



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323715-25

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<b>Development</b>	11 no dwelling units and all associated site works.
<b>Location</b>	Church Road, Delgany, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	25/60139
<b>Applicant(s)</b>	Tack Packaging (2000) Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party v. Grant
<b>Appellant(s)</b>	1. David and Eithne Sullivan 2. Noel and Lesley McMullan
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	20 <sup>th</sup> January 2026.
<b>Inspector</b>	Susan McHugh

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## 1.0 Site Location and Description

- 1.1. The subject site is located in Delgany village, adjacent to the Regional Road R762, which connects Greystones to the N11.
- 1.2. The site is situated to the south of and below the level of the R762 and lies on the northern slope of the Three Trout's Stream valley. The site is characterised by a significant drop in levels in relation to the R762 and a slope across the site from north to south. Three Trout's Stream is located approx. 35m to the south of the site.
- 1.3. Access to the subject site is provided via an existing entrance road located to the west. This access road currently serves three other dwellings within Priory Gate on the adjoining property one of which is home to one of the appellants in this case.
- 1.4. The site is bounded to the east by Church Cottage which is accessed from Church Road and is currently being extended at two storey level to the rear. The site is bounded to the south by an existing bungalow and home to the second appellants in this case. This property shares its northern site boundary with the subject site and is located at a lower level than the appeal site.
- 1.5. The Delgany Architectural Conservation Area is located on the opposite side of the Regional Road (R762). Across the road from the subject site is a Protected Structure ID 181 – Christ Church (RPS No. 08-16).
- 1.6. Church Road in Delgany is served by bus route no 184 and Greystones train station is located c. 2.8km from the appeal site.
- 1.7. The stated area of the appeal site is 0.39 hectares.

## 2.0 Proposed Development

- 2.1. Permission is sought to construct 11 no. dwelling units comprising
  - 10 no. semi-detached and 1 no. detached units, consisting of 9 no. 4 bed and 2 no. 2 bed units ranging from 2 to 3 storeys in height.
  - 20 no. car parking spaces.
  - Extension of Priory Gate to provide an access road and public footpath to serve the units.

- Removal of existing stone wall and construction of new boundary wall along R762 Church Road.
- Provision of public footpath along R762 Church Road.
- All associated site and service works above and below ground.

2.2. The application was lodged 04/03/2025 and was accompanied by

- Planning Report
- Design Report
- Part V Preliminary Compliance Letter and Cost Calculation

2.3. In response to a further information request 23/04/2025 revised drawings were submitted.

2.4. The following were submitted to the PA 06/08/2025.

- Architectural drawings
- Site Infiltration Test Report and Surface Water Calculations
- Structural Engineer Drawings
- Arboricultural Report
- Tree Survey Drawing
- Landscape Design and Planting Statement
- Landscape Architect Drawings

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. The planning authority decided to **grant** permission subject to 19 no. conditions 01/09/2025.

**Condition 1:** Plans and particulars.

**Condition 2:** Section 48(1) Development Contribution.

**Condition 3:** Cash Security.

- Condition 4:** Construction Management Plan.
- Condition 5:** Phasing Plan to be agreed.
- Condition 6:** Occupancy condition.
- Condition 7:** Irish Water requirements.
- Condition 8:** Landscaping and tree planting requirements.
- Condition 9:** Estate/street name, house numbering scheme to be agreed.
- Condition 10:** Service cables to be located underground.
- Condition 11:** Open space requirements.
- Condition 12:** Taking in Charge.
- Condition 13:** Section 96 of the Planning and Development Act 2000, Housing requirement.
- Condition 14:** Upgrade of existing junction of the L10270-30 and R762 to be agreed.
- Condition 15:** Upgrade works to the junction and footpath to be completed prior to occupation of the dwellings.
- Condition 16:** Public lighting and layout requirements.
- Condition 17:** Submission of revised and up-to-date Arboricultural Report.
- Condition 18:** Additional SUDS interventions and emergency overflow drainage provision requirements.
- Condition 19:** Omission of louvre panels and revised elevational drawings.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The 1<sup>st</sup> Planner report dated 22/04/2025 includes;

- Principle of development on an underutilised site zoned as village centre acceptable.
- Development aligns with compact growth and would not conflict with the CDP.

- *Density* - Approx. 28uph which is below the acceptable range but acceptable given the topography of the site.
- *Visual* – Design is inconsistent with the surrounding area and ACA brick finish is unacceptable.
- *Residential* – Impact on residential property to the south is a concern, details in relation to the boundary treatment and impact on existing trees to be clarified.
- *ACA* – Development is set below the R762 to a degree that is will not have an overtly detrimental effect on the ACA subject to a more appropriate and sympathetic design approach.
- *Public Open Space* – No useable POS however private open space is acceptable, and omission of POS was established under 17/718 (ABP-301459-18).
- *Housing Mix* – Acceptable.
- *Footpath along the R762*- Facilitates a safer pedestrian environment.
- *Landscaping* – Full landscape report assessing all trees and hedgerows on site and potential impact of the development on their integrity and that of trees bounding the site outside the applicants control.
- Recommends further information.

2<sup>nd</sup> Planners report dated 01/09/2025 following further information included

- *Further Information item 1* – Design changes to finishes, roof design and fenestration acceptable subject to louvre elements being omitted.
- *Further Information item 2* – Overlooking/overbearance mitigated by existing vegetation and proposed planting and boundary treatment, visibility between the dwelling to the south and the proposed development no greater than with previous grant of permission.
- *Further Information item 3* – Landscape Design and Planting Statement, Arboricultural Report and boundary details submitted would mitigate overlooking and contribute to the overall sense of place once matured.
- *Further Information item 4* – EV charging point and bicycle storage proposals acceptable.

- *Further Information item 5* – Design details of proposed retaining walls/structures acceptable.
- *Further Information item 6* – Proposed soakaways and SuDS proposals sufficient to deal with surface water drainage on site.
- Recommends a grant of permission.

### 3.2.2. Other Technical Reports

- **Transportation Planning:** 1<sup>st</sup> Report dated 09/04/2025 recommended no objections subject to requirements. 2<sup>nd</sup> Report dated 08/08/2025 recommended no objection.
- **Area Engineer:** Report dated 11/04/2025 recommends no objection subject to surface water requirements.
- **Housing:** Report dated 03/04/2025 recommends no objection subject to requirements.

### 3.2.3. Conditions

The following conditions will be considered further in my assessment.

**Condition 14:** Upgrade of existing junction of the L10270-30 and R762 to be agreed.

(a) proposals to upgrade the existing junction of the L10270-30 and the Regional Road R762,

(b) final design details of all up-grade works to be carried out on or adjacent to the L10270-30, and

(c) final design details of the proposed footpath along the Regional Road R762. Any proposals shall accord with the requirements of the Transportation & Infrastructure Section.

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

**Condition 15:** Upgrade works to the junction and footpath to be completed prior to occupation of the dwellings.

No occupation of the dwellings shall commence until the upgrade works to the junction of the L10270-30 and the Regional Road R702, upgrade works to the

L1027A40 and the proposed footpath along the Regional Road R762 have been completed to the written agreement of the planning authority

Reason: In the interest of traffic and pedestrian safety.

### 3.3. Prescribed Bodies

- **Irish Water:** No report received.

### 3.4. Third Party Observations

3.4.1. 6 no. submissions received by the PA from the following parties;

- David and Eithne Sullivan
- Freda Sunderland
- Kenneth Kearon
- Lisa Lumley
- Noel and Lesley McMullen

3.4.2. 2 further submissions were received in response to the FI from the following parties;

- David and Eithne Sullivan
- Noel and Lesley McMullen

3.4.3. Issues raised are similar to those raised in the grounds of appeal and are summarised in section 6.1 of this report below.

## 4.0 Planning History

**PA Reg.Ref.17/718 ABP-301459-18:** Permission **granted** 06/12/2018 for 5 no. dwellings.

**Condition 2** states: This permission relates to the construction of five number dwellings only, in accordance with the revised plans and particulars submitted to An Bord Pleanála on the 24th day of May 2018. No additional residential units or apartments, in excess of the permitted five number dwellings shall be constructed on this site. **Reason:** In the interest of clarity and in order to limit the extent of

residential development on this site to protect the residential amenities of adjoining properties.

This permission has expired. The construction of phase 1—preliminary ground works and the construction of the northern retaining wall—commenced in 2022, with the piling work for the wall completed.

**PA Reg.Ref.06/5900:** Permission refused 19/09/2006 for housing development comprising demolition of existing cottage & house, construction of 5 no. 3 storey split level dwellings, 3 no. 2 storey dwellings, 2 roadside commercial units & parking, 2 no own door 2 storey apartments, new access road & drainage, etc. Reasons for refusal referred to traffic safety, residential amenity impacts on the residential house to the south and non-compliance with a condition of a previous permission relating to boundary setbacks.

*Priory Gate*

**PA Reg.Ref. 01/4459:** Permission granted for 3 no. dwellings 03/10/2001.

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2022-2028 (as varied) (the CDP)

- 5.1.1. To note, the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 (LAP) previously expired. The Wicklow County Development Plan 2022 – 2028 was subsequently varied under **Variation No. 2** to include the LAP, and a replacement Local Planning Framework (LPF) have been prepared and was adopted at a Council Meeting on the 9<sup>th</sup> February 2026 under **Proposed Variation No. 4**.

#### ***Core Strategy & Settlement Strategy***

- 5.1.2. The appeal site is located within the settlement of Greystones/Delgany. Under the Wicklow County Development Plan 2022 – 2028 (as varied), the core strategy designates Greystones-Delgany as a Level 3 Core Region Self-Sustaining Town in the Wicklow Settlement Hierarchy. The stated justification in this regard is “*Towns in Level 3 are targeted for growth rates of 25%-30%, with slight variations based of capacity / past trends. It is estimated that growth in Greystones – Delgany will*

*exceed this target range before the end of the plan period due to legacy housing developments under construction”.*

- 5.1.3. Section 3.5 of the CDP in relation to zoning notes that *“This development plan provides the population and housing targets for all 21 settlements in the County up to 2031. However, it only provides plans for 13 settlements, the remainder of the settlements having their own standalone ‘Local Area Plans’, which will be reviewed after the adoption of this County Development Plan”.* In relation to the settlements within Levels 1 to under the settlement hierarchy, the CDP states that *“there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites”.*
- 5.1.4. New Local Area Plans are to be made for 5 listed towns including Greystones – Delgany – Kilcoole. It is stated in relation to the zoning principles, that a minimum of 30% of the housing growth will be delivered within the existing built-up footprint of the settlements. In relation to densities, the zoning principles section states that *“in existing residential areas, 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”.*
- 5.1.5. The sequential approach to zoning is to be applied with *“Priority 3 Infill within the existing built envelope of the town, as defined by the CSO Town Boundary. Town centre regeneration / infill / brownfield developments normally located within the existing built-up part of the settlement, generally on lands zoned ‘town centre’, ‘village centre’, ‘primary area’, ‘existing residential’ and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development”.*
- 5.1.6. Section 4.2 of the CDP outlines the role and function of Level 3 Self Sustaining Growth Towns. It notes that *“the key principles influencing self-sustaining growth towns include balanced growth, regeneration and revitalisation, compact growth, significant enhancement of employment opportunities, investment in sustainable transport and enhanced social infrastructure”.*
- 5.1.7. Section 6.3.5 of the CDP refers to densities with Table 6.1 of the plan setting out the density standards. The density standards are stated to be per the Guidelines for

Planning Authorities on Sustainable Residential Development in Urban Areas (2009). Table 6.1 for Greystones-Delgany states these to be:

- *“- Public Transport Corridors: Minimum density of 50 units per hectare within 500m walking distance of bus stop or 1km of light rail stop or rail station.*
- *- Outer Suburban / Greenfield Sites: Minimum density of 35 - 50 dwellings per hectare.*
- *- Development at net densities less than 30 dwellings per hectare should generally be discouraged particularly on sites in excess of 0.5 hectares”.*

5.1.8. The following policies and objectives are relevant in this case:

**Strategic County Outcome: SCO1:** Sustainable Settlement Patterns and Compact Growth:

**CPO 4.1** *To implement the 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 4.6** *To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.*

**CPO 4.7** *To implement the Core Strategy and Settlement Strategy, to monitor development and the delivery of services on an ongoing basis and to review population targets where service delivery is impeded.*

**Proposed Variation No. 6** to the Wicklow County Development Plan 2022 – 2028 (as varied) seeks to revise the Wicklow Core Strategy and associated housing targets, and a number of related housing objectives set out in the Wicklow County Development Plan 2022-2028 Written Statement. The proposed variation is to take

account of 'NPF Implementation: Housing Growth Requirements' - Guidelines for Planning Authorities, issued under Section 28 of the Planning & Development Act 2000 (as amended) (July 2025). Public consultation closed 16<sup>th</sup> January 2026.

Under the varied settlement hierarchy Greystones-Delgany are designated as a Level 3 Metropolitan Area Self Sustaining Growth Town.

Table 3.3 Targeted Settlement Growth 2022-2031 : Greystones – Delgany is deemed suitable for a growth rate of not less than 30% subject to the agreements required under NPO 17. Greystones – Delgany is well located with respect to the Metropolitan Area to absorb housing demands arising in the Metropolitan Area and is served by DART.

## ***Housing***

### **Section 6.3.7 Quality of Design in New Housing Developments**

**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 6.5** To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:

- *Strengthening the character and urban fabric of the area;*
- *Reinforcing local identity and sense of place;*
- *Optimise the opportunities afforded by the historical and natural assets of a site / area;*
- *Providing a coherent, legible and permeable urban structure;*
- *Promoting an efficient use of land;*
- *Improving and enhancing the public realm;*
- *Conserving and respecting local heritage;*
- *Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;*
- *Promoting accessibility for all; and*
- *Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.*

**CPO 6.14** *To densify existing built-up areas subject to the adequate protection of existing residential amenities.*

**CPO 6.25:** *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. Such lands will be retained as open space for the use of residents and new housing or other non-community related uses will not normally be permitted.*

**CPO 7.35** *Subject to safety considerations, natural features (trees, streams etc) shall be retained in new developments.*

**CPO 17.8** *Ensure ecological impact assessment is carried out for any proposed development likely to have a significant impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Annex I habitats, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.*

5.1.9. Chapter 2: Overall Strategy, Chapter 3: Core Strategy, Chapter 4: Settlement Strategy, Chapter 6: Housing, Chapter 8: Built Heritage, Chapter 12: Sustainable Transportation and Chapter 17: Natural Heritage and Biodiversity are also considered relevant. Design Standards are set out in Appendix 1.

## 5.2. **Greystones – Delgany and Kilcoole LAP/LPF 2025**

5.2.1. Under the Greystones – Delgany and Kilcoole Local Area Plan (LAP) 2013 - 2019 the subject site was zoned 'Village Centre': 'To protect, provide for, and improve a mix of village centre services and facilities, which provide for the day-to-day needs of the local community'.

5.2.2. As the zoning objective for Delgany town and environs no longer applied (with the expiration of the LAP), Variation no. 2 to the Wicklow County Development Plan 2022-2028 was adopted. It provides for the inclusion of the land use zoning and key development objectives maps for the LAP settlements / areas (including Greystones– Delgany and Kilcoole) to be integrated into Volume 2 of the County Development Plan.

- 5.2.3. The draft Greystones – Delgany and Kilcoole Local Planning Framework (LPF) 2025 was published on the 9 May 2025 for public consultation and the 1st Chief Executive’s Report was issued on 18 August 2025. Under this plan, the site and lands adjacent to the north east and west are zoned under land use zoning objective “Village Centre”.
- 5.2.4. By resolution at the Council meeting on 6 October 2025, the members of the planning authority decided to make alterations to the Proposed Variation-Draft LPF. As the proposed alterations constituted ‘material’ alterations to the Proposed Variation-Draft LPF, the proposed material alterations went on public display on 24<sup>th</sup> October 2025 with a closing date of 21<sup>st</sup> November 2025.
- 5.2.5. The Second report (dated 18<sup>th</sup> December 2025) to the members of Wicklow County Council under Section 13 of the Planning and Development Act 2000 (as amended) on the submissions received during the public consultation of the Proposed Material Alterations (PMA) to Proposed Variation No. 4.
- 5.2.6. The Greystones / Delgany & Kilcoole Local Planning Framework (LPF) 2025 /Variation No. 4 to the Wicklow County Development Plan 2022-2028 was adopted on 9<sup>th</sup> February 2026.

### 5.3. National Policy/Guidance

- 5.3.1. ‘Housing For All - a New Housing Plan for Ireland (September 2021)’ is the government’s housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:
- To purchase or rent at an affordable price,
  - Built to a high standard in the right place,
  - Offering a high quality of life.
- 5.3.2. The Revised National Planning Framework (April 2025) recognises the need to plan for a population of between 6.1 to 6.3 million people by 2040, and plan for approximately 50,000 units per annum over that period, to meet additional population and employment growth over and above the original 2018 NPF projections. This

reflects the latest research and modelling by the Economic and Social Research Institute (ESRI), which forecasts substantial population growth over the next decade. The Revised NPF, with the subsequent provision of updated planned housing requirements at a local authority level, aims to ensure that housing supply meets both new demand and addresses existing need, creating a sustainable future for housing in Ireland.

In order to ensure that the revised population projections and related housing requirements can be delivered on, service provision will also require co-ordination and prioritisation to ensure that the necessary infrastructure is in place, both to support and enable housing development to take place, and to ensure that housing delivery is aligned with the provision of services and facilities for communities. This includes the provision of education, childcare, healthcare and recreational facilities to support the expansion of existing settlements and the creation of new sustainable communities.

In addition to accounting for the ESRI's baseline projection of 6.1m people by 2040, the NPF also includes provision for strategic planning for up to 6.3 million people by 2040 (the ESRI high migration scenario), which is required to be aligned with strategic planning for Transport Orientated Development (TOD) in and around Ireland's five cities to support the delivery of new sustainable communities at brownfield and greenfield locations along existing or planned high capacity public transport corridors.

The implementation of the NPF will continue to align with the National Development Plan and form as one single vision for Ireland under 'Project Ireland 2040' to be fully supported by the Government's investment strategy for public capital investment and investment by the State sector in general.

- 5.3.3. 'Project Ireland 2040 – The National Planning Framework' (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (c) aims to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate towns and villages of all types and scale as environmental assets.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

5.3.4. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.3.5. The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.3.6. Climate Action Plan 2025 builds upon previous year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.3.7. Ireland's 4<sup>th</sup> National Biodiversity Action Plan 2023–2030 - Ireland's 4<sup>th</sup> National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

5.3.8. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- NPF Implementation: Housing Growth Requirements' - Guidelines for Planning Authorities (July 2025)
- Sustainable Urban Housing: Design Standards for New Apartments (2022) (the Apartment Guidelines).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (the Building Height Guidelines).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Quality Housing for Sustainable Communities: Design Guidelines, (2007).

5.3.9. The following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual, Department of Transport (2023).
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009).

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018).
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

#### 5.4. Regional Policy)

- 5.4.1. The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Relevant Regional Policy Objectives (RPOs) can be summarised as follows:

**RPO 3.2:** *Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.*

**RPO 4.1:** *In preparing core strategies for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.*

**RPO 5.4:** *Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.*

5.4.2. The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible, and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

## 5.5. Water Framework Directive

5.5.1. The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

5.5.2. The site is located within the Ovoca-Vartry (Catchment ID 10) Water Framework Directive catchment area and in the Newcastle (Wicklow)\_SC\_010 Sub-catchment.

5.5.3. The nearest river waterbody to the site is the Three Trout's Stream (EPA code Wicklow\_010) which is located c. 35m south of the site. The Three Trout's Stream which is of good water quality status flows in an easterly direction where it enters the sea at an outflow close to Greystones south beach/golf course at Greystones.

## 5.6. Natural Heritage Designations

5.6.1. The site is not located within or adjoining a European Site. In relation to designated conservation sites:

- Glen of the Downs Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 000719) are located c.1km to the west.
- The Murrough Special Protection Area (SPA) (site code 004186), and the Proposed Murrough PNHA (site code 000730), are located c.2.5km to the east.
- The Murrough Wetlands SAC (site code 002249), is located c.3km to the south-east.
- Bray Head SAC and PNHA (site code 000714), are located c.3km to the north-east.

- Carriggower Bog SAC (site code 000716), and Carriggower PNHA (site code 000716), are located c.3km to the south-west.
- The Great Sugar Loaf PNHA (site code 001769), is located 3.8km to the northwest.
- Kilmacanogue Marsh PNHA (site code 000724), is located 3.8km to the northwest.

## 5.7. EIA Screening

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. Two no. third party appeals were submitted by the following parties;

- David and Eithne Sullivan
- Noel and Lesley McMullan

#### David and Eithne Sullivan

The grounds of appeal can be summarised as follows;

- Live in one of three houses built in 2006 located on the small road where the proposed development will be built.
- Refer to previous permission granted by ACP for 5 houses which limited further development on the site to protect the residential amenities of adjoining properties.
- *Residential Amenity* – inadequate provision of private open space for future residents.

- *Traffic and Parking* – Cul de sac cannot safely accommodate the cars associated with eleven houses, with no provision for visitor parking. This will lead to on-street parking on a narrow road and around the small roundabout, obstructing its function.
- *Impact on existing and future residents* – loss of amenity, safety concerns and the over-intensification of a very small site.
- *Public Open Space* - Dispute developers' assertion that there is adequate public amenity space in the wider area. There is no usable public amenity space within safe walking distance of the site, and without on-site provision children will be forced to play on the road which is unacceptable.
- *Density* – Proposed density would more than double what was previously refused.
- *Precedent* – Permitting overdevelopment of the site undermines integrity of previous decisions and could encourage similar high-density proposals in unsuitable locations across Wicklow.
- *Inconsistency with planning policy* – Recent housing approvals in the county have concentrated higher densities in areas with supporting infrastructure (e.g. Bray). Granting permission here appears inconsistent with that approach and contrary to proper planning principles.

Noel and Lesley McMullan

The grounds of appeal can be summarised as follows;

- *Design and scale* - Unacceptable in this location
- Ground level of the Glebe house and property is over 14m below the ground level of Church Road R762, 33m from the Glebe, and 8m below the ground level of the access road to the proposed development.
- *Scale*- Double the scale and increased height, in closer proximity to appellants property to the south than the previously approved development, with increased detrimental impact on residential amenities due to the topography of the site.
- *Residential Amenity* - Proposed development would seriously injure the amenities of adjoining properties, due to overlooking, overbearing aspect, and

visual obtrusiveness by reason of close proximity, overall height on this elevated site, massing, design which would be contrary to the policies and objectives of the CDP, the Delgany/Greystones and Kilcoole LAP and the proper planning and sustainable development of the area.

- A reduction in the number of units, the height and massing and distance from the southern boundary could be a solution.
- Materially contravenes the policies and objectives and standards of WCC CDP 2022-2028 including the Village Centre landuse zoning objective for the area:
  - Development out of character with the pattern of development of the area.
  - *Access road* - Substandard and would endanger public safety by reason of a traffic hazard.
  - *Surface water drainage* - Substandard and would cause structural damage to the property to the south.
  - *Landscaping* - Planting and southern boundary treatment, insufficient to provide screening necessary to mitigate the adverse impacts of the proposed development.
- Request the Commission overturn the PA decision to grant permission and to protect the existing residential amenities of properties in the area.

## 6.2. Applicant Response

No response.

## 6.3. Planning Authority Response

No response – Reports on file, dealt with in PA Assessment.

## 6.4. Observations

- **DAU:** Report dated 11/11/2025 recommends the addition of a condition to achieve a roof and gable aesthetic which complements the character of the Delgany Village Centre ACA.

## 6.5. Applicant Response to Section 131

- 6.5.1. A response dated 01/12/2025 to observations issued by the Heritage Department was submitted by the applicant's agent. This was accompanied by (revised drawings) updated plans, elevations and sections for House Type 1, 2 and 3.

## 6.6. Third Party Response to Section 131

- 6.6.1. A response dated 01/12/2025 to observations issued by the Heritage Department was submitted by the appellant's agent on behalf of the owners of the property adjoining the appeal site to the south. The observations can be summarised as follows

- Massing of houses on Struan Hill is in scale with the surrounding area, unlike the current proposal.
- Due to the massing and height, current proposal is not in scale with the area and will not positively enhance the character of the area.
- Development will have a detrimental impact on the setting of the ACA and a negative impact on the setting of the Church which is a PS.
- The additional minor design changes to the dwellings will be a slight improvement but will not ameliorate the detrimental effects of the scale of the proposed development on the context of the area adjacent to the ACA and Protected Structures and fails to enhance the character of the area.
- RFI should have indicated real design changes in the layout of the proposal by reducing the number and height of the proposed dwellings.
- Previous decision by the Commission under ABP-301459-18 to grant permission for 5 houses was the correct decision. This maintained an open aspect and scale which would positively enhance the character of the area.
- Previous decision minimised the negative impact on the residential amenities of the property to the south, by reducing the height and setback from their property.
- Previously permitted gardens allowed for generous useable private open space.

- Request the Commission to overturn the decision of the PA and refuse permission.

## 7.0 **Assessment**

### 7.1. **Introduction**

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:

- Infill Development
- Layout, Density and Design
- Residential Amenity
- Built Heritage
- Open Space, Landscaping and Boundary Treatments
- Traffic Safety
- Surface Water Drainage

### 7.2. **Infill Development**

- 7.2.1. The zoning of the site previously expired under the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 (LAP). Variation No.2 of the Wicklow County Development Plan 2022-2028 effectively reinstated the previous village centre zoning. Residential development is acceptable within this zoning.
- 7.2.2. Variation No. 4 to the Wicklow County Development Plan 2022-2028 which refers to the Greystones – Delgany and Kilcoole Local Planning Framework (LPF) 2025 has been adopted, and the village centre zoning objective on the site remains unchanged.

- 7.2.3. For the purposes of this assessment the site is considered zoned serviced land. I note that the principle of development at the subject site was accepted by the P.A. on the basis of the site's then village centre zoning.
- 7.2.4. Based on the CDP planning principles and policies in relation to settlements and settlement boundaries and development within same per Section 5.1 above, where infill residential development is generally provided for, I note the site's location with a Level 3 Core Region Self-Sustaining Town in the Wicklow Settlement Hierarchy. Section 3.5 of the CDP, the CDP states that "*there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites*".
- 7.2.5. I note the policies of the Development Plan which encourage and provide for such infill residential development with no quantitative restriction for the settlement. I note policies which seek consolidation (principle 1: compact growth of the zoning principles and principle 2: delivery of population and housing targets, principle 3: higher densities, principle 4: sequential approach) and development of such serviced sites within settlements for housing including within Greystones-Delgany per Section 3.4.
- 7.2.6. Section 4.2 of the CDP, specifically in relation to Greystones-Delgany states that "*the focus during the period of this development plan therefore for the settlement will be on infill development and consolidation of the built-up area*". In this context, I consider the proposed use of the site for housing, to be acceptable in principle at this location within the urban built-up area generally surrounded by existing residential development. The subject site is located outside the Delgany Architectural Conservation Area and at a remove from the existing Christ Church a Protected Structure.
- 7.2.7. Having regard to the Guidelines for Sustainable Residential Development and Compact Settlements and the provisions of the current development plan and local area plan the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide additional residential development at this location. I propose to address such matters in the following sections.

### 7.3. Layout, Density and Design

- 7.3.1. The scheme proposes 11 no. dwellings ranging from 2 to 3 storeys in height. The houses are split level reading as 2 storey to the front and 3 storey to the rear. The proposed layout follows a linear pattern along the proposed access road which is an extension of the existing L10270-30 towards the west of the site. The proposed houses are arranged in a row of 10 no. semi-detached units addressing the northern boundary with the R762 and 1 no. detached unit (dwelling unit no.11).
- 7.3.2. The surrounding area is characterised by two storey detached dwellings to the west, along the access road to the appeal site and a detached dwelling to the south. The house to the east is located level with the R762, while Christ Church a Protected Structure with adjacent surface car parking is located on the northern side of the R762.
- 7.3.3. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) recognise the need to *'realise opportunities for adaptation and reuse of existing buildings and for incremental back land, brownfield and infill development, and deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement.'*
- 7.3.4. The application was accompanied by a Design Statement. Concerns were raised by the planning authority regarding how the proposed design of the scheme would integrate into its context, noting its alignment with the character of the ACA and close proximity to the adjoining dwelling to the south.
- 7.3.5. I have had regard to the Architectural Design Statement prepared by Dreyer Architecture dated February 2024 submitted with the application. The report provides contextual site sections relative to the proposed and previously permitted residential development. The report shows existing and proposed site levels within the scheme. The cross section / contiguous elevation drawings provide a visual representative of how the proposed development would integrate with existing site levels, boundary treatments and residential development.
- 7.3.6. The report also includes a number of illustrative photographs of recently constructed residential units in Delgany namely at Struan Hill visible from the subject site located

to the south, and Kingstone Manor located to the east of Delgany village along the R762. The design of the units is described in the report as 'following minimalist principles, with clean lines, simple forms and a neutral colour palette'.

- 7.3.7. Having visited the site, and surrounding area, I am satisfied that the proposed layout makes optimum use of the site and can be accommodated at this location.
- 7.3.8. Table 6.1 of the CDP sets out its density standards for Greystones-Delgany. The applicable standard in this regard along public transport corridors is a minimum of 50 units per hectare (uph) within 500m walking distance of bus stop or 1km of light rail stop or rail station.
- 7.3.9. I note the provisions of the Compact Settlement Guidelines have not been incorporated into the Development Plan. The Commission is required to have regard to such guidelines which supersede the previous guidelines on density which were incorporated within the CDP. I note that SPP4 of the Building Height Guidelines is incorporated into the Development Plan per Section 3.9. Figure 3.3 of the Compact Settlement Guidelines requires a three-step approach to establishing and refining density. The density range is established based on settlement size and area type.
- 7.3.10. I note that Greystones-Delgany can be considered to be a key/large town, consistent with the CDP, where a density range of 50 units per hectare shall generally be provided at locations along public transport corridors of such towns. Density is then refined based on accessibility. I note the site location c.2.8.km from Greystones train station is not within 1km of a light rail stop. The site is however located within 100m walking distance of the existing 184 bus stop located to the north of the site. This would put the suitable density for the site towards the higher 50 units per hectare. The final step is to refine density having regard to the impact on the character and amenity of the area, including on historic environments and this matter is assessed in detail further below in this report.
- 7.3.11. I note that it is proposed to provide 11 no. dwellings on a site area of 0.39 hectares which would result in a density of 28 units per hectare. As outlined in the below assessment and noting the restrictions of the site in terms of the sites topography, the protected structures within the ACA, its setting and the requirements for tree retention and integration into the site and with the wider area, I consider that the proposed density of development represents a reasonable intensification of

development and the appropriate and efficient use of the urban site given this context. I do not consider this approach to be materially inconsistent with the density provisions of the Development Plan\_(Table 6.1) or the Compact Settlement Guidelines being below 50 uph and having regard to the site constraints particularly the need to have due regard to the character and setting of the protected structures within the ACA and the residential amenities of the area.

- 7.3.12. While it is acknowledged that the proposed density is relatively low, it is considered acceptable on this infill site given the densities prevailing on adjoining residential developments, notably to the east. It is considered that the proposed development would not constitute overdevelopment of the site and is appropriate on an infill site at this location.
- 7.3.13. Third party appellants have raised concerns in relation to the scale of the development and its impact on the site and character of the area.
- 7.3.14. It is submitted that the scale of development is excessive, and that the overall height of development on this elevated site, combined with the massing, and design would be contrary to the proper planning and sustainable development of the area.
- 7.3.15. As already noted in section 1 above the topography of the site is such that it sits on an elevated site set below the level of the road, and above the adjoining residential property to the south.
- 7.3.16. I have had regard to Site Section drawings in an East West direction namely Section AA and Section FF which are the principal site section drawings. These illustrate the proposed housing units relative to existing and proposed site levels and adjoining residential development to the east and west.
- 7.3.17. I have also had regard to the four Site Section drawings in a North South direction namely Sections, BB, CC, DD and EE. These illustrate the relationship of the proposed houses relative to the existing road levels to the north along the R762 and the appellants residential property adjoining the site to the south.
- 7.3.18. These contiguous elevations are particularly useful in comparing existing and proposed site levels and building heights with that of existing development on adjoining sites. I note both of the appellants properties no. 2 Priory Gate and the property to the south known as the Glebe are identified for comparison.

- 7.3.19. The PA raised concerns in relation to the design approach and in particular to the front facades which provide for a mix of brick cladding at ground floor and two-toned render finish at first floor. It noted that the gable pitched roof with intersecting front gable, and fenestration to the front elevations which consist of differing sized opens with louvered panels.
- 7.3.20. The response to further information provides some minor amendments to the elevations, fenestration and finishes proposed. Comparative elevations of the as lodged/submitted design and as revised are provided in the applicant's architects response to FI submission. I am satisfied that the submitted drawings, enable an assessment to be made of the visual impact of the development from the selected adjoining residential developments.
- 7.3.21. Elevational changes include the removal of the ground floor brick cladding and replacement with a textured white render, and the omission of the coloured render.
- 7.3.22. The party wall is extended above the roof level to break the horizontal continuity and visually divide the central stretch of the pitched roof, the fenestration design has been revised and unified, while the louvre elements have been adjusted from horizontal to vertical orientation. The applicant indicated that these panels may also function as solid, openable window elements, referencing traditional timber shutters details of which could be agreed with the PA prior to commencement of development.
- 7.3.23. I would concur with the PA that the overall aesthetic of the development is more consistent, and I am satisfied subject to the removal of the louvre panels the design alterations combined results in a more simplified and cohesive design approach, appropriate for the site. I can confirm there are no changes to the scale height or massing of the proposed houses.
- 7.3.24. The Commission will note that further revised design proposals were submitted by the applicant 01/12/2025 in the course of the appeal. These are in response to design issues raised in the observation made by the DAU. I will discuss these updated plans under section 7.5 Built Heritage of my report below.
- 7.3.25. I am satisfied that the layout, density and design of the development take cognisance of existing residential development in the vicinity and the future

occupants of the scheme and can be integrated into the existing built-up footprint of the settlement of Delgany.

- 7.3.26. In summary, I consider that the proposed development would not constitute overdevelopment of the site and would not be out of character with the immediate area and is appropriate at this location.

#### **7.4. Residential Amenity**

- 7.4.1. Concerns are raised by the third-party appellants in relation to the impact of the proposed development on the residential amenities of adjoining properties. Three no. residential properties are located at the entrance to the appeal site (houses no. 1-3 Priory Gate) and one residential property the Glebe is located to the south or the southern boundary of the appeal site.
- 7.4.2. Concern is raised by the PA in relation to overlooking/overbearance of the existing dwelling to the south by reason of the proposed developments close proximity, overall height and elevated sites levels relative to the Glebe.
- 7.4.3. I have had regard to the overall site layout which provide for 5 no. pairs of semi-detached houses and a single detached house, all of which back onto the northern boundary of the Glebe. This property comprises a single storey dwelling and associated sheds set within a mature planted garden which slopes down to the Three Trout stream and valley.
- 7.4.4. Four no houses (units no. 5-8) are located in line with the rear elevation of the existing house the Glebe. This house type comprises of House Type 1. These houses are set off the southern shared boundary ranging from between approx.13.5m to 15.2m. Separation distances are also indicated from the rear elevations of the proposed houses to the rear elevation of the existing house to the south as ranging from between 19m to 22m.
- 7.4.5. I have had regard to the four Site Section drawings in a North South direction namely Sections, BB, CC, DD and EE submitted with the application. These illustrate the relationship of the proposed houses and site levels relative to the appellants residential property adjoining the site to the south.

- 7.4.6. I note in particular Section CC which illustrates lines of sight from first and second floor windows on the rear elevation, and also from the rear garden at ground level (of house no 6) of the proposed single storey house to the south.
- 7.4.7. While I accept that the proposed development will result in a significant change in the built environment in the immediate vicinity of the site, I would also note that the site formerly had a two-storey detached dwelling on the site named Cúl Na Herin albeit located in the southwest corner of the site. The principal of residential development on the site has already been established under the previous permission for 5 no. dwellings permitted under ABP-301459-18.
- 7.4.8. The further observations received from the third party are noted, and I accept that a reduction in the number of units may reduce the impact on the appellants property to the south somewhat, however the density proposed is already constrained by the topography of the site and to reduce the density further would not result in the optimum use of zoned service land at this location.
- 7.4.9. I have had regard to the layout of the proposed dwellings as indicated on the proposed site plan. Indicated also is the footprint of the permitted houses (by a dashed outline) which allows a comparison in terms of building footprints. It is clear that the proposed dwellings are located in a similar linear arrangement and set back from the southern site boundary as the previous proposal.
- 7.4.10. The main difference between the proposed development and that previously permitted is the proposed reduction on site levels on site to accommodate the split-level houses such that they are three storeys to the rear.
- 7.4.11. I have examined the floor plans and rear elevation drawings of House Type 1. At lower ground floor the rear elevation includes sliding glazed doors to the kitchen/dining/living area and a glazed entrance door to the rear garden.
- 7.4.12. At ground floor (first floor to the rear) two no windows serving a void and double bedroom/office are provided and at first floor (second floor to the rear) two windows are proposed serving a bedroom with ensuite bathroom.
- 7.4.13. Given that the existing house to the south is single storey, I am satisfied that there will be no significant overlooking of the rear elevation of the house. While I also note the proximity of the existing house from the northern site boundary by approx. 7m I

am further satisfied that views from the rear elevations looking south will effectively be over and above the roof level of the adjoining house.

7.4.14. I am satisfied therefore that the proposed houses would not give rise to undue overlooking of adjoining residential development more typical in urban areas.

#### *Private Open Space*

7.4.15. Concerns are raised by the appellants in relation to the inadequate provision of private open space.

7.4.16. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) replace the Sustainable Residential Developments in Urban Areas Guidelines for Planning Authorities issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked).

7.4.17. Section 5.3.2 of the Guidelines refers Private Open Space for Houses and while noting that 'the minimum private open space standard in development plans often reflects the traditional suburban separation standard and width of a dwelling' the guidelines also promote 'a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied'.

7.4.18. A specific planning policy requirement of these Guidelines SPPR 2 sets out Minimum Private Open Space Standards for Houses. For two bedroom houses a minimum private open space standard of 30sqm applies while 50sqm applies for four bedrooms plus houses.

7.4.19. This compares with the Wicklow County Development Plan Development Management Standards of 50sqm for 1-2-bedroom houses and 60-75sqm for three plus bedroom houses which is considerably higher.

7.4.20. The rear gardens for the semi-detached four bed houses House type 1 (on sites 1-8) range between 93-166sqm. For the detached four bed House type 2 207sqm of private open space is provided, while rear gardens for the 2 bed houses (on sites 10 and 11) are 72sqm and 71 sqm respectively.

7.4.21. I am satisfied in quantitative terms that the provision of private open space for the residential houses meets with minimum standards required under the Wicklow CDP,

while all exceed the requirement under SPPR2 under the Sustainable Residential Development and Compact Settlements Guidelines.

- 7.4.22. Access to the rear gardens is provided either directly for the ground floor to the rear or by way of a stepped side passage. The revised site layout plan submitted by way of RFI indicates the location of bike storage within the rear garden of each house which can be accessed via the side passage the stairs of which will be provided with wheeling ramps as a means of addressing the significant change in levels. The site layout plan indicates level rear garden areas and combined with their southern aspect will in my opinion provide for quality usable private open space.
- 7.4.23. I am satisfied therefore that the proposed development will not give rise to undue overlooking / overbearance of adjoining residential property and provides sufficient and usable private open space for future occupants and is not a basis for refusal.

## 7.5. **Built Heritage**

- 7.5.1. The proposed development is located opposite Christ Church, which is included in the Record of Protected Structures, RPS 08-16. Malvern, a multi-period protected structure ref 08-19, is also located opposite the site, and both are located in an Architectural Conservation Area in the Wicklow County Development Plan 2028-2028.
- 7.5.2. Third party appellants have raised concerns in relation to the design response and visual impact on the character and setting of adjoining Protected Structures within the adjoining Architectural Conservation Area.
- 7.5.3. The principle of residential development for five houses on this site has been established under a previous grant of permission by the Commission. Notwithstanding I have considered the visual impact of the proposed development on Christ Church and Malvern and the Architectural Conservation Area.
- 7.5.4. The DAU in their observations to the appeal dated 11/11/2025 is satisfied that the proposed development will not have an undue visual impact on Christ Church or Malvern and their respective curtilages. The DAU have based this conclusion on the fact that the Protected Structures are at a high level and that the views will be primarily over the proposed development site as opposed to directly into the site. I can confirm from my site visit that this is the case.

- 7.5.5. In relation to the Architectural Heritage Protection Guidelines (2011), the DAU note section 3.10.1 which recommends that the palette of materials and typical details for facades and other surfaces should generally reinforce the area's character. Section 13.8 discusses development affecting the setting of an architectural conservation area and states that proposals should not have an adverse effect on the character of an ACA.
- 7.5.6. The DAU acknowledge the concerns raised by the PA with regard to the design of the proposed properties, and request for further information and welcome the revised design elements which have made a difference, but it did not extend to a major redesign.
- 7.5.7. I concur with the DAU that overall, the applicants have sought to achieve a good quality contemporary design, but that the topography of the site puts greater than normal emphasis on the roof profile of the development in terms of its relationship with the ACA opposite, particularly Christ Church.
- 7.5.8. The DAU state *'that the overhanging gable element, particularly on the front 2 storey elevations does add a somewhat disproportionate volume to the overall aesthetic and results in undue emphasis on busy roof profiles. The redesign of the overhanging gable to be flush with the building, combined with the use of natural slate, and a smooth render finish to the external elevations would achieve a more simplified aesthetic evident in the adjacent ACA while also maintaining the overall contemporary design and quality of the scheme.'*
- 7.5.9. The DAU have recommended the addition of a condition to any grant of permission that may be issued for this development, to achieve a roof and gable aesthetic which complements the character of the Delgany Village Centre ACA, and that revised details should be submitted to the PA for written agreement.
- 7.5.10. To address the concerns raised by the DAU, the applicant submitted revised design proposals to the Commission 01/12/2025. The revised drawings comprise minor alterations to the roof and front elevation design. The proposed amendments are noted.
- 7.5.11. I have examined the submitted drawings which indicate that the overhanging gable element of the front elevation has been set back and is now aligned with the main

building line. I would concur with the applicant that this does result in a simplified and more cohesive architectural appearance.

- 7.5.12. I further note amendments have resulted in only minor adjustments to the internal room areas of House Types 1 and 2 and differences of less than 0.4sqm of the previously proposed overall floor areas. The plans for House Type 3 remain unchanged. Additionally, some windows have been slightly repositioned or adjusted in size, which the applicant states are only where necessary to achieve balance and proportion.
- 7.5.13. In my opinion these proposed amendments are relatively minor. In my view the Commission can consider the revised proposals submitted with the appeal without the need to be readvertised. I am also note that the proposed amendments have been circulated to the third-party appellants for further comment.
- 7.5.14. The further observations received from the third party are noted, and I accept that the massing of the proposed houses is not directly comparable to those houses within the Struan Hill development, however the zoning of the subject site is Village Centre, as and as I consider the massing and scale to be more in keeping with that of a village centre.
- 7.5.15. In my own opinion the proposed development would benefit from these minor alterations and are in direct response to the observations of the DAU which address a number of concerns raised in the current application. I am satisfied that the minor alterations to the proposed elevations, floor plans can be dealt with by way of a suitably worded condition.
- 7.5.16. I am satisfied therefore that the design of the proposed development is acceptable and will not detract from the adjoining ACA or protected structures to the north of the appeal site or the character of the area.

## **7.6. Open Space, Landscaping and Boundary Treatments**

### *Public Open Space*

- 7.6.1. Concern is raised by the appellants in relation to the provision of public open space to serve the proposed development.

- 7.6.2. It is clear from the application and proposed site layout drawings that it is not intended to provide for any public open space (POS) on site. It is submitted by the applicant that due to the scale and contours on site it is difficult to deliver usable public open space. The applicant considers that the provision of useable POS should be set aside given the infill and constrained nature of the site, which make it unfeasible to provide same.
- 7.6.3. I note the minimum required standard under the CDP of 10% of net site area and not more than a minimum of 15% of the site area (Appendix 1: Section 3.1.4) and of that required in the Compact Settlement Guidelines of 10% to 15% of the net site area.
- 7.6.4. Policy and Objective 5.1 of the guidelines allow for the relaxation of this standard in relation to circumstances *'where the planning authority considers it unfeasible, due to site constraints or other factors, to locate all of the open space on site. In other cases, the planning authority might consider that the needs of the population would be better served by the provision of a new park in the area or the upgrade or enhancement of an existing public open space or amenity. It is recommended that a provision to this effect is included within the development plan to allow for flexibility. In such circumstances, the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site.'*
- 7.6.5. While I note the minimum requirements for public open space as set out under Policy and Objective 5.1 of the Guidelines, I accept also the case made by the applicant in relation to constraints on site. This was also accepted by the PA and reflected in their decision to include Condition 2 in relation to the payment of a Section 48(1) Development Contribution.
- 7.6.6. I am satisfied that the provision of public open space should be set aside given the site constraints, which is consistent also with the view taken by the Commission in the previous application under ABP-301459-18.
- 7.6.7. The applicant has also stated in the application that the site is in close proximity to a range of existing recreational, leisure and open spaces to meet the needs of prospective resident. This is disputed by the appellants who make the case that there is no usable public amenity space within safe walking distance of the site, and

without on-site provision children will be forced to play on the road which is unacceptable.

- 7.6.8. In my opinion the proposal makes generous provision of private open space to meet the needs of residents. I note the Village Centre zoning objective of the site and recognise the need to balance the most appropriate use of these lands with the requirement to provide usable open space for future residents.
- 7.6.9. I have considered the proximity of zoned open space to the north and northeast of the village centre, and natural areas of open space identified along the river to the south as identified under the draft Greystones LPF. I have also considered the areas identified as active open space under the draft LPF, which lie to the southwest of the village centre. On this basis, I am satisfied that in this instance that a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within the application site is appropriate.

#### *Landscaping/Boundary Treatment*

- 7.6.10. Concern is raised by the appellants in relation to the proposed landscaping, planting and southern boundary treatment. It is asserted that due to the slope of the bank, number and structure of trees proposed (which are all deciduous), and the type of hedging would not provide screening necessary to mitigate the adverse impacts of the proposed development.
- 7.6.11. The PA sought further information in relation to landscaping details clearly identifying all existing semi-mature and mature trees along the southern boundary within the site boundary and proposals for the protection of trees during construction period.
- 7.6.12. I have reviewed the Landscape Plan submitted with the application and as amended by Drawing No. 043317\_LP\_01 along with the Landscape Design and Planting Statement submitted with the response to FI.
- 7.6.13. I have also had regard to the existing Tree and Vegetation Survey Drawing No.043317\_TS\_01 submitted in response to FI request along with the proposed planting proposals along the site boundaries illustrated in plan and elevation on Drawing No. 043317\_TS\_02 prepared by the applicants Landscape Architects.
- 7.6.14. The southern boundary of the appeal site which bounds the appellants property is to include a 2.4m high timber panel fence with concrete posts. Existing mature hedge

and shrubs along the southern boundary are to be retained. Existing mature trees on the northern boundary of the appellants property are also identified.

- 7.6.15. I have also had regard to the Section Drawings submitted by way of FI which illustrate the proposed boundaries when first planted and by comparison 7 years after planting. Section A-A1 and B-B1 illustrate the proposed planting along the southern boundary with the appellants property. Section C-C1 illustrates the proposed planting along the northern boundary with the R762.
- 7.6.16. The amended drawings indicate that it is proposed to remove less trees than indicated in the original drawings. I can confirm from my site visit that the property to the south of the subject site is heavily planted which affords its grounds a certain degree of privacy. I am satisfied that the applicant has demonstrated that existing planting on site will be retained and that over time with new planting along the southern boundary particularly will provide adequate screening to the appellants property.

## **7.7. Traffic Safety**

- 7.7.1. The site is currently accessed via the short access road and roundabout (located at the cul de sac) serving three other dwellings within Priory Gate located to the west of the appeal site. Priory Gate is accessed via a T junction from the Regional Road R672.
- 7.7.2. It is proposed to extend the existing access road at Priory Gate from the roundabout eastwards along the northern part of the site to serve the proposed dwellings. It will consist of a 5m wide road with public footpath.
- 7.7.3. Concern is raised by the appellants in relation to the additional traffic and parking along this access road which it is submitted the existing junction with the Regional Road R672, access road and cul de sac at Priory Gate cannot safely accommodate. It is submitted therefore that the access road remains substandard and would endanger public safety by reason of a traffic hazard.
- 7.7.4. The appellants acknowledge the previous grant of permission for five no. dwellings (which relied on the same access arrangement) but submit that an increase to eleven number units (in the absence of upgrade to the junction) would endanger public safety by reason of a traffic hazard.

- 7.7.5. I am not convinced that level of traffic generated from the proposed development (albeit with an increase in the no. of units from that previously permitted) would generate a traffic hazard.
- 7.7.6. I note the requirements of the Transportation section of the PA that relate to the upgrade of the existing junction of the L10270-30 and R762. I note also Condition no. 13 of the grant of permission by the PA replicates Condition no. 3 of the grant of permission by the Commission under ABP-301459-18.
- 7.7.7. While I accept that these requirements are a legacy issue from the previous grant of permission which was never implemented, I further note that the site as outlined in red under ABP-301459-18 did not extend to the junction either. On this basis I do not accept that Condition no. 13 and Condition no. 14 of the PA grant of permission is ultra vires, and in my opinion should be attached to a grant or permission.
- 7.7.8. I can confirm from my site inspection that there are sufficient sightlines in both directions exiting from the existing road junction at Priory Gate to Church Road along the R762. On the day of my site inspection traffic speeds on the approach to the bus stop and junction with Convent Road were reduced appropriate to a village centre location.
- 7.7.9. I accept that the application proposes no works to the junction with the Regional Road R672, and that works required have been included by the PA by way of condition.
- 7.7.10. I do not however accept as asserted by the appellants that the road is substandard and would endanger public safety by reason for a traffic hazard.
- 7.7.11. It is proposed to demolish the existing stone wall which forms the northern roadside boundary of the appeal site with the public road R672. It is proposed to set back this boundary and construct a new boundary wall with stone finish as per the previous permitted scheme under ABP-301459-18. The set back of this boundary allows for the provision of a new public footpath as per the previous permitted scheme.
- 7.7.12. I also note the contiguous elevation of the proposed development as viewed from the R762 illustrated on Drawing No. 529 PL SEC2. I can confirm from my site visit that there is currently no public footpath on the southern side of the road adjoining the

northern boundary of the appeal site. In my view the proposal to provide a footpath is a significant planning gain within the village centre.

- 7.7.13. Concern has been raised in relation to the lack of visitor parking, which it is submitted will lead to on street parking on a narrow road and small roundabout obstructing its function.
- 7.7.14. Each of the proposed 4 bed House Type 1 dwellings will be provided with two no. car parking spaces located within the curtilage of each dwelling. The 4-bed detached House Type 2 will be provided with 2 car parking spaces located along the western gable of the house, which also provides for a turning space within the development. The 2 bed House Type 3 will each be provided with one car parking space within the curtilage of each dwelling. I am satisfied that visitor parking can be accommodated within the development without impacting on existing parking arrangements within Priory Gate.

#### *Summary*

- 7.7.15. I am satisfied that the proposed development with access from an existing vehicular entrance and a cul de sac is acceptable in terms of vehicular and pedestrian safety and car parking provision and will therefore not give rise to a traffic hazard.

### **7.8. Surface Water Drainage**

- 7.8.1. Concern was raised by the appellants in relation to the surface water drainage proposals on the site, particularly given the steep slope (of 14m) of the site. It is asserted that this in turn would cause structural damage to the appellants property to the south.
- 7.8.2. The proposed development would be served by public mains and sewage, with surface water drainage proposals on site forming part of the proposed development.
- 7.8.3. The appellant's property is located downhill of the appeal site, with both lying on the northern slope of the Three Trout's Stream valley. The level of the land's falls sharply in a southerly direction from the R762 to the river.
- 7.8.4. I have had regard to the Report on Site Infiltration Test and Surface Water Calculations prepared by the applicants Consultant Engineers and submitted in response to the request for FI.

- 7.8.5. I have also had regard to the proposals identified on Proposed Surface Water Drainage Layout Drawing no. 2934/D100. This drawing provides in some detail several SuDs measures including permeable paving to surface car parking areas, 500mm filter drain, rainwater planter with overflow to soakaway with (Soakaway design to BRE Digest 365).
- 7.8.6. I note the report of the Area Engineer of the PA dated 11/04/2025 which recommended no objection subject to surface water requirements in relation to the use of permeable paving. I further note condition no. 18 of the notification of grant of permission which relates to additional SUDS interventions and emergency overflow drainage provision requirements.
- 7.8.7. I note that the appeal site is not located within Flood Zone A or B, or an area of potential flood risk scenario on EPA flood risk maps which have been incorporated into the Draft Greystones-Delgany and Kilcoole LPF 2025. I can also confirm that on the day of my site inspection mid-January (in very wet weather conditions) there was no evidence of surface water ponding on the site.
- 7.8.8. I am therefore satisfied that the proposed surface water drainage proposals are sufficient to manage surface water drainage on site and are acceptable.
- 7.8.9. The appellant submits that surface water would cause structural damage to the property to the south due to water logging, ingress of water and landslip from the proposed development which would be unsafe and endanger public safety.
- 7.8.10. The appellant's property is located downhill of the southern site boundary to the appeal site, with the house set off the boundary by approx.7m.
- 7.8.11. I am satisfied therefore that the risk of structural damage to the appellants property to the south as a result of surface water drainage from the appeal site is overstated and does not warrant a reason for refusal.
- 7.9. In my opinion surface water management details including SuDS proposals are acceptable. If the Commission are minded granting planning permission, then this can be addressed by way of a suitably worded condition.

## 8.0 AA Screening

- 8.1. Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)
- 8.2. I have considered the proposed development in light of the requirements of Section 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.3. There are no direct hydrological connections to European sites, there are indirect hydrological pathways to a number of marine-based European sites via foul and surface water drainage with no significant effects on downstream European sites noted in the absence of mitigation, that foul wastewater will be directed to a wastewater infrastructure network that outfalls to the Greystones WWTP where it will be treated and discharged into the Irish sea with no significant effects noted on downstream European site likely, that no European sites are noted within the zone of influence of the proposed development and that the construction and operation of the proposed development will not impact on the conservation objectives of qualifying interests of European sites.
- 8.4. In the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Wicklow County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Wicklow County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.
- 8.5. A detailed description is presented in Sections 1 and 2 of my report. In summary, the proposed development site is an infill site surrounded by the built-up area of Delgany and it consists of the site of a former two storey detached house named Cúl Na Herin. The development will comprise of 10 no. semi-detached and 1 detached split-level houses providing 3 storeys to the rear. Car parking is provided in curtilage. The original vehicular entrance is retained and will access via Priory Gate. Alterations to landscaping, services and layouts are proposed. Water and waste will be connected to local services.

- 8.6. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The Three Trout's stream is located just over 35m to the south flows in an easterly direction towards Greystones.
- 8.7. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). In relation to European sites, the subject site is located:
- c.1km to the east of Glen of the Downs Special Area of Conservation (SAC) (site code 000719),
  - c.2.5km to the west of The Murrough Special Protection Area (SPA) (site code 004186), and the Proposed Murrough PNHA (site code 000730),
  - c.3km to the north-west of The Murrough Wetlands SAC (site code 002249),
  - c.3km south-west of Bray Head SAC (site code 000714),
  - c.3km to the north-east of Carriggower Bog SAC (site code 000716), and Carriggower PNHA (site code 000716)
- 8.7.1. While these sites could potentially be said to be within the zone of influence of the subject development based on proximity alone, I note no direct/indirect physical, hydrological or ecological linkages connected the project site to these European sites.
- 8.7.2. Watercourses and surface runoff would be the main pathways for impacts to European sites, and the Glen of the Downs SAC is located upstream of the subject site with no potential for pollutants, silt laden run-off or dust that could enter the watercourse during construction and operation of the proposed development that could have a significant effect on the conservation objectives of this SAC.
- 8.7.3. I note the absence of direct hydrological connections to European sites. Indirect pathways to the marine based European sites would be via foul or surface water drainage channels/routes. The surface water network discharges the Three Trout's stream which subsequently outfalls to the Irish Sea c.2.5km east of the proposed development. Given the dispersal distance, I note that, in the absence of mitigation, any silt or pollutants that may enter these local watercourses will settle, be dispersed or diluted within such watercourses and within the sea and I agree that there would

likely be no significant effect on the downstream European sites in this regard. Foul wastewater discharge would be treated at the Greystones WWTP and discharge into the Irish sea such that no downstream significant effects would arise on European sites.

- 8.7.4. Based on this, and that the site is not an ex-situ site for breeding or wintering birds, I consider that no European sites are within the zone of influence of the project and that it would not give rise to any significant impacts on any European sites at construction or operation stages.
- 8.7.5. To note Glen of the Downs SAC is selected for its old oak woodland habitat, for old sessile oak woods with Ilex and Blechnum in the British Isles in terms of qualifying interests. The qualifying interests of Bray Head SAC are noted to be the vegetated sea cliffs and European dry heaths. The qualifying interest of the Murrough SPA are Red-throated Diver, Greylag Goose, Light-bellied Brent Goose, Wigeon, Teal, Black-headed Gull, Herring Gull, Little Tern and Wetland and Waterbirds.

#### **Likely significant effects on the European sites in view of the conservation objectives**

- 8.7.6. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.
- 8.7.7. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.
- 8.7.8. The proposed development would not have direct impacts on any European site.

#### **In combination effects**

Noting the adjoining development currently under construction at Church Cottage, Church Road, to the east which would likely be completed prior to commencement of the subject development and that direct impacts on any European sites were ruled out as part of its AA screening, I consider that the proposed development will not

result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the provision of the oil/petrol interceptor a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

### **Overall Conclusion**

8.7.9. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites in the vicinity namely, Glen of the Downs SAC, Bray Head SAC and The Murrough SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.7.10. This determination is based on:

- The scale of the development in a contained setting and lack of impact mechanisms that could significantly affect a European Site,
- Distance from and weak indirect connections to the European sites,
- The conclusion of the Planning Authority,
- No significant ex-situ impacts on wintering birds.

## **9.0 Water Framework Directive**

9.1. The subject site is located approximately c.35m north of the Three Trout's Stream. The proposed development comprises the 11 no dwelling units and all associated site works at Church Road, Delgany, Co. Wicklow. No water deterioration concerns were raised in the planning appeal.

9.1.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good

status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

9.1.2. The reason for this conclusion is as follows:

- The nature of the development in an urban environment.
- There are no waterbodies within the site.
- The location of the site c.35m north of the Three Trout's Stream and the lack of a hydrological connection.

9.1.3. 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

I recommend that the Commission uphold the decision of Wicklow County Council and Grant planning permission for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the location of the site within the Village Centre of Delgany, the provisions of the Wicklow County Development Plan 2022-2028 (as varied), the adopted Greystones / Delgany & Kilcoole Local Planning Framework (LPF) 2025, the infill nature and associated policy encouraging appropriate infill development, the height, scale, layout and form of the development, the proposed mitigation measures in relation to residential amenity including boundary planting and trees and to the nature and scale of the proposed development with no significant traffic congestion or traffic safety issues likely to result, it is considered that subject to compliance with the conditions set out below, the development would be acceptable.

The above development would not seriously injure the residential or visual amenities of the area or of property in the vicinity noting appropriate building height and scale and would be acceptable in terms of traffic safety and convenience. Subject to the below conditions it would not result in significant effects on the character and architectural heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of August 2025, and by An Coimisiún Pleanála on the 1<sup>st</sup> day of December 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

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

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

3. Revised design details to achieve a roof and gable aesthetic which complements the character of the Delgany Village Centre Architectural Conservation Area shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of architectural heritage.

4. 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.

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

5. 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.

6. The 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:** To prevent flooding and in the interests of sustainable drainage.

7. Upgrade of existing junction of the L10270-30 and R762 to be agreed.

(a) proposals to upgrade the existing junction of the L10270-30 and the Regional Road R762,

(b) final design details of all up-grade works to be carried out on or adjacent to the L10270-30, and

(c) final design details of the proposed footpath along the Regional Road R762. Any proposals shall accord with the requirements of the Transportation & Infrastructure Section.

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

8. Upgrade works to the junction and footpath to be completed prior to occupation of the dwellings.

No occupation of the dwellings shall commence until the upgrade works to the junction of the L10270-30 and the Regional Road R702, upgrade works to the

L1027A40 and the proposed footpath along the Regional Road R762 have been completed to the written agreement of the planning authority

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

9. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** in the interest of amenity and of traffic and pedestrian safety.

10. All of the in-curtilage car parking spaces serving the residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interest of sustainable transportation.

11. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of those shown for removal on Drawing No. 043317\_TS\_01 and No. 043317\_TS\_02 as submitted to the planning authority on the 6th day of August 2025.

**Reason:** In the interest of visual amenity and to protect trees and planting during the construction period.

12. The landscaping scheme shown on the Landscape Detail Plan Drawing No. 043317\_LP\_01 as submitted to the planning authority on the 6th day of August 2025 shall be carried out within the first planting season following substantial completion of external construction works.

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.

13. Prior to the commencement of development the developer shall submit, for the written agreement of the Planning Authority, details and drawing of all proposed boundary treatments throughout the development including on the adjoining lands and to the curtilages of the proposed sites. This shall include the height, materials and finishes. A colour coded map shall be included delineating all boundary types within the development.

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

14. All private open spaces shall be suitably graded such that they are fully usable, i.e. display a gradient of no greater than 1:10.

**Reason:** In the interests of residential amenity.

15. 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.

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

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

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

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

18. 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. Deviations 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.

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

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

20. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** in the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

21. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Standards. 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.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

23. (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.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

25. 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 me, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

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Susan McHugh  
Senior Planning Inspector

13<sup>th</sup> February 2026

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323715-25
<b>Proposed Development Summary</b>	11 no dwelling units and all associated site works
<b>Development Address</b>	Church Road, Delgany, Co. Wicklow
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	S.5 P.2 10(b)(ii) construction of more than 500 dwelling units
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

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

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

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ACP-323715-25</b>
<b>Proposed Development Summary</b>	11 no dwelling units and all associated site works
<b>Development Address</b>	Church Road, Delgany, Co. Wicklow
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Permission is being sought for the construction of a 11 no. dwelling units which is located in the Village Centre adjoining an Architectural Conservation Area.  Access to the dwelling is provided from Priory Gate.  Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site.  The development would not result in the production of significant waste, emissions, or pollutants.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed site is located within a Village Centre; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows: <ul style="list-style-type: none"> <li>• Glen of the Downs SAC and PNHA (site code 000719) are located c.1km to the west.</li> <li>• The Murrough SPA (site code 004186), and the Murrough PNHA (site code 000730), are located c.2.5km to the east.</li> <li>• The Murrough Wetlands SAC (site code 002249), is located c.3km to the south-east.</li> <li>• Bray Head SAC and PNHA (site code 000714), are located c.3km to the north-east.</li> <li>• Carriggower Bog SAC (site code 000716), and Carriggower PNHA are located c.3km to the south-west.</li> </ul> My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.

<p><b>Types and characteristics of potential impacts</b></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>The site size measures c. 0.39 hectares. The size of the development is not exceptional in the context of an urban environment. There are existing dwellings adjacent to the proposed site, to the west and south. The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.</p>
<b>Conclusion</b>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

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

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

(only where Schedule 7A information or EIAR required)

### Appendix 3

#### **Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises the construction of 11 no. houses and all associated site works as described in section 2 of this report.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

#### **European Sites**

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).

The boundary of the nearest European Sites located within a potential zone of influence of the proposed development. These are:

There are no direct natural hydrological connections from the subject site to Greystones South Beach and the Irish Sea.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of the Murrough SPA via the Greystones Wastewater Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within the Irish Sea via the wider drainage network and the Greystones WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

#### **Likely impacts of the project (alone or in combination)**

It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development.

With regard to surface water, it is proposed to collect rainfall runoff before the system connects to the final foul manhole prior to connecting to the Irish Water Combined network.

All wastewater generated from the new development site is to discharge to the Irish water local wastewater drainage network.

I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natira 2000 sites located within the zone of influence.