



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322461-25

<b>Development</b>	8 two storey houses and all associated site works.
<b>Location</b>	Ballinahinch, Ashford, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	25/41
<b>Applicant(s)</b>	Ballinahinch Development Project Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ballinahinch Development Project Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	6 <sup>th</sup> August 2025
<b>Inspector</b>	Emer Doyle

## **1.0 Site Location and Description**

- 1.1. The site comprises of backlands to the rear of existing dwellings on the R763 on the edge of the town of Ashford, Co. Wicklow. The surrounding area is suburban in nature with a combination of one off dwellings and residential estates.
- 1.2. The site is irregular in shape with an existing newly constructed road to the south which is proposed to serve the development. The stated site area is 0.378 hectares. A new section of road is proposed over an existing tennis court which serves an existing dwelling to the east. The main part of the site is located to the rear of a row of conifer trees and is bounded by both a vacant site and a newly built two storey dwelling to the east.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the construction of 8 No. semi-detached two storey dwellings of the same design. Each dwelling has a stated floor area of 111m<sup>2</sup>. Vehicular access is proposed from an existing newly built road off the R763. The application documentation includes development statistics which indicates plot sizes and private open space areas for each site together with density and public open space area. The private open space areas range from 120m<sup>2</sup> to 340m<sup>2</sup> and the public open space area is 722m<sup>2</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Permission refused for two reasons relating to insufficient density, inefficient layout, deficiency in mix of units, potential for a more efficient use of lands to include wider lands in terms of layout and access, and lack of clarity with regard to overall proposals for the site.

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

- 3.2.1. Planning Reports

- The planner's report considers that the principle of development is acceptable at this location and the additional 8 No. houses proposed would not conflict with the core strategy.
- It is stated that the density proposed of 20 dwellings per hectare is a more appropriate density than that proposed under PA Reg. Ref. 22/947. However the applicant has not included the entire landholding within their ownership at this location and it cannot be determined whether the applicant has successfully addressed Reason No. 1 of the refusal under PA Reg. Ref. 22/947.
- In terms of the second reason for refusal under PA Ref. Ref. 22/947, it is noted that the site layout and size is considerably different and is accessed from an existing entrance off the R763. Room sizes, separation distance, and private amenity space comply with the requirements of Quality Houses for Sustainable Communities.
- It cannot be determined what layout would be employed throughout the entire development as part of the overall site has been omitted and it is likely that a more efficient use of the land with a revised layout could be employed had the applicant included the entire site.
- The proposed site forms part of an overall larger site to the east and the Planning Authority is concerned that the proposed development would not be in accordance with the sequential approach to development.
- The housing mix proposed is inadequate as only 3 bedroom semi-detached dwellings are proposed.
- Part V of the Act is only applicable on developments of more than 9 houses. The lands were purchased on the 30<sup>th</sup> of March 2021 and the development is for 8 No. dwellings.
- If the density was in line with the Sustainable and Compact Settlements Guidelines, this would likely increase the density and trigger Part V requirements.

### 3.2.2. Other Technical Reports

- **Housing:** It is not possible to ascertain whether Part V applies to this site or not. The units proposed are oversized at 111m<sup>2</sup>. If the Council are to receive funding, the units must be reduced in size to 101m<sup>2</sup> in accordance with the Guidelines set out in Quality Housing for Sustainable Communities.
- **Roads:** Whilst it is acknowledged that the existing development was granted under PA 23/326, it is recommended that full details of the entrance are agreed with the Council and that the entrance is designed so that priority is given to pedestrians crossing the entrance.
- If granted, a stage 3 Road Safety Audit should be carried out on completion of development.
- The proposed road and footpath specifications are to be submitted and agreed with the Council for access and estate roads and footpaths.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. One submission was made to the Planning Authority in relation to impact on residential amenities by way of overlooking and impact on privacy.

## 4.0 Planning History

**PA Reg. Ref. 22/947:** Permission refused for 5 No. detached dwellings for 2 No. reasons mainly relating to poor layout and insufficient density. The site in this application relates to part of the current site only.

**PA Reg. Ref. 17/1121:** Permission refused for 7 No. detached dwellings for reasons relating to inadequate information in relation to proposals for collection and disposal of surface water, traffic hazard, design and layout and impact on residential

amenities of both the intended occupants and adjoining properties. The site in this application relates to part of the current site only.

#### *Adjoining Sites*

#### **PA 20/373**

Permission granted for demolition of existing dwelling, garage and sheds and proposed new replacement dwelling, garage, storage shed and gym, revised entrance and roadside boundary, revised site boundaries and associated works.

#### **PA 23/326**

Permission granted for proposed dwelling with connection to services, new entrance road and associated works.

The new entrance road granted above provides access to both the dwelling granted under this application and the current application site.

## **5.0 Policy Context**

### **5.1. Wicklow County Development Plan 2022-2028**

- 5.1.1. Ashford is identified as a level 5 settlement, “Small Town – Type 1” in the county hierarchy. The Core Strategy provides for an average growth rate of c. 20% between 2016 and 2031 across the 5 no. settlements in this tier, which is a population increase of approx. 1,500 persons. Ashford will significantly exceed this target due to legacy housing developments under construction. The goal for the town is to limit further development, other than for town centre / infill / regeneration.
- 5.1.2. **Zoning Principle 1** (Compact Growth): In accordance with National Policy Objective 3c of the National Planning Framework, a minimum of 30% of the housing growth targeted in any settlement is to be delivered within the existing built-up footprint of the settlement.
- 5.1.3. For levels 1-5 of the settlement hierarchy, and in cognisance that the potential of town centre regeneration / infill / brownfield sites is difficult to predict, there shall be no quantitative restriction inferred from the Core Strategy and associated tables, on the number of units that may be delivered on town centre regeneration / infill / brownfield sites.

- 5.1.4. **Zoning Principle 2** (Delivery of Population and Housing Targets): Town centre regeneration / infill / brownfield developments normally located within the existing built-up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development.
- 5.1.5. **Zoning Principle 3** (Higher Densities): It is an objective of the Council to encourage higher residential densities at suitable locations, particularly in existing town / village centres and close to existing or proposed major public transport corridors and nodes.
- 5.1.6. **Zoning Principle 4** (Sequential Approach): A sequential approach for new residential development will be taken, with priority location 1 relating to the densification of the existing built-up area, re-use of derelict or brownfield sites, infill and backland development.
- 5.1.7. **Objective 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.
- 5.1.8. **Objective 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.

## 5.2. Town and Village Centres

- 5.2.1. **Objective CPO 5.1:** To protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes.
- 5.2.2. **Objective CPO 5.2:** To protect and increase the quality, vibrancy and vitality of town and villages centres by promoting and facilitating an appropriate mix of day and nighttime uses, including commercial, recreational, civic, cultural, leisure and residential uses and to control uses that may have a detrimental impact on the vitality of the streetscape and the public realm.

5.2.3. **Objective CPO 5.3:** To particularly promote and facilitate residential development in town and village centres.

### 5.3. Housing

5.3.1. **Table 6.1 Density Standards:** For small towns and villages including Ashford the following density standards are noted:

- Centrally located sites: 30 – 40+ units per hectare for mainly residential schemes may be appropriate or for more mixed use schemes.
- Edge of Centre Sites: 20-35 dwellings per hectare.
- Edge of small town / village: Densities of less than 15 – 20 dwellings per hectare (as an alternative to one-off housing) as long as such development does not represent more than 20% of the total new planned housing stock of the small town or village.

5.3.2. **Objective 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.

5.3.3. **Objective 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)".

5.3.4. **Objective 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).

5.3.5. **Objective 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.

5.3.6. A density standard of 30-40+ units for mainly residential schemes is identified for centrally located sites in small towns such as Ashford. The development and design standards for mixed use and residential housing developments are set out in Appendix 1, Section 3.0 of the plan.

5.3.7. **Objective 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.

5.3.8. Appendix 1 of Volume 3 sets out relevant design standards. The following is relevant:

Section 2.1.4 notes that the design of new local roads and new means of access onto local roads shall generally comply with the guidance set out in the Design Manual for Urban Roads and Streets, Traffic Management Guidelines and Recommendations for Site Development Works for Housing Areas as necessary.

Section 3.1.3 (Privacy) notes that a separation of 22m will normally be required between opposing windows serving private areas and the degree of 'overlooking' afforded by different window types shall be considered e.g., an angled roof light will not have the same impact as a traditional window on the same elevation.

Section 3.1.4 (Open space) notes that public open space will normally be required at a rate of 15% of the site area. Minimum private open space for 1-2 bed houses is 50sq.m and 60-75sq.m for 3+ bed houses.

Section 3.1.5 (Car parking) notes that 2 no. off-street spaces shall normally be required for all dwelling units over 2-bed in size. For every 5 no. units provided with only 1 space, 1 visitor space shall be provided (6m by 2.5m for parallel bays). •

Section 3.1.6 (Infill development etc.) notes that house design should complement the area, but more flexibility can be applied where an area is a 'mixed-bag' of styles.

#### 5.4. **Ashford Town Plan 2022-2028**

5.4.1. The site is zoned as "RE – Existing Residential" which has the objective "to protect, provide and improve residential amenities of existing residential areas"

#### 5.5. **Housing**



- 5.5.1. **Objective ASH1:** New residential development shall comply with the principles, objectives and standards set out in the Wicklow County Development Plan.

5.6. **Service Infrastructure**

- 5.6.1. Ashford is served by the Wicklow Sewerage Scheme, which has sufficient capacity to meet the needs of the plan area up to 2031. The town is served by the Wicklow Water Supply Scheme, which has sufficient supply to meet the projected population needs of the town.

5.7. **National Policy and Guidelines**

- National Planning Framework First Revision (April 2025).

**National Policy Objective 7** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

**National Policy Objective 11** Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

5.8. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)**

- These Guidelines set out national planning policy in relation to the planning and development of settlements and housing. Guidance in relation to small and medium sized towns such as Ashford (1,500 – 5,000 population), is set out in Section 3.3.4. Given the range of settlement types in this tier, Planning Authorities will need to refine density standards (as per table 3.6) to respond to local circumstances. Appropriate densities should be refined based on the criteria of accessibility and considerations of character, amenity and the natural environment as per Section 3.4 of the Guidelines. The strategy for such towns is to support consolidation within and close to the existing built-up footprint.

- 5.8.1. Development standards for housing are set out in Chapter 5. Specific Planning Policy Requirements (SPPR) are set out for separation distances (SPPR1), minimum private open space standards, car parking (SPPR3) and cycle parking and storage (SPPR4). Guidance is also provided in relation to public open space standards and the assessment of acceptable levels of daylight.

## **5.9. Natural Heritage Designations**

- 5.9.1. No natural designations apply to the subject site. The following Natura 2000 sites in the vicinity of the appeal site include:

- The Murrough Special Protection Area (Site Code:004186), approximately 3.5km east of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code:002249), approximately 2.8km east of the site.

Further natural heritage designations in the vicinity include:

- The Murrough Proposed Natural Heritage Area (Site Code: 000730), approximately 3.5km east of the site.
- The Glenealy Wood Proposed Natural Heritage Area (Site Code: 001756), approximately 4.8km southwest of the site.
- The Devil's Glen Proposed Natural Heritage Area (Site Code: 000718), approximately 1.9km northwest of the site

## **5.10. EIA Screening**

- 5.10.1. 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal can be summarised as follows:

- The density proposed is similar to existing permitted development.
- The site is served by a road which was granted and approved by the Planning Authority under PA Reg. Ref. 23/326. The Roads Engineer was satisfied with same.
- The density proposed equates to a gross density of 21.16 units per hectare and a net density of 22.22 units per hectare when open space is removed from the calculations.
- The reason for refusal based on an appropriate mix of houses is futile as the development is for just 8 no. units.
- The lands to the east referred to in the reason for refusal are not within the applicant's ownership. They form part of a private dwelling house and land ownership documentation accompanies the application in this regard. The lands to the south of the south are also not in the ownership of the applicant.

### **6.2. Planning Authority Response**

- None.

### **6.3. Observations**

- None.

### **6.4. Further Responses**

- None.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/ regional/ national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Density
- Design and Layout
- Appropriate Assessment Screening
- Water Framework Directive Screening

### **7.2. Principle of Development**

7.2.1. The site is located at the edge of the settlement boundary of Ashford, Co. Wicklow within lands designated as 'RE' existing residential. I note that there are several local policies and objectives with the County Development Plan which support more compact forms of residential development on sites such as this within the development boundary of existing towns. Existing development at this location consists mainly of one off dwellings on large sites including two newly built dwellings directly adjoining the site to the east, although there are residential housing developments in close proximity to the site.

7.2.2. Having regard to the site context and site zoning, I am satisfied that the principle of development is acceptable at this location subject to consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

### **7.3. Density**

7.3.1. Permission is sought for 8 No. houses on the appeal site which has a stated area of 0.378 hectares. This equates to a density of 21.16 units per hectare.

7.3.2. Table 6.1 of the Development Plan outlines that for Small Towns and Villages including Ashford, that 20 – 35 units per hectare may be appropriate for edge of

centre sites. The Sustainable and Compact Settlements Guidelines identify that in metropolitan areas – village with populations less than 1,500, densities should be tailored to reflect existing density and/ or built form but should generally not fall below 25 dwellings per hectare. Section 3.3.6 of the guidelines outlines that in the case of very small infill site that are not sufficient to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this chapter.

- 7.3.3. I consider that the density is towards the lower side of the density outlined in the Development Plan. The Development Plan also provides for a limited amount (20%) of lower density development on edge of centre sites such as this as an alternative to one off rural housing. Densities of less than 15 – 20 dwellings per hectare is acceptable in such circumstances.
- 7.3.4. I note that the proposed densities are increased from that originally proposed under the previous application under PA Reg. Ref. 22/947- original proposal for 5 no. dwellings on a site of 0.72 hectares, amended to 4 no. dwellings on a site of 0.65 hectares in the Further Information Response. This site forms part of this site but is accessed from the east and contains the vacant site to the east which fronts onto the R763 at this location.
- 7.3.5. Having regard to the modest scale of the proposed development and its backland location adjoining existing low density development, the edge of village location, the awkward layout and configuration of the site with an existing road to the south and a proposed road to the east which limits the design and capacity of the site for development, and the nature of the site remote from frequent public transport links, I consider that the density proposed is acceptable at this location. Furthermore, I consider that the size and location of the site is such that it is not sufficient to define its own character and density in line with Section 3.3.6 of the Guidelines.

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

- 7.4.1. I note that the Planning Authority considers that there may be other available lands at this location adjoining the site which would allow for the applicant to provide for increased densities with a more appropriate layout. The first reason for refusal

relates to low density, deficiency in mix of house types, inefficient layout which fails to make optimal use of zoned lands within the settlement boundary, poor internal road and access layout and the second reason for refusal considers that the application site excludes adjoining lands within the ownership/control of the application and there is a lack of clarity within the overall proposal.

- 7.4.2. The response from the applicant states that the lands to the south and east of the site are not in his ownership. Land registration documentation is attached to the appeal in respect of the site to the east and folio details are attached in respect of the site to the south. From the response submitted it is clear that the applicant has no other lands at this location and the remaining lands are currently in private ownership. I note that the Planning Authority's concerns related to the lands to the east in particular which fronts onto the R763. There was a history planning application on this site under PA 22/947 in the applicants name but this site is now in private ownership according to the land registry documentation submitted with the appeal.
- 7.4.3. Having regard to the details submitted to the Commission in relation to land ownership and the modest scale of development proposed, I consider that it would be appropriate to consider the application site as submitted with the application. I note that Section 3.2.4 of Appendix 1 of the Development Plan requires that where small to medium scale development is to form part of a future larger development, the developer will be required to show possible future development zones/ layouts in the area. I consider that this is best practice to make optimum use of land, however, in this case, the response from the applicant indicates that they have no other development proposals in the area and adjoining lands are in private ownership. In such a scenario and having regard to existing and permitted development at this location, I consider that the Commission can deal with the application as a stand alone site.
- 7.4.4. The site is an underutilised backland site at the edge of the village. There is an existing service road in place which was permitted as part of PA 23/326. There are no protected structures on or near the site and the village of Ashford has no special designations that relate to visual amenity or architectural heritage. The proposed houses comprise of 8 No. two storey semi-detached dwellings with contemporary finishes and details. Whilst I accept that the layout is somewhat uncoordinated and

consists of a disproportionate amount of road (including the existing and permitted service road) for the limited scale of development proposed, I do not consider that it will detract from the visual or residential amenities of the area. The houses are set back from the public road and screened from view by existing planting and existing dwellings.

- 7.4.5. The layout represents a suitable transition from the existing pattern of development directly adjacent to the site in terms of the existing low density pattern of one off single and dormer houses on large sites in the immediate vicinity of the site. This sort of development was of its time but is now considered to be an inefficient use of serviced land.
- 7.4.6. I have reviewed the layout of the proposed houses and am satisfied that they comply with the requirements of Compact Settlement Guidelines and the Wicklow County Development Plan in terms of overall floor area, private open space, public open space and separation distances from other residential units. I note that all dwellings have 2 No. car parking spaces in line with the requirements of the plan.
- 7.4.7. Reason No. 2 of the Planning Authority considers that there is a deficiency in the appropriate mix of houses having regard to the wider lands within the applicant's ownership. The response to the appeal indicates that the applicant does not own other lands at this location. I note that Section 3.1.1 of Appendix 1 of the Development Plan states that 'where up to 9 residential units are proposed, there shall be no restriction on dwelling mix provided that no more than 50% of the development comprises studio type developments.' Having regard to the scale of the development proposed of 8 No. units, I am satisfied that there is no requirement to provide a housing mix in this instance.
- 7.4.8. Access is proposed from an existing newly constructed road which was granted under PA Ref. 23/326. The Roads Section have no objection to same however it is recommended that full details of the entrance are agreed with the Council so that priority is given to pedestrian crossing the entrance. I have no objection to the existing road and concur with the Roads Section in this regard. I have examined the layout granted permission under PA 23/326 and note that a pedestrian crossing was provided for at this location. This was not in place at this time of the site inspection. Should the Commission be minded to grant permission, I consider that a condition

should be included requiring that the entrance at the public road be upgraded to clearly demonstrate pedestrian priority at the site entrance. I also note that no EV charging points are provided for in the scheme. Appendix 1 of the Development Plan requires that for 'own door' dwellings with car parking space located within the property, the installation of recharging points for electric vehicles is required. Should the Commission be minded to grant permission, I consider that a condition providing for EV charging points should be included.

- 7.4.9. I consider that the proposed development complies with the standards set out in the Development Plan and the Compact Settlement Guidelines. I accept the Planning Authority concerns in relation to the sustainable development of the area and the appropriate and sequential development of overall lands available at this location. The response from the applicant to the appeal indicates that surrounding lands are not within their ownership or control. Having regard to this, I am satisfied that the bringing forward of sustainable, serviced and zoned lands within the development boundary of Ashford, outweighs the concerns of the Planning Authority in relation to the future development of surrounding lands in the vicinity which are not in the applicant's control.

## **8.0 Appropriate Assessment Screening**

- 8.1. Please refer to Appendix 3. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.2. This determination is based on:
- Nature of works
  - Location-distance from nearest European site and lack of connections
  - Appropriate Assessment Screening of the planning authority



## **9.0 Water Framework Directive Screening**

9.1. Please refer to Appendix 4. The river body VARTRY\_040 IE\_EA\_10V010300 is located c. 200m to the south of the site (moderate water body status) and the groundwater body is Wicklow IE\_EA\_G\_076 (good water body status). The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development of 8 No. dwellings 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. small scale and nature of the development
- Location-distance from nearest water bodies and/or lack of hydrological connections

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.

## **10.0 Recommendation**

10.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development 2022 - 2028, including the zoning objective for the site ('RE – Existing Residential') where the objective is to protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity; and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

5. The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.

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

6. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

7. The following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
  - (a) The existing entrance at the public road shall be upgraded to clearly demonstrate pedestrian priority at the site entrance.
  - (b) The provision and location of functional EV charging points to serve the development.

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

8. (a) The landscaping scheme submitted to the planning authority on the 21<sup>st</sup> of February 2025 shall be carried out within the first planting season following substantial completion of external construction works.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning

authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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Emer Doyle  
Planning Inspector

14<sup>th</sup> August 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322461-25
<b>Proposed Development Summary</b>	Permission for 8 No. houses
<b>Development Address</b>	Ballinahinch, Ashford, Co. Wicklow.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units.

<b>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)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322461-25
<b>Proposed Development Summary</b>	Permission for 8 No. houses
<b>Development Address</b>	Ballinahinch, Ashford, Co. Wicklow.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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 proposed development is for the construction of 8 No. two-storey 3 bedroom dwellings.</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<b>Location of development</b>  (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 subject site is located within the urban area of Ashford.</p> <p>The subject site is not located in or immediately adjacent to ecologically sensitive sites.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters,	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p>



magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.
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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

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

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

(only where Schedule 7A information or EIAR required)

### Appendix 3: Screening for Appropriate Assessment

#### Test for likely significant effects

##### Step 1: Description of the project and local site characteristics

<b>Brief description of project</b>	Construction of 8 No. dwellings, connection to existing public services and all associated works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject site comprises a brownfield site within the urban and serviced area of Ashford.</p> <p>The nearest hydrological feature to the site is the Varty River located c. 200m south of the site. The site is not located within or directly adjacent to any European Site.</p>
<b>Screening report</b>	N
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	None relating to AA

##### Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Special Area of Conservation: The Murrough Woodlands SAC (site code 002249)	<a href="#">The Murrough Wetlands SAC   National Parks &amp; Wildlife Service</a>	Approximately 3.5km east of the subject site.	Indirect	Y

Special Protection Areas: The Murrough Wetlands SPA (Site Code 004186)	<a href="#">The Murrough SPA   National Parks &amp; Wildlife Service</a>	Approximately 3.5km east of the subject site.	Indirect	Y
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<sup>1</sup> Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Special Area of Conservation: The Murrough Wetlands SAC  QI list:  Annual vegetation of drift lines [1210]  Perennial vegetation of stony banks [1220]  Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]  Calcareous fens with Cladium mariscus and	Direct:  None     Indirect:   Air quality impairment from construction.	Negative effect on habitat quality/ function undermine conservation objectives related to water quality.

species of the Caricion davallianae [7210]		
Alkaline fens [7230]		
	Likelihood of significant effects from proposed development (alone): N	
	If no, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Special Area of Conservation: The Murrough Wetlands SAC (Site Code: 002249).</p> <p>The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Qualifying interests		
	Impacts	Effects
Special Protection Areas: The Murrough SPA (Site Code 004186)	Direct:  None	Negative effect on habitat quality/ function undermine conservation objectives related to water quality.
QI list:	Indirect:	
Red-throated Diver (Gavia stellata) [A001]		
Greylag Goose (Anser anser) [A043]	Air quality impairment from construction.	
Light-bellied Brent Goose (Branta bernicla hrota) [A046]		
Teal (Anas crecca) [A052]		

Black-headed Gull (Chroicocephalus ridibundus) [A179]  Herring Gull (Larus argentatus) [A184]  Wigeon (Mareca penelope) [A855]  Little Tern (Sternula albifrons) [A885]  Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): N	
	If no, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on the Special Protection Areas: The Murrough SPA (Site Code 004186). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.  No mitigation measures are required to come to these conclusions.		
Screening Determination		
Finding of no likely significant effects		
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.		
This determination is based on:		

- Nature of works
- Location-distance from nearest European site and lack of connections
- Appropriate Assessment Screening of the Planning Authority

<b>Appendix 4: WFD IMPACT ASSESSMENT STAGE 1- SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	<b>322461-25</b>	<b>Townland, address</b>	
<b>Description of project</b>		Construction of 8 No. dwellings, connection to existing public services and all associated works at Ballinahinch, Ashford, Co. Wicklow.	
<b>Brief site description, relevant to WFD Screening,</b>		Site is on serviced urban lands.	
<b>Proposed surface water details</b>		The proposed development seeks to connect to the existing public services for water supply, wastewater and surface water.	
<b>Proposed water supply source &amp; available capacity</b>		Uisce Eireann mains water connection.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Uisce Eireann wastewater connection. The proposed development seeks to connect to the existing public services for wastewater.	
<b>Others?</b>			

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	200m south	VARTRY_040 IE_EA_10V010300	Moderate	Review	None	No direct
Groundwater Waterbody	Underlying site	Wicklow IE_EA_G_076	Good	At Risk	None	No
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						



CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	VARTRY_040 IE_EA_10V01 0300	Surface water drainage will be directed through the drainage networks.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Ground	Wicklow IE_EA_G_076	Drainage	Spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	VARTRY_040 IE_EA_10V01 0300	Surface water drainage will be directed through the drainage networks.	Hydrocarbon spillage	Surface Water to drain to separate system.	No	Screened out
4.	Ground	Wicklow IE_EA_G_076	Drainage	Spillages	Surface Water to drain to separate system.	No	Screened out

DECOMMISSIONING PHASE							
5.	NA						