



An
Coimisiún
Pleanála

Inspector's Report ABP-322774-25

Development	Revision of the boundaries of the original single storey property to construct 4 houses and all associated site works.
Location	Coolamber, Rocky Valley, Kilmacanogue, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	25/7
Applicant(s)	AJP Thermal Properties Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Scott Ellis.
Observer(s)	No Observers.
Date of Site Inspection	29 th of September 2025.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The site subject to this appeal is located within the settlement boundary of Kilmacanogue. It is positioned on the northern side of the R755 approximately 800m from the N11 junction. This site is within a cluster of established detached dwellings on large, mature sites.
- 1.2. The site currently accommodates a low-rise bungalow and associated outbuildings which are positioned towards the centre of the site, near to its western boundary. Buildings on the neighbouring site to the west have been constructed to the site boundary. The topography of the site slopes upwards from south to north with a noticeable drop in levels towards the north-eastern corner. A line of mature trees and hedgerows form the southern site boundary and block any views northwards across the site. There are clear views toward the Sugarloaf from the R755 to the south of the site and from the site itself. Site boundaries to the east and west are planted and allow intermittent views of neighbouring houses.
- 1.3. Vehicular access to the site is from the R755 which runs along the southern site boundary. A narrow footpath adjoins the site and provides a pedestrian route to the centre of Kilmacanogue from the site and beyond. A stream flows along the front of the site. Apart from the area around the bungalow, the site is overgrown with parts inaccessible on foot.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following,
 - The revision of boundaries of the original single storey property on the site with the removal of its existing wastewater treatment. This property would be retained and connected to the wastewater disposal system for the proposed scheme.
 - The closure of an existing private domestic access lane and the provision of a new vehicular and pedestrian access point to the existing dwelling via the proposed scheme access roads and footpath.
 - The construction of 4 no. detached houses within the lands around the existing property as follows, 1 no. single storey and 3 no. detached split level

two storey dwellings with ancillary landscaping and boundary treatments, with connection to public services and utilities.

- Ancillary works would include hard and soft landscaping, a culvert bridge to accommodate transversing the existing watercourse with the scheme road and entrance, boundary treatments including the retaining of all mature trees and hedgerows if necessary.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) decided to grant permission for the development subject to 9 planning conditions which were standard in nature.

Condition No. 5 requires that, *'Prior to commencement of development, a detailed method statement regarding the 'proposed river crossing' shall be developed in consultation with Inland Fisheries Ireland and shall be submitted; to the Planning Authority for their written agreement and the Communications with Inland Fisheries Ireland shall be included with any submission.'* Reason: *In the interests of proper planning and sustainable development.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the planning authority (PA) was informed by two reports from the Planning Officer (PO). The first report dated the 3rd of March 2025 recommended that further information (FI) was sought on 5 points which related to,

- Design and residential amenity – re. overlooking of neighbouring property from House Type D on Plot 4, compatibility of the design with the character of the village and the development standards regarding open space.
- Culverting the stream – this would be contrary to Objective CPO 17.26 of the Development Plan and to the advice of Inland Fisheries. Justification is requested.
- Access – sightlines and swept paths for service vehicles should be confirmed.

- Visual Impact - details of how the development impacts on Protected Prospect No. 5 are required.
- Surface drainage – details of how the development complies with objectives CPO 13.22 and CPO 14.14, which relate to nature-based solutions, are required.

The PO was satisfied that the applicant had addressed the issues raised in the FI and recommended that planning permission was granted subject to planning conditions.

3.2.2. Other Technical Reports

- **Transportation & Infrastructure Delivery**- No objection. Details of paving and public lighting to be submitted.

3.3. Prescribed Bodies

- **Uisce Éireann** – No objection. Confirmation of Feasibility for water and wastewater connections issued.

3.4. Third Party Observations

Two third party submissions were received by the PA during the public consultation process. The main issues raised related to the following,

- Design and layout of the development,
- Population targets for Kilmacanogue,
- Surface water drainage,
- Traffic hazard,
- Treatment of the existing stream on the site,
- Impact on residential amenity,
- Impact on biodiversity,
- Visual impact of the proposal,

- Clarity required regarding the future use of the piece of land to the north of the site,
- Lack of information on ground levels and ground conditions,
- Existing services on the site, i.e. electricity poles.

3.5. Planning History

24/60150 – Planning permission refused for the demolition of existing dwelling on the site and the construction of 12 detached dwellings with ancillary works. The decision of the PA contained three reasons which include the following issues,

- The design and layout of the development would be inconsistent with the pattern of development in the area and would have negative impacts on the privacy of neighbouring dwellings.
- The lack of sufficient assessment on the impact of the stream to the front of the site, and the insufficient setback, would be contrary to objectives CPO 13.3 and CPO 17.26 of the Development Plan and would give rise to negative impacts on the stream and biodiversity.
- Insufficient information was submitted to demonstrate adequate sightlines, safe turning movements and the management of soakpits.

4.0 Policy Context

4.1. Development Plan

Wicklow County Development Plan 2022-2028 (WCDP)

- 4.1.1. The subject site is within the settlement boundary of Kilmacanogue which is designated as a Level 6 – Small Town – Type 2.
- 4.1.2. Kilmacanogue is also included in the *Bray Municipal District Local Area Plan 2018-2024*. The Wicklow County Council website states that *'Work has commenced on the review of the Bray Municipal District Local Area Plan 2018 - 2024 and the preparation of the new plan. The pre-draft public consultation ran from 20 November*

2024 until 18 December 2024, with submissions invited.’ No further updates are publicly available.

4.1.3. Variation No. 2 of the WCDP was adopted and came into effect on the 12th of May 2025. It brought the existing LAPs into the WCDP while new plans were being prepared. Section 5.0 of Variation 2 states that, *‘The existing Local Area Plan will remain in place until that LAP is superseded by a new plan’*.

4.1.4. The following extracts from the WCDP relate to aspects of the subject development but is not an exhaustive list of all relevant policies and objectives contained in the Development Plan.

4.1.5. **Zoning** - The subject site is zoned as a ‘Secondary Development Area’ in the Land Use Zoning Map for the Bray Municipal District Local Area Plan 2018, now adopted into the WCDP.

4.1.6. **Chapter 3 – Core Strategy**

Kilmacanogue is designated as a Level 6, Small Town – Type 2 settlement which are generally targeted for growth rates of 10%-15%.

4.1.7. **Chapter 4 – Settlement Strategy**

The general approach to development in Level 6 , Small Towns is to support appropriate growth in a manner that is respectful to the character of the town, the capacity of infrastructure and the environmental sensitivities of the rural area. The design of the development should be appropriate to the rural setting.

Expansion should be commensurate within the existing settlement structure and should proceed on the basis of a number of well-integrated sites including infill sites within and around the settlement centre rather than focusing on one very large site. No one development should increase the existing housing stock by more than 10%.

4.1.8. **Chapter 6 – Housing**

4.1.9. **Table 6.1 – Density Standards-** The recommended density for Kilmacanogue is 30-40+ units per hectare (uph) on centrally located sites; 20-35 uph for Edge of Centre Sites, and densities of less than 15-20 uph for sites at the Edge of Small Towns or Villages.

Housing Objectives –

CPO 6.1 - New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.

CPO 6.3 - 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 6.22 - In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserved, low-density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

Chapter 13 – Water Services –

Objectives –

CPO 13.3 – To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of generally 25m along watercourses should be provided (or other width, as determined by the Planning Authority having particular regard to '*Planning for Watercourses in the Urban Environment*' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible.

CPO 13.20 - Ensure the separation of foul and surface water discharges in new developments through the provision of separate networks.

CPO 13.21 - Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.

CPO 13.22 - To promote the use of green infrastructure, such as swales and wetlands, where feasible as landscape features in new development to provide storm / surface runoff storage and reduce pollutants, as well as habitat, recreation and aesthetic functions.

Chapter 14 – Flood Risk Management

CPO 14.13 - Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.

CPO 14.14 - Underground tanks and storage systems shall be permitted as a last resort only where it can be demonstrated the other more sustainable SuDS infrastructure measures are not feasible. In any case underground tanks and storage systems shall not be permitted under public open space, unless there is no other feasible alternative

CPO 14.15 - To promote the use of green infrastructure, such as swales and wetlands, where feasible as landscape features in new development to provide storm / surface runoff storage and reduce pollutants, as well as habitat, recreation and aesthetic functions.

CPO 14.16 - For developments adjacent to all watercourses or where it is necessary to maintain the ecological or environmental quality of the watercourse, any structures (including hard landscaping) must be set back from the edge of the watercourse in accordance with the guidelines in *‘Planning for Watercourses in the Urban Environment’* by Inland Fisheries Ireland

Chapter 17 – Natural Heritage & Biodiversity

- The subject site is in the Landscape Category – Corridor Area East / Urban Area as shown on Map No. 17.09A.
- A Prospect of Special Amenity Value - Prospect ID – 5 adjoins the site to the south.
- Origin of View – R755 Rocky Valley, Kilmacanogue.
- Description – Prospects of both sides of Rocky Valley, Kilmacanogue.
- Area of Outstanding Natural Beauty –The area of land covering Bray Head and the Great and Little Sugarloaf mountainous region surrounding the towns of Bray and Kilmacanogue is designated an ‘area of outstanding natural beauty’ in the Wicklow County Development Plan landscape strategy. These areas are important locations for recreation amenity both locally and for visiting tourists, with Bray Head having a Special Area Amenity Order designation.
- The Great Sugarloaf is listed as a County Geological Site, (Map 17.07).

Objectives -

CPO 17.26 – Protect rivers, streams and other water courses by avoiding interference with river / stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25m along watercourses (or other width, as determined by the Planning Authority having particular regard to ‘*Planning for Watercourses in the Urban Environment*’ by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. Structures such as bridges should be clear span and designed and built in accordance with Inland Fisheries Ireland guidance.

Appendix 1 – Development & Design Standards

2.1.9 – Entrances & sight lines - sets out the requirements for new vehicular access arrangements

2.1.11 – Set backs from public roads

3.1.1 – Privacy - Separation distance of 22 metres normally requires between opposing windows above ground level.

3.1.4 – Open space requirements

3.1.6 – Infill / backlands development in existing housing areas

3.0 – Mixed-Use and Housing Developments

3.1.1 – Intensity of Development (density) - It is Council policy to encourage higher residential densities at suitable locations in accordance with the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)*, (since replaced by the *Sustainable Residential Development and Compact Settlement Guidelines 2024*, referenced below).

3.1.4 – Open Space –

- Open space shall be provided in all new developments, the scale of which shall be dependent of the use of the building/site.
- Dwellings shall generally be provided with private open space at the following minimum rates: 1-2 bedrooms – 50sqm / 3+ bedrooms 60-75sqm.
- Public open space shall be provided in accordance with the standards set out in Section 8. In particular, - Public open space will normally be required at a rate of 15% of the site area – areas within the site that are not suitable for development or for recreational use must be excluded before the calculation is made.

3.1.5 – Car parking - 2 off-street, car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size. For every 5 residential units provided with only 1 space, 1 visitor space shall be provided.

4.2. National Policy & Guidelines

4.2.1. National Planning Framework First Revision (2025) (NPF)

The NPF is the Government's strategic plan for shaping the future growth of the country to the year 2040. The framework contains a set of ten National Strategic Outcomes (NSOs) which include 'compact growth', 'sustainable mobility', 'transition

to a carbon neutral and climate resilient society’ and ‘sustainable management of environmental resources’.

The first revision of the NPF was approved by Government in April 2025 and projects a population increase of an additional 1 million people in Ireland between 2022 and 2040. This would require a significant increase in housing needs, with the NPF anticipating an average of 50,000 new homes per year to 2040. An additional 470,000 people are anticipated for the Eastern and Midland Region between 2022 and 2040.

Section 2.7 of the revised NPF states that an updated Implementation Roadmap will be published to translate national and regional planned growth projections to city and county levels. Section 2.7 also states that, *‘Accordingly, while plan-led targets at settlement level will inform the plan-making process and thereby form the basis for decision-making, the consideration of individual development proposals on zoned and serviced development land subject to consenting processes under the Planning and Development Act will have regard to a broader set of considerations beyond the targets alone, including where there may be extant, but as yet unimplemented planning permissions’.*

4.2.2. Climate Action Plan (CAP) 2025

This revision of the CAP builds on the previous 2024 CAP. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland’s emissions by 2030 and achieve climate neutrality by no later than 2050. The Commission is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

4.2.3. The National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions,

to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

4.2.4. **Sustainable Residential Development and Compact Settlement Guidelines 2024**

These Section 28 Guidelines replace the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009)* and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements. Section 3.3 of the Guidelines refers to Settlements, Area Types and Density Ranges. For each settlement tier it sets out,

- priorities for compact growth,
- areas common to settlements at each tier, and
- recommended density ranges for each area.

For each application it is necessary for the planning authority to identify,

- the most applicable settlement category based on the categories described in Section 3.34,
- the most applicable area type based on the area descriptions detailed in Section 3.3 (e.g. central, urban, suburban or edge- refer also Figure 3.1), and
- the recommended density range for that area.

Section 3.3.5 – Rural Towns and Villages (<1,500 population)

The Wicklow County Settlement Strategy categorises Kilmacanogue as a Level 6 – Small Town – Type 2 settlement. The applicable category in the Compact Settlements Guidelines would be ‘Rural Towns and Villages (<1,500 population)’.

Key priorities for compact growth in Rural Towns and Villages are to –

- strengthen the existing urban core through utilising existing stock and sites,
- realise opportunities for infill and backland development, and
- provide for sequential and sustainable housing development at the edge of the settlement at suitable locations.

Table 3.7 - Density – It is a policy and objective of these Guidelines that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure (including public transport and water services infrastructure). Lands zoned for housing at the edge of rural towns and villages at locations that can be integrated into the settlement and are connected to existing walking and cycling networks can offer an effective alternative, including serviced sites, to the provision of single houses in the countryside. The density of development at such locations should respond in a positive way to the established context.

The following Specific Planning Policy Requirements (SPPR) are contained in the guidelines,

- SPPR 1 – relates to separation distances between buildings and requires a minimum of 16 metres between opposing windows above ground level.
- SPPR 2 – sets out the minimum private open space standards for houses; 1 bed – 20sqm, 2 bed – 30sqm, 3 bed – 40sqm and 4bed + - 50sqm.
- SPPR 3 – relates to car parking standards. In city centres car parking should be minimised, substantially reduced or wholly eliminated. In accessible location (defined in Table 3.8) the maximum rate should be 1.5 car spaces per dwelling. In intermediate and peripheral locations (defined in Table 3.8) the maximum rate of car parking shall be 2 spaces per dwelling.
- SPPR 4 – relates to cycle parking and storage facilities.

4.3. Natural Heritage Designations

- 4.3.1. The proposed development is not within or adjoining a Natural Heritage Area (NHA) or a proposed Natural Heritage Area (pNHA).
- 4.3.2. The Great Sugar Loaf proposed Natural Heritage Area is located approximately 200m to the south and west of the site boundary.

4.4. EIA Screening

- 4.4.1. 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.

5.0 The Appeal

5.1. Grounds of Appeal

The grounds of appeal include the following,

- The appellant contends that a portion of the legally registered site, which contains two Folios, has been omitted from the red line boundary and queries if this is planned for future development.
- There is a discrepancy in the site area stated in the planning application form, (0.67ha) and in the report of the planning officer, (0.82ha), which the appellant claims is misleading.
- Buildings on the neighbouring site have not been fully detailed in the application drawings, and the appeal queries how the boundary wall will be protected during construction.
- The public notices are incorrect as they fail to reference that the houses are split level and two-storey in part.

- Contours are not shown on the drawings, which impacts on the assessment of impacts.
- The application fails to reference how the overhead electricity lines traversing the site will be dealt with.
- Upgrading the site entrance will involve works to the hedge adjoining the site which is in separate ownership. It is unclear from the drawings if adequate sightlines can be achieved.
- There is a lack of information regarding the groundwater conditions on the site, the surface water for the existing house and the disposal of surface water from the site.
- Ground conditions vary considerably in the area and a nearby site required piling with piles varying in length from 6m to 14m.
- The additional load of 8-10 cars from the development will exacerbate traffic in the area.

5.2. Applicants Response

5.2.1. A response was received from the applicant on the 14th of July 2025 and includes the following,

- The applicant states that the area of the site is 0.67ha and that it is inconsequential that the planner may have erred in describing the site as 0.82ha in the report.
- There is no obligation to refer to lands outside the red line area in the application. Lands outside the red line area are not a matter for the Commission to consider in this application.
- Existing dwellings on the subject and neighbouring site are clearly shown on the Site Layout Plan. It is not a matter for the applicant to demonstrate how existing walls that do not abut the site edge will be protected during construction.
- The development description in the public notices clearly refers to 'detached, split-level two-storey dwellings' and has been described accurately.

- Site Sections clearly demonstrate the proposed levels on the site.
- Any relocation of services on the site is a matter to be agreed between the applicant and the service provider.
- Sightlines can be achieved without interventions to third party properties; therefore, letters of consent were not required.
- The Site Sections and Site Layout Plan clearly show that there will be no loss of privacy to adjacent dwellings. The houses have been designed to be low-lying and assimilate into the contours of the site. There are no windows facing onto neighbouring sites and the appellants property is 40m away from the closest house in the scheme. The contour at the appellants dwelling shows a level of 100m with the nearest proposed house (No. 4) having a floor level of 99.315m, which is well below the ground level of the appellants' house.
- The Development Plan states that the planning authority can determine the width of the Riparian Zone at the stream. The size and nature of the stream would allow for a 10m setback for a dwelling. The planning authority have clearly decided that a 21m setback is sufficient.
- Ground bearing conditions are a matter for the applicant to determine during the construction phase and are not for the consideration of the planning authority or the Commission.
- The applicant contends that the appellants assertions regarding traffic impacts are not based on surveys or known facts.
- Should the Commission be minded to uphold the decision of the planning authority, they will attach their own planning conditions which would eradicate any ambiguity, if it is considered that any ambiguity exists.

5.3. Planning Authority Response

- No comments on file relating to the appeal.

5.4. Observations

- No observations received.

6.0 Assessment

6.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and 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
- Application Details
- Technical Issues
- Surface Water Drainage
- Other Issues

6.2. Principle of Development

- 6.2.1. The principle of the development is acceptable within the planning framework for the site. The subject site is located within the boundary of Kilmacanogue which is designated as a Level 6, Small Town – Type 2 in the Wicklow County Development Plan 2022-2028 (WCDP). Kilmacanogue is included in the *Bray Municipal District Local Area Plan 2018-2024*, (BMD LAP), which was adopted into the current WCDP under Variation No. 2. The subject site is zoned as a ‘Secondary Development Area’ in the Bray LAP, which allows for residential development on infill and/or backland sites.
- 6.2.2. Objective R12 of the BMD LAP seeks to promote densities in the order of 15 uph in the Secondary Development Zone. However, a higher or lower density may be considered appropriate having regard to the site context and the prevailing density in the vicinity of the site.
- 6.2.3. I am satisfied that the principle of development is acceptable for the site given its location within a designated settlement and its ‘Secondary Development Area’ zoning objective. Third parties raised a concern regarding the density of the development which they considered to be excessive for the area. The development would have a density of 7.5 uph, which is less than the recommended density for the area as per Table 6.1 of the WCDP which recommends a density of 20-35 uph on

Edge of Centre sites, and densities of less than 15-20 uph on the edge of small towns and villages. However, the density is in accordance with objective CPO 6.22 which states that, 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.

- 6.2.4. The PA found the level of population increase and density of the development to be acceptable and neither were considered to be excessive. I would agree with this conclusion. The proposal would yield four extra houses in the settlement, and the scale of the development would be commensurate with the level of development on adjoining sites, (i.e. the adjoining site to the west contains four houses and to the east, the site containing The Vale development also has four houses). I note that the Compact Settlements Guidelines recommends that for settlements such as Kilmacanogue, the density should respond in a positive way to the established context. I consider the scale and density of the development to be acceptable within the established pattern of development for the area and to be appropriate for the site. On this basis, I am satisfied that the principle of the development is acceptable and that the zoning objective allows for the consideration of additional housing development subject to the policies and objectives of the WCDP.

6.3. Application Details

- 6.3.1. The grounds of appeal list a number of items that the appellant believes is lacking in the application. The applicant has responded in detail to all the issues raised in the appeal and is satisfied that they have been addressed adequately in the application, the response to further information and the appeal response.
- 6.3.2. I have reviewed the application details and have visited the site. I am satisfied that the public notices have adequately described the details of the development and made clear that the houses were two-storey and split-level. Drawings submitted with the development clearly show the location of the buildings on the adjoining site to the west, which extend to the site boundary. The appellant is concerned that the application does not detail how this boundary will be impacted during the construction works and is also concerned that damage may occur to their property.

The issue of damage to property in third party ownership is a civil issue and is not a matter for the Commission to address in this appeal. Notwithstanding this, the application drawings show that no works will be occurring in the area adjacent to the appellants property. This has also been confirmed by the applicant in their response.

- 6.3.3. The appellant highlighted that there was a discrepancy on the stated area of the site in the report of the PO, which refers to an area of 0.82ha and 0.67ha. The applicant has clarified that the area of the site is 0.67ha and is of the opinion that the discrepancy has no bearing on the application or its assessment. I would agree with the applicant in this instance. I have reviewed the details of the application and the report of the PO, and the discrepancy is clearly an error which had no bearing on the calculations carried out by the PO which relate to density and development standards.
- 6.3.4. The grounds of appeal state that the site contours for the adjoining sites were not shown on the drawings. It is their view that this does not allow for an accurate assessment of the extent of ground level changes required, or the impact of the development on the neighbouring properties. I have reviewed the drawings and contours are shown on the subject site but do not extend into the adjoining sites.
- 6.3.5. Drawing No. TPL01-PI02 – Site Sections, was submitted in response to a FI request from the PA. The drawing clearly shows the levels of the subject site and the position of the new dwellings in relation to existing dwellings on neighbouring sites. The appellant's house is not explicitly shown, however, the area adjoining this property would have the least intervention on the site as the existing house would be retained. House No. 4 would be the closest new house to the appellants house, and the ground floor section would be approximately 41m from the existing house, with the first-floor level set back by an additional 5.7m. This part of the site is at a lower level than the existing house and the house and would have similar ridge height to the existing bungalow.
- 6.3.6. I am satisfied that the details provided on the drawings adequately show the relationship between the existing and proposed houses within the context of the sloping topography of the area. I am also satisfied that the houses have been designed and positioned in a manner to avoid overlooking of adjoining development.

This protection of existing residential amenity was raised by the PA in their request for FI and the PA were satisfied with the response.

- 6.3.7. House No. 3 would be the closest to exiting development and would have a separation distance of 14.7m to the neighbouring house to the west. This has been considered in the design, which is for a single storey house with a gable wall facing the neighbouring site. The other houses are positioned between 20 and 26 metres from the neighbouring properties. Although the site slopes upwards to the north, the potential for overlooking would be low given the distance between properties and the design and position of the proposed houses. Having visited the site and reviewed the details of the application I am satisfied that the drawings showing the contours of the site, and the site sections are sufficient to allow for an informed analysis of the impact of the development on the residential amenity of neighbouring houses.

6.4. Technical Details

Sightlines

- 6.4.1. The appellant submits that adequate sightlines at the new site entrance can't be achieved without making alternations to the adjoining site boundaries on neighbouring properties. In the request for FI, the PA asked that the applicant demonstrate how sightlines of 90m in each direction can be achieved. Drawing No. CIV_100B – Proposed Sightlines was submitted in response. This drawing clearly shows how sightlines of 90m in each direction can be achieved from a point 3m back from the road edge. The trajectory of the sightlines does not require any interventions to third party lands, and I am satisfied that the applicant has demonstrated that the sightlines can be achieved without interventions to third party lands.

Ground conditions

- 6.4.2. The grounds of appeal raised a concern regarding the ground conditions and ground water conditions on the site and the impact the development may have on neighbouring properties because of construction works. It is the appellants view that the surrounding area is underlain with bedrock and its removal could impact on the groundwater levels which in turn could impact adjoining property. As noted

previously, damage to property is a civil issue and is a matter between the parties. The planning consent process does not usually require detailed engineering details about site conditions and construction methodology. These issues are resolved during the detailed design process and prior to the commencement of construction. As the subject site is located within a designated settlement and is zoned for development, I am satisfied that the information submitted is sufficient for a decision to be made.

- 6.4.3. I note that the site is not within Flood Zone A or Flood Zone B and did not require a Site-Specific Flood Risk Assessment. Furthermore, I note that the development will be connected to the public water and wastewater network and does not require a soil characterisation profile or assessment. The existing onsite waste water treatment system will be decommissioned, and the house will be connected to the public water systems. This will reduce the risk of seepage into groundwater. Issues raised regarding surface water drainage are addressed below. With regard to the underlying site conditions, the GSI maps show that the site geology forms part of the Bray Head Formation, which is formed by Greywacke and Quartzite which range in thickness from 10m to over 100m in places. It is unclear as to how deep the subsoil is on the site but, as noted above, site investigations will form part of the detailed design of the project.

Kilmacanogue Stream

- 6.4.4. The Kilmacanogue Stream flows along the front of the site, adjacent to the public road. Third party submissions and the grounds of appeal raised a concern regarding the impact of the development on the existing stream. It is argued that the separation distance between the stream and the proposed house No. 1 is insufficient and does not accord with objective CPO 17.26 which seeks to protect rivers, streams and other watercourses and to maintain a core riparian buffer zone of generally 25m. In the request for FI the PA noted that the initial proposal involved culverting the stream which was not in accordance with objective CPO 17.26 of the WCDP and requested that an alternative approach was considered. The applicant engaged with Inland Fisheries Ireland (IFI) and the entrance to the development was redesigned to provide a single span watercourse crossing with no instream works. The construction method is described in detail in the response to FI and would ensure that the crossing would be installed 'in the dry' with no impact to the watercourse

profile, no intervention to the substrate and no impact on the flow or any invertebrates. The applicant states that a detailed method statement will be agreed with IFI prior to construction.

- 6.4.5. A separation distance of c. 21m would be provided between the closest house (House No. 1) and the Kilmacanogue Stream. This would include a 10m wide section of public open space and the private open space to the side of House No. 1. Existing trees and landscaping would be retained where possible. Objective CPO 17.26 recommends maintaining a buffer zone of ‘generally’ 25m along watercourses it also states that other widths can be determined by the planning authority with regard to *‘Planning for Watercourses in the Urban Environment’* by IFI. I note that the applicant has engaged with IFI with regard to the design of the development and has stated that they will continue to do so. The PA were satisfied with the response to the FI request and considered the 21m separation distance to be sufficient. Whilst a buffer zone of 25m is recommended, Objective CPO 17.26 also allows for the discretion of the PA in certain circumstances. In this case, I am satisfied that IFI have been involved in the design process for works in proximity to the stream and have had input into the measures to protect the stream. For this reason, I am satisfied that a 21m separation distance between the stream and the nearest house is sufficient and in accordance with the provisions of CPO 17.26. Furthermore, I note that Condition No. 5 of the PA’s decision requires detailed method statement for the construction of the ‘river crossing’ to be developed in consultation with IFI with details of communication between the parties to be submitted to the PA. I consider this condition to be reasonable and recommend that a similar condition is attached should the Commission be minded to grant permission.

6.5. Surface Water Drainage

- 6.5.1. The appellant contends that there is a lack of detail regarding the surface water drainage proposals for the site. They raise concerns that the surface water will discharge into the wastewater network, which was not agreed by Uisce Éireann.
- 6.5.2. The PA requested FI to demonstrate how the proposed surface water drainage system would comply with objectives CPO 13.22 and CPO 14.14 through the comprehensive application of nature-based solutions. In response, the applicant

submitted Drawing No. 0652-P-D-002 – Proposed Drainage which shows the existing and proposed wastewater sewer and the proposed surface water sewer. The response also states that the access road will have single crossfall and a dropped kerb on the low side that would accommodate a swale. The swale would capture run-off from roads and paths and would allow for the removal of suspended solids and provide infiltration for lower intensity storms. For greater intensity storms, high level gullies are placed along the swales to provide an overflow to a surface water network in the public road, (i.e. a surface water sewer). This surface water network would discharge to a bio-retention basin at the front of the site, which would compliment the riparian buffer zone and is shown on the drawing. The application states that each gully will have a sump and, in addition, storm water sewer No. 04, which is down gradient on the site and closest to the bio-retention basin, would have a 500mm sump to capture any suspended solids.

- 6.5.3. Having reviewed the details submitted by the applicant, I am satisfied that the surface water drainage system for the site does not connect with the wastewater system and would not discharge to the public wastewater network which is managed by Uisce Éireann. The applicant has detailed how the surface water runoff and storm water will be managed using a swale, bio-retention basin and riparian strips. The PA found the response to be acceptable and the considered it to be in line with CPO 14.14. I note that CPO 14.14 relates to the underground storage systems which was originally proposed.
- 6.5.4. The appellant states that there is no indication of an oil or petrol interceptor trap on the surface water drainage system and raised a concern that pollutants could enter the stream. Objective CPO 17.26 states that regard should be had to the Inland Fisheries Ireland document '*Planning for Watercourses in the Urban Environment*'. Step 3 of the 'Four Steps to Good Riparian Planning & River Planning for Urban Areas' describes the benefits of SUDS and notes that swales are effective in slowing water runoff and removing pollutants with a typical swale removing 100% of hydrocarbons. The surface water drainage system for the site does not include a hydrocarbon interceptor and the PA did not request its inclusion. As noted previously, the applicant states that engagement with Inland Fisheries Ireland will be ongoing through the design stage and prior to the commencement of development. I recommend that a condition of this effect is attached if permission is granted.

Objective CPO 14.13 requires the implementation of SUDS in accordance with the *Wicklow County Council SuDS Policy*, which provides guidance on the Council's planning requirements for various types of SuDS components. It is standard practice to attach a planning condition requiring that all surface water management measures are carried out in accordance with the requirements of the PA. Should permission be granted this condition should be attached. Given the sloping nature of the site and the proximity of the stream, I also recommend that a standard condition for a Construction Environmental Management Plan to be submitted and agreed with the PA prior to the commencement of development.

6.6. Other Issues

- 6.6.1. The appellant contends that a portion of the legally registered site, which contains two Folios, has been omitted from the red line boundary and queries if this is planned for future development. This portion of the wider site was included in the red line boundary for the previous planning application for the site, (PA Ref. 24/60150) but was not included in the subject proposal. The applicant is not obliged to provide details on the future use of lands outside the red line boundary and as such this issue has no bearing on the appeal.
- 6.6.2. It is the view of the appellant that details of the relocation of services on the site should have been included in the application. The proposed development would involve the relocation of overhead electricity lines, which traverse the site. Matters regarding the removal or relocation of services are to be resolved between the applicant/developer and the service providers. They are not details to be included in the planning application or the appeal.
- 6.6.3. Concerns regarding traffic were raised by third parties and the appellant. The development is small in nature and will not result in the level of traffic movements that would have a significant impact on the existing road network.

7.0 AA Screening

- 7.1. 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 in view of the conservation objectives of the sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

7.2. This determination is based on:

- Distance from and weak indirect connections to the European sites.
- No potential for ex-situ impacts.

7.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

8.0 Water Framework Directive

8.1. The subject site is located on the western outskirts of Kilmacanogue, Co. Wicklow. It is a brownfield site with a single storey bungalow in place towards the centre. The remainder of the large site is overgrown. The Kilmacanogue Stream (KILMACANOGE_010, Code- IE_EA_10K030600) traverses the site at its southern boundary. The Water Framework Directive (WFD) status for the stream is 'At Risk' and is being monitored.

8.2. The site is within the Ovoca-Vartry Water Framework Directive (WFD) Catchment and the Dargle_SC_010 Sub-basin Catchment. The underlying groundwater aquifer is categorized as 'High Vulnerability', i.e. groundwater here has natural characteristics that make it highly vulnerable to contamination by human activities.

8.3. The proposed development comprises site clearance and earthworks to construct 4 no. houses, access road and all associated works. The development would be connected to the public mains water and wastewater drainage services. Surface water would be attenuated on site.

8.4. Third parties raised concerns regarding the impact of the proposal on the Kilmacanogue stream and the underlying groundwater through displacement.

8.5. I have assessed the proposed development for the construction of 4 houses on the outskirts of Kilmacanogue village 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:

- The nature of the works and the small scale of the development proposed.
- The engagement with Inland Fisheries Ireland with regard to works to the stream.
- The nature of the construction works to the stream and the wider site.

8.6. 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.

9.0 Recommendation

I recommend that planning permission is granted for the development.

10.0 Reasons and Considerations

10.1. Having regard to the nature of the development for the construction of 4 residential units on an infill site within the settlement boundary of Kilmacanogue, it is considered that the proposed development would be in accordance with the Wicklow County Development Plan 2022-2028 and would also be in accordance with national planning policy as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30th 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.	The details of the materials, colours and textures of the surface treatment, finishes and materials of all internal roads, footpaths, shared surfaces and public areas shall be agreed in writing with the planning authority prior to the commencement of development. Reason: In the interest of clarity and visual amenity.
3.	Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity
4.	Prior to the commencement of development, the developer shall engage with Inland Fisheries Ireland to develop a detailed method statement for the construction of the 'proposed river crossing' and to agree any further design details for the protection of the watercourse during the construction and operational phases of the development. The method statement shall be submitted to the planning authority in writing prior to the commencement of development. Reason: To protect the environment.
5.	The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing

	with, the planning authority prior to commencement of development. This scheme shall include the following: a. A plan to scale of not less than [1:500] showing – (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping (ii) The measures to be put in place for the protection of these landscape features during the construction period (iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species]. (iv) Details of screen planting [which shall not include cupressocyparis x leylandii] (v) Details of roadside/street planting. (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels. b. Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment c. A timescale for implementation, including details of phasing. d. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of residential and visual amenity.
6.	The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with a landscaping scheme to be agreed in writing with the planning

	authority prior to the commencement of development. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority. Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.
7.	A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.
8.	Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed. No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained. Reason: In the interest of visual amenity and to protect trees and planting during the construction period
9.	Prior to the commencement of development, a bat survey shall be carried out on the site and the results of the survey shall be submitted in writing to the Planning Authority.

	Prior to the commencement of works, all potential roost features within buildings and trees identified for removal must be inspected by a suitably qualified Ecological Clerk of Works / Bat Ecologist at height with an endoscope and high-powered torch. If a roost is identified in any of the features planned for removal at any stage, works must be halted. Any roosts identified are protected under the provisions of Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021. Damage to such roosts can only occur if a derogation licence under Regulation 54 is obtained prior to any works. Reason: In the interest of nature conservation and wildlife protection.
10.	Proposals for an estate numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name. Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames.
11.	Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
12.	Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the

	planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development. Reason: In the interest of residential amenities, public health and safety and environmental protection.
13.	The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Reason: In the interest of public health.
14.	Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape plan. Such lighting shall be provided prior to the making available for occupation of any residential unit. Reason: In the interest of amenity and public safety.
15.	A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

	development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.
16.	(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing. (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing. (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit. Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

17.	The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority. Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.
18.	The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Reason: In the interest of amenity and of traffic and pedestrian safety.
19.	Prior to the occupation of the development, a Stage 3 Road Safety Audit, including a Final Audit Report for the proposed development, together with associated junctions and internal roads, shall be prepared in accordance with TII's standards shall be submitted for written agreement with the planning authority. Reason: In the interest of traffic and pedestrian safety.
20.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works. Reason: In the interests of visual amenity.
21.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

	hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
22.	The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis. Reason: To protect the residential amenities of property in the vicinity.
23.	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 Bord 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.

.Elaine Sullivan
Planning Inspector

3rd of October 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322774-25
Proposed Development Summary	Residential development of 4 units. See Section 2.0 of Inspectors Report
Development Address	Coolamber, Rocky Valley, Kilmacanogue, 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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10(b)(i) – Threshold 500 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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322774-25
Proposed Development Summary	Residential development of 4 units. See Section 2.0 of Inspectors Report
Development Address	Knockroe, Greystones, 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).	The proposed development is for a stand-alone project on a brownfield site of 0.67ha within the settlement of Kilmacanogue. The works will require the clearance of the site and the construction of a new site access and access road. The site is surrounded by residential development comprising detached houses on their own sites. The R755 – bounds the site to the south. Construction works would involve site clearance and the removal of trees, earthworks and reprofiling of the existing landscape. It would not require the use of substantial resources or give rise to significant risk of pollution or nuisance. The nature of the development does not pose a risk of major accident and/or disaster, and the development is not vulnerable to climate change. It presents no risk to human health.
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).	The proposed development is on a brownfield site on the edge of an urban development. The site comprises land that is currently in residential use with a large part of the site left undeveloped and overgrown. The site does not have any conservation designations and is not located within or adjoining an NHA, pNHA, SAC or SPA. There are no Protected Structures or National Monuments within the site. There is a protected prospect along the R755 to the southwest of the site. Lands surrounding the site to the west and south form part of the Great Sugar Loaf proposed Natural Heritage Area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, which includes landscaping and residential development, its location on the edge of an urban settlement, removed from sensitive habitats and conservation sites, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act
Conclusion	

Likelihood of Significant Effects	
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.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 1 - AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case File ABP-322774-25	
Brief description of project	Planning permission is sought for the construction of 4 detached, two-storey/split-level houses on a site of 0.67ha which currently contains one detached bungalow, with the relocation of the access road, connections to the public water and wastewater services and all ancillary works.
Description of development site characteristics and potential impact mechanisms	The subject site has a stated area of 0.67 ha and is a brownfield site on the outskirts of Kilmacanogue Village. The site is bounded to the east and west by detached houses on their own sites. There is one house with some garages and outbuildings currently in place on the site. This house is positioned towards the centre of the site and close to its western site boundary. The remainder of the site is vacant and overgrown. The closest European sites are the Bray Head SAC (c. 3.7km to the east), the Glen of the Downs SAC (c. 3.24km to the south), the Wicklow Mountains SPA and SAC (c. 5km to the west), Knocksink Wood SAC c. 3.3km to the north-west) and Ballyman Glen SAC (c. 3.7km to the north-east). The Kilmacanogue Stream (Ref. IE_EA_10K030600) flows across the front of the site from west to east. This stream flows east to Kilmacanogue village and then flows north to connect with the river Dargle which then flows through Bray and into Bray Harbour. The Dargle outfalls to the marine environment in Bray Harbour at a point approximately 1.6km to the north of Bray Head SAC. The proposed development would involve standard construction methods which would result in noise, disturbance and emissions to air from machinery and plant, and emissions to surface and ground water because of runoff from construction activities.
Screening report	No
Natura Impact Statement	No
Relevant submissions	The issue of AA was not raised in third party submissions or in submissions from prescribed bodies.

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

Given the scale of the proposed development, the Zone of Influence would be limited to the site itself or any to European sites with direct connections to the site. Using the principle of Source-Pathway-Receptor model, no direct connections between the site and any European sites were identified. There is an indirect connection from the site to the Bray Head SAC via the Kilmacanogue Stream which flows to the river Dargle which outfalls to Bray Harbour. Although the connection is weak, the potential impact of the development on the European sites is considered below.

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
Glen of the Downs SAC (Site Code 000719)	S.I. No. 526/2019 - European Union Habitats (Glen of the Downs Special Area of Conservation 000719) Regulations 2019 ConservationObjectives.rdl (NPWS Conservation Objectives accessed on the 30/09/2025)	c. 3.24 km overland	No connection between the sites.	N
Knocksink Wood SAC (Site Code 000725)	S.I. No. 93/2019 - European Union Habitats (Knocksink Wood Special Area Of Conservation 000725) Regulations 2019 CO000725.pdf (NPWS Conservation Objectives accessed on the 30/09/2025)	c. 3.3km overland	No connection between the sites.	N
Bray Head SAC (Site Code 000714)	S.I. No. 620/2017 - European Union Habitats (Bray Head Special Area of Conservation 000714) Regulations 2017 ConservationObjectives.rdl (NPWS Conservation Objectives accessed on the 30/09/2025)	c. 3.7km overland	Indirect connection via the Kilmacanogue Stream, the Dargle river and Bray Harbour.	N (The hydrological distance between both sites would prevent significant impacts from the construction or operational phases.)
Ballyman Glen SAC (Site Code 000713).	S.I. No. 92/2019 - European Union Habitats (Ballyman Glen Special	c. 3.7km overland	No connection.	N

	Area Of Conservation 000713) Regulations 2019 ConservationObjectives.rdl (NPWS Conservation Objectives accessed on the 30/09/2025)			
Wicklow Mountains SPA (Site Code 004040)	S.I. No. 586/2012 - European Communities (Conservation of Wild Birds (Wicklow Mountains Special Protection Area 004040)) Regulations 2012. CO004040.pdf (NPWS Conservation Objectives accessed on the 30/09/2025)	c. 5km overland	No connection.	N
Wicklow Mountains SAC (Site Code 002122)	ConservationObjectives.rdl (NPWS Conservation Objectives accessed on the 30/09/2025)	c. 5km overland	No connection.	N

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

- (a) There would be no direct impacts on any of the SPAs or SACs during the construction of operational stages of the development. Indirect impacts would be limited to noise and/or disturbance during the construction phase and emissions to air and water during the construction and/or operational phase.
- (b) The distance between the subject site and the closest SPAs and SACs would prevent any significant impacts from noise and disturbance and from emissions to air such as dust or hydrocarbons and any uncontrolled pollutants in surface water runoff entering the existing drainage system and flowing into the SAC during the construction stage of the development.

Step 4 Conclusion

I conclude that the proposed development (alone) would not result in likely significant effects on any European Site. 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 in view of the conservation objectives of the sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Distance from and weak indirect connections to the European sites.
- No potential for ex-situ impacts.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 2 – Water Framework Directive Screening

The subject site is located on the western outskirts of Kilmacanogue, Co. Wicklow. It is a brownfield site with a single storey bungalow in place towards the centre. The remainder of the large site is overgrown. The Kilmacanogue Stream (KILMACANOGE_010, Code-IE_EA_10K030600) traverses the site at its southern boundary. The Water Framework Directive (WFD) status for the stream is 'At Risk' and is being monitored.

The site is within the Ovoca-Vartry Water Framework Directive (WFD) Catchment and the Dargle_SC_010 Sub-basin Catchment.

The underlying groundwater aquifer is categorized as 'High Vulnerability', i.e. groundwater here has natural characteristics that make it highly vulnerable to contamination by human activities.

The proposed development comprises site clearance and earthworks to construct 4 no. houses, access road and all associated works. The development would be connected to the public mains water and wastewater drainage services. Surface water would be attenuated on site.

Third parties raised concerns regarding the impact of the proposal on the Kilmacanogue stream and the underlying groundwater through displacement.

I have assessed the proposed development for the construction of 4 houses on the outskirts of Kilmacanogue village 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:

- The nature of the works and the small scale of the development proposed.
- The engagement with Inland Fisheries Ireland with regard to works to the stream.
- The nature of the construction works to the stream and the wider site.

Conclusion

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

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	ACP-322774-25	Townland, address	Kilmacanogue, Co. Wicklow
Description of project		Construction of 4 detached houses on the grounds of an existing detached house.	
Brief site description, relevant to WFD Screening,		Site is located on a sloping site on the outskirts of Kilmacanogue village. There are detached houses to the east, west and south of the site with agricultural land and tree stands to the north. The Kilmacanogue Stream flows through the site along its southern boundary.	
Proposed surface water details		Surface water would be attenuated onsite via a swale which would catch runoff from the road and footpath. A bio-retention basin would attenuate any additional stormwater runoff.	
Proposed water supply source & available capacity		The development would be connected to the mains water system.	
Proposed wastewater treatment system & available capacity, other issues		The development would be connected to the mains wastewater system. Capacity confirmed by Uisce Éireann.	

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	WFD Risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
River Waterbody	Within the site	Kilmacanogue Stream_010	Moderate	At risk	Urban Runoff	Surface water runoff.
River Waterbody	c. 3.8 hydrological km	Dargle_SC_30	Good	Not at risk	Hydromorphology	The Kilmacanogue Stream flows to the Dargle at a point c. 3.8km to the east of the site.
Groundwater waterbody	Underlying site	Wicklow IE_EA_G_076	Good	At risk	Nutrients / Agriculture	Surface water drainage via sub soils.
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	Water body 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	Kilmacanogue Stream_010	Surface water runoff	Hydrocarbon spillages, silt in uncontrolled runoff	Standard construction measures. Engagement with IFI to agree construction methodology	No - subject to compliance with planning conditions	Screened out
2.	Surface	Dargle_SC_30	Kilmacanogue Stream	None – due to the hydrological distance between the sites.	None	No	Screened out
3.	Ground	Wicklow IE_EA_G_076	Drainage	Hydrocarbon Spillages	Standard Construction	No	Screened out

					Measures / Conditions		
OPERATIONAL PHASE							
3.	Surface	0010	Surface water runoff	Pollution in uncontrolled runoff	Surface water management system which would include SUDS measures and attenuation	No	Screened out
4.	Ground	0020	Drainage	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						

