



An
Coimisiún
Pleanála

Inspector's Report ABP-319377-24

Development	Mixed-use development comprising construction of 3 houses, 3 storey mixed-use block comprising 1 commercial unit at ground floor level and 1 residential unit above and all associated site works.
Location	Kilcoole House, Main Street, Kilcoole, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23741
Applicant	Douglas Hatton Developments
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Feidhlim O Hanlon & Maeve O Hanlon
Observer(s)	None
Date of Site Inspection	6 th May 2025
Inspector	Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is 0.057ha and is located at 'Kilcoole House', Main Street, Kilcoole. Co. Wicklow. The site is a triangular shaped corner plot located on the eastern side of Main Street (R-761) and to the west of Lott Lane (L-5044) and the junction of Sea Road (L-50455) in the centre of Kilcoole. The subject site was previously occupied by 'Kilcoole House' which has been demolished, and the lands are presently idle and in an unkempt and overgrown condition. The boundaries of the appeal site are mainly composed of palisade fencing with the northern boundary adjoining the property to the containing fragments of a wall and established vegetation. The topography of the site is not flat with the lands generally sloping from the northwest to southeast. There are no protected structures on or adjoining the appeal site and it is not indicated as being within a Flood Zone.
- 1.2. As noted, the appeal site is centrally located in Kilcoole which contains a dispersed mix of shops, pub/restaurant, convenience stores, takeaways and other local services which are intermixed with a variety of different house types and styles. The general form of the buildings in the core area of Kilcoole range between single storey and two storey traditional buildings along with more modern urban constructions. There is a recently completed three storey mixed-use building some 70 metres to the south of the site.

2.0 Proposed Development

- 2.1. The development comprises a mixed-use development containing:
- 2 no. two-storey 3-bed houses;
 - 1 no. two-storey detached 2-bed house;
 - A three-storey mixed-use corner block with a ground floor commercial unit (74sqm) and 1 no. 3-bed duplex unit to upper floors;
 - 4 no. surface car parking spaces;
 - Bicycle and communal bin storage area; and,
 - All associated ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission for the development, subject to 19 no. conditions. These conditions are briefly summarised as follows:

- Condition 1: Development carried out in accordance with plans and particulars.
- Condition 2: Payment of financial contribution.
- Condition 3: Occupation of units shall be for individual purchasers and not a corporate entity.
- Condition 4: Revised drawings in relation to windows and glazing.
- Conditions 5: Revised doorway to top of publicly accessible stairway.
- Condition 6: Details and finishes to bin store.
- Condition 7: Service cables shall be located underground
- Condition 8: Revised drawings of groundworks/drainage to rear of site.
- Condition 9: Drainage/SUDS specifications.
- Condition 10: Landscaping specifications.
- Condition 11: Submit a Construction Management Plan and work hours.
- Condition 12: Implementation of Construction Management Plan and connection to services and prevention of run-off.
- Condition 13: Naming and Numbering
- Condition 14: Submit a Construction Management Plan.
- Condition 15: External shutters shall not be erected.
- Condition 16: Signage/advertisement restriction.
- Condition 17: Submit a Waste Management Plan.
- Condition 18: Archaeological appraisal.
- Condition 19: Agreement with Uisce Eireann (Irish Water)

3.2. Planning Authority Reports

3.2.1. Planning Report(s)

3.2.2. First Planning Report

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history, policy framework of relevant development plans and inter departmental/referral reports.

- The Planning Authority deemed the principle of the development as acceptable with respect to the site zoning, but the provision of one commercial unit was indicated as not being ideal.
- The plot ratio and density were deemed to be acceptable given the site context in Kilcoole - albeit at the expense of a commercial unit.
- The Planning Authority considered the proposal to be acceptable for its designation as an 'Opportunity Site' but several criteria needed to be addressed by way of Further Information.
- In terms of neighbouring impacts, the Planning Authority was satisfied the units, as designed, are unlikely to lead to overlooking, overshadowing, overbearance or loss of light to nearby residences to the north and south. The loss of views from the private property is not a material planning concern.
- The internal living spaces have been designed to not overlook existing/proposed private spaces. Ensuites and circulation spaces have obscured glazing. Perceived overlooking may occur from 1st/2nd floor level of duplex. Design changes recommended to avoid direct overlooking to the southeast.
- The proposed houses meet the private open space requirement (though query was raised regarding red line boundary). The units do not achieve the rear garden depth of 11m and are north facing but the town centre location was noted.
- The duplex unit does not comply with Development Plan private open space standards, however due to site location some flexibility should be given.
- Access, parking and bin storage is deemed to be generally acceptable with some items requiring further information such as external stairs, own door access from street, location of bin stores for the duplex and canopy height.
- Connections to services deemed generally acceptable however the Planning Authority note concern in terms of the practicality of proposed solutions.
- No concerns raised in respect on AA or EIA.

Further Information was sought in relation to 5 no. items which are summarised as follows:

1. Justify the limited mixed nature of the proposed development.

2. Provide a balanced design response for the duplex's side windows at first/second floor level i.e. by providing adequate passive surveillance onto Lott Lanes while avoiding direct overlooking of private amenity space to south-east.
3. Address design concerns regarding material finishes; clarify the red line boundary; clarify contextual elevation; address security/access issues for the terrace of the duplex; clarify/resolve head height issue of canopy element; and, justify the combined bin store and bike store along with access and use of same.
4. Address services layout for the connection to the foul sewer.
5. Provide details for SUDS pod; and, provide a proper assessment of all existing underground services to show a feasible route for a sewer.

3.2.3. Second Planning Report

- The second Planner's Report provides an analysis of the applicant's response to the Request for Further Information and forms the basis to grant permission.
- The Planning Authority noted in respect of Item No. 1 that the applicant has not provided any explanation regarding market research besides contacting one estate agent regarding the limited mixed-use proposed. The Planning Authority contended that while the proposal is not fully compliant with the objective for an Opportunity Site, it would be supported by other objectives which encourage the sustainable reused/regeneration of brownfield sites. The Planning Authority recognised that the sloping nature and location of the site makes it difficult to develop and that the redevelopment is likely to have a positive impact in Kilcoole.
- In relation to Item No. 2, the Planning Authority stated that the applicant did not take an opportunity to mitigate overlooking of the private open space to the south but notes that the issue can be resolved by condition to amend windows.
- With respect to Item No. 3, revised drawings in relation to design and materials were mostly deemed acceptable to the Planning Authority. The Planning Authority did not accept the proposed steel fence and bar access gate at the first floor landing to serve the duplex and states that a more tasteful doorway could be conditioned.
- In terms of Item No. 4, the applicant provided drainage drawings of the foul layout and this was deemed to be acceptable by the Municipal Engineer.

- In relation to Item No. 5, the applicant submitted details of the SUDS pod and notes that a survey was carried out in relation to existing drains and omitting proposed stormwater drain. This was deemed acceptable to the acceptable by the Municipal Engineer.

3.2.4. Other Technical Reports

MD Engineer: Further information was requested in relation to a number of items regarding layout, wastewater and storm water. An updated report received on foot of the Request for Further Information which stated that the responses to Items No. 4 and No. 5 are acceptable.

Roads Dept: No observations to make.

Chief Fire Officer: No objection, subject to condition(s)

3.3. **Prescribed Bodies**

Uisce Éireann – No objection, subject to conditions in relation to signing a connection agreement and carrying out work in compliance with Uisce Éireann Standards codes and practices.

3.4. **Third Party Observations**

3.4.1. 2 no. third party observations were received at application stage from the neighbouring properties to the north and east/southeast. The main issues raised in the observations are similar to those raised in the grounds of appeal, as set out in Section 7.0 of this report, and are briefly summarised as follows:

- Density
- Land Use Zoning
- Loss of amenity (overlooking and loss of enjoyment)
- Deficiencies/Ambiguity in drawings
- Traffic obstructions and dangers to pedestrians
- No sunlight/daylight report provided
- Private Amenity space does not meet requirements
- Orientation of units/sunlight effects
- No back entrances provided

- No public open space
- Insufficient car parking and turnabout space
- Scheme premature until new LAP in place
- Design not in keeping with adjoining homes/ character of area
- Special conditions applied to nearby developments
- Development not consistent with Opportunity Site criteria
- Errors in Architectural Design Statement
- Illegibility of Documents
- Lack of detail on planning drawings
- Concerns over Construction and Traffic Management
- No consultation with neighbours
- Poor/haphazard design
- House Types

4.0 Planning History

- 4.1. The following planning history is associated with the appeal site and the descriptions are abridged as follows:

ABP Ref. ABP-306861-20 (W.C.C. Ref. 19/766): Permission GRANTED by An Bord Pleanála who upheld the decision of Wicklow County Council for a mixed- use development comprising 2 main blocks ranging from 2- 3 storeys in height consisting of Block A - a two storey mixed-use block fronting onto the main street with 2 no. commercial units at ground floor and 2 no. 1-bed apartment units at first floor level; Block B - a three storey mixed-use corner block fronting onto main street / Lott Lane comprising 1 no. commercial unit and 1 no. 1-bed apartment unit at ground floor, 3 no. duplex units at first floor level; 6 no. parking spaces with a ground floor car park under podium level providing shared vehicular/pedestrian entrance from Lott Lane; and, associated site works.

ABP Ref. ABP-301160-18 (W.C.C. Ref. 17/1485): Permission REFUSED by An Bord Pleanála who upheld the decision of Wicklow County Council for mixed-use development comprising of two main blocks ranging from two to three storeys in height consisting of Block A – a two storey mixed use block with 1 no. commercial/café at ground floor and a 1-bed apartment unit at first floor; Block B - a three storey mixed block with 1 no. commercial / retail unit at ground floor and 5 no. apartment units at

first floor level. The development also contains terraces, car and cycle parking, bin stores, and other infrastructure. Applicant: Douglas Hatton Developments Ltd.

W.C.C. Ref. 06/6962: Permission GRANTED for the demolition of existing two storey property, ground floor commercial and first floor residential unit, 2 no. commercial outbuildings; and the construction of a mixed use development comprising main blocks ranging from two to four storeys in height that consist of 1 no. cafe unit, 1 no. retail unit, office spaces and apartments.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site.

5.1.2. Chapter 3 relates to the 'Core Strategy' and Kilcoole is listed as a 'Self-Sustaining Town' in Table 3.3: Wicklow Settlement Hierarchy. According to the Development Plan, towns in Level 4 are generally targeted for growth rates around 20%-25% and the goal for these towns is to limit further development, other than for town centre / infill / regeneration. It is estimated that growth in Kilcoole will exceed this target range before the end of the plan period due to legacy housing developments under construction.

5.1.3. Chapter 4 relates to 'Settlement Strategy'. The Development Plan states that Self-Sustaining Towns are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery. It is further stated that delivering compact growth, regeneration and revitalisation of the town centres is a key priority. The following objectives are considered relevant:

CPO 4.2 To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.3 Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration,

increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

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 4.9 To target the reversal of town and village centre decline through sustainable compact growth and targeted measures that address vacancy, dereliction and underutilised lands and deliver sustainable renewal and regeneration outcomes.

5.1.4. Chapter 5 relates to ‘Town & Village Centres – Placemaking and Regeneration’ and contains commentary of placemaking, renewal & regeneration, and infill & brownfield development. The following objectives are considered to be relevant:

CPO 5.12 To encourage the redevelopment of brownfield sites in order to maximise the sustainable regeneration of underutilised/vacant lands and/or buildings particularly in town and village centres.

CPO 5.21 To strengthen the urban structure of towns and villages by ensuring that any new development contributes to a coherent urban form, focused on a high quality built environment of distinct character. New development shall incorporate a legible and permeable urban form that protects and complements the character of the street or area in which it is set in terms of proportion, enclosure, building line, design and by the marrying of new modern architecture with historic structures.

The Town and Village Regeneration & Rejuvenation Priorities for Kilcoole seeks to – ‘*Strengthen and revitalise the town centre, address dereliction and repurpose underutilised properties. Revitalisation of the centre will strive to include the creation of a formal town square and new civic building to create a new focal point for the town with amenity and cultural focus, a public park, improved permeability within the town centre, new pedestrian and cycle links between the town centre and the train station, Kilcoole beach and Greystones*’.

5.1.5. Chapter 6 relates to ‘Housing’ with Section 6.4 setting out a number of general housing objectives. The following objectives are considered to be relevant:

- CPO 6.1 New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.*
- CPO 6.2 The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.*
- CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.*
- CPO 6.4 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).*
- CPO 6.5 To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:*
- Strengthening the character and urban fabric of the area;*
 - Reinforcing local identity and sense of place;*
 - Optimise the opportunities afforded by the historical and natural assets of a site / area;*
 - Providing a coherent, legible and permeable urban structure;*
 - Promoting an efficient use of land;*
 - Improving and enhancing the public realm;*
 - Conserving and respecting local heritage;*
 - Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;*
 - Promoting accessibility for all; and,*

- *Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.*

CPO 6.6 *To require that all planning applications for multi-unit residential development are accompanied by a Design Statement. Design Statements shall include a detailed assessment of existing environment and historic character and demonstrate how the design has evolved in response to these underlying characteristics and fabric of the town / village. The Design Statement should address each of the 12 criteria set out in the Urban Design Manual (DECLG May 2009). The layout, access, road widths and open space should be cognisant of town and village character.*

CPO 6.7 *The design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DEHLG May 2009) and the Design Manual Urban Roads and Streets (DTTS & DECLG 2013).*

CPO 6.13 *To require that new residential development represents an efficient use of land and achieves the minimum densities as set out in Table 6.1 subject to the reasonable protection of existing residential amenities and the established character of existing settlements. In promoting higher densities and more compact development, new development should demonstrate compliance with:*

- *the Sustainable Urban Housing Guidelines for Planning Authorities (DEHLG 2009) and accompanying Urban Design Manual – A Best Practice Guide;*
- *Quality Housing for Sustainable Communities (DoEHLG 2007);*
- *Design Standards for New Apartments Guidelines for Planning Authorities (2018)*
- *Design manual for Urban Roads and Streets; and*
- *any subsequent Ministerial guidelines.*

- CPO 6.14 *To densify existing built-up areas subject to the adequate protection of existing residential amenities.*
- CPO 6.15 *Higher density proposals should be designed to a high standard, incorporate a mix of housing types and sizes and deliver compact urban forms that enhance the local built environment and contribute towards a sustainable mix of housing options. Proposals should provide an appropriate design response to the site, be designed to a high quality and afford adequate protection for residential amenity of neighbouring properties.*
- CPO 6.16 *To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well-designed high quality outcomes and public safety is not compromised and the environment is suitably protected.*
- CPO 6.18 *To ensure that building height within future development makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views. Require all development proposals, including infill development, to include an analysis of the impact of building height and positioning of buildings on:*
- *The immediate & surrounding environment - streetscape, historic character;*
 - *Adjoining structures;*
 - *Open spaces and public realm;*
 - *Views and Vistas.*
- 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 established 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 normal siting and design criteria.

5.1.6. Chapter 10 relates to 'Retail'. Kilcoole is listed as a Level 4 (Neighbourhood Centres, Local Centres – Small Towns) settlement in the Retail Hierarchy for County Wicklow. This chapter contains a number of contains objectives with respect to retail in general, town and village centres and retail uses.

5.1.7. Chapter 13 relates to 'Water Services' and contains objectives with respect to water supply, wastewater and storm/surface water infrastructure.

5.1.8. Volume 3 of the Development Plan contains Appendix 1: 'Development and Design Standards' which is considered to be relevant to the subject development in terms of Infrastructure & Services (Section 2), Mixed Use & Housing Developments (Section 3), Business, Commercial & Employment Developments (Section 4), Retail (Section 6) and Open Space (Section 8).

5.2. Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019

5.2.1. The appeal site is within the boundary of the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019. The Wicklow County Development Plan 2022-2028 provides a commitment to the preparation of a new Local Planning Framework (LPF) for Greystones–Delgany & Kilcoole during the lifetime of the Development Plan. It shall be noted that Variation No. 2 of the Development Plan was made and came into effect on 12th May 2025 thereby bringing existing LAPs into the Development Plan while new plans are prepared. Section 5.0 of this Variation states that the existing LAP will remain in place until it is superseded by a new plan. It is further noted that Variation No. 4 of

the Wicklow County Development Plan 2022-2028 went on public display in May 2025 and the reasoning for this Variation is to make a new Local Planning Framework for the settlements of Greystones-Delgany and Kilcoole. When the LPF is adopted it will be integrated into the Development Plan thus replacing the Greystones–Delgany & Kilcoole Local Area Plan 2013-2019. Variation No. 4 has not been formally adopted at the time of writing this report.

5.2.2. The appeal site is zoned ‘TC- Town Centre’ under the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 with an objective to *‘protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas’*. A zoning matrix is not included in the LAP and 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. It shall be noted that the ‘TC- Town Centre’ zoning designation of the appeal site is carried forward in the Draft Greystones-Delgany & Kilcoole Local Planning Framework.

5.2.3. The appeal site is listed as an Opportunity Site (OP2: Kilcoole House (‘Urells’), Main Street, Kilcoole) in the existing LAP and contains a list of applicable criteria for the redevelopment of the lands such as being a strategic gateway point, to facilitate the redevelopment of the site for a mix of uses including commercial, civic / community, residential and office uses amongst other criteria for development. The following objective in relation to Brownfield and Opportunity Sites is considered to be applicable to the subject development:

RT13 To encourage and facilitate the sustainable re-use and regeneration of brownfield land and buildings in all centres and to promote the development of opportunity sites in accordance with the specific criteria set out for each area as set out in ‘Section 4.3: Opportunity Sites’.

5.3. National and Regional Plans

5.3.1. The following regional and national planning documents are relevant:

- *Project Ireland 2040 - National Planning Framework (NPF), 2018-2040*
- *Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.*

5.4. National Guidance

5.4.1. The following national planning guidance are relevant:

- *National Planning Framework - First Revision (2025)*
- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).*
- *Development Management: Guidelines for Planning Authorities (2007).*
- *Quality Housing for Sustainable Communities: Design Guidelines (2007).*
- *Housing for All – A New Housing Plan for Ireland to 2030 (2021).*
- *Design Manual for Urban Roads and Streets (DMURS) (2019).*

5.5. Natural Heritage Designations

5.5.1. The appeal site is not located on or within any designated Natura 2000 sites, with the nearest designated sites set out as follows:

- The Murrough Wetlands SAC (Site Code: 002249) approx. 1.28km to the east.
- The Murrough SPA (Site Code: 004186) approx. 1.34km to the east.
- Glen of the Downs SAC (Site Code: 000719) approx. 3.65km to the northwest.
- Bray Head SAC (Site Code: 000714) approx. 5.8km to the north.
- Carriggower Bog SAC (Site Code: 000716) approx. 6.1km to the west;
- Wicklow Mountains SPA (Site Code: 004040) approx. 10km to the west; and,
- Wicklow Mountains SAC (Site Code: 002122) approx. 10km to the west.
- Ballyman Glen SAC (Site Code: 000713) approx. 11.8km to the northwest.
- Knocksink Wood SAC (Site Code: 000725) approx. 12km to the northwest.
- Wicklow Reef SAC (Site Code: 002274) approx. 14km to the southeast
- Wicklow Head SPA (Site Code: 004127) approx. 14.7km to the southeast

5.5.2. The Murrough pNHA (Site Code: 000730); Glen of the Downs pNHA (Site Code: 000719); and Bray Head pNHA (Site Code: 000714) are located approximately 1.34km

to the east; 3.68km to the northwest; and 5.82km to the north respectively from the appeal site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A Third Party appeal has been received in relation to the Planning Authority's decision to grant permission. The grounds of appeal are submitted from the residents of the property to the immediate north of the appeal site. The grounds of appeal are summarised as follows:

Density/House Types and Zoning

- Settlements like Kilcoole should have a density of 30-40 + units per hectare for mainly residential schemes.
- The site density at 70.2 units per hectare is almost double the prescribed density.
- The density is only achievable through not meeting private amenity space, public space and car parking.

Deficiencies/Ambiguity in Drawings

- Submitted drawings are deficient as full details of the appellants' property have not been shown such as boundary treatments, screening, the ridge height of the appellants' house and lack of detail on site sections.
- Appellants are unable to determine if the development complies with the Urban Design Manual (2009) as boundary treatments are not included.
- A separate permission for a dwelling on Lott Lane conditioned the applicants to install the site entrance maintaining the grass verge for road safety and visual

amenity. Another permission for 4 no. units on Lott Lane required a grass boundary matching the roadside boundary. The proposal should have similar conditions applied in the event of a grant.

- No floor plans of the upper floors of the development was given.
- No details on submitted drawings regarding land levels in terms of entrance to the houses (i.e. steps at doorway which may cause issue with accessibility that would be contrary to the Development Plan).
- Use of steps could lead to problems with the narrowing of the footpath.
- No lighting details are given on the submitted drawings and there are also concerns with the installation of CCTV on the site which may impact on privacy.

No Sunlight/Daylight/Overshadowing Report provided

- Appellants property is a dormer bungalow residence with solar panels on the south side and is south facing with a south facing garden.
- A sunlight/daylight/overshadowing report should be provided to ensure that light to their property is not negatively affected.

Private Amenity Space does not meet requirements

- The duplex has a 9sq.m balcony but no garden and so does not comply with design standards set out in the Development Plan.
- The terrace depth for the duplex is unclear and lacks detail. Appellants cannot correctly classify correctly if the proposal complies with Apartment Guidelines.
- The open space requirements state that no more than 50% of a proposal should just meet the minimum requirement.
- It is unclear as to what space is left between the two walls along the boundary of gardens of Unit A and Unit C.

Sunlight/Orientation of Units

- All proposed gardens are north facing which would be the least favourable position for sunlight.

No back entrances

- It would be good practice to provide a back entrance to the commercial property for deliveries.

- Drivers needing to deliver to the front are likely to park in an ad-hoc manner on Main Street or Sea Road inevitably causing traffic problems
- Lack of a back entrance could pose a fire risk as there is only one escape route.

Public Open Space

- No public space is provided in the proposed development. Section 3.1.4 of the Wicklow CDP 2021-2027 states that *'open space should be provided in all new developments, the scale of which shall be dependent on the use of the building/site'*.
- No amenity area is provided for any staff in the commercial unit.
- A nearby development of 1 no. dwelling required that 0.4ha be transferred to Wicklow Co. Co. as a public park.

Insufficient Car Parking Spaces

- Development should have 10 no. car parking spaces to comply with the car parking standards of the Development Plan.
- Lott Lane is not a through road therefore any person wishing to use these spaces have to take a lengthy indirect route to get to the development.
- As the commercial unit could have a lot of deliveries depending on its use should parking space specifically for that unit be provided. Staff should also have car parking spaces.
- Concerns that Lott Lane could become an overflow carpark for the proposed development.

Lack of Turning Bay

- The issue of how cars using the proposed car parking spaces area to turn at the end of Lott Lane is not addressed in the application.

Potential Dangers to Pedestrians and Traffic Obstructions

- Site is at an intersection of Lott Lane, Main Street and Sea Road which is busy for vehicles and pedestrians.
- The lack of parking for both the residential units and commercial unit, exacerbated by a lack of back entrances, is like to pose traffic problems.
- Deliveries will possibly cause traffic obstruction if parking in an ad hoc manner.

Local Area Plan

- Wicklow Co. Co. will be commencing a pre-draft public consultation for the new Local Area Plan soon. Granting permission prior to the drafting/enacting if the new plan would be premature as the plan is now 10 years old.

Not in keeping with adjoining properties and character of the area

- The 2-3 storey in height building is not in keeping with the adjoining properties including the appellants' dormer bungalow.
- The development would be contrary to the twelve criteria set out in the Urban Design Manual (2009) in terms of design, height, density, boundary treatment, accessibility, unit mix, solar orientation, public open space, parking and adaptability.

Special Conditions on other nearby developments

- Application for a one-off house in locality was granted in 2013 requiring that the house is restricted to the applicant or other persons who have been resident or have been employed in Co. Wicklow for a year – this restriction should be placed on the proposed residences.

Not in keeping with criteria for "Opportunity Site"

- The subject site is an Opportunity Site (OP2) in the Greystones-Delgany & Kilcoole LAP 2013-2019 which has criteria which must be complied with.
- The development will have a negative impact on surrounding properties due to density, building height and layout and that only commercial units should be placed at ground floor level and materials have not been decided upon on submitted drawings.

Errors in Architects Design Statement

- Errors and omissions in relation to the site planning history.
- Reference is made to commercial units however there is only one commercial unit proposed.
- The note on finishes differs from the finishes stated in the Design Statement.
- The public are unable to make an informed decision as to whether the development fits in with the character of the area if finishes have not been decided upon.

Deficiencies in Site Notice

Part of the boundary wall and walls of the original dwelling that occupied the site are still present (which include a fireplace). The site notice should have included demolition works.

Illegibility of Documents

- Details uploaded on the Wicklow Co. Co. website are illegible on screen. This is contrary to public participation in the planning process as members of the public are not properly informed.
- Site photos in the Design Statement are in black & white which make them hard to decipher.

Concerns over Construction & Traffic Management

- Should permission be granted, a detailed Construction and Traffic Management Plan must be put in place so as to note negatively impacts on the appellants' amenity and public safety.

No Consultation

- The developer never contacted the appellants in relation to the application. It is felt that it would be good practice for the developer to liaise with them in relation to the design of the development

Haphazard Design

- The commercial unit with duplex appears somewhat unconnected in design from the other residences.
- The kink in the footpath has not been addressed leading to an interruption in the line of the development on Main Street and an aesthetically displeasing concrete wall (stairwell) for the duplex.

Lack of Cross Section between Development and Clients' Property

- No cross section was provided in relation to the development site and the appellants' property. Negative impacts cannot be ascertained.

Front doors opening directly onto Main St/signal junction

- Safety issues arise from front doors of House A and House B opening onto Main Street and the signal junction.
- There are no other residences with front doors facing directly onto the street apart from the opposing cottages which were built before traffic.

Further Information – additional point from submission letter

- Item 1 of the Further Information Request was in relation to the development not keeping with the objectives of OP2 and the developer was asked to justify the limited mixed use nature of the development.
- The applicant's response is noted but does not mean that the criteria laid out in OP2 can be ignored. It is asserted that ignoring the criteria would constitute a material contravention of the LAP.
- If the information received from the auctioneer is accurate, it highlights how the consideration and granting of the proposal is premature prior to the formulation and adoption of the new LAP.

Grant of Permission – additional point from submission letter.

- 9 of the 19 conditions are left over for agreement 'prior to the commencement of development'.
- The appellant's assert that all issues should have been agreed prior to the grant of permission.
- Condition No.3 regarding the restriction of the housing appears to be inappropriately worded as what it seeks to achieve is unclear.
- Special occupancy conditions applied on other nearby developments have not been imposed on the subject development.
- Condition No. 4(b) in relation to glazing/coverings is impractical and unworkable. If a future tenet/owner obscures windows the Planning Authority would not become aware of this unless reported to the Planning Enforcement Section and for this to happen, any potential reporter would have to know that placement of obscuring material would be contrary to conditions. In reality, passers-by are unlikely to know about the condition.
- The wording of Condition No. 5 appears inappropriate and lacking in clarity. What constitutes a "tastefully" designed doorway is open to interpretation and has no

bearing on the doorway's ability in indicating a clear visual deterrent to spurious access. This condition was included to deal with a clear security issue by the design of the publicly accessible stairway without using a security door (and associated negative aesthetics)

- The design of the building incorporating the publicly accessible stairway needs to be reviewed or changed entirely.
- In relation to Condition No. 19, a Confirmation of Feasibility (CoF) letter from Irish Water has not been found on the planning file but Irish Water's response indicates 'no objection' – this is not the same as a Confirmation of Feasibility.

7.2. Applicant Response

7.2.1. A response to the appeal was submitted on behalf of the applicant and the main points are summarised as follows:

Introduction

- A previous application for development on this site was approved by Wicklow County Council and appealed by the same appellants.
- Difficulties in terms of build cost and viability of apartment-type development is well publicised. The approved scheme is unviable coupled with the lack of demand for commercial units necessitated the re-design.
- The design strategy remains the same to deliver a strong built edge to Main Street and Lott Lane.
- The principal design changes from the previously approved scheme are outlined and the scale, height and footprint is similar to the original proposal.
- The appellants have used many of the same arguments in this appeal that were not upheld in the last appeal.

Density/House Types and Zoning

- A density of 105 dph is approved on site and it is suggested that a density in excess of 50 dph is required for the settlement of Kilcoole.
- The gross floor area (531sq.m) is a decrease from the 593sq.m approved.
- The plot ratio has reduced from 1.04 to 0.93. This is an appropriate density for such a small infill site where a mix of uses is proposed.

- Since the development was approved, the Compact Settlement Guidelines have been adopted which recognise the need for viable compact development.
- The development complies with the guidance provided and is in accordance with the Apartment Guidelines.

Deficiencies /Ambiguity in Drawings

- It is refuted that the drawings are ambiguous or deficient
- Houses are designed with bedroom windows facing the street at first floor level.
- Secondary windows only to bathrooms and landing area which can have obscured glazing are to the rear - therefore no overlooking occurs.
- The boundary wall (1.8m) with the appellants' garden is to be retained
- Grass verges are suburban in nature and not appropriate for an urban infill proposal.
- The ridge heights and sectional arrangements are illustrated on the drawings
- The site is sloping. Level access is proposed to House A and House B from the footpath. There is no interference with any area outside the applicant's ownership.

Sunlight / Daylight

- The buildings complete the corner of Main Street and Lott Lane with a strong built edge. It will provide an active street front and make use of a disused plot.
- The height/scale is the same as the scheme already approved.
- A 2-3 storey small-scale scheme does not necessitate a full sunlight or daylight analysis
- The development could not be reduced in scale without being inappropriate in the context and would not deliver a gateway-type building as envisaged by the Planning Authority.

Private Amenity Space

- The development complies with the private amenity space as set out in the Development Plan. These areas exceed the private amenity areas required in the Compact Settlement Guidelines.
- Amenity areas for a small retail unit in a village is not a planning requirement.

Appellant's Items listed 5-7 inclusive

- It is unclear as to what deliveries will be required for the commercial unit and it will be tenant dependant.
- Most villages in Ireland do not have loading bays and it is suggested that limited deliveries would be possible to the front door of the premises.

Car Parking

- 4 car parking spaces are proposed for 4 dwelling units which is the same ratio as the previously approved development.
- The principal benefits of urban living near facilities and infrastructure is to reduce car dependence.
- The provision of the car spaces is considered to be appropriate.

Miscellaneous appellant traffic comments

- The issues regarding traffic were dealt with by the Planning Authority when assessing this application and the previous application.

Development not in keeping with adjoining properties

- The development responds well to the context.
- It re-establishes a lost village pattern and grain which has been eroded by ad-hoc development in the settlement that weakened the core.
- Opportunities to intensify use on derelict sites needs to be maximised and the proposal achieves this.
- Smaller scale development the scale of the appellants' house is not sustainable. References to the Urban Design Manual by the appellants' is out of context and for the most part relate to larger scale new developments.
- The built form for an infill proposal has already been approved by An Bord Pleanála.

7.3. Planning Authority Response

- None.

7.4. Observations

- None.

8.0 Assessment

Having examined the application details and other associated documentation on file, the third party appeal, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues in this third party appeal can be addressed under the following headings:

- Principle of Development
- Design & Layout
- Impact on Residential Amenity
- Access, Traffic & Parking
- Other Matters
- Appropriate Assessment (Screening).

8.1. Principle of Development

8.1.1. In assessing any development, I consider that a key consideration for the assessment of the proposal is the principle of development. The appeal site is located within the settlement of the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 (LAP). The Wicklow County Development Plan 2022-2028 includes a commitment to the preparation of a new Local Planning Framework (LPF) for Greystones–Delgany & Kilcoole during the lifetime of the Development Plan. Variation No. 2 of the Development Plan was made and came into effect on 12th May 2025 and brings brought the existing LAPs into the Development Plan whilst new plans are prepared, and it is stated in section 5.0 of this Variation that the existing LAP will remain in place until it is superseded by a new plan. I note that a Ministerial Direction was issued on 7th October 2025 in relation to Variation No. 2 however it does not concern any specific matters which specifically relate to the subject development. In addition, I note that Variation No. 4 of the Wicklow County Development Plan 2022-2028 went on public display in May 2025 and the basis of the variation is to make a new Local Planning Framework for the settlements of Greystones-Delgany and Kilcoole. When this LPF is adopted it will be integrated into the Development Plan and replace the Greystones–

Delgany & Kilcoole Local Area Plan 2013-2019. At the time of this assessment, Variation No. 4 had been on public consultation between May – June 2025 and has not been formally adopted.

8.1.2. The appeal site is zoned ‘TC- Town Centre’ under the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 which has an objective to *‘protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas’*. I note the subject site retains this zoning designation in the Draft Greystones-Delgany & Kilcoole Local Planning Framework. Further to the above, I note that the appeal site is listed as an Opportunity Site (OP2: Kilcoole House (‘Urells’), Main Street, Kilcoole) in the existing LAP and described as a strategic gateway point and to facilitate the redevelopment of the site for a mix of uses, including commercial, civic / community, residential and office uses amongst other criteria for development.

8.1.3. I am satisfied that the proposal for a mixed-use development comprising residential use and commercial use is acceptable in principle as it would be in accordance with the TC – Town Centre zoning objective and would be consistent with the prevailing character of this urban location. Notwithstanding, in my view, it is imperative that such a proposal is assessed against the relevant parameters of the Local Area Plan and the Development Plan and these matters will be assessed in the following sections.

8.2. Design & Layout

8.2.1. The grounds of appeal state that the design of the proposal is not in keeping with adjoining properties or the character of the area and does not comply with the criteria of the lands as an Opportunity Site. In addition, the appeal claims that the density of the scheme is almost double the prescribed density for the settlement of Kilcoole. It is also contended that the design is haphazard with the commercial/duplex block appearing unconnected to other residences and that there are aesthetically displeasing design elements. Concerns are also expressed in relation to compliance with public open space, private open space and the quality of the gardens. The applicant’s response to the appeal states that the proposal responds well to the

context and would re-establish a lost village pattern which has been eroded by ad-hoc development in the settlement. Additionally, the applicant claims the development provides an opportunity to intensify use of a derelict site and that a density of 105uph was approved on site under ABP Ref. ABP-306861-20 (W.C.C. Ref. 19/766). It is also contended that the development is consistent with both the Compact Settlement Guidelines and Apartment Guidelines.

8.2.2. As noted, the subject development is a part-two, part-three storey mixed-use scheme comprising 4 no. residential units and a commercial unit. The development is arranged in 3 no. blocks with House A and House B comprising a pair of semi-detached two-storey (8.25 metre high) 3-bed houses fronting onto Main Street; House C comprising a detached two-storey (8.25 metre high) 2-bed house fronting onto Lott Lane; and, a three-storey mixed-use building comprising a ground floor commercial unit (74sq.m) and House D, a 3-bed duplex unit in the upper floor levels which has frontages onto Lott Lane, Main Street and the junction of Main Street/Sea Road. I note from a review of the submitted particulars that all of the units at least meet the minimum requirements set out in the relevant Section 28 Guidelines for houses and apartments respectively. In my view, the residential units would achieve a good standard of living accommodation to future occupants.

8.2.3. I note the TC – “Town Centre’ zoning designation and its objective to provide for mix of town centre uses including retail/commercial, ‘Living Over the Shop’ and residential accommodation whilst consolidating the central area of Kilcoole and both strengthening and promoting urban design concepts. I further note the site’s designation as ‘Opportunity Site’ OP2 (Kilcoole House (‘Urells’), Main Street, Kilcoole) in the LAP. This designation contains a number of criteria for this land which note it as a strategic gateway point marking an important corner at the intersection of Main Street, Lott Lane and Sea Road. Moreover, the redevelopment of this Opportunity Site is to include a mix of uses namely commercial civic/community, residential and office use. The criteria states that ground floor uses shall be restricted to commercial uses and that the site could benefit from the development of a landmark building that bookmarks the junction of Main Street and Sea Road, whilst keeping with the character of the town. In relation to the design, it is stated that the redevelopment of the site should provide for multi-aspect building(s), addressing both Main Street, Lott Lane and Sea Road (with primary frontage provided to Main Street) and that high quality

materials be used. Additionally, the Opportunity Site criteria informs that traffic access shall be provided from Lott Lane and that there shall be pedestrian links through the site between Lott Lane and Main Street and that the residential amenity of residential properties shall be protected.

8.2.4. In noting the mixed-use proposal, I acknowledge the initial concerns raised by the Planning Authority in relation to the provision of only one commercial unit and the contention of the appellants that the development does not fully accord with the criteria for an Opportunity Site. However, in noting the scale and setting of the site in a prominent location within Kilcoole, I am satisfied with the provision of a singular commercial unit on these lands. To this end, I concur with the assessment of the Planning Authority in terms of supporting objectives in the Development Plan such as CPO 16 and RT13 of the LAP which encourage the re-use and regeneration of brownfield/infill sites respectively and seek to consolidate the built environment of settlements. On balance, I consider that the proposal would be consistent with the overarching aims for a mixed-use development on this site.

8.2.5. In terms of the design approach, I acknowledge that the applicant has sought to provide a contemporary scheme which introduces a strong urban edge to Main Street, Lott Lane and Sea Road. In my view, the three-storey element is appropriate and provides a gateway building framing the junction of Main Street and Sea Road as required under the OP2 criteria. The block containing House A and House B are appropriately scaled at two-storeys in height and have a stepped or staggered roof line which corresponds to the slope of the land whilst House C fronting Lott Lane will correspond to the land level at this location. I also note in this regard that the tallest element, the proposed three-storey building, will be at the lowest part of the site. The design of the proposed buildings are a contemporary take on a traditional urban buildings with pitched roofs and have vertical emphasis fenestration that address the street front whilst the three-storey building has a narrow profile and high pitch to give it a distinctive presence at the road junction. I also consider that the elevational finishes of render, stone and zinc and would not detract from character of existing buildings in this area. I am of the view that the proposed development will integrate effectively with the surrounding streetscape and built urban environment at this location.

8.2.6. With regard to density, the appeal site has a stated site area of 0.057 ha which equates to a density of approximately 70 units per ha. Table 6.1 of the Development Plan sets

out the density standards and Kilcoole is designated as a Small Town & Village whereby on centrally located sites, a density range of 30 – 40+ units per hectare for mainly residential schemes may be appropriate or for more mixed-use schemes. Additionally, Table 3.6 of the Sustainable Residential Development and Compact Settlements Guidelines sets out general density ranges for Small and Medium Sized Towns and states 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). In considering the nature of the proposed development as a mixed-use scheme comprising 4 no. residential units on a site of 0.057ha, its location within the central area of Kilcoole, the designation of the lands as an Opportunity Site and the planning history on this site, I am of the view that the density would not be excessive or out of character with the area and would align with national policy in terms of urban consolidation.

8.2.7. The grounds of appeal raised concerns in terms of compliance with private open space. I note the proposed dwellings contain private open space which is provided to the rear of each house with House A and House B (3-bed) each having 60sq.m and House C (2-bed) having 50sq.m. These gardens comply with the Minimum Private Open Space standards set out in Section 3.1.4 of the Development Plan. I acknowledge that the proposed gardens would be north-facing which would not be effective for maximising solar gain; however, given that the scheme is an infill development on an underutilised site in the town centre, I consider that the overall layout has been appropriately configured to address Main Street and Lott Lane. As a further point, I note the proposed private open space for the houses would be in excess of the Minimum Private Open Space Standards as set out in SPPR 2 of the Compact Settlements Guidelines which is 30sq.m for a 2-bed house and 40sq.m for a 3-bed house. In relation to the 3-bed duplex unit, I note that a terrace area (10sq.m) has been provided. The appellants argue that this unit does not comply with the Development Plan requirements which state that own door duplexes shall generally be provided with private open space at a minimum rate of 10sqm for the first bedroom and 5sqm per additional bedroom. Whilst no garden has been provided, I am satisfied that the private amenity space for this unit meets the minimum requirements as set out in Appendix 1 of the Apartment Guidelines (2023) which is 9sq.m for a 3-bed unit

and it is my opinion that a garden space is not required given the town centre/infill nature of the proposal.

8.2.8. With regard to public open space, I am satisfied that there is no requirement for the subject development to provide open space. In noting section 3.1.4: 'Open Space' of Appendix 1 – 'Development and Design Standards' of the Development Plan, it is stated that *'open space shall be provided in all new developments, the scale of which shall be dependent of the use of the building/site'*; and, continues to state *'the need to provide public open space in town centre developments may be waived if the development specifically achieves other overriding aims of this Plan, particularly where public amenity space such as a town park or beach is in close proximity'*. Further to this commentary contained in the Development Plan, I refer to Policy and Objective 5.1 – Public Open Space of the Compact Settlement Guidelines which states that *'in some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan. This can occur in cases where the planning authority considers it unfeasible, due to site constraints or other factors, to locate all of the open space on site'*. On this basis, I consider the non-provision of public space to be acceptable given that this underutilised site, with an area of 0.057ha, would be developed as a mixed-use scheme comprising 4 no. residential units and commercial unit, and would positively contribute to the central urban setting of Kilcoole.

8.2.9. As a further point in respect of public open space, I note the appellant's grounds of appeal referred to a nearby development (Reg. Ref. 13/8485) which was required to transfer 0.4ha to Wicklow County Council for use as a public park but that no public open space has been provided for the subject development despite being an Opportunity Site. Having reviewed the abovementioned application, I note that it was assessed under the Kilcoole Local Area Plan 2008 and that the site was situated within a designated "Action Area" whereby an agreement existed for the transfer of land for use as a public park. As such, I am satisfied that the subject development before the Commission has been considered on its own merits and against the provisions of the operative Development Plan. The conditions of a separate application on different lands which was assessed under a previous Local Area Plan are not applicable.

8.3. Impact on Residential Amenity

8.3.1. The appeal raises concerns in respect of residential amenity impacts of the proposed development. In note the appellants specifically refer to concerns in terms of sunlight, daylight and overshadowing in relation to the proximity of the proposed development to their property to the immediate north of the appeal. It is also claimed, on account of a shortfall of information with the application, that other concerns such as overlooking, overbearance and loss of privacy will arise. I shall consider these topics under the following sub-headings:

Overshadowing and Loss of Light

8.3.2. The appellants claim that a sunlight/daylight/shadowing report should be provided to ensure that light to their property (to the north of the appeal site) is not negatively affected. I note that no shadow/lighting assessment was submitted as part of the planning application and the appellants have not included any supporting studies to demonstrate that there will be overshadowing impacts or a loss of light. The applicant's response to the appeal states that the 2-3 storey small-scale scheme does not necessitate a full sunlight or daylight analysis and notes that the height and scale of this proposal is the same as the scheme already approved on this disused plot. The appeal response also contends that the design has been informed by the gateway-type building as envisaged by the Planning Authority. Additionally, the assessment of the Planning Authority did not raise any specific concerns on these particular matters of overshadowing or loss of light and stated that the houses, as designed, are 'unlikely to lead to overlooking, overshadowing, overbearance or loss of light of the nearby residences to the south and north'.

8.3.3. Having conducted an inspection of the site and reviewed the submitted particulars, I note that the levels of the land slope from the northwestern part of the site to an east/southeasterly direction. The closest proposed building to the appellant's dwelling is House A (two-storey) which has an indicated separation distance of 9.445 metres between the closest points of the respective buildings whilst House C (two-storey) is approximately 18 metres from the appellants' dwelling at its closest point. I do not consider there will be any significant overshadowing or loss of light resulting from the proposed development. I have formed this view based on the scale of works within an urban environment, the orientation of the proposal to the south of the appellants'

dwelling, the respective two storey height (approximately 8.25 metres) of both House A and House C, the land level differential and separation distances between the side/rear of House A and House C from the appellant's dwelling. In addition, it is my opinion that any potential changes in shadowing or light would be minimal and that such shadow effect, if any, would be reasonable on account of the scale of the works proposed in an urban area.

Privacy, Overlooking and Overbearance

8.3.4. With respect to issues of overlooking and privacy concerns, I am satisfied that there will be no issues arising regarding the proposed scheme and the appellants' property. I have formed this view as the first floor windows to the rear of House A and House B face eastward and House C faces westward. Therefore, the upper floor windows do not directly oppose the south facing elevation of the appellant's dwelling. In addition, I note that first floor windows to the rear of House A, House B and House C are indicated as being fitted with obscure glazing and will serve non-habitable spaces such as hallways/landings, stairs and bathrooms. Moreover, I am satisfied that there is sufficient separation of approximately 28 metres between the appellants' dwelling and the duplex unit and will contain a 1.8 metre high screen to the terrace. I am also satisfied that the layout and design of the proposed units will limit overlooking within the scheme itself between the new residences.

8.3.5. Separately, I acknowledge the concerns of the Planning Authority in relation to potential perceived overlooking of the rear private open space of the property located to the south/southeast of the proposal across Lott Lane. The Planning Authority contended that the applicant did not mitigate overlooking and so has resolved to applying a condition requiring the provision of window boxes set at oblique angles to the southeast face while clear glass is installed to east-north-east panes. In considering the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), I note SPPR 1 (Separation Distances) states that there shall be no specified minimum separation distance to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. With this in mind, I consider that the Planning Authority's requested amendments to the fenestration to be satisfactory and should the Commission be minded to grant permission, a similarly worded condition could be attached to protect

the amenity of the neighbouring residence to the southeast from perceived overlooking.

8.3.6. In relation to the overbearance, I have already noted that House A is to be sited approximately 9.445 metres and House C will be approximately 18 metres at their closest points. These proposed houses are two-storey in height (8.25 metres). The submitted contextual drawings indicate the ridge height of the appellant's dwelling as being +35.41 with the proposed ridge height of House A (the nearest dwelling) being +34.75. As such, the appellant's dwelling is above the existing site level and this dormer dwelling would remain above the height of the nearest proposed two-storey dwellings which in my view maintain an appropriate separation distance. I am also satisfied that there would be no undue overbearing impact on the appellants' dwelling on account of the sitting setting and gently sloping topography of the lands.

Conclusion

8.3.7. Overall, in relation to the concerns of impacts on residential amenity from the subject works, I am satisfied, having regard to the location of the site, the design and layout of the proposal that the development would not give rise in any undue diminishment to residential amenities of existing neighbouring properties, particularly in terms of overbearance, overlooking, loss of privacy and overshadowing/loss of light.

8.4. Access, Traffic & Parking

8.4.1. The appellant raises a number of traffic and parking concerns in relation to the proposed development. It is contended that insufficient car parking spaces have been provided which do not comply with Development Plan standards and would result in overflow parking on Lott Lane. In addition, it is argued that the access to the development via Lott Lane would require a lengthy and indirect route to access the scheme. The appeal also notes that the lack of a back entrance to serve the commercial unit could result in ad-hoc parking along Main Street which would result in traffic problems. Concerns are also raised in the appeal about safety issues from front doors opening onto Main Street and next to a vehicular junction. The grounds of appeal also claim that the manoeuvring of vehicles at the end of Lott Lane has not been addressed. It is also outlined that a Construction and Traffic Management Plan must be put in place to protect public safety and residential amenity.

- 8.4.2. In considering access, I am of the view that the proposed access to the site is acceptable and accords with the criteria set out for the subject lands as an Opportunity Site which states that traffic access shall be provided from Lott Lane. Moreover, I do not consider that the access and parking arrangement will impact on Lott Lane given that there is no vehicular connection between this road and the junction at Main Street and Sea Road. Having reviewed the proposed location of the parking spaces, I have no concerns with regard to the layout/circulation, and I am of the view that there will be sufficient and safe turnabout and manoeuvrability at this location. In terms of traffic generation, I consider, having regard to the limited scale of the proposed development, that significant additional vehicle movements or exceptional traffic volumes would not be created on existing the road network and would not contribute to informal parking on the cul-de-sac of Lott Lane. As a further point, I note that the scheme does not include pedestrian access through the site as outlined in the Opportunity Site criteria contained in the LAP, however I am of the view that due to the small scale of the appeal site and its setting between Main Street, Lott Lane and Sea Road that there would be appropriate pedestrian connectivity in and around the site.
- 8.4.3. In terms of car parking provision, I note that car parking standards are set out in Appendix 1 of the Development Plan. For residential developments, 2 no. off-street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size. 'Other retail' use states that 4 no. car parking spaces required per 100sq m floor space. The proposal comprises 4 no. residential units (2 no. 3-bed houses, 1 no. 2-bed house and a 3-bed duplex) and a commercial unit with a floor area of 74sq.m. A total of 4 no. car parking spaces is proposed to the side of the development at Lott Lane which would provide 1 no. dedicated car parking space per residential unit and no parking for the commercial unit.
- 8.4.5. I note that the previously approved development on the subject site provided 1 no. car parking space per residential unit. Given the infill/redevelopment nature of this Opportunity Site in a central location in the settlement of Kilcoole, I consider the provision of a maximum of 1 no. car parking space for each residential unit to be acceptable in this site context. Furthermore, according to the Apartment Guidelines (2023), the benchmark for apartments in relatively peripheral or less accessible urban locations is 1 no. car parking space per unit, together with an element of visitor parking (one space for every 3-4 apartments). Having regard to the site context, I consider that

Kilcoole can be reasonably categorised as a less accessible urban location and on this basis, the minimum of 1 no. car parking space for the duplex, as provided, is acceptable. While I note that no car parking is proposed to serve the proposed ground floor commercial unit, given the location of the proposed development in the centre of Kilcoole, I consider that the non-provision of parking for this unit would be acceptable as it would encourage walking and cycling in town centre locations. Accordingly, I consider the parking provision of 1 no. space per unit to be acceptable.

- 8.4.6. In relation to the appeal's reference for a Construction and Traffic Management Plan needing be put in place to protect public safety and residential amenity, I note that Condition No. 11 of the grant issued by the Planning Authority requires that a full and detailed Construction Management Plan be submitted inclusive of a traffic management plan. I consider such a measure to be satisfactory and should the Commission be minded to grant permission, a similarly worded condition could be attached to ensure that constructed-related traffic impacts have regard to vehicular and pedestrian safety along with disturbance to neighbouring residences.
- 8.4.7. In relation to the concerns expressed by the appellants in relation front door access to the proposed houses causing potential conflict with pedestrians and traffic, I note that the applicant clarified that the access will not be located on the main footpath and will have level access. In this regard, I do not consider that the front door access from the proposed dwellings would result in a traffic hazard to road users or pedestrians.
- 8.4.8. I have considered the extent of bicycle parking and it is my view that the parking is in accordance standards as set out in Appendix 1 of the Development Plan and is acceptable in terms of its arrangement and access. With respect to bin storage, the duplex will have a dedicated store at ground floor level whilst bins for House A will be located at the car parking area on Lott Lane. The bin storage for House B and House C is in the rear garden space (with gated access to Lott Lane). I consider that a condition can be included in the event of a grant of permission which requests full details of the bicycle storage and bin collection arrangements in the interest of complete clarity.
- 8.4.9. In terms of the deliveries to the ground floor commercial unit, I note that no dedicated loading bay is provided. I acknowledge that future use of this unit would be determined by a future tenant and so it is unclear as to what deliveries, if any would be required.

In my view, I consider that deliveries would be infrequent and at off-peak times and carried out in a similar manner to other commercial premises in the centre of Kilcoole. As such, I consider that deliveries to the commercial unit could be reasonable accommodated within the immediate vicinity of the site with minimal disruption to vehicular/pedestrian traffic.

8.5. Other Matters

8.5.1. Having regard to the ground of appeal, I shall consider a number of matters raised under a series of sub-headings set out below.

Deficiencies in Site Notice

8.5.2. The appellants refer to part of the boundary wall and walls of the original dwelling which previously occupied the appeal site as being present and that the site notice should have included demolition works. In considering this matter, I note that the submitted drawings indicate that the existing wall is to be retained. Therefore, I am of the view that the development description is accurate insofar as it relates to the primary elements of the proposal and that the assessment of the Planning Authority raised no issues in respect of this item. Moreover, that matters in relation to boundary treatments can be reasonably addressed by way of condition should the Commission be minded to grant permission.

Procedural Considerations

8.5.3. The appellants have raised a number of procedural concerns in relation to the assessment of the application such as the legibility of documentation on the online planning portal, omission of second floor plans for the three-storey building and the premature granting of the development given the consultation for the new Local Planning Framework for Kilcoole. With regard to the legibility of planning documentation, I am of the view that the purpose of e-Plan and other IT platforms is to aid in facilitating members of the public and third parties with an opportunity to interact with the planning process. I have reviewed Wicklow County Council's online portal on foot of the appeal and I am satisfied with the overall image quality of the documentation. I do note that the second floor plans for the development are not readily available to view, however, this drawing is on the paper file copy and would have been available for inspection along with all other associated planning particulars by member of the public. I am satisfied that the application was appropriately

presented and that third parties / members of the public could engage with the planning process in accordance with planning legislation.

8.5.4. In respect of the development being alleged to be premature in the context of the drafting/enacting of a new Local Planning Framework for Kilcoole, I have previously outlined the position of the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 which under Variation No. 2 of the Development Plan will remain in place until that LAP is superseded by a new plan. Variation No. 4 of the Development Plan went out for public consultation between May and June 2025 and in part seeks to make a new Local Planning Framework (LPF) for the settlements of Greystones-Delgany and Kilcoole. If adopted, this LPF will be integrated into the Development Plan and replace the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019. At the time of this assessment, Variation No. 4 has not been formally adopted and so the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 remains applicable to the development.

Conditions

8.5.6. The appeal makes reference to ‘special’ conditions applied to other developments in the vicinity in terms of restricting occupancy. In addition, the appellants refer to the appropriateness and enforceability of number of conditions in the grant of permission by the Planning Authority. Notably, the appeal highlights the number of pre-commencement conditions for the development, occupancy restrictions, obscuring material on glazing, suitability of the design of the doorway for the duplex and no Confirmation of Feasibility from Uisce Eireann.

8.5.7. I have reviewed the appeal file and considered the assessment of the Planning Authority along with the reasoning for recommending a grant of permission. In terms of conditions, I note that the Development Management Guidelines set out the basic criteria for deciding to impose conditions. This includes – necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable. In my view, a number of the conditions are generally standard in nature for any type of urban development. I consider that the conditions are justified and seek to achieve a satisfactory standard of development and support the policies/objectives of the Development Plan in relation to urban development. The pre-commencement conditions ensure that the applicant/developer must provide appropriate details to the

satisfaction of the Planning Authority before the works can be carried out. Furthermore, I am of the view that the conditions are precise and understandable to the applicant/development and clearly set out their requirements. To this end, I consider that the conditions have been framed so as to specify the obligations of the applicant/developer and makes the conditions both effective and enforceable.

8.5.8. In relation to Condition No. 5 that seek details for a more tastefully designed doorway serving the stairway for the duplex, the Planning Officer outlined in their assessment the reasoning as to why the proposal was deemed acceptable as the steel fence and gate was not a physical deterrent to the stairs. I acknowledge that the use of the word 'tastefully' may be subjective and open to open; however, I do not consider that the door/gate constitutes a refusal reason for the overall scheme and I am of the view that the condition seeks to protect the visual character of the area and that a solution can be agreed between the applicant/developer and the Planning Authority.

8.5.9. With respect to the appellants' reference to special conditions applied to other developments in the locality, I am of the view that each proposal is assessed on its own merits and that conditions are applied to each development as insofar as it relates to each specific proposal. As previously noted, I am satisfied that the subject development has been assessed on its own individual merits and that applicable conditions have been appropriately applied.

Accuracy of Planning Drawings and Errors in Architectural Design Statement

8.5.10. The grounds raised by the appellants claim that there are errors in the submitted Architectural Design Statement with regard to omissions of planning history, references to commercial units and differing notes regarding finishing materials which impacted on the public's ability to consider the proposal. It is further indicated in the appeal that there are deficiencies and ambiguity in relation to the submitted planning drawings as the full extent of the applicants' property has not been detailed, back garden and boundary treatments are unclear, a lack of information on the land levels to access the houses, lighting/CCTV and boundary treatments.

8.5.11. The assessment of the Planning Authority raised no issues in respect of the accuracy of the planning drawings and it is my view that the applicant has accurately detailed the extent of proposed works insofar as they relate to the subject development on the appeal site. In relation to the appellants' comments on errors contained in the

Architectural Design Statement, I am of the view that such references are minor in nature and that the planning drawings can be relied upon in terms of finishes/materials and scope of development works. Having reviewed the submitted particulars, I do not consider that the details provided in relation to the appellants' property significantly inhibited the assessment of the subject proposal on the appeal site given the scale and nature of the proposed development. **As noted above**, I am satisfied that the subject development has been assessed and that applicable conditions have been appropriately applied. I consider that the conditions of the Planning Authority include wall and boundary treatments and that these items can be included in similarly worded conditions should the Commission be minded to grant permission for the subject development.

9.0 Appropriate Assessment (Screening)

- 9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 9.2. The subject development comprises a mixed-use development comprising 4 no. residential units and a commercial unit on zoned lands within the settlement of Kilcoole. The appeal site is not located within or adjoining any designated Natura 2000 sites. The appeal site is approximately 1.28km from the nearest designated site which is The Murrough Wetlands Special Area of Conservation (Site Code: 002249). The Murrough Special Protection Area (Site Code: 004186) is 1.34km from the site and other designated sites in the area include Glen of the Downs Special Area of Conservation (Site Code: 000719) which is 3.64km from the site and Bray Head Special Area of Conservation (Site Code: 000714) which is approximately 5.79km from the appeal site.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site and the lack of direct connections; and,
 - Taking into account the screening determination of the Planning Authority.

- 9.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

- 10.1. I have considered the subject development and I am of the view that the proposal will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment. I refer the Commission to Appendix 3 for my screening assessment.

11.0 Recommendation

- 11.1 I recommend that permission is GRANTED for the development in accordance with the following reasons and considerations

12.0 Reasons and Considerations

Having regard to the 'TC -Town Centre' zoning objective for the subject site and its designation as an 'Opportunity Site' as set out in the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019, the provisions of the Wicklow County Development Plan 2022-2028 (as varied) and the overall scale, design and height of the proposal, it is considered that, subject to compliance with the conditions set out below, the proposed mixed-use development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 29th September 2023 and as amended by Further Information received on 1st February 2024, 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 Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) On east/southeast facing elevation of the first and second floor level of the duplex unit, window boxes/panels shall be set at oblique angles and fitted non-openable, permanently obscured glazing while east-north-east panes shall be fitted with clear glazing and be openable.
 - (b) Clear glazing shall permanently fitted on the east-facing ground floor level windows of the commercial unit and shall be kept clear of any stickers or other obscuring materials to provide passive surveillance of Lott Lane.
 - (c) Details of an appropriately designed doorway located at the top of the stairway serving the duplex unit that provides an effective visual and physical deterrent to spurious access to this unit while complementing the overall design of the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed with, the Planning Authority prior to the commencement of development

Reason: In the interests of visual amenity and residential amenity.

3. Details of the materials, colours and textures of all the finishes to the proposed development (including all bin storage and bicycle storage areas) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

4. A comprehensive landscaping boundary treatment scheme shall be submitted to and agreed in writing with the Planning Authority, prior to commencement of

development. This scheme shall include the details of any screen planting, hard and landscaping works which specify surfacing materials and any levelling/contouring along with specific boundary treatments at the perimeter of the site and to the plot boundaries of each residential unit.

Reason: In the interest of visual amenity.

5. 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 contain all technical specifications for lights and columns. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety

6. The turning bays, car parking and bicycle parking areas, footpaths, kerbs and finishes/materials/signs serving the proposed development shall comply with the detailed standards of the Planning Authority for such road works, and shall comply, in all respects, with the standards set out in Design Manual for Urban Roads and Streets (DMURS). Details of same shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

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

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. (a) Details of shopfront design and signage shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer

and the local authority the matter shall be referred to An Coimisiún Pleanála for determination.

(b) No external security shutters shall be erected on the commercial unit canopies without a prior grant of planning permission; and, details of any internal shutteres shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(c) No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 as amended, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall incorporate details for the following:

(a) Location of the site and materials compound including areas 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) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.

(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

(j) 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.

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(m) 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.

Reason: In the interest of amenities, public health and safety and environmental protection

- 10.** All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

- 11.** Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network and include any specific requirements if appropriate.

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

12. All drainage arrangements, including any attenuation/collection and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health and surface water management.

13. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility

14. Site development and building works shall be carried out only between the hours of 0700hrs to 1800hrs Mondays to Fridays inclusive, between 0800hrs to 1400hrs on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the Planning Authority.

Reason: In order to safeguard the amenities of property in the vicinity.

15. Prior to the commencement of the development as permitted:

(a) 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to

the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing 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 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these

requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

17. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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.

Matthew O Connor
Planning Inspector

23rd October 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-319377-24
Proposed Development Summary	Mixed-use development comprising construction of 3 houses, 3 storey mixed-use block comprising 1 commercial unit at ground floor level and 1 residential unit above and all associated site works.
Development Address	Kilcoole House, Main Street, Kilcoole, Co. Wicklow.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10 (b)(i) Construction of more than 500 dwelling units.
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994.	
No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of a mixed-use development comprising 4 no. residential units and a commercial unit.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-319377-24
Proposed Development Summary	Mixed-use development comprising construction of 3 houses, 3 storey mixed-use block comprising 1 commercial unit at ground floor level and 1 residential unit above and all associated site works.
Development Address	Kilcoole House, Main Street, Kilcoole, Co. Wicklow.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal comprises a mixed-use development on a brownfield site in the settlement of Kilcoole.</p> <p>The size of the development, which seeks a ground floor commercial unit with apartment unit on upper floor levels and 3 no. dwellings would not be described as exceptional in the context of the existing urban environment of Kilcoole.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster. The site is not located in an area at risk of flooding.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The proposed development is situated in the centre of the settlement of Kilcoole.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on the SACs is addressed under Appropriate Assessment (Screening).</p>
Types and characteristics of potential impacts	Having regard to the nature and scale of the proposed development (i.e. a mixed-use

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	development comprising 1 no. commercial unit and 4 no. residential units on zoned lands in Kilcoole), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening the need for Water Framework Directive Assessment Determination

The subject site is located on a site at Kilcoole House, which is located at the junction of Main Street, Lott Lane and Sea Road in Kilcoole, Co. Wicklow. The proposed development comprises a mixed-use development of 4 no. residential units and a commercial unit along with all associated site works. The development is located on a brownfield site and will connect to existing foul and surface water networks.

The site is located approximately 45 metres to the north of a water course, indicated as the "Kilcoole Stream" on respective data, which flows eastwards and enters the Irish Sea roughly 1.73km away (as the crow flies). There is no apparent hydrological connection to this watercourse from the subject site given the setting in an urban context and presence of services. According to available Water Framework Directive information, the watercourse is stated as being 'At Risk'. The coastal waterbody, indicated as the Southwestern Irish Sea - Killiney Bay (HA10) has a projection of being 'Not at Risk'. In addition, the Groundwater Body is indicated as the Wicklow groundwater body which is stated as being 'At Risk' in relation to not meeting their Water Framework Directive objectives.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. scale and nature of the development being a mixed-use development containing 4 no. residential units and 1 no. commercial unit on a brownfield site in an urban area; and,
- Proposed connections to existing foul/water services and the distance from nearest water bodies and lack of direct hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.