



An
Coimisiún
Pleanála

Inspector's Report ABP-322719-25

Development

Two detached houses. The development will include reconfiguration of exiting access road. The development works to provide for water, foul and surface water drainage and all associated site works.

Location

Lands bounded by Haven Way and Haven Green, Merepark, Newtownmountkennedy, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2560087

Applicant

Gilkerry Ventures Limited.

Type of Application

Permission.

Planning Authority Decision

Grant, subject to conditions.

Type of Appeal

Third Party

Appellants

Haven Green Residents.

Observers

None.

Date of Site Inspection

3rd September 2025

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The site is located on Hven Green within the newly constructed Merepark housing estate on the western edge of Newtownmountkennedy in Wicklow. The site sits on the northern edge of the estate on undeveloped land adjoining open space. Surrounding homes are two storey and a mix of semi-detached and terraced with off-street parking. Parts of the wider development are still under construction.

2.0 Proposed Development

- 2.1. Planning permission is sought for the erection of two dwellings on the site of a previously approved crèche. Each dwelling would be detached and two storeys with four bedrooms. Off street car parking would be provided for two cars each, in addition to front and rear garden ground.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Wicklow County Council on 13th May 2025, subject to eight generally standard conditions. Conditions of particular note include:

3. No occupation of these residential units shall occur until the Planning Authority confirms in writing that adequate childcare facilities have been provided (i.e. are open and operational to the public) to cater for the demand generated by the overall Residential Development permitted under Planning Register Reference 24/154 and Planning Register Reference 06/6101/ ABP Reg. Ref. PL27.227704 as extended by 18/381.

Reason: To ensure an adequate provision of childcare for future residents of the development.

4. No occupation of these residential units shall occur until the public open space as detailed on Drawing DWG 01 and DWG 03, has been completed to the written satisfaction of the Planning Authority.

Reason: In the interests of Residential Amenity and proper planning and development.

3.2. Planning Authority Reports

3.2.1. The first Planner's Report considered the principle of the development to be largely acceptable. It is noted that the site previously had permission for a crèche and that part of the land to the west is considered to be in an area of designated open space. The provision of additional homes was considered to accord with the Core Strategy and the proposed density was considered acceptable. The report concluded in a Further Information request on the following points:

- Open Space – the development should be revised to ensure no reduction in size, quality or usability of open space.
- Open Space – the central wildflower garden should be re-positioned to allow increased active play.
- Parking – revise parking arrangements to include one recharging point and ducting for other spaces.
- Drainage – SuDS measures to be provided to private amenity areas.
- Crèche – confirmation is required on commencement of works and timeline to completion for the crèche approved under Planning Permission 24/154.
- Pedestrian/Cycle Link – a potential link could be established to the neighbouring site. Revised plans are required to demonstrate that such a link could be facilitated.

3.2.2. Further information was submitted on the 25th April 2025. This included the following:

- The site layout was reconfigured, and the dwellings repositioned to ensure no loss of public open space. A total of 845sqm would be provided which aligns with the parent consent.
- The central wildflower garden was re-positioned along the northern boundary, providing defensive space to the house boundaries and increasing the active play area.

- Parking was reconfigured and is now within the curtilage of the dwellings to allow for recharging points and ducting.
- Provision of a number of SuDS measures, including permeable paving and rain garden planters.
- The crèche approved under 24/154 has commenced, the completion date is expected as October 2025.
- A potential future pedestrian/cycle link between the two developments has been provided.

3.2.3. The second Planner's Report considered the Further Information request to have been satisfactorily addressed, and planning permission was granted subject to conditions.

3.2.4. **Other Technical Reports**

3.2.5. **Transportation and Infrastructure (19.03.2025):** A future link could be established to the neighbouring site (Planning Reference 22/259). It may be appropriate to create a direct and coherent walking/cycling network route between the two developments.

3.2.6. **IR:** I note that revised plans submitted at FI stage make provision for the requested link.

3.3. **Prescribed Bodies**

3.3.1. **Uisce Éireann** – No response.

3.4. **Third Party Observations**

3.4.1. Eleven observations were submitted in response to the planning application. These are summarised in the Planner's Report and are on file for the Commission's information. I have read and considered each observation, and I am satisfied that the issues raised are covered by the grounds of appeal which are set out in detail in Section 6 of this report.

4.0 **Planning History**

4.1. The site is within a large housing estate originally granted permission back in 2008 for the provision of 861 homes across eight estates. The original permission was

subsequently amended through various applications in addition to a new Large Residential Development application in 2024. The various amendments and LRD application have altered the total number of homes approved from 861 to 751. The detailed site history is set out below:

- 4.2. **ABP Reference 227704/Planning Authority Ref 06/6101:** Permission was granted by the Commission for the construction of 861 residential units in eight estates, four crèches, five retail units, three community units, new roads including Western Distributor Road, central landscaped greenway, construction of water storage facility, and ancillary works.
- 4.3. **Planning Authority Ref. 17/135:** Permission was granted by the Planning Authority for revisions to Estate 1 of the parent permission. The amendments included an overall reduction in the number of units on Estate 1, equating to a 42 unit reduction.
- 4.4. **Planning Authority Ref. 17/740:** permission was granted by the Planning Authority for revisions to Estate 2, replacing 114 apartments/duplexes with 45 houses.
- 4.5. **Planning Authority Ref. 22/556:** Permission was granted by the Planning Authority for amendments to the parent permission to include a new access road to service adjoining residentially zoned lands and revisions to a previously granted road to include relocation of a bus stop and pedestrian crossing.
- 4.6. **Planning Authority Ref 24/154:** A five year planning permission was granted by the Planning Authority for a large residential development comprising amendments to the previous permission (Planning Authority Ref. 06/6101/ ABP Ref. 227704 – and extended by 18/381). The proposed amendments included an increase of six units, amendments to Estate 4 replacing 85 dwellings and a crèche with 87 dwellings, and amendments to Estate 6 from previously permitted 83 no. apartments, 5 commercial units and 3 community units to 48 no. dwellings, amendments to Estate 8 from 36 no. houses to 75 no. dwellings and re-location of the childcare facility previously permitted in Estate 4 to the Community and Educational zoned lands, and an increase in floorspace from c. 249.03sqm to c. 655sqm, relocation of three community rooms (totalling c. 400sqm) previously permitted in Estate 6 and the provision of 1 no. two-storey community facility (c. 400 sqm) on the Community and Educational zoned land, minor amendments to internal roads, paths and open space.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022-2028

- 5.1.1. The site is located within the administrative boundary of Wicklow County Council. The operative Development Plan for the area is the Wicklow County Development Plan, (WCDP), 2022-2028, which came into effect on the 23rd of October 2022.
- 5.1.2. Newtownmountkennedy is a Level 4 Self Sustaining Town, and the site falls within Action Area Plan 1: Monalin-Season Park of the Newtownmountkennedy Town Plan.
- 5.1.3. The site is zoned 'Existing Residential' with the stated objective 'to protect, provide and improve residential amenities of existing residential areas'.
- 5.1.4. The zoning objective seeks to provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.
- 5.1.5. Chapter 4 – Settlement Strategy
- CPO 4.1: To implement the County Wicklow Core Strategy and Settlement Strategy, having regard to the availability of services and infrastructure and in particular, to direct growth into key towns, self-sustaining growth towns, self-sustaining towns and small towns.
 - CPO 4.2 To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
 - CPO 4.3 Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

- CPO 4.4 Support investment in infrastructure and services which aligns with the Core Strategy and Settlement Strategy.
- CPO 4.5 To ensure that all settlements, as far as is practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.

5.1.6. Chapter 6 – Housing

- CPO 6.3: New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.
- CPO 6.4: All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).
- CPO 6.13: To require that new residential development represents an efficient use of land and achieves the minimum densities as set out in Table 6.1 subject to the reasonable protection of existing residential amenities and the established character of existing settlements. In promoting higher densities and more compact development, new development should demonstrate compliance with:
 - Sustainable Urban Housing Guidelines for Planning Authorities (DEHLG 2009) and accompanying Urban Design Manual – A Best Practice Guide
 - Quality Housing for Sustainable Communities (DoEHLG 2007)
 - Design Standards for New Apartments Guidelines for Planning Authorities (2018)
 - Design Manual for Urban Roads and Streets
 - any subsequent Ministerial guidelines.
- CPO 6.21: In areas zoned ‘Existing Residential’ house improvements, alterations and extensions and appropriate infill residential development in

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

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

5.1.7. Chapter 7 – Community Development

- CPO 7.29: Where considered necessary by the Planning Authority, to require the provision of childcare facilities in all residential developments comprising 75 houses or more (including local authority and social housing schemes). In accordance with Department of Environment, Heritage & Local Government guidelines, childcare places shall be provided at a ratio of 20 places per 75 residential units, having regard to cumulative effects of permitted development, (unless it can be demonstrated that having regard to the existing geographic distribution of childcare facilities and the emerging demographic profile of the area that this level of childcare facilities is not required). Without substantial cause, it is the policy of the Planning Authority not to allow a change of use of these premises within five years.

5.2. Relevant Guidance

- 5.2.1. Childcare Facilities, Guidelines for Planning Authorities (2020) – Appendix 2 provides that Planning Authorities should request one childcare facility per 75 dwellings with an assumption of 20 childcare places per facility.
- 5.2.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) – The Compact Settlement Guidelines provide updated

guidance in terms of density, separation distances, parking, and private amenity space to support the Government's push for compact and sustainable growth.

5.3. Natural Heritage Designations

5.3.1. None of relevance.

5.4. EIA Screening

5.4.1. 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. A Third Party appeal has been received from Haven Green Residents against the decision of Wicklow County Council to grant permission for the proposed development. Signatories to the appeal include the following:

- Ary Alonso
- Divya Mehotra
- Supritha Shetty
- Supriya Rajakumar Pillai
- Tereasha Grieshaber
- Zakhar Komisar and Lina Konisar
- Nitish Batra
- Peter Hearty and Carolina Dominguez

6.1.2. The submission includes various correspondence between the Appellants and D/RES Properties in addition to extracts from sales information and planning documents from previous permissions. I have considered these in my assessment. In my opinion, the main points of the grounds of appeal can be summarised as follows.

6.1.3. Expiration of Planning and Omission of Crèche in Further Amendments

- The original planning permission for Estate 3 included a crèche on the subject site and this permission expired in 2024. An amendment was subsequently approved in May 2025 permitting removal of the crèche from Estate 3.
- The crèche was an integral component of the original plan and a key community facility.
- Sales plans made no reference to future residential development on the subject site and the use of this green area has been misrepresented to purchasers who have not been informed of plans to develop this land, even though the crèche had been formally omitted.
- Purchasers were given assurances the land would remain undeveloped and publicly accessible. The green space was presented as a permanent community amenity.
- Granting permission for two houses is a de facto rezoning of the land from its original designation and undermines the original planning framework which provided essential community infrastructure.
- To approve residential would reverse the original planning intent and breach trust between the community and the developer and undermine the integrity of the planning process.

6.1.4. Public Open Space

- Public Open Space for Estate 3 was originally 10% which was below the 15% required in the CDP.
- The crèche was omitted at the request of the developer and there is no basis for excluding this green zoned land from being allocated to meet the required 15% open space requirement. To do otherwise would be to exacerbate the existing deficit.

- The Planning Authority raised concerns regarding the loss of open space and distance of this part of the estate from the developer provided public park.
- Omission of the crèche, which is a public amenity and social infrastructure, should be seen as an opportunity to increase open space, not as a justification to intensify development of the site with no enhancement or benefit to residents.
- The gradient across the centre of the open space makes it unusable for recreation activities and inaccessible for general public use, further diminishing the functional area/provision of amenity space.
- Green space between parking for Unit 155 and the turning head is constrained, isolated, unsuitable for public use and should be excluded from the calculation of public open space provision.

6.1.5. Safety Concerns and Poor Design

- The proposed façade facing the public open space is poorly designed, incongruous, visually intrusive and unsightly. Its scale and lack of articulation would dominate and overwhelm the public open space and compromise its quality/attractiveness.
- No provision has been made for maintenance of these facades as planting would extend directly to the base of the dwellings. Even substantial planting would be ineffective in terms of screening the elevations or mitigating against their negative visual impact and impacts on the visual character and quality of the estate.
- The driveway to Unit 156 is on a bend and creates a traffic and public safety hazard.
- Parking for Unit 155 is detached from the unit, inconvenient for the future resident and lacking separation from the open space.
- The shared surface in front of Unit 155 causes severe obstruction, restricts essential access and is a hazard to residents and emergency services.
- The public open space is currently fenced/hoarded and inaccessible to residents. This demonstrates the Contractor's unwillingness to comply with conditions and timelines as stipulated in legislation under Section 42/42A.
- Recent construction work undertaken on this space (creation of footpaths/turning heads) do not reflect previous designs and in some instances

reflect the proposed design before it was granted. This is a deliberate attempt to pre-empt the planning process and avoid existing obligations.

- Construction of the dwellings would result in closure of the public open space, causing disruption, distress and a loss of amenity to residents.
- Proposed pedestrian and cycle links to the adjoining development are flawed, lack a viable connection and legal basis and are unfeasible in the current form.

6.1.6. Overdevelopment Through Successive Amendments

- There has been a systematic increase in the number of units through successive amendments, causing severe overdevelopment, overwhelming local infrastructure and eroding community facilities.
- The developer has shifted part of the project from apartments to more financially lucrative houses.

6.2. **Applicant Response**

6.2.1. A First Party response has been received from Brock McClure Planning and Development Consultants, for and on behalf of the Applicant, Gilkerry Ventures Limited. The main points of the response are summarised below:

6.2.2. Expiration of Planning and Omission of Crèche in Further Amendments

- The omission of the crèche in Estate 3 was not included on 24/154 and the lands have never received a permission for an extension to the public open space.
- It is noted that house purchaser queried rumours regarding the construction of the park via email and the D/RES after sales team confirmed that the subject park would be constructed, this is still the case.
- Open space would be delivered of the same size, usability and quality to that permitted.
- Although the crèche wasn't shown in the Merepark Sales Brochure, there is a boundary line separating the open space from the site, the information in the sales brochure acts as a guide only.

- The Applicant acknowledges concerns raised by the Appellants and regrets any misunderstanding. However, a sales brochure is outside the remit of planning.
- The expired permission clearly shows a crèche on the site and the intention was to allow for a crèche to be built next to the open space. The revised planning permission allowed the capacity of the crèche in Merepark to be absorbed by the super crèche which has capacity for 180 children.
- The scheme is in accordance with the development plan, the proposed area of public open space remains unchanged albeit with slightly modified boundaries, with no impact on size or quality.
- The strategy of providing multiple smaller crèches was unviable and addressed in 24/154 which included a full Childcare Capacity Assessment.
- The original permission provided for 216 crèche spaces. Crèches on Estate 1 and 2 are to serve Estates 1, 2, and 7. They have been built to a lower capacity due to current building regulations and provide 44 spaces. They are completed but not yet operational and are yet to attract an operator. Estates 1, 2 and 7 are outside of the Applicants control.
- Estates 3, 4, 5, 6, and 8 are in the Applicant's ownership and were originally proposed to be served by crèches on Estates 3 and 4 that provided a total of 108 child spaces. The larger combined crèche approved under 24/154 would provide 180 child spaces which is sufficient for the 116 child spaces generated by these estates and provides additional spaces to cater to the Newtownmountkennedy community. The omission of the crèche on Estate 3 is therefore justified.

6.2.3. Public Open Space

- Section 8.5 (Residential Public Open Space) of Appendix 1 (Development and Design Standards) of the CDP states that where a public park is being provided by the same developer in close proximity then public open space to be provided on site may be reduced to 7.5% of the site area, with the remainder being made up by the park.
- As part of the original permission, an 8.1 hectare linear park has been provided. This park is 360m away and is completed and awaiting handover. The

Appellants' claim that 15% POS is required is incorrect and in this instance 7.5% is required.

- The parent permission included an 845sqm area of public open space on this part of Estate 3. Following revisions at Further Information stage, this provision would be maintained.
- Combined open space in Merepark is 10.6% and it is submitted that POS provision remains unchanged from the parent consent.
- The slopes of the open space are crucial in maintaining a functional and accessible open space, without them the overall gradient would be much steeper. The space between unit 155 and the turning head is large and useable.
- Suitable defensive planting has been provided to mitigate potential adverse impacts.
- The open space is useable, functional and accessible for the benefit of all residents and design addresses usability and privacy concerns.

6.2.4. Safety Concerns and Poor Design

- The dwellings are a contemporary design and integrate with the surrounding development and have been designed as a completing infill piece.
- Orientation, height, scale, massing are in context with surrounding properties. Dwellings would be maintained by owners.
- The dwellings have been designed to provide appropriate road frontage and passive surveillance of open spaces.
- This is a low speed environment and driveways have adequate visibility. Car parking is in compliance with the development plan and there is no requirement for private parking to be provided on a private driveway.
- In the original permission, the subject road served as the access to a crèche, which would have a higher traffic generation than a dwelling.
- The estate is still under construction and not yet handed over to Wicklow County Council. Hoarding is erected to ensure public safety and would be removed on completion.

- The public open space would be open to the public concurrent with the construction of the dwellings but with a 3m temporary buffer during construction works.
- The pedestrian/cycle connection was suggested by the Council, there is no planning permission granted on lands to the north, and it is a potential link should future links be required.

6.2.5. Overdevelopment Through Successive Amendments

- The Appellant's statement is misleading. Amendments have generally reduced the number of homes. The original permission allowed 861 homes whilst the various amendments over the years have reduced this to 751 homes and a decrease in the overall provision across the estates.

6.3. **Planning Authority Response**

6.3.1. No response on file.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. None.

7.0 **Assessment**

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

- Principle of Development
- Childcare
- Open Space

- Design
- Transport
- Overdevelopment

7.2. Principle of Development

- 7.2.1. The primary issue raised in the appeal relates to the omission of the originally approved crèche and the decision to pursue housing on the site of the crèche rather than convert it to public open space. It is argued that the original permission for the crèche has now expired and it is stated in the grounds of appeal that residents were assured the land would not be built on and that the provision of two dwellings on the site equates to rezoning of the land.
- 7.2.2. The Applicant acknowledges the expiration of the original permission but contends that this clearly demonstrated the intention to provide a crèche on this land. It is further noted by the Applicant that the omission of the crèche was not included on the LRD application and that there was a miscommunication between the sales team and home purchasers regarding the intention to develop the land.
- 7.2.3. I note the correspondence provided by the Appellant with the after sales team and details of the sales brochure etc. As noted by the Applicant, these are not planning issues, and it is not for the Commission to intervene or adjudicate on this dispute. In terms of planning facts, the original permission, and subsequent amendments, clearly illustrated that a crèche would be developed on this land. It is clear to me from approved drawings that the land was separated from the open space. On that basis, I accept that despite the fact that the proposal would now result in the omission of the crèche, it was never the intention of the previous permissions that the land would be open space, nor do I accept the Appellant's inferred position that in omitting the crèche the land should default to open space.
- 7.2.4. On that basis I do not agree that there has been a rezoning of the land. The land is zoned existing residential and whilst I acknowledge the provision in the CDP regarding the protection of open spaces within these zoned lands, that protection would not in my view extend to the subject lands given the planning history, their current state, and the fact that this is still an estate under construction. In land use terms, the proposal is acceptable in principle.

7.3. Childcare

- 7.3.1. The grounds of appeal state that the provision of a crèche was an integral component of the original plan and a key community facility. Clearly, a key matter in the determination of the appeal is whether crèche provision on the wider estate would be sufficient to meet childcare needs in the absence of that originally approved on the subject site.
- 7.3.2. The wider estate redevelopment was originally for 861 homes across eight estates with the provision of four crèche facilities providing 216 childcare spaces. I note that two crèches have been provided on Estate 1 and 2. These crèches are to serve Estates 1,2 and 7 and have a reduced number of spaces due to Building Regulations issues. These crèches provide 44 spaces and whilst the buildings are complete, they are not yet operational due to difficulties in finding an operator. It is submitted that they are outside of the Applicant's control. In any event I note that there are no impediments to their final operation once an appropriate operator is appointed.
- 7.3.3. A further 'super crèche' was approved on the LRD permission, replacing the crèche originally approved on Estate 4. This crèche is under construction and will have capacity for 180 children to serve Estates 3, 4, 5, 6 and 8. I note from the grounds of appeal that these estates would have a combined childcare requirement of 116 spaces and that the supercrèche would therefore provide adequate provision.
- 7.3.4. Revisiting the wider estate, I note that the original permission included a total of 216 childcare spaces which was required to meet the needs of the originally approved 861 homes. Following successive amendments, the wider estate would now provide 751 homes. This would generate a childcare provision of 200 spaces. In reality, the requirement would be lower as one-bedroom homes would not be considered in the calculation, as such, this represents a higher provision than likely required. The two completed crèches and the supercrèche under construction together would deliver 224 childcare spaces which in my view is sufficient to meet the needs of the wider estate and with suitable excess. In my view the principle of omitting the crèche in lieu of two dwellings is acceptable and adequate childcare facilities would be provided to serve the estate. I note that the Planning Authority have included a condition to restrict occupation until the childcare facilities are provided. I find this condition to be

reasonable and relevant, and I have included it in the schedule of conditions with minor amendments.

7.4. Open Space

- 7.4.1. The Appellant raises various concerns about the loss of open space, its layout, quality and usability. As noted in the Planner's Report, the open space adjoining the subject site was approved at 845sqm. The amendments secured at Further Information stage ensured that the quantum of open space delivered would remain at 845sqm. Having reviewed the plans I am satisfied that there would be no net loss in the quantum of land originally intended as open space.
- 7.4.2. Whilst the development would include a very narrow strip of land on the north-west corner that fell outside of the plot reserved for the crèche, this would not have been usable as open space, it would likely have been a narrow-landscaped strip. I have no objection to it forming part of the plot for the new dwellings as this area of land has been re-provided for in the main open space where it contributes more appropriately in terms of value and usability.
- 7.4.3. I have considered the layout, topography, and form of the open space and do not consider that the proposal would alter the approved open space in any significant or meaningful way. Concerns raised by the Appellant with regard to access would be overcome once the open space is complete and the fencing is removed. A condition has been included to secure this. Furthermore, construction of the dwellings would be a short term process and subject to compliance with a Construction Management Plan, it would not impact on the safety of the open space.

7.5. Design

- 7.5.1. The Appellant raises a number of design and safety concerns with the development, including that the dwellings are poorly designed, incongruous, visually intrusive and unsightly. In my opinion the dwellings are suitably designed having regard to the context of the existing estate. In my view they are not incongruous, poorly designed, intrusive or unsightly, they are similar to the existing dwellings on the estate. The dwellings would offer suitable passive surveillance of the open space without being overbearing and the maintenance concerns of the Appellant are unfounded. In my opinion the dwellings would provide high quality accommodation and would not have any negative impact on established residential amenity.

7.6. Transport

7.6.1. A number of safety issues have been raised by the Appellant regarding layout and positioning, namely that the development would create obstruction and a traffic hazard due to its location with respect to the existing road layout and through the provision of a shared surface. In all instances I consider these concerns to be unfounded. The dwellings are appropriate to the road layout, appropriate access for emergency services would be maintained and there are no significant threats to traffic or pedestrian safety. I have no objections to the potential cycle/pedestrian link to adjoining lands and in my opinion, it raises no amenity, traffic, or security concerns.

7.7. Overdevelopment

7.7.1. The Appellant objects on the basis that successive amendments to the estate have caused severe overdevelopment that has overwhelmed local infrastructure and eroded community facilities. The Commission will note my earlier comments regarding the net reduction in the number of approved homes. Even with the two dwellings proposed, the estate would provide significantly fewer homes than originally permitted and I do not consider that the proposal would result in overdevelopment.

8.0 AA Screening

8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Cory City Centre south at a distance of approximately 2.7km from the Carrigower Bog SAC (000716), which is the nearest European site. The development comprises the provision of two dwellings as set out in Section 2.1 of this report. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and small scale of the works.
- The significant separation distance from the nearest European site and lack of connections.
- The screening determination of the Planning Authority.

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

9.0 Water Framework Directive

9.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the construction of two new houses. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. 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:

- The nature and scale of the works.
- The location of the site in a serviced urban area and the distance from nearest Water bodies and lack of direct hydrological connections.

9.3. 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 the Commission grant planning permission, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

11.1. Having regard to the zoning objective of the site and considering the design, scale, form and nature of the proposed development, the location of the site in a serviced urban area, the wider character of Merepark and the surrounding estate, the continued provision of sufficient crèche places to meet the needs of the estate, the retention of open space in line with the original permission, the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an acceptable design and standard of accommodation, would not seriously injure the residential amenities of property in the vicinity or the visual amenities and character of the area, and would, therefore, be in accordance with the provisions of the Wicklow County Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application and amended by Further Information received on 25th April 2025, except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. The proposed dwellings shall be retained and occupied as single residential unit and not let or otherwise transferred or conveyed unless permitted by way of a separate planning application.

Reason: To restrict the use of the dwelling in the interest of residential amenity.

3. No occupation of these residential units shall occur until written confirmation is obtained from the Planning Authority that the childcare facilities approved under Planning Register Reference 24/154 and Planning Register Reference 06/6101/ABP Reg. Ref. PL27.227704 have been delivered and are open and operational.

Reason: To ensure an adequate provision of childcare for residents of the development.

4. No occupation of these residential units shall occur until the public open space as detailed on Drawing DWG 01 and DWG 03, has been completed to the written satisfaction of the Planning Authority.

Reason: In the interests of Residential Amenity and proper planning and development

5. The development shall be carried out in accordance with the transport requirements of the Planning Authority.

Reason: In the interests of visual and residential amenity.

6. Water supply and drainage arrangements (including 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.

7. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network

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

8. Site development and building works shall be carried out between the hours of 8:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and

dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

10. In relation to individual houses the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling(s).

Reason: In the interest of orderly street numbering.

11. 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.

Terence McLellan
Senior Planning Inspector

11th September 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322719-25
Proposed Development Summary	2 detached houses. The development will include reconfiguration of exiting access road. The development works to provide for water, foul and surface water drainage and all associated site works.
Development Address	Lands bounded by Haven Way and Haven Green, Merepark, Newtownmountkennedy, Co. Wicklow
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input 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 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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) > 500 dwellings.</p>

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322719-25
Proposed Development Summary	2 detached houses. The development will include reconfiguration of exiting access road. The development works to provide for water, foul and surface water drainage and all associated site works.
Development Address	Lands bounded by Haven Way and Haven Green, Merepark, Newtownmountkennedy, 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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposal is for housing on an existing housing estate and would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.
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).	Briefly comment on the location of the development, having regard to the criteria listed The site is not located within, or immediately adjoining, any protected areas. The development would be in a serviced urban area and would not have the potential to significantly impact on any ecologically sensitive site or location. The proposal would not give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site. It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other housing developments. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.

<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>The development would be consistent with the scale of surrounding development and would not be exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)