically for the Wicklow Town – Rathnew Local Area Plan. This will be achieved by the addition of a new part to Volume 2 of the current development plan entitled ‘Volume 2, Part 5 Local Area Plans’.

- The variation further notes that the Wicklow Town – Rathnew Local Area Plan is being prepared separately, however alongside the Proposed Variation as well as other changes consequent to the CDP.

The relevant chapters and policy objectives of the current CDP include the following:

#### 5.4.1. Chapter 4 Settlement Strategy

- Wicklow – Rathnew is designated a Level 2 Core Region Key Town.
- These settlements are large economically active service and / or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.
- Key Towns are identified for growth rates of c. 35% having regard to their identification in the RSES as towns suitable for higher levels of growth.
- Rathnew has a distinct identity and functions as a local service centre for its local community.
- 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 that includes for infill, brownfield sites.
- 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.

#### 5.4.2. 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 ‘Large Towns’ which includes for Wicklow-Rathnew:

- Outer Suburban / Greenfield Sites: Minimum density of 35 - 50 dwellings per hectare.
- Development at net densities less than 30 dwellings per hectare should generally be discouraged particularly on sites in excess of 0.5 hectares.

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.

#### Existing Residential Areas

CPO 6.21 In areas zoned 'Existing Residential' house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see CPO 6.25 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

CPO 6.22 In existing residential areas, small scale infill development shall generally be at a density that respects the existing character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserved, low density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to performance lighting and design criteria.

CPO 6.25 In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development. Such lands will be retained as open space for the use of residents and new housing or other non-community related uses will not normally be permitted.

#### 5.4.3. Chapter 17 Natural Heritage & Biodiversity

The following objective relates to sites and corridors of Ecological & Biodiversity Value:

CPO 17.12 To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

#### 5.4.4. Appendix 1 Development & Design Standards.

The following development standards are relevant:

##### Table 2.2 Vehicle Charging Points

- New 'own door' dwelling with car parking space – installation of external recharging point for electric vehicles in each dwelling.
- New 'own door' dwelling served by shared car parking areas or car parking spaces not within the dwelling site boundaries – installation of 1 recharging point for every 10 dwellings which is available to all residents. Installation of ducting infrastructure for every parking space within development.

##### 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.

##### 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.

#### **5.5. Wicklow Town – Rathnew Development Plan 2013-2019 (expired)**

- 5.5.1. For context, the appeal site was located within the settlement boundary of the above plan and was zoned ‘RE – Existing Residential’ with the objective ‘To protect, provide and improve residential amenities of existing residential areas’.

#### **5.6. Natural Heritage Designations**

- 5.6.1. The nearest European sites and Natural Heritage Areas in close proximity to the appeal site are the following:
- SPA 004186 The Murrough SPA – approx. 920 km to the east.
  - SAC 002249 The Murrough Wetlands – approx. 1 km to the northeast.
  - pNHA 000730 The Murrough – approx. 1 km to the northeast.
  - pNHA 001929 Wicklow Town Sites – approx. 2.1 km to the southeast.
  - SPA 004127 Wicklow Head SPA – approx. 3 km to the southeast.
  - pNHA 000734 Wicklow Head – approx. 3 km to the southeast.

#### **5.7. EIA Screening**

- 5.7.1. Having regard to the nature, size and location of the proposed development comprising the construction of 13 residential on a site with a stated area of 0.55 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. One third party appeal was received from Sylvie Narp, Keatingstown Residents Association (KRA). The main grounds of the appeal can be summarised as follows:

#### Design and Layout

- The proposed development is not in keeping with the Keatingstown estate to the west of the site in terms of density, plot size, the layout and housing type and represents overdevelopment of the site.
- The design and scale of the proposed housing mix will seriously damage the streetscape and will be visually incongruous.
- The siting of the two-storey semi-detached dwellings in the left side of the entrance of Keatingstown will create an uneven and visually unacceptable sight.
- The proposal does not sufficiently integrate within the Keatingstown. It is a separate estate or an estate within an estate.
- Failure by the council to address safety of the proposed open space / play area. The planning authority noted that the 'open space is at a junction and this impacts on safety of play etc'.
- The long narrow open space proposed in the southern corner ends at a junction and runs alongside the road. It is not overlooked and is not visible from the proposed dwellings.

#### Material Contravention

- The proposed development materially contravenes Principle 3 of the Wicklow County Development Plan 2022-2028 in Chapter 3 and objective CDP 6.3 in Chapter 6.



- The proposed development responds poorly to its surroundings as it is not in keeping with the high design standards of existing neighbouring properties and is at variance with the standards set out in Sections 1.1, 3.1.2 and 3.1.6 of Appendix 1 of the development plan.
- A precedent example is given P.A. Ref. 23/275 whereby the council refused permission for a development that was considered to be inconsistent with the pattern of development in the area and would have a negative impact of surrounding visual amenities.

#### Traffic and Access

- The proposed development will increase traffic congestion and safety risks in conjunction with the adjoining secondary school.
- The location of the proposed access is ill considered due to traffic congestion which is an issue in the area particularly during school drop off and collection times.
- The car parking proposed for the development may not be sufficient if new dwellings have visitors or more than 2 cars per home, which would result in on-street parking or overspill to the adjoining estate and park.
- Concerns raised in regard to construction traffic coming into / out of Keatingstown estate, particularly in proximity to the school and additional concerns regarding access for service and emergency vehicles.
- Sightlines not adequate. Only 18 m can be achieved with traffic turning right past the development.

#### Wastewater

- Wastewater disposal is an existing issue in the area, the existing public sewer regularly over flows resulting in overflowing sewage in residents gardens. The proposed increased capacity will further exacerbate the issue.

#### Lack of Details and Transparency

- The final grant includes 25 conditions many of which are pre-development conditions e.g. conditions 7, 10, 11, 12, 16, 18, 20, 23. These conditions prevent the consultation process for the public / residents in relation to making submissions of visual amenity, proper planning and development, environmental protection.

- Insufficient details have been provided to demonstrate that the proposed development is acceptable in relation to high quality design, materials and finishes, and good quality landscaping.
- It is unclear what level of site clearing can begin before the environmental and habitat impact assessment is completed and conditional permission should not be granted until these assessments are completed.

#### Bat Survey

- From survey's carried out, bats roost in the vernacular old farm buildings. The developer is required to carry out a bat survey and submit a Derogation Licence 54 as per High Court and CJEU decisions.

#### Demolition of Buildings

- The site contains vernacular buildings which Policy Objective CDP 8.18 of the development plan seeks to safeguard. To demolish the buildings would be contrary to this objective.
- The Climate Action Plan 2023 outlines that traditional buildings represent a significant resource of 'sunk' or embodied carbon and should be retrofitted and reused rather than demolished. The proposed development would be contrary to this objective.

#### Other Issues

- Wicklow County Council failed to address the original submission to the planning application and the issues raised relating to the proposed development not being in-keeping with surrounding homes, will increase traffic congestion and associated safety risks, is not sufficiently integrated, capacity of existing sewage system.
- Concerns raised in regard to who will be in charge of management / maintenance of the proposed development and liable for public insurance, and in relation to the maintenance of the northern boundary wall with extensive screen planting which the Keatingstown residents want to keep.

## 6.2. Applicant Response

The applicant submitted a response to the appeal on the 04<sup>th</sup> March 2024 which includes a copy of the Pre-planning Report dated 02<sup>nd</sup> March 2023 in relation to the site. The following main points are made:

### Procedural Matters

- The applicant seeks to have the appeal invalidated on the grounds that the appeal is being sought by persons who have not made any observations on the planning application P.A. Ref. 23/390.
- It misrepresents that the appeal involves the residents of Keatingstown Residents Association (KRA) and is being submitted by KRA. Only a small number of residents are taking the appeal.
- The submission of false information, the confusion in regard to what parties objected and what parties are appealing, are grounds for the Board to invalidate the appeal.

### Density

- Following the refusal of P.A. Ref. 18/526, ABP Ref. 30302253-18 by the Board, the density of the site was increased as both the planning authority and the Board indicated that higher density would be required.

### Integration with Immediate Area

- The proposed development is not intended as a stand-alone development. The existing estate built in the 1990s comprises of low density development which is no longer acceptable having regard to current housing policy. The zoning objective for the site permits 35-50 units per ha.
- The proposed development is designed to complete the existing estate and seeks to finish the estate in its entirety with integration and shared open space with the existing estate, use original stone from the existing structures as part of the landscape features. It is proposed to continue house numbering of the existing estate with house numbering beginning at 67-79 as the proposed development will be part of Keatingstown.

- Open spaces will be integrated into the existing estate, will be overlooked by existing houses no.'s 30-32 and will be accessible to all existing and future residents.
- Future residents will contribute annually to greenspace maintenance funds, public insurance which is managed by KRA. It is in within the remit of KRA to accept all residents of Keatingstown into the KRA.
- It is anticipated that the development will be taken in charge which will ensure the maintenance of sewage, drainage, water supply, public lighting, roads and footpaths and the security bond will be held by the council until the development is completed.
- The opinion by the appellant that the design and layout of the proposal is of poor quality, visually incongruous and would seriously injure the amenities of the area and materially contravenes the development plan is without any foundation or knowledge of planning input. It is submitted by a small number of residents in the estate which has 66 dwellings with a population of approx. 200-230 residents.

#### Traffic

- The volume of traffic that the proposal will generate is deemed acceptable by the planning authority.
- In relation to school traffic, some cars park at the existing recessed entrance to the site which will be removed, should the development commence.
- There is ample parking / turning provided for in the development for visitors and the Roads Department on the council have assessed this layout and sightlines at the junction and considered it to be acceptable and compliant with TII standards.

#### Wastewater

- The wastewater drainage will be connected to the public sewer and will not be connected into the Keatingstown Estate system.
- A photo provided in the appeal showing 'sewage overflowing from the current network' is taken at a different housing estate and not in Keatingstown Estate, and the sewage referred to is surface water where attenuation is not in place at the estate. The photograph should be dismissed.

## Planning Conditions

- Regarding construction phase, condition 20 is a pre-development condition and requires a detailed construction management plan including for waste management, hours of operation, traffic management, mitigation measures and a security bond is included by condition 3 to ensure that the development is fully completed.

### **6.3. Planning Authority Response**

None.

### **6.4. Observations**

None.

## **7.0 Assessment**

### Introduction

- 7.1.1. Permission previously sought for 9 dwellings was refused by the planning authority with the Board upholding the decision, ABP Ref. 302253-18 refers. In summary, the grounds for refusal related to the insufficient residential layout and design of the proposed development, the lack of integration with the adjoining Keatingstown residential estate, and the inappropriate density for such serviced lands. I note that the planning application which is the subject of this appeal has sought to address the Boards previous decision.
- 7.1.2. 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
  - Design and Layout

- Access, Traffic & Car Parking
- Wastewater & Surface Water Disposal
- Material Contravention
- Precedent
- Procedural Matters
- Other Matters

## **7.2. Principle of Development**

- 7.2.1. For the purposes of this appeal, the Wicklow County Development Plan 2022-2028 (CDP) is the operative plan as the Wicklow Town-Rathnew Development Plan 2013-2019 has expired.
- 7.2.2. The appeal site is located in the urban area and in the established residential area of Keatingstown housing estate where public services are available. The appeal site is an infill site on the eastern side of the adjoining housing estate and is brownfield in nature. The proposed development provides for 13 residential units which would consolidate the existing pattern of residential development adjoining the site. I note the objectives of the development plan which seeks to facilitate residential development in established residential areas that are serviced, in particular CPO 6.21 and CPO 6.22. Therefore the principle of residential development on the site is considered to be acceptable and is in accordance with these objectives and also Objective COP 4.6, which further requires new development to be located on designated lands within the boundary of settlements.

## **7.3. Density**

- 7.3.1. The grounds of appeal argue that the density proposed would result in overdevelopment of the site at 30 dwellings per hectare (dph), and that the design and layout is not in keeping with the existing residential development of Keatingstown estate.
- 7.3.2. I note that the Board concluded under the previous refusal relating to the site, that the layout and the design of the previous proposal was of insufficient quality in terms of

residential layout and design, and as a result, the proposal did not lend itself to accommodating an appropriate density for such a site. In that case 9 no. dwellings were proposed on a site area of 0.55 ha, resulting in a density equivalent to 16 dph. Under the current proposal, the appeal site has a stated area of 0.55 ha and 13 no. dwellings are proposed. This equates to 23.6 dph noting also that the existing dwelling on the site is proposed to be demolished.

- 7.3.3. 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. CPO 6.22 requires small scale infill development to be of a density that respects the establish character of the area that it is located in, subject to the protection of the residential amenity of adjoining properties. 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 (2024). I therefore consider that the proposed development provides for an acceptable density relative to the site area and the established pattern of development in the immediate are, and it does not impact of adjoining residential amenities. The proposed density is therefore acceptable.

#### **7.4. Design and Layout**

##### Demolition of Existing Buildings

- 7.4.1. The appellant argues that the proposed development would be contrary to CPO 8.18 of the CDP. This objective discourages the demolition of vernacular building and seeks their retention or conservation where appropriate.
- 7.4.2. I note that the planning authority acknowledged the loss of the existing structures but considered that the proposed development would intensify the use of the site for additional housing, and in that regard the demolition of the existing structures was justified. I note that as part of the proposed development, original stone will be salvaged and reused for the purposes of decorative stone features on proposed western boundary treatment (condition 7).

- 7.4.3. Having viewed the site, I noted that the dwelling and associated farmyard buildings remain largely intact. I note from the file details that the farm use ceased in 1995. The site has the appearance of being disused for a substantial period of time given the extent of overgrowth. The existing buildings in the site are traditional farm buildings. I note that they are not designated as protected structures. I acknowledge the concerns of the appellants and I note the provisions of CPO 8.18, however, on balance, I consider that the appeal site would comply with the overriding objectives of the development plan which is to achieve compact growth and increased density through the development of infill sites such as the appeal site, and would therefore not be unacceptable in the context of CPO 8.18. I would recommend that salvageable building materials such as the original stone is included in the landscaping and boundary treatments for the proposed development, should the Board be minded to grant permission.

#### Design and Layout

- 7.4.4. The grounds of the appeal argue that the proposed development will not be in keeping with the adjoining Keatingstown estate and will negatively impact on the streetscape and the visual amenities of the area and will appear as a separate estate. The issues raised were part of the grounds for refusal by the Board under ABP Ref. 302253.
- 7.4.5. Having reviewed the design and layout of the previous application on the site, I consider that the current proposal puts forward an enhanced standard of design and layout which enables higher density and integration with the adjoining Keatingstown estate. In this regard, I consider that the development plan standards are met and that a satisfactory level of residential amenity is provided for.
- 7.4.6. Keatingstown housing estate represents a pattern of lower density housing. The area is characterised by single storey and dormer detached dwellings on generous individual plots with own access, and generally sit at a higher level than that of the appeal site. The appeal site is irregular in shape and as a result the design and layout is informed by this. The proposed dwellings front onto the public open space to the north, and in the direction of the adjoining dwellings to the west achieving visual integration. It also achieves permeability within the site and with the adjoining area through the pedestrian linkages proposed, in particular a pedestrian link from the



northern part of the site onto Hawkstown Road. I note that this was included following the FI request.

- 7.4.7. The existing boundary wall at the western and northern end of the site is noted to be a retaining wall, backed by mature screening, which will be retained. This will lessen the visual impact associated with units 7 -13 which are three storey in scale and I note that the levels relating to this area of the site are lower than that of the adjoining internal road to the north and northwest of the site. The front elevation of these dwellings will face onto the adjoining public open space at the north. This open space is independent of the proposed development and currently serves the existing estate which I note that the applicant has acknowledged.
- 7.4.8. I consider that the west facing elevation of unit 7 is visually poor and does not present well. This issue was raised by the appellant. I note that the planning authority sought to address this, and the revised proposal was considered to be acceptable. However, I consider that this elevation requires further improvement and in the event of a grant, the elevational treatment should be revised to provide additional frontage to the west. I therefore recommend a condition to address same, should the Board be minded to grant. Units 1-3 will be single storey in scale and will be positioned at the higher point of the site. Units 4-6 are two-storey in scale and are proposed within the middle of the site where the levels of the site are lower. The western boundary of the site to the south of the proposed access will be opened up. I note that it is proposed to retain the existing mature trees where possible, however some will be removed as per the landscaping plan. The open space designated in this part of the site will also serve the adjoining estate and will be overlooked by the row of houses to the west which front onto the adjoining road. I note that the applicant clarified that the new dwellings will continue the number sequence of the estate.
- 7.4.9. While I acknowledge that the design and layout of the proposed development will differ from the adjoining residential development, the objectives of the development plan policy and national planning policy as set out in the Section 28 Ministerial Guidelines 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), requires increased densities and compact growth. The proposed development may appear visually different but I am satisfied that it integrates with the existing adjoining development and in that regard I consider it to be acceptable.

## **7.5. Access, Traffic & Car Parking**

- 7.5.1. The proposed layout provides for vehicular access to the scheme from the estate road in Keatingstown. The appellant raises concerns in relation to increased traffic congestion and safety risks, given the location of the site relative to the nearby secondary school.
- 7.5.2. There is an existing access serving the site and it is proposed to use same as the main entrance to the development. Consequently, the entrance has been revised and designed in accordance with the 'Design Manual for Urban Roads and Streets 2019' (DMURS). I note that the Roads Section sought clarification on achievable turning movements within the road layout for vehicles and fire tenders and the impact that the proposal will have on the adjoining road network.
- 7.5.3. The secondary school referred to by the appellant is located to the north of the appeal site approx. 55 m from the Keatingstown estate junction with Broomhall road. There is traffic calming measures adjacent to the school. At time of site inspection I observed the traffic movements within the estate and the parking coinciding with the school's closure. A number of cars were parked along the internal access road close to the main entrance. The volume of cars present was small in number. There is a cycling lane and footpaths along the road and the speed limit is 50 km/hr. It was evident that the traffic volume increased when the school closed and this would generate a temporary peak traffic increase which typically is associated with school opening and closure times. I do not agree with the appellants that it presents a safety risk and in particular for pedestrians as there are footpaths from Keatingstown estate onto the adjoining Broomhall road. I am therefore satisfied that the proposal for 13 dwellings is of a relatively small scale and will not involve substantial modifications to the existing internal road, and will not adversely impact on traffic within the area. Furthermore, I consider that the road network can adequately accommodate the increased traffic movements associated with the proposed development and I note that the Roads Section did not object to this.
- 7.5.4. In relation to sight lines, the appellant states that the proposed development does not meet traffic sight line requirements stating that sight lines of 18 m is only achievable with traffic turning right after the proposal. The existing access is located approx. 100 m to the south of the junction between Keatingstown estate and the public road. The

site layout plan indicates sight distances of 60 m to near edge of road at the junction and 60 m to the south. I note that Table 4.5 of the DMURS requires 45 m forward visibility on a road with a design speed of 45 km/hr. I am satisfied pursuant to site inspection, that the sight distances from the proposed access meets the requirement of the DMURS. I further note from the swept path analysis that the access and the road into the site can accommodate large vehicles and the turning movements associated with same.

- 7.5.5. The proposed development will provide 2 no. off-street parking spaces per unit. This meets the requirements set out in Table 2.3 of Appendix 1 in the Development and Design Standards. There is no provision for visitor car parking or electric vehicle charging points. Nevertheless I do not consider that the proposed development would give rise to any significant level of undue car parking within the wider Keatingstown estate. I would also note that the Sustainable Residential Development and Compact Settlements Guidelines sets a maximum standard of 2 spaces per dwelling (SPPR 3) and in that regard, I consider that the car parking provision proposed within the site is acceptable.
- 7.5.6. Having regard to the foregoing, I consider that the proposed development is acceptable in terms of vehicular access and traffic considerations and car parking provision. I note that condition 24 of the final grant is a pre-development condition in relation to the provision of charging points for electric vehicles. I note that CPO 12.8 of the CDP requires a recharging point to be provided for new residential single-unit buildings. I consider it appropriate to include a condition to comply with this development plan objective and recommend for the Board to do so, in the event of a grant.

## **7.6. Wastewater & Surface Water Disposal**

- 7.6.1. The appellant argues that wastewater disposal is an issue in the area with the existing public sewer serving Keatingstown estate regularly overflowing in residents gardens and that the proposed development will further impact the issue.
- 7.6.2. I note that the proposed development will be connected to the public main sewer at the Keatingstown junction which runs along the Broomhall road, and not to the existing wastewater treatment system serving Keatingstown estate. I note that no submission

was received from Uisce Éireann in relation to the proposals. The Water and Environmental Services Section of the council did not raise concern regarding the existing network capacity and noted that the proposal would not interfere with the existing sewerage pipe network serving Keatingstown estate.

- 7.6.3. I have reviewed the Wastewater Treatment Capacity Register for Wicklow town and I note that the status for the Wicklow WWTP published December 2024 has indicated 'available capacity'. I am therefore satisfied that there are no capacity or connection issues arising in relation to the proposal to connect to the public main sewer network.
- 7.6.4. In terms of surface water disposal, the Water and Environmental Services Section sought additional information in relation to the management of surface water disposal to provide for nature based components, calculations for the proposed surface water management system allowing for a 20% climate change factors, and a site investigation report to demonstrate ground conditions for on site disposal. I note the revised calculation details provided in response to the FI request and that it is proposed to manage surface water through the attenuation system shown on DWG 18/025/103B. I note that SUDS measures are incorporated into the design and layout which include for permeable paving for the car parking spaces, rainwater butts for each unit and swale drains at various points. Attenuated surface water will be discharged to the mains sewer at the Keatingstown estate junction. Having regard to the details provided, I am satisfied that adequate provision has been made within the site to address surface water disposal and consider it a sufficient basis to grant permission subject to conditions.

## **7.7. Material Contravention**

- 7.7.1. The appellant raises the issue of material contravention in the appeal in the context of the proposed development not being in keeping with the surrounding area in terms of density, plot size, layout and house type. In particular, the appellant contends that the proposed development does not comply with the Development and Design Standards set out in Appendix 1 of the CDP in particular Section 1.1 Key Principles of Good Design, Section 3.1.2 Building Height, Section 3.1.6 Infill / Blacklands Development in Existing Housing Areas and also Principle 3 of Chapter 3 Core Strategy.

7.7.2. In circumstances where the planning authority decided to grant permission for a material contravention, Section 37(2)(a) of the Planning and Development Act 2000 (as amended) constrains the Board's jurisdiction in granting permission for a material contravention of the development plan. In this case, the planning authority granted permission for the subject development and in my opinion, I do not consider that the matters raised by the appellant constitute a material contravention of the policies and objectives of the Wicklow County Development Plan 2022-2028. In this regard, I assess the following:

#### Principle 3 Higher Densities

- I note that the overall objective relating to Principle 3 is to encourage higher residential densities at suitable locations. In the case of infill development in existing residential areas, densities shall generally be at a density that respects the established character of the area in which it is located. I consider that the proposed development achieves a higher density on the site which respects the character of the immediate area.

#### CPO 6.3 Design

- I note that CPO 6.3 is a general qualitative design objective requiring new housing development to enhance and improve residential amenity at any location, whilst not reducing the level of amenity already enjoyed by existing residents. It is my consideration that the proposed development satisfies the provisions of this qualitative objective and does not result in a material contravention of this objective.

#### Section 1.1 Key Principles of Good Design

- This is a qualitative check list of the key factors and standards that are to be evaluated in the assessment of a development proposal. It is not a policy or an objective. I do not consider that the proposed development results in a material contravention in this regard.

#### Section 3.1.2 Building Height

- As part of the general design criteria, this section requires consideration of building heights and the relationship with the immediate area. It is my consideration that the proposed development is acceptable in terms of height

having regard to the location, setting and the adequate integration of the proposal with the adjoining area and does not result in a material contravention of the Section 3.1.2.

#### Section 3.1.6 Infill / Blacklands Development in Existing Housing Areas

- This section notes that many older housing areas were built at densities and in such formats that resulted in particularly large plot sizes. It requires infill and backland type development to comply with development standards that include for density, design, and allows for flexibility where an area has a varied building style or type. The proposed development does not result in a material contravention of Section 3.1.6.

7.7.3. I would note that planning policy in particular, policy set out in the National Planning Framework and the Section 28 Guidelines Sustainable Residential Development and Compact Settlements Guidelines 2024, architectural design and building standards have evolved since Keatingstown estate was permitted and constructed, requiring higher densities and more compact development. I consider that the proposed development has had regard to its setting, and the existing layout of houses in the area and is in accordance with national and local planning policy. In that regard I do not consider that the proposed development results in a material contravention of the policies and objectives of the Wicklow County Development Plan 2022-2028.

#### **7.8. Precedent**

The grounds of appeal refer to a recent application refused by the planning authority on grounds relating to the proposed development being inconsistent with the pattern of development of the area, incongruous feature, and giving rise to a negative impact on the character of the area, P.A. Ref. 23/275 refers. This development related to the provision of 2 no. semi-detached dwellings within the curtilage of an existing dwelling to the north of the appeal site. The case is made that the stated reasons for refusal should apply to the appeal site. I note that the case in question was refused planning permission but that it related to a development of a different nature and scale. However I am of the viewpoint that the subject appeal should be considered on its own merits and on a site-specific basis, having regard to national and local planning policy and other relevant planning.

## **7.9. Procedural Matters**

I note the question of validity of the appeal is raised by the first party in respect of named parties who had not made third party observations to the planning application and whose names have been included on the appeal. I note that the appeal is made by Sylvie Narp, the chairperson of the Keatingstown Residents Association. I note that reference is made in the appeal to a number of names that are residents of Keatingstown estate. I note that Sylvie Narp is a third party appellant to the planning application and submitted observations. It is therefore my consideration that there is no reason to invalidate the submission as received. It is not the role of the Board to look behind the nature of the appellant and determine whether the objection, and subsequent appeal/ observation to the Board, were within, or outside, the powers and duties of the chairperson of the association. I do not consider that there is any basis for dismissing the appeal on these grounds.

## **7.10. Other Matters**

### Conditions

- 7.10.1. Condition 7 – This condition relates to proposed boundary treatments throughout the development including to the adjoining lands and to the curtilages of the proposed site. In particular, part (b) requires the re-use of salvage stone work from the demolition of the farmyard dwelling and outbuildings within the site. This is a pre-development condition and I consider that it is necessary to include a similar condition in order to ensure the sustainable re-use of the original stone from the vernacular structures which would enhance the visual amenities of the area as decorative stone features on boundaries of the site. I would note also that there is an absence of specific detail in relation to boundaries of the proposed dwelling, particularly to the front of each unit and this would require clarification.
- 7.10.2. Condition 25 – This is a pre-development condition relating to the proposed bin and bicycle store areas shown on the revised site layout plan DWG KFY-23-01A. The applicant was requested by FI to indicate where occupants of the terraced units would store bicycles within the site. I consider it appropriate to include the planning authority's condition to provide the necessary infrastructure for the areas identified on the drawing and recommend the Board to do so in the event of a grant.

## Bats

- 7.10.3. It has been raised in the submissions to the planning application and by the appellant that bats are present within buildings on the site. I note that the planning report outlined that a bat survey was required and requested same as part of the FI request. I note that no observations were made by the National Parks and Wildlife Services (NPWS). In response to the FI request, the applicant was unable to carry it out and condition 13 which is a pre-development condition requiring a bat impact report and protection measures for the protection of bats was included.
- 7.10.4. Objective CPO 17.12 of the CDP seeks to protect non-designated sites from inappropriate development requiring an ecological appraisal to be carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors.
- 7.10.5. I note that the site is not a designated European Site or a proposed Natural Heritage Area. Notwithstanding, given the site context which comprises of redundant farmyard buildings which have been vacant for a substantial period of time, the presence of bats, bat roosts or hibernation places within the site cannot be ruled out. In that regard, a bat survey carried out by a suitably qualified ecologist is required to be carried out, prior to a decision being made by the Board, and if bat roosts are found to be present, a derogation licence will be required to be obtained from the National Parks and Wildlife Service. In the absence of a detailed survey assessment for the site and of the buildings, undertaken by a qualified ecologist, it is unknown if bats are present on this site and an adequate assessment of the impacts on bats if present at this location cannot be carried out. I therefore recommend that permission is refused on this issue.

## Lack of Transparency re Planning Conditions

- 7.10.6. The appellant argues that insufficient details in relation to design, materials, finishes and landscaping were not provided and that numerous pre-development conditions were attached to the final grant to address this and that this prevents third parties such as the residents in the estate from making a submission particularly where the conditions relates to visual amenity, environmental protection and property planning.
- 7.10.7. I note the concerns raised, however having carried out a full assessment of the file, I am satisfied that the scope of the conditions that are included to the final grant by the planning authority are specific to the appeal site and to the nature and use of the



proposed development. I would note that there is a requirement in circumstances for conditions to specify points of detail relative to the development proposal to be dealt with as a pre-development condition, and that it is appropriate for the Board to do so in the event of a grant.

## **8.0 AA Screening**

### **8.1. Screening Determination**

- 8.1.1. I have considered the residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Wicklow County Council as part of the planning assessment and a finding of no likely significant effects on a European Site was determined. Wicklow County Council concluded that the proposed development was not likely to have a significant effect on a European Site in combination with other plans for projects.

- 8.1.2. A detailed description of the proposal is outlined in Section 2.0 of my report. In summary, the proposed development site is an infill site and is considered to be brownfield in nature located within a site within a suburban environment, surrounded by housing, school, roads and green space in the immediate vicinity. The proposed development comprises the demolition of existing dwelling and farm buildings on site, and the construction of 13 no. dwellings, to be connected to the existing public water and wastewater services. The immediate area is urban in nature characterised by residential development.
- 8.1.3. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.
- 8.1.4. There are no watercourses or other ecological features of note in relation to the appeal site that would connect directly to European Sites in the wider area.

### **8.2. European Sites**

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or

Special Protection Area (SPA). Two European sites are located within 1.5 Kilometers of the potential development site.

- SPA 004186 The Murrough SPA – approx. 920 m to the east.
- SAC 002249 The Murrough Wetlands – approx. 1 km to the northeast.

The Murrough is a coastal wetland complex. There would be an indirect hydrological connection between the appeal site and The Murrough Wetlands SAC (002249) and The Murrough SPA (004186) via the proposed foul and surface water networks and could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development.

### 8.3. Likely Impacts of the Project (alone or in combination)

#### *Surface Water*

- 8.3.1. The main potential impact arising from the proposed development would relate to construction stage in relation to site run off. I note that there is no adjoining water course relative to the site. There are no existing water courses within or immediately adjacent to the appeal site will. However, there is an indirect hydrogeology pathway to be designated sites via the proposed foul and surface water network.
- 8.3.2. The site is infill and brown field in nature, and I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors. During site clearance, demolition and construction of the proposed dwellings and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to The Murrough Wetlands and SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

### 8.4. Likely Significant Effects on European Sites in view of the Conservation Objectives

- 8.4.1. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. The nature of the site is not suitable for the qualifying interests of the SPA. The proposal will not result in

habitat loss. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. The Wastewater Capacity Register (December 2024) indicates that there is available capacity in the town wastewater treatment plant. I am satisfied that significant effects from surface water will not arise.

#### 8.5. In Combination Effects

- 8.5.1. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

#### 8.6. AA Screening Conclusion

- 8.6.1. Having carried out screening for appropriate assessment of the project 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 The Murrough Wetlands SAC or the Murrough SPA or any other European site, and is therefore excluded from further consideration. Appropriate Assessment is not required.

### 9.0 **Recommendation**

I recommend that planning permission is REFUSED for the reason and considerations set out below.

### 10.0 **Reasons and Considerations**

1. Having regard to the nature and scale of the proposed development, the sites location in an established residential urban area, the provisions of Objective CPO 17.12 of the Wicklow County Development Plan 2022-2028, and the absence of a detailed ecological bat survey carried out of the site, the Board is not satisfied on the basis of the information on file that it has been adequately demonstrated that the proposed development would not adversely impact on the ecology of the area, particularly bats species. The proposed development

would therefore be contrary to Objective CPO 17.12 of the development plan and to the proper planning and sustainable development of the area.

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.

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Clare Clancy  
Planning Inspector

21<sup>st</sup> January 2025

## Appendix 1 – Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	318978-24		
<b>Proposed Development Summary</b>	Demolition of structures including a dwelling and farm sheds, construction of 13 houses and associated works		
<b>Development Address</b>	Keatingstown Farm, Ballynerrin Townland, Wicklow, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Part 2, 10 Infrastructure Projects 10(b)(i) construction of more than 500 dwellings units	Proceed to Q3.
<b>No</b>			No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	Min. 500 dwellings units and / or an area greater than 10 ha	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	✓	Pre-screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2 – Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-318978-24</b>	
<b>Proposed Development Summary</b>	Demolish existing structures that include for a dwelling and farm buildings, and construct 13 no. dwellings and all associated works	
<b>Development Address</b>	Keatingstown Farm, Ballynerrin Townland, Wicklow, Co. Wicklow	
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes / No / Uncertain</b>
<p><b>Nature of the Development.</b></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 an infill site that is brown field in nature and is located in an urban area within an established residential area.</p> <p>The site retains the benefit of public services including, water, wastewater, footpaths.</p> <p>The serviced 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 to the existing foul stormwater sewer.</p> <p>The proposed development will consist of typical construction related activities and works including demolition of the existing structures on site. Site clearance works including removal of landscaping vegetation and C&amp;D waste generated will not be significant, and</p>	<b>No</b>

	<p>will be localised and construction impacts will be temporary.</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><b>Size of the Development</b></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 stated area of 0.55 ha that and is within settlement boundary of Wicklow town and Rathnew.</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. No developments have been identified in the vicinity which would give rise to significant cumulative environment effects.</p>	<b>No</b>
<p><b>Location of the Development</b></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 site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites.</p> <p>Bats might be present within a redundant building on the site and a bat survey is required to be carried out prior to commencement of development.</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"> <li>▪ SPA 004186 The Murrough SPA – approx. 920 m to the east.</li> </ul>	<b>No</b>

	<ul style="list-style-type: none"> <li>▪ SAC 002249 The Murrough Wetlands – approx. 1 km to the northeast.</li> </ul> <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.</p> <p>Given the absence of pathways to any sensitive ecological sites / receiving environment, it is considered that no issues arise.</p>	
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>
✓		

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)