



An
Coimisiún
Pleanála

Inspector's Report ABP-322525-25

Development	4 new houses. Connections to all public services via existing housing development and all associated site works.
Location	Lands located off Ballymacahara Road, Ashford, Co Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2460516
Applicant(s)	O' Neil Electrical and Michelle Esmonde
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Robert Kavanagh and Mandy Hunter
Observer(s)	None
Date of Site Inspection	6 th August 2025
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.52 hectares, is located to the east of the Mount Alto Road in Ashford, Co. Wicklow.
- 1.2. The lands are currently overgrown and rise steeply from the direction of the R772 to the Mount Alto Road. There is a level difference of c. 32m between both roads. The site falls sharply from the Mount Alto Road to the rear of the site with a level difference of c. 17m between the northwestern corner at the roadside boundary and the northeastern corner of the site.
- 1.3. The site is located behind an unfinished mixed use development known as Mount Usher View. This site has been subject to vandalism, resulting in a poor street context at this location.
- 1.4. The surrounding area is suburban in nature with a combination of one-off dwellings and residential estates. There are detached dwellings located to the north and south of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of 4 No. 3 bedroom detached dwellings. Each dwelling has individual access from the Mount Alto Road. Two car parking spaces are proposed per dwelling with 1 EV charging point on each site. Two pedestrian crossings are proposed to the north and south of the development to link in with the existing footpath on the opposite side of the road.
- 2.2. Each dwelling comprises a single storey to the front with split level two and three storey to the rear. The stated floor area of each dwelling is c. 226.8m².
- 2.3. In response to a Further Information Request by the Planning Authority, revised details were submitted dated the 7th day of April 2025 as follows:
 - Traffic Safety Report
 - Geotechnical Report
 - Infrastructure Report

- Revisions to vehicular entrances and to wall/ boundary to the south. All parking and entrance widths have been reduced.
- Details of finishes- slate roofs, white render walls, timber cladding panels and selected stone finishes.
- Incorporation of strip of land into site No.1. The southern boundary of dwelling No. 1 will be a 2m high fence placed forward to existing vegetation.
- Photomontages for proposed development.
- Alterations to include stonework on the stair core and lower level kitchen block.
- Revised floor plans for internal games store to provide for large patio door.
- Bin stores and bike storage for each dwelling.
- Redesign of elevations of dwellings 1 and 4. Obscure glazing proposed. Windows removed from the southern elevation of house No. 1. Proposed wall along the southern boundary of house No. 1.
- Amended red line boundary to encompass laying of new sewer connections.

3.0 Planning Authority Decision

3.1. Decision

Planning Authority granted permission subject to 18 No. conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports (11/10/2024): Having regard to the zoning objective, it considered that the proposal was acceptable in principle. The site is considered to be a centrally located site within the town of Ashford. The density is well below the minimum density, however, having regard to the topography, it is considered that the density is acceptable in this instance. Concerns raised in relation to rock excavation and geophysical testing, design and finishes, vehicular access, parking and entrance widths, land ownership, bin storage, impact on residential amenity of existing dwellings to north and south and connection to water and wastewater services.

3.2.2. Planning Reports (28/04/25) Considers that the matters raised in the Further Information Request including access arrangements are satisfactory. It is noted that the response to item 1 (ground investigations) is not based on site investigation testing and as such, a condition is required to agree final detail design of the proposed earthworks and associated retaining structures. A condition is also required in relation to the incorporation of lands into the curtilage of Site No. 1 as it is not clear how these will be accessed, given the level differences at this location. It is considered that the revised design of houses 1 and 4 addressed issues in relation to overlooking and that the use of obscure windows may not be necessary as the proposed wall along the southern boundary of house No. 1 would prevent overlooking from the lower ground floors.

3.2.3. Other Technical Reports

- **Roads Report:** Further information required in relation to sightlines. Details of uncontrolled crossings and footpath to be agreed with the Council.
- **Fire Officer:** Further information required in relation to design and fire safety.
- **Environment:** Concerns regarding surface water connection.

3.2.4. Conditions

- Condition 9 required the following:
 - (a) Prior to commencement of development final design details of all earthworks and associated retaining structures shall be submitted to and agreed in writing with the Planning Authority. The details shall be accompanied by an Engineering Report setting all cut and fill requirements, rock excavation methods and rock stability requirements, and detailed design of the retaining structures, including any associated safety fencing/railings at the top of all retaining structures.
 - (b) Prior to occupation of any dwelling a Certificate from a Chartered Engineer, or other suitably qualified Professional, with professional indemnity insurance, shall be submitted, certifying all earthworks, rock excavations, and retaining structures have been carried out and

constructed in accordance with the details agreed under (a) above and relevant Engineering Standards.

REASON: To ensure that all earthworks and retaining structures have been carried out and constructed such that the slope stability of the site and surrounding lands have been protected and in the interests of proper planning and sustainable development.

- Condition 12 required the following:

Prior to commencement of development full details of the proposed curtilage of House No. 1, including all associated walls, fences, garden/patio areas, and the southern site boundary, shall be submitted to and agreed in writing with the Planning Authority.

REASON: To ensure that the area to the south of house no. 1 is adequately finished to be useable and accessible and that the boundary treatment with the house/property adjoining to the south is appropriate and to avoid the creation of a “no-mans” land and in the interests of proper planning and sustainable development.

- All other conditions are standard for a development of this type.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- The Planning Authority received a third party observation from Robert Kavanagh and Mandy Hunter. The issues raised generally reflect the grounds of the third party appeal.

4.0 Planning History

4.1. ABP Ref. 316343-23

The Board confirmed the determination of the local authority to include the lands in the Residential Zoned Land Tax.

PA Reg. Ref. 22/1144

Permission granted for 4 No. detached dwellings and associated works.

PA Reg. Ref. 15/861/ ABP Ref. 27.247505

Permission granted for 4 No. dwellings and associated works.

PA Reg. Ref. 08/1961

Permission granted for access road with turning bay, footpaths, green area, drainage and all associated site development works associated with outline permission PA Reg. Ref. 08/1960.

PA Reg. Ref. 08/1960

Outline permission granted for 5 No. serviced sites, drainage and all associated site development works.

Adjacent Site to East- Mount Usher View

ABP Ref. SU27.312283

Substitute Consent granted for retention and completion of mixed use development (residential and retail) in five three story blocks at Mount Usher View, Ashford, Co, Wicklow.

5.0 Policy Context

5.1. 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.

5.2. **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.

5.3. **Wicklow County Development Plan 2022-2028**

- 5.3.1. 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.

5.3.2. Town and Village Centres

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.

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.

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

5.3.3. Housing

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.

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.

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)".

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).

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.

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.

- 5.3.4. 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).

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"

Housing

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

Service Infrastructure

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.

5.5. Natural Heritage Designations

5.5.1. 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 3km east of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code:002249), approximately 2.9km east of the site.

Further natural heritage designations in the vicinity include:

- The Murrough Proposed Natural Heritage Area (Site Code: 000730), approximately 3km east of the site.
- The Glenealy Wood Proposed Natural Heritage Area (Site Code: 001756), approximately 4km southwest of the site.
- The Devil's Glen Proposed Natural Heritage Area (Site Code: 000718), approximately 2.7km northwest of the site.

5.6. EIA Screening

5.6.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of the third party appeal by Robert Kavanagh and Mandy Hunter can be summarised as follows:

- It is submitted that the proposed dwelling on site No. 1 will directly overlook their dwelling and interfere with their private amenity space. It is also considered that the windows and terrace proposed will directly overlook their master bedroom.
- No shadow analysis submitted with application.
- Section drawings and elevations do not accurately show their dwelling.
- Previous application granted on the site under PA 22/1144 provided for one small high level window only.
- Concern regarding proximity of proposed dwelling together with rock breaking.
- Concern regarding construction impacts.

6.2. Applicant Response

- No response has been received from the applicant on the appeal.

6.3. Planning Authority Response

- No response has been received from the planning authority on the appeal.

6.4. Observations

- None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having examined the 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
- Impact on Residential Amenity
- Visual Impact
- Other Matters

7.2. Principle of Development

- 7.2.1. The site is located within the settlement boundary of Ashford, Co. Wicklow within lands designated as 'RE' existing residential. Existing development at this location consists mainly of one off dwellings on large sites with the uncompleted Mount Usher View development to the east.
- 7.2.2. The site could be considered to be an infill site with a low density of development. This is not in accordance with national policy, however, I will address this issue more fully in Section 7.3 below. There have been a number of previous permissions on the site as detailed in the site history.
- 7.2.3. Having regard to the site history, zoning objective, and settlement policy of the current Development Plan, 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 4 No. houses on the appeal site which has a stated area of 0.52 hectares. This equates to a density of c. 7.7 dwellings per hectare.
- 7.3.2. The application site is c. 550m from the town of Ashford and is therefore considered to be a centrally located site. Table 6.1 of the Development Plan outlines that for Small Towns and Villages including Ashford, that 30 – 40+ units per hectare for mainly residential schemes may be appropriate for more mixed used 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. The planner's report considered that the density proposed is well below the minimum density required on centrally located sites, however the difficult topography of the site is noted and it is considered that the proposed density would be acceptable in this instance.
- 7.3.4. I concur with the planner and consider that this site is inherently difficult to develop due to its steeply sloping topography. Having regard to the modest scale of the proposed development and its location adjoining existing low density development, the steeply sloping topography which significantly limits the design and capacity of the site for development, I consider that the density proposed is acceptable at this location.

7.4. Impact on Residential Amenity

- 7.4.1. The main issue raised in this appeal relates to the impact of the proposed dwelling on site No. 1 on the residential amenity of the existing dwelling to the south. The main concerns raised relate to overshadowing, overlooking, and impact on privacy. I note that the Planning Authority also expressed concern in relation to the proposed dwelling on site No. 4 and the impact on the existing dwelling to the north of the site.
- 7.4.2. Having regard to the positioning of part of the dwelling forward of the existing dwelling at this location, the split level design, and the separation distance between both properties, I do not have any concerns regarding overshadowing.
- 7.4.3. I refer the Board to the revised drawings submitted to the Planning Authority dated the 7th of April 2025, together with the photomontages, in particular image 6 submitted on the same date.
- 7.4.4. The revised drawings provided for very significant changes to the southern and northern elevations. There is no possible overlooking of existing dwellings in my view as the revised drawings (southern elevation) provide for obscure glazing in the bedroom window at upper ground floor level, the removal of a large window (serving a staircase only) at mid level, together with a complete redesign of the lower ground floor level providing for the removal of a large patio door and window serving the kitchen/ dining room area. The revised drawings (northern elevation) have only one possible window which may give rise to overlooking and obscure glazing is proposed in this elevation.
- 7.4.5. Having regard to the topography of the site, the proposed dwellings will have very steep gardens and will mainly depend on the proposed terraces for private open space. I note that in the drawings submitted with the application, no proposals were submitted for boundary treatment of the terraces. The revised drawings provide for a two metre wall around the terrace. I am of the view that without the boundary wall, the impact on privacy and overlooking would have been greatest from the outdoor space in this case. However, I am satisfied that the proposed boundary wall around the terraces addresses this potential adverse impact. Indeed, I note that the Planning Report considered that the revised design of houses 1 and 4 addressed issues in relation to overlooking and that the use of obscure windows may not be necessary as the proposed wall along the southern boundary of house No. 1 would prevent

overlooking from the lower ground floors. I concur with this, however, on balance, I consider that it would be helpful to retain the revised design in order to alleviate concerns in relation to perceived overlooking in the interests of residential amenity.

7.4.6. In respect of the amenity of future residents, I am satisfied that the proposal will provide a satisfactory level of residential amenity, providing quality accommodation with an adequate area of private amenity space (as per SPPR 2 of the Compact Settlement Guidelines).

7.4.7. In conclusion, having regard to the above factors, I am satisfied that the proposed development is acceptable and will not detract to an undue degree from residential amenities of adjoining properties.

7.5. Visual Impact

7.5.1. The subject site has a very steep gradient of approximately 1 in 3 falling towards the development to the east of the site (Mount Usher View). Mount Usher View is an incomplete and unoccupied mixed use development which was granted substitute consent permission for retention and completion by An Coimisiún Pleanála in August 2024 under SU27.312283.

7.5.2. The design has been altered from the permission granted under PA Reg. Ref 22/1144 for 4 dwellings to omit the estate road, move the dwellings closer to the road and increase the separation distance from Mount Usher View. The revised design is simplified so that there is less reliance on engineering solutions and retaining measures. This approach also reduces the need for extensive road retaining works and retaining works are mainly incorporated into the construction of the dwelling structures, thus reducing the need for stand alone engineering solutions. In my view, this is more attractive visually and also acknowledges the inherent difficulties and expense in designing this difficult but well located site within the town of Ashford.

7.5.3. The site will be visible from the main street of Ashford but I note that Mount Usher View will shield some of the views. The single storey elevation proposed onto Mount Alto Road has a simple traditional elevation and is very attractive.

7.5.4. The rear of the development will be visible from numerous locations in proximity to the site including the main street of Ashford and Mount Usher Gardens. A number of

alterations were proposed to the rear of the development in response to the Further Information Request including the use of natural stone for the kitchen and the staircore and alterations to break up the boundary walls. I have examined the photomontages submitted and am satisfied that the proposal is an appropriate infill development and the layout and design reflects the character of the area. Whilst many houses in the immediate vicinity are large detached dwellings predominantly of single, dormer, and two storey design, I am satisfied that the proposed split level three storey dwelling is appropriate for this site with and will not have any undue negative effect on the visual amenity of the immediate receiving area.

8.0 Other Matters

Construction

- 8.1. Concerns are expressed regarding rock breaking and construction impacts including vibration and hours of construction.
- 8.2. In respect of disturbance from construction activities, the proposal is for four housing units with ancillary site works. There will be rock breaking on the site and I note that a geotechnical report was submitted at Further Information stage but no site specific investigations have been carried out to date. I consider that this approach is reasonable and I note that a number of previous permissions have been granted on the site in the absence of site specific investigations. Condition No. 9 of the Planning Authority required that final design details of all earthworks and associated retaining structures shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. In addition, the details shall be accompanied by an Engineering Report setting all cut and fill requirements, rock excavation methods and rock stability requirements, and detailed design of the retaining structures, including any associated safety fencing/railings at the top of all retaining structures. I am satisfied that the construction phase for the development of four houses will be short-term in duration and the effects will be temporary in nature. Construction phase impacts can be managed by way of conditions (similar in effect to those attached to the planning authority's decision) in the event of permission being granted.

Conditions:

8.3. Condition 12 of the Planning Authority required the following:

Prior to commencement of development full details of the proposed curtilage of House No. 1, including all associated walls, fences, garden/patio areas, and the southern site boundary, shall be submitted to and agreed in writing with the Planning Authority.

REASON: To ensure that the area to the south of house no. 1 is adequately finished to be useable and accessible and that the boundary treatment with the house/property adjoining to the south is appropriate and to avoid the creation of a “no-mans” land and in the interests of proper planning and sustainable development.

8.4. This condition is somewhat unusual, however the topography of the site is such that there is a concern that a ‘no-mans’ land area could be inadvertently created to the south of house No. 1 which would be inaccessible and unusable. As such, I concur with the Planning Authority and consider that a similar condition should be attached in the event of a grant of permission.

9.0 **Appropriate Assessment Screening**

9.1. 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.

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.

10.0 Water Framework Directive Screening

10.1. Please refer to Appendix 4. The river body VARTRY_040 IE_EA_10V010300 is located c. 230m to the east 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 4 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.

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below

12.0 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.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars submitted to the planning authority on the 7th day of April 2025, 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 to the proposed building and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and orderly development.

3. Prior to commencement of development, the developer shall submit an acceptable naming and/ or numbering scheme for the written agreement of the planning authority.

Reason: In the interest of orderly development.

4. 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 and surface water management.

5. Prior to the commencement of development the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and/or wastewater collection network.

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

6. (a) Prior to commencement of development final design details of all earthworks and associated retaining structures shall be submitted to and agreed in writing with the Planning Authority. The details shall be accompanied by an Engineering Report setting all cut and fill requirements, rock excavation methods and rock stability requirements, and detailed design of the retaining structures, including any associated safety fencing/railings at the top of all retaining structures.

b) Prior to occupation of any dwelling a Certificate from a Chartered Engineer, or other suitably qualified Professional, with professional indemnity insurance, shall be submitted, certifying all earthworks, rock excavations, and retaining structures have been carried out and constructed in accordance with the details agreed under (a) above and relevant Engineering Standards.

Reason: To ensure that all earthworks and retaining structures have been carried out and constructed such that the slope stability of the site and surrounding lands have been protected and in the interests of proper planning and sustainable development.

7. Prior to commencement of development full details of the proposed curtilage of House No. 1, including all associated walls, fences, garden/patio areas, and the southern site boundary, shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure that the area to the south of house no. 1 is adequately finished to be useable and accessible and that the boundary treatment with the house/property adjoining to the south is appropriate and to avoid the creation of a “no-mans” land and in the interests of proper planning and sustainable development.

8. 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. Such lighting shall be provided prior to making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

9. 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 and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise, dust, debris management measures, traffic management measures, and off-site disposal of construction waste.

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

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

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.

Emer Doyle
Planning Inspector

21st August 2025

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	322525-25
Proposed Development Summary	Permission for 4 No. houses
Development Address	Ballymacahara, Ashford, Co. Wicklow.
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 type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" 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. Infrastructure projects (b) (i) Construction of more than 500 dwelling units.
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 type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2- Form 2 - EIA Preliminary Examination

Case Reference	322525-25
Proposed Development Summary	Permission for 4 No. houses
Development Address	Ballymacahara Road, Ashford, 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 proposed development is for the construction of 4 No. dwellings comprising 226m², split level arranged over 3 floors.</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>
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 subject site is located on zoned land 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>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	<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>

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
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				
Brief description of project		Construction of 4 No. dwellings, connection to existing public services and all associated works.		
Brief description of development site characteristics and potential impact mechanisms		<p>The subject site is located within the urban and serviced area of Ashford.</p> <p>The nearest hydrological feature to the site is the Varty River located c. 230m east of the site. The site is not located within or directly adjacent to any European Site.</p>		
Screening report		N		
Natura Impact Statement		N		
Relevant submissions		None relating to AA		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Special Area of Conservation: The Murrough Woodlands SAC (site code 002249)	The Murrough Wetlands SAC National Parks & Wildlife Service	Approximately 2.9km east of the subject site.	Indirect	Y

Special Protection Areas: The Murrough Wetlands SPA (Site Code 004186)	The Murrough SPA National Parks & Wildlife Service	Approximately 3km east of the subject site.	Indirect	Y
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

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

³if 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 maritimae) [1330]	Direct: None Indirect: Air quality impairment from construction.	Negative effect on habitat quality/ function undermine conservation objectives related to water quality.

Mediterranean salt meadows (Juncetalia maritimi) [1410]		
Calcareous fens with Cladium mariscus and 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		
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).		
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.		
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	
QI list: Red-throated Diver (Gavia stellata) [A001]	Indirect:	

Greylag Goose (Anser anser) [A043] 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]	Air quality impairment from construction.	Negative effect on habitat quality/ function undermine conservation objectives related to water quality.
	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

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1- SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322525-25	Townland, address	
Description of project		Construction of 4 No. dwellings, connection to existing public services and all associated works at Ballymacahara, Ashford, Co. Wicklow.	
Brief site description, relevant to WFD Screening,		Site is on serviced urban lands.	
Proposed surface water details		The proposed development seeks to connect to the existing public services for water supply, wastewater and surface water.	
Proposed water supply source & available capacity		Uisce Eireann mains water connection.	
Proposed wastewater treatment system & available capacity, other issues		Uisce Eireann wastewater connection. The proposed development seeks to connect to the existing public services for wastewater.	
Others?			

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	230m east	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						