



An
Coimisiún
Pleanála

Inspector's Report PL-500568-WW-26

Development	Erection of a terrace of four two-storey houses and a terrace of three two-storey houses and all associated site works.
Location	'Imaal', Sea Road, Arklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	25/245
Applicant(s)	Gerard Maloney c/o Paul O'Toole Architects
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party v. Grant
Appellant(s)	Una Coyne and Brian White
Observer(s)	None
Date of Site Inspection	4 th March 2026
Inspector	Susan McHugh

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 - Form 2 - EIA Preliminary Examination

Appendix 3 - Appropriate Assessment: Screening Determination

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Sea Road (R750) north of Arklow town, Co. Wicklow. A speed limit of 50km p/hr applies along Sea Road, which includes a footpath along the eastern side only.
- 1.2. The site is located c.2.km from Arklow train station and within 800m walking distance of the existing bus stop located to the south of the site serving the Dublin Arklow Expressway and 740A to Dublin City and Airport respectively.
- 1.3. The residential development to the north 'Merton' consists of 14 no. terraced two storey houses fronting onto an access road. Houses no. 1-5 Merton back onto northern boundary of the appeal site at an angle. The rear gardens of two storey semi-detached houses within the Pine housing estate border the site's western boundary. The neighbouring property to the south is a detached two storey dwelling 'Eastmount' and is home to the appellant in the current appeal.
- 1.4. The appeal site is roughly rectangular in shape and fronts onto Sea Road to the east. A sloping avenue connects the house to the public road which slopes upward from the road from east to west at a gradient of 1 in 8. The existing house comprises a vacant detached bungalow with a large front and rear garden.
- 1.5. The sites northern boundary and avenue is densely planted with conifer trees. The area behind the house contains a mixture of overgrown planting and deciduous trees. The southern shared boundary with the appellants property is largely defined by mature conifers within the adjoining rear garden to the rear and by a hedge to the front of the site.
- 1.6. The site has a stated area of 0.29ha.

2.0 Proposed Development

- 2.1. Permission is sought to demolish an existing single storey bungalow on site with a stated floor area of 134sqm.
- 2.2. It is proposed to construct 7 no. 2 storey 3 bed dwelling units, comprising
 - 3 no. terraced houses (house no. 1-3)
 - 4 no. terraced houses (house no. 4-7)

- 2.3. The front elevations of both terraces face each other, and each house includes a first-floor balcony with an area of 2.05sqm. The floor area of the proposed houses are 132.7sqm.
- 2.4. It is proposed to carry out alterations to the existing entrance of the adjoining property to the north and create a new vehicular entrance onto the public road.
- 2.5. Open space is provided either side of the proposed entrance.
- 2.6. The application lodged 28/08/2025 was accompanied by;
- Engineering Services Report
 - Sightline Assessment
 - Shadow Study
 - Tree Survey Report dated November 2020
 - Uisce Éireann Pre-connection enquiry form
- 2.7. In response to a further information request 16/10/2025, revised drawings were submitted 14/11/2025. These include contextual elevations, details of proposed boundary treatments and a tree survey drawing. The response proposes no change to the number and layout of houses proposed.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to **grant** permission subject to 19 no. conditions 02/12/2025,

Condition 1: Plans and particulars.

Condition 2: Section 48(1) Development Contribution.

Condition 3: Cash Security.

Condition 4: Section 96 of the Planning and Development Act 2000, Housing requirement.

Condition 5: Hours of construction

- Condition 6:** Construction Management Plan.
- Condition 7:** Management Company
- Condition 8:** Surface water requirements in accordance with Engineering Services Report
- Condition 9:** External lighting requirements.
- Condition 10:** Existing planting identified on Drawing no. 21-15-101 to be retained
- Condition 11:** Landscaping, tree planting and open space requirements.
- Condition 12:** Boundary treatments as indicated on Drawing no. 21-15-100
- Condition 13:** No overhang of development on neighbouring properties.
- Condition 14:** Service cables to be located underground.
- Condition 15:** Estate/street name, house numbering scheme to be agreed.
- Condition 16:** Taking in Charge.
- Condition 17:** Occupancy condition.
- Condition 18:** Irish Water requirements.
- Condition 19:** Roads and footpath requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Report Executive Planner dated 16/10/2025 includes:

- Proposed development of 7 no. infill dwellings can be considered on the site which is located in the RE zone with the Arklow LAP.

SPPR's of the Sustainable and compact Settlement Guidelines for planning authorities 2024.

- SPPR 1 - Potential for overlooking of house to the south.
- SPPR 2 - Private open space provision complies.
- SPPR 3 – Proposed car parking acceptable.

- SPPR 4 – Meets requirements for cycle parking and storage.
- *Public Open Space* - Policy and objective 5.1 – Acceptable in terms of quantum but concern in relation to useability.
- *Density* - of 24uph is consistent with pattern of development in the area and is acceptable.
- *Design* - is acceptable.
- *Overlooking* - house no. 3 has the potential to result in overlooking of private amenity area of the dwelling to the south.
- *Separation distances* - of 0.9m to site boundary of houses 3,5 and 7 to be demonstrated.
- Proposed accessway width of 5.5m is acceptable.
- *Layout* - proposed dwellings to front back onto the public road which is not considered desirable.
- *Contextual elevations* from the roadside require indicating rear and side boundary fencing.
- *Overshadowing* – given orientation of the site and location of the proposed dwellings relative to the size and location of adjoining private amenity areas considered acceptable.
- *Landscaping* – None submitted, tree survey unclear on which trees are to be retained or removed.
- *Sightlines* – Full details of construction of retaining walls have not been submitted.
- Taking in charge, public lighting, Part V, and water supply details can be agreed by way of condition.
- Recommends further information.

The 2nd Report of Senior Executive Planner dated 01/04/2025 following further information included:

- *Further Information Item 1 Layout/Design* – Revised location of public open space to the front, combined with boundary treatments the layout as proposed (rather than fronting onto the road) is acceptable.
- *Further Information Item 2 Overlooking* – A row of semi-mature evergreen (3-4m) planted in raised planters for the southern boundary to prevent direct overlooking acceptable.
- *Further Information Item 3 Landscape Plan/Tree Survey* – Revised tree survey indicates trees to be removed with those along the northern boundary to be retained, tree protection fencing proposed during construction, boundary treatments shown on site plan acceptable, revised public open space with 4 terrace areas acceptable.
- *Further Information Item 4 Proposed entrance* – Site section drawing showing front boundary wall acceptable.
- Recommends a grant of permission

3.2.2. Other Technical Reports

- **MD Engineer:** None
- **Roads:** None
- **Water:** None
- **CFO:** None
- **Housing:** No objection subject to requirements.

3.3. Prescribed Bodies

- **Uisce Éireann:** None

3.4. Third Party Observations

3.4.1. There were two no. observations to the PA from the following parties;

- Una Coyne and Brian White
- Tony Breen

3.4.2. Issues raised can be summaries as follows;

- Overlooking of adjoining residential properties to the north and south
- Proposed boundary treatment
 - details along the entire northern perimeter of the site unclear
 - timber fence unacceptable along southern boundary request 2m high rendered masonry wall with stone capping would provide greater privacy security, visual consistency with local boundary treatments, reduced maintenance)
- Proximity of house no. 4 to the site boundary and impact on existing large mature tree.
- Protection of existing mature trees to be retained during construction requirement for a Construction Management Plan to be submitted.
- Footpath - No proposals to provide a footpath along Sea Road
- Sightlines - Lack of clarity on retaining works to achieve sightlines to the south

4.0 Planning History

PA Reg. Ref. 22/402: Permission **refused** 12/01/2023 for the demolition of a single storey house and the erection of a terrace of four two-storey houses and a terrace of three two-storey houses (both terraces to have first floor balconies), associated site works and new vehicular entrance onto public road to Gerard Maloney.

Reasons for refusal

1. The proposed development would endanger public safety by reason of serious traffic hazard because inadequate sightlines are available at the proposed entrance and the applicant has not indicated sufficient consent/legal interest on the necessary lands required to achieve adequate visibility at the proposed entrance.
2. Insufficient information is submitted to carry out a full assessment of the storm water run-off from the development to permit the development in the absence of such information would be contrary to proper planning and sustainable development.

PA Reg. Ref. 12/610019: Permission **granted** 13/07/2012 for extension of time of PRR 07/610017 for 5 years. This permission was not implemented and has expired.

PA Reg. Ref. 07/610017: Permission **granted** 23/05/2007 for demolition of 'Imaal' - a single storey detached house and erection of 7 two-storey houses in two terraces of 3 and 4 units with balconies at first floor level on the east elevation of units 1,2,3, and the west elevation of units 4,5,6,7 and alterations to existing vehicular entrance and ancillary site works to Gerard Maloney.

PA Reg. Ref. 05/610108: Permission **refused** 12/01/2006 to demolish a single storey detached house and erect 16 apartments (4 one-bed & 12 two-beds) in a 2-storey block with balconies on south elevation at first floor, 28 parking spaces, alterations to existing vehicular entrance and ancillary site works to Gerard Maloney.

PA Reg. Ref. 05/610055: Permission **refused** 09/08/2005 to demolish "Imaal", a single storey detached house and to erect 20 apartments (4 one-bed & 16 two-bed) in a 3-storey block with balconies on south elevation at first floor & roof terraces over second floor, 30 parking spaces, alterations to existing vehicular entrance and ancillary site works to Gerard Maloney

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan is the Wicklow County Development Plan 2022-2028 (as varied) (the CDP).

5.1.2. 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.

5.1.3. **Chapter 3** relates to *Core Strategy*. In relation to Zoning for Arklow it states that 'Local Planning Frameworks' (which will replace their previous LAPs) which set out settlement specific objectives including land use zoning and key development objectives maps are to be integrated into Volume 2 of this County Development Plan by way of variation.

5.1.4. In the interests of clarity as of the date of writing this report Variation No.5 of the Wicklow CDP 2022-2028 was adopted and came into effect on 30th March 2026. Variation No. 5 revised the Wicklow *Core Strategy* and associated housing targets, and a number of related housing objectives set out in the Wicklow CDP 2022-2028 Written Statement. This variation was proposed to take account of the 'NPF Implementation: Housing Growth Requirements' - Guidelines for Planning Authorities, issued under Section 28 of the Planning & Development Act 2000 (as amended) (July 2025).

5.1.5. The revised Wicklow *Core Strategy* adopted variation was previously advertised as 'Proposed Variation No. 6' but was adopted as 'Variation No. 5' to the Wicklow County Development Plan 2022-2028. References to Proposed Variation No. 6, referring to this variation, may remain in accompanying documentation.

5.1.6. **Chapter 4** relates to *Settlement Strategy*. Arklow is designated as a Level 3: Self-Sustaining Growth Town within the Core Region in the County Development Plan. As such the settlement should provide urban housing for people from across the County and the region.

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 4.8 To prepare new local plans for the following areas during the lifetime of this development plan: Bray Municipal District, Wicklow-Rathnew, Arklow, Greystones-Delgany and Kilcoole, Blessington.

Chapter 6 relates to *Housing*.

Section 6.3.5 Densities

Density Standards for large towns which include Arklow

- 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.

Section 6.3.7 Quality of Design in New Housing Developments

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

CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

CPO 6.5 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 6.16 To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well-designed high-quality outcomes and public safety is not compromised, and the environment is suitably protected.

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.

Arklow and Environs Local Area Plan (LAP) 2018-2024

- 5.1.7. The Arklow and Environs Local Area Plan (LAP) 2018 - 2024 has expired. Under the 2018 LAP the appeal site was zoned 'Existing Residential' with the Objective 'To protect, provide and improve residential amenities of existing residential areas.'
- 5.1.8. The draft Arklow Local Planning Framework (LPF) 2025 / Variation No.5 to the Wicklow County Development Plan 2022-2028 was on public display with submissions invited from 1st October 2025 to 12th November 2025.
- 5.1.9. The Chief Executives Report dated 25th February 2026 on the draft Arklow LPF 2025 report is currently available to view of the PA website. Under the draft Arklow LPF 2025 the appeal site is zoned 'RE' with the objective 'To protect, provide and improve residential amenities of existing residential areas.'
- 5.1.10. The Variation relating to the draft Arklow LPF previously advertised as Proposed Variation No. 5 will now be referred to as Variation No. 6 to the Wicklow County

Development Plan 2022-2028. References to Proposed Variation No. 5, referring to this variation, may remain in accompanying documentation.

5.2. National Policy/Guidance

- 5.2.1. '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.
- 5.2.2. 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.
- 5.2.3. 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.

- 5.2.4. 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.
- 5.2.5. 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.
- 5.2.6. '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.

5.2.7. 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.

5.2.8. 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.

5.2.9. 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.

5.2.10. Ireland's 4th National Biodiversity Action Plan 2023–2030 - Ireland's 4th 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.

5.2.11. 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).

5.2.12. 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).

5.3. Regional Policy

5.3.1. 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.

5.3.2. The site is located within the 'Core Region'. The Core Region includes the peri-urban 'hinterlands' in the commuter catchment around Dublin, which covers the Mid-East counties of Louth, Meath, Kildare and Wicklow, extending down the East Coast and into parts of the Midlands. More than 550,000 people reside in the Core Region in

2016. The Mid-East has seen the highest ten-year population growth to 2016 in the Region and contains some of the youngest and fastest growing towns in the state.

5.3.3. 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.

5.4. **Water Framework Directive**

5.4.1. 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).

5.4.2. The site is located within the Avoca (Catchment ID-030) Water Framework Directive catchment area.

5.4.3. The nearest river waterbody to the site is the Templerainy Stream_010 which is located c. 0.4km north of the site. The Avoca River is located c1km to the south. The Templerainy stream which is of good water quality status flows in an easterly direction where it enters the sea at an outflow at Ferrybank north of Arklow.

5.5. **Natural Heritage Designations**

5.5.1. The site is not located within or adjoining a European Site. Arklow Sand Dunes (Site Code 001746) and Arklow Town Marsh (Site Code 001931) are proposed NHA's. These are located c. 0.41km to the northeast, and on the northern bank of the River Avoca, located c. 0.51km to the southeast respectively.

5.5.2. The closest European Sites are as follows:

- Buckroney-Brittis Dunes and Fen SAC (Site Code 000729) located c. 3.9km km to the north-east.

- Kilpatrick Sandhills SAC (Site Code 001742) located c. 7.5km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal was lodged by Brian White and Una Coyne the owners of the adjoining house to the south at 'Eastmount', Sea Road, Arklow. The grounds of the appeal are accompanied by a number of photographs (of existing planting along the rear garden boundary) and can be summarised as follows;

- No objection to proposed development

Boundary proposals

- Existing trees along boundary provide privacy
- Request trees on appellant's property remain untouched and new trees are planted alongside.
- Stainless steel trellis with planting growing over it attached to house built on the boundary line will not provide adequate screening.
- Two-meter fence proposed along boundary will not provide sufficient screening.

Overlooking

- Four no. two story houses with balconies will result in overlooking of rear garden.
- Reliance on existing trees in appellants garden to provide screening which may be damaged during build, and construction of new boundary fence
- Refer to recent development where it was agreed to provide a 2m high plastered wall with mature trees beside the wall giving privacy to all, and with no damage to appellants property.
- Proposal to provide 2m high fence along existing hedging to the front will require maintenance by the appellant.
- Site safety concerns during construction for young children.

- Concern raised in relation to temporary boundaries and screening during build.
- Potential damage to existing boundary wall, hedging and trees during construction.

6.2. Oral Hearing Request

6.2.1. A request for an oral hearing was submitted by the appellants as part of the grounds of appeal. It was considered that sufficient information was on file to allow for a full and proper assessment without recourse to an oral hearing, the request for an oral hearing was refused.

6.3. Applicant Response

6.3.1. A response to the third-party appeal was received by the Coimisiún 15/01/2026 from the architect acting on behalf of the applicant. The response can be summarised as follows;

- Planning permission was granted for the same proposal by the PA in 2007 (P07/17), and decision was not appealed.
- Previously permitted development was not implemented because of a condition relating to the commissioning of the Wastewater Treatment Plant at Arklow. WWTS was completed in May 2025.
- Note appellants do not object in principle to the proposed development.

Shared boundary

- New boundary proposed between subject site and appellants property to the south will comprise of a 2.2-metre-high treated timber fence of a hit and miss design supported by concrete posts set at three metre centres.
- This fence type provides a solid boundary partition that is both visually attractive and durable.
- It will be erected at the commencement of the construction process so that it acts as both site security and a permanent border. It will be protected during this period by temporary flat faced hoarding on both sides.

- The limited foundation pads of the concrete posts will not interfere with the root balls of any of the existing trees in the rear garden of the appellants' property.
- Existing 2.4m high masonry boundary wall between the south elevation of the front of terraces and the appellants property will remain. It will be replastered and recapped on both sides.
- Between the front and rear blocks of houses, the fences north side (facing into 'Imaal') will have a raised planter with relatively dense planting of evergreen holly. This planter will provide both an optimum growing medium and appropriate drainage with immediate additional height for the holly trees. It is intended that semi-mature trees will be planted and that they will reach a height of approx. 5.5m. These trees together with the existing trees within the grounds of the appellants property will provide visual screening between the two properties.
- Evergreen climbing hydrangea will be planted at the corners of house no. 7 adjacent to the south elevation. This plant has non-invasive self-clinging suckers that attach to wall surfaces. They do not require the additional support of a trellis or wiring so the wiring proposed may be omitted. This hardy evergreen plant provides year-round interest (particularly on a south facing wall) and grows to a height of 8m.

Privacy and Overlooking

- Due to its high level on the first floor of house no. 7 the clerestory window on the south elevation will not allow any overlooking into the appellants property. Acknowledge that there may be a 'sense' of being overlooked from this window and submit that a condition attached to any grant of permission could require that it be of translucent glass or be omitted altogether.
- Accept that the south elevations of both blocks of terraces will be visible from the rear garden of the appellants property but as they have no windows, no overlooking can occur.

- Oblique views from the first floor of both the front and rear elevations of the rear terrace and the rear elevation of the front terrace will be obscured by the proposed holly tree planting.

Site Safety

- Permanent boundary fence between the two properties will be erected at the commencement of the construction. The entire building site will be 100% secure throughout the course of the works.

6.4. **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.

6.5. **Planning Authority Response**

A response dated 20/01/2026 refers to Planners Reports on file as sufficient.

6.6. **Observations**

None received.

7.0 **Assessment**

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

- Infill Development

- Layout, Density and Design
- Residential Amenity
- 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 Arklow and Environs Local Area Plan (LAP) 2018-2024. Variation No.2 of the Wicklow County Development Plan 2022-2028 effectively reinstated the previous existing residential zoning. Residential development is acceptable within this zoning.
- 7.2.2. Variation No.5 of the WCDP 2022-2028 was adopted and came into effect on 30th March 2026. Variation No.5 revised 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. This variation was proposed to take account of the 'NPF Implementation: Housing Growth Requirements' - Guidelines for Planning Authorities, issued under Section 28 of the Planning & Development Act 2000 (as amended) (July 2025).
- 7.2.3. The Core Strategy as outlined under Table 3.3 of Chapter 3 of the WCDP as varied states that *'Arklow is deemed suitable for a growth rate of not less than 30% subject to the agreements required under NPO 17. In the case of Arklow, growth has been held back for more than 25 years due to inadequate wastewater infrastructure, a deficiency that has now been rectified. In order to capitalise on this investment and catch up on decades of lost growth, Arklow is targeted to grow significantly in the short to medium term.'*
- 7.2.4. The revised housing growth targets for County Wicklow 2025-2031 as set out under Table 3.5 Chapter 3 of the WCDP as varied refers to a further growth required of 2,881 units up to 2031.
- 7.2.5. Proposed Variation No.6 of the Wicklow County Development Plan 2022-2028 which now refers to the Arklow Local Planning Framework (LPF) 2025 reinstates the

previous existing residential zoning. Residential development is acceptable within this zoning.

- 7.2.6. 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 sites 'RE' zoning within the Arklow LAP.
- 7.2.7. 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 Growth Town in the Wicklow Settlement Hierarchy.
- 7.2.8. Section 3.4 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*".
- 7.2.9. 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 Arklow.
- 7.2.10. Section 4.2 of the CDP, specifically in relation to Arklow states that '*with completed and planned infrastructure improvements including the new Arklow Wastewater Treatment Plant and an Area Based Transport Plan, the town is poised for development.*' In relation to Arklow the CDP also states that '*this town should be economically self-sustaining with a population including catchment that is able to support facilities such as a high quality secondary (and perhaps tertiary) education service, small hospital or polyclinic type facility and comparison retail centre.*'
- 7.2.11. 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 surrounded by existing residential development.
- 7.2.12. I consider the demolition of the existing unoccupied bungalow on site to be acceptable on the basis of the proposed increase in density at this location. I also

note that the third-party appellants have indicated that they have no objection in principle to the redevelopment of the site. I consider this a reasonable position considering the overall area of the site and planning history pertaining to the appeal site.

- 7.2.13. Having regard to the Guidelines for Sustainable Residential Development and Compact Settlements and the provisions of the current development plan former local area plan, and proposed local planning framework 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 7 no. dwellings 2 storeys in height with access from Sea Road to the east. The proposed houses are arranged in two rows of 3 and 4 no. terraced units in line with the adjoining house to the south and mirrored opposite along the rear of the site.
- 7.3.2. The surrounding area is characterised by two storey detached dwellings on large plots to the south along Sea Road, and by two storey detached dwellings with gardens to the front and rear gardens within 'The Pines' residential estate. The infill residential development to the north at Merton comprises two storey houses arranged in short terraces to the north, east and south of the original house.
- 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.*'

Layout

- 7.3.4. The PA raised concerns in relation to the design approach and in particular to the layout of the proposed houses to the front of the site which 'back on' to Sea Road.

- 7.3.5. I have had regard to the Design Report prepared by Paul O'Toole Architects October 2025 submitted with the response to further information (RFI). The report provides contextual site sections relative to the proposed and existing 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 Design report also includes an illustrative site layout with the front block (terraced houses no. 1-3) rotated such that the front elevation faces onto Sea Road. I have examined drawing no. 21-15-104 which illustrates the three units addressing the public road, but I am not convinced that this layout necessarily benefits the public realm or benefits the terrace of 4 units to the rear which would then face the rear elevations of these houses. I accept the case made by the applicant's architect that the layout of the houses facing each other provides for a more communal arrangement.
- 7.3.7. I am also satisfied that as the terraced house 1-3 are located towards the middle of the site they are sufficiently set back from the public road to allow for screening of rear boundary walls, and elevations. I further note that the contextual east elevation and Section D-D illustrate that the proposed tree planting in the terraced garden would reduce direct uninterrupted views of the proposed front terrace dwellings. In addition, I note the rear elevation of the existing bungalow on site addresses Sea Road, with its front elevation facing west towards the end of the overall plot.
- 7.3.8. The location of the two rows of terraced houses is towards the rear of the site. The front building line of the neighbouring property to the south, 'Eastmount' is maintained. The access road to the development slopes upwards from the public road and passes by the sites public open space thereby allowing access and views to the scheme's residents. The refuse bin pick-up area is located close to the public road and is screened from both the public and residents.
- 7.3.9. The two terraces of houses (three in the front and four to the rear) are both served by a common cul de sac and their entrance elevations face each other. Parking for each unit is provided to the front of each dwelling. The layout of the two terraces is described in the report as comparable in density to 'Merton', and as the terraces abut

the tree screened south boundary wall with 'Eastmount', the proposed development reads as a cul de sac courtyard/design.

- 7.3.10. 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.

Design

- 7.3.11. The grouping of the houses and design of the units is described in the Design report as forming '*a legible cluster where each unit presents its front façade to its neighbour, combining to form a coherent, architecturally consistent group.*'
- 7.3.12. The design of the units is described in the Design report referring to '*the rhythmic pattern of the elevations' elements' (the staggered sawtooth rooflines and the vertical stacking of timber louvred screens) form a readable and unifying design arrangement.*'
- 7.3.13. Design issues were not raised by the PA on this or the previous application for a similar development.
- 7.3.14. I am satisfied the proposed design which is contemporary in nature can be assimilated into the site and would not be out of keeping with the established character of development in the area.

Density

- 7.3.15. Table 6.1 of the CDP sets out its density standards for Arklow. 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.
- 7.3.16. 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.
- 7.3.17. I note that Arklow 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.km from Arklow train station is not within 1km of a light rail stop. The site is however located within 800m walking distance of the existing bus stop located to the south of the site serving the Dublin Arklow Expressway and 740A to Dublin City and Airport respectively. 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.

- 7.3.18. I note that it is proposed to provide 7 no. dwellings on a site area of 0.29ha hectares which would result in a density of 24 units per hectare. As outlined in the below assessment and noting the restrictions of the site in terms of the sites topography, 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 residential amenities of the area.
- 7.3.19. 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 south. It is considered that the proposed development would not constitute overdevelopment of the site and is appropriate on an infill site at this location.
- 7.3.20. As already noted in section 1 above the topography of the site is such that it sits on an elevated site set above the level of the road, and in line with the adjoining residential property to the south.
- 7.3.21. I have also had regard to the Site Section drawings in an East West direction namely Sections, CC and DD. These illustrate the relationship of the proposed houses relative to the existing road level to the east along the R750 and the appellants residential property adjoining the site to the south.

- 7.3.22. The contiguous/contextual east elevation is particularly useful in comparing existing and proposed site levels, building heights, proposed boundaries and garden terrace levels with that of existing development on adjoining sites. I note the appellants property to the south and the entrance to Merton are identified for comparison.
- 7.3.23. I am satisfied that the layout, density and design of the development take cognisance of existing residential development in the vicinity (particularly to the residential property 'Eastmount' to the south) and the future occupants of the scheme and can be integrated into the existing built-up footprint of the site along Sea Road.

Summary

- 7.3.24. 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 appellant in relation to the impact of the proposed development on the residential amenities of their adjoining property to the south, and particularly in relation to overlooking of their property and rear garden. Issues were also raised by a third party in relation to overlooking of no. 2 Merton to the north.
- 7.4.2. The appellants note in particular potential overlooking from the proposed balconies to the four no. two storey houses and that the proposal is reliant on existing trees within the appellants garden to provide screening. Issues relating to the protection of mature trees located on the appellants side garden boundary are addressed in section 7.5 of this report below.
- 7.4.3. I would note the design of the proposed first floor balconies which are very modest in scale and recessed and screened on one side to mitigate overlooking and provide a sense of enclosure. In my opinion the omission of these balconies is not warranted and will provide an attractive feature for future residents.
- 7.4.4. The PA raised concerns in relation to the impact of the proposed development on the residential amenities of the adjoining detached residential property to the south. In response to RFI revised proposals were submitted which provide for a row of semi-

mature evergreen (3-4m) planted in raised planters for the southern boundary to prevent direct overlooking.

- 7.4.5. The appellants however assert that the stainless-steel trellis proposed with planting growing over it, attached to a house built on the boundary line, will still not provide sufficient screening, and nor will the proposed two-meter fence proposed along the boundary wall. Issues relating to proposed boundary treatments are addressed in more detail under section 7.5 of this report below.
- 7.4.6. The plans as lodged indicate a vertical trellis positioned along the south facing side gables of the end of terrace houses no. 3 and 7 which adjoin the southern boundary with the appellants rear garden. The applicants agent has indicated in their response to the grounds of appeal that this trellis or wiring can be omitted and that an evergreen climbing hydrangea can be planted at the corners of house no. 3 and 7 instead. I am satisfied that this proposal is preferable and if the Coimisiún are minded granting permission that this can be dealt with by way of a suitably worded condition.
- 7.4.7. I accept that the proposed development will impact on the residential amenity of the appellants house adjoining the appeal site to the south. However, I am satisfied that the proposed layout and design have taken any potential direct overlooking of the appellants property into consideration.
- 7.4.8. As noted above in section 7.3 of this report above the front terrace of three houses are positioned within the footprint of the original house 'Imaal' and roughly in line with the adjoining house 'Eastmount'. While I accept that there is potential overlooking from the first-floor bedroom windows of houses no. 1-3 of the rear garden of 'Eastmount' this is largely mitigated by the existing mature planting located along the appellants side garden boundary.
- 7.4.9. Similarly, I also accept that there is potential overlooking of the rear garden from to the first-floor bedroom windows of houses 4-7 from the front and rear elevations, however I am not convinced that either terrace will give rise to excessive overlooking. A separation distance of c.20m is provided between the front elevation of house no. 7 and the rear elevation of 'Eastmount'. This separation distance is in excess of that deemed acceptable in terms of overlooking in an urban area.

- 7.4.10. I have also had regard to the design of the side south facing gable elevations of house no. 3 and 7 which are located closest to the rear garden boundary of the appellants property. House no. 3 and house no 7 have no windows at first floor and instead include high level clere storey glazing. I am satisfied that direct overlooking from these gables does not arise.
- 7.4.11. I have had regard to the gable of house no. 4 and note the first floor bathroom window which is finished in obscure glazing. I am satisfied therefore that concerns raised by a third party within Merton have been addressed by the applicant in the design and finishes proposed.

Summary

- 7.4.12. I consider that the proposed development is acceptable in terms of residential amenity of both future occupants and adjoining residents.

7.5. Open Space, Landscaping and Boundary Treatments

Open Space

- 7.5.1. The site plan as lodged Drawing no. 21-15-01 indicates two areas of Public Open Space (POS) each located either side of the proposed access driveway, each measuring 236sqm and 223sqm in area respectively.
- 7.5.2. The PA raised concern in relation to the usability of the proposed public open space given the sloping nature and configuration of the space to the front of the site.
- 7.5.3. Revised Drawing no. 21-15-100 indicates a reduced area of POS of approx.161sqm to the north of the access driveway with an increased area of POS of approx. 262sqm to the south of the access driveway.
- 7.5.4. Both areas of open space provide for increased widths of approx. 11.30m within the northern area and of 17.5m within the upper terrace and 10.53m within the lower terrace on the southern side. The overall length of usable open space is indicated as approx. 16m along the northern area and 13.33m along both terraces proposed respectively.
- 7.5.5. I have had regard to the Design Report prepared by Paul O'Toole Architects October 2025 submitted with the response to further information (RFI). The report includes further details in relation to the design and layout of the proposed open space. It

also includes a description of the nature and functions of the separate proposed open spaces arranged in a series of terraces which adjoin the sloping avenue.

- 7.5.6. The lowest of these terraces is described in the Design report as utilitarian comprising a screened space adjacent to the road for a refuse pick up area. The other terraces are laid in lawn with connecting flights of steps and surrounded by planting. The upper terrace has a ground level of 14 dropping to 12.5 on the middle terrace and then to a ground level of 11 on the lower terrace sloping down to 10.5 at the roadside.
- 7.5.7. The Design Report has described these terraces as essentially forming a series of 'garden rooms' which will afford the schemes residents pleasant prospects to view while passing by or human scaled spaces to occupy at their leisure.
- 7.5.8. I have had regard to the layout and provision of open space as initially proposed and as amended by RFI. I have also had regard to the contextual east elevations and site section drawings illustrating the arrangement of terraces and planting. I am satisfied in this instance that the terraced arrangement of POS has been carefully considered and is justified given the sloping nature of the subject site.
- 7.5.9. While I am mindful that the amended design and terraced layout may not be conventional, I am nonetheless satisfied that the terraced arrangement provides for attractive areas with sea views for residents to enjoy. I note the existing boundary hedgerow with 'Eastmount' will be retained and am therefore of the opinion that the location of to the front area of the overall site provides enhanced protection of the residential amenity of adjoining residential properties including the appellants property to the south.

Boundary Treatments

- 7.5.10. The third-party appellants have raised concerns in relation to proposed boundary treatments which in my opinion is the crux of the appeal. Issues were also raised in third party submissions to the PA which were resolved to the satisfaction of the PA by way of RFI.
- 7.5.11. The third-party appellants have raised particular concern in relation to the protection of existing trees, and the proposed timber fencing located along their northern

shared boundary with the appeal site, which it is asserted would benefit from a more permanent boundary by way of a 2m high wall.

- 7.5.12. I acknowledge the extent of mature planting located along the shared boundary of the appellant's site do provide significant screening from the neighbouring residential property. I would draw the Coimisiún's attention to the photographs submitted with the grounds of appeal taken from the appellants back garden clearly showing the extent of mature planting along this boundary and they privacy to their rear garden which they afford.
- 7.5.13. I have had regard to the Tree Survey drawing and Tree Survey Report dated Nov 2020 submitted with the application. I have also examined the tree survey drawing no. 21-15-101 which clearly indicates existing trees alongside trees to be felled submitted in RFI. Condition no. 10 of the grant of permission refers to existing planting to be retained indicated on this drawing.
- 7.5.14. I note that the existing cordyline tree located on the boundary with and adjacent to the existing house 'Imaal' and appellants property 'Eastmount' is to be removed in addition to three other mature elders to the rear of the appeal site proximate to the shared boundary. I do not consider this an excessive loss of planting along this boundary.
- 7.5.15. I am further satisfied that the 6 no. trees identified on the tree survey drawings which include elder and mature spruce conifer located within the appellants boundary are well set off the northern site boundary with the appeal site.
- 7.5.16. I am satisfied that subject to a robust construction management plan that existing trees on site to be retained can include measures to protect tree roots and canopy's during construction and provide also suitable measures to safeguard those trees identified within the appellants rear garden located along the shared boundary. If the Coimisiún are minded granting planning permission a suitably worded condition can be attached similar to Condition 6 in the PA grant of permission.
- 7.5.17. I can confirm from my site visit the location of dense conifer planting along the northern boundary in particular and either side of the access driveway, the mix of shrubs, in the front garden, and fruit trees in the rear garden. I accept that existing trees and specimen shrubs within the site require to be removed in order to develop

the site. I am satisfied however that the majority of the existing trees located along the length of the northern boundary are to be retained.

- 7.5.18. In my opinion the issue of proposed boundary treatments merits careful consideration, not only because of its extent but also as the northern boundary addresses the adjoining residential development at Merton along its entrance road, and the change on levels at the front of the site requires a detailed design.
- 7.5.19. The RFI provides details of the proposed boundary fencing to the rear and side boundary and contextual roadside elevations illustrating existing planting to be retained alongside proposed supplementary planting.
- 7.5.20. The applicant's agent in response to the grounds of appeal further outline that the boundary proposed (between the subject site and the appellants property to the south) will comprise of a 2.2-metre-high treated timber fence of a hit and miss design supported by concrete posts set at three metre centres. It is submitted that this fence type provides a solid boundary partition that is both visually attractive and durable. It is also submitted that this type of fencing has the advantage that the limited foundation pads of the concrete posts will not interfere with the root balls of any of the existing trees in the rear garden of the appellants' property.
- 7.5.21. The applicant's agent further clarifies that the existing 2.4m high masonry boundary wall between the south elevation of the front terraces and the appellants property will remain, and it will be replastered and recapped on both sides.
- 7.5.22. The applicant's agent in response to the grounds of appeal also outlines that between the front and rear blocks of houses, the fences north side (facing into 'Imaal') will have a raised planter with relatively dense planting of evergreen holly. This planter will provide both an optimum growing medium and appropriate drainage with immediate additional height for the holly trees. It is intended that semi-mature trees of some will be planted and that they will reach a height of approx. 5.5m. These trees together with the existing trees within the grounds of the appellants property will provide visual screening between the two properties.
- 7.5.23. Notwithstanding the appellants case in terms of the merits in terms of durability and maintenance of providing a boundary wall, I am of the view that this form of blockwork boundary which requires the digging out of foundations would in fact potentially cause more damage to existing mature trees along the boundary.

7.5.24. I am satisfied that the concrete post and timber panelling boundary proposed is appropriate and acceptable along site boundaries. If the Coimisiún are minded granting permission the details of this boundary can be agreed with the PA by way of a condition. Indeed, the Coimisiún may consider the use of a concrete post and concrete panelling a more satisfactory compromise along the southern site boundary of the appeal site located to the rear of the adjoining house 'Eastmount'.

Summary

7.5.25. I am satisfied that the design and layout of the proposed open space, landscaping and tree planting along with proposed boundary treatments are acceptable in terms of visual and residential amenities of future occupants and existing adjoining residents and will not detract from the character of the area.

7.6. Traffic Safety

7.6.1. It is proposed to relocate the existing vehicular entrance and access driveway which are located along the northern end of the front boundary and northern side of the front garden.

7.6.2. The proposed new vehicular entrance and access driveway are more centrally positioned (moving closer to the adjoining front boundary with 'Eastmount' to the south).

7.6.3. The posted speed limit of 50kph applies along Sea Road, requires a 45m sightline at the site access in accordance with the Design Manual for Urban Roads and Streets (DMURS). The proposed new entrance includes the removal / setting back of a section of the neighbouring boundary wall (belonging to Merton) by 1.2m to achieve the required sightlines. (See drawing no. 21-15-11).

7.6.4. The previous application under PA Reg.Ref. 22/402 for a similar development of 7 houses was refused permission on the grounds that it would endanger traffic safety, because of inadequate sightlines. The sightlines indicated under PA Reg.Ref. 22/402 relied on other lands which the applicant had not demonstrated sufficient consent/legal interest to carry out the works necessary to achieve adequate visibility at the proposed entrance.

- 7.6.5. The Engineering Services Report prepared by Carraig Consultants Civil and Structural Engineers dated 4th July 2025 states that the new entrance from Sea Road will provide improved sightlines and will comfortably facilitate two-way traffic.
- 7.6.6. Carraig Consultants Proposed Site Plan drawing (Drawing no. 280/1/001) clearly indicates the location of the existing boundary wall to be set back in line with the proposed front boundary wall of the proposed entrance to the subject site. The Engineering Services Report and above site plan drawing both refer to architects Sightlines drawing (Drawing no. 21-15-110).
- 7.6.7. I have had regard to architects Drawing no. 21-15-11 lodged with the application which illustrates in plan and elevation the section of the existing boundary wall between 'Imaal' and 'Merton' to be demolished and rebuilt which is clearly outside the red line boundary of the appeal site.
- 7.6.8. I have also had regard to the Sightline Assessment dated 23rd September 2022 prepared by PMCE Civil Engineers submitted with the application. This appears to relate to the previous application. I also note the 7 day speed survey carried out by PMCE Civil Engineers Consultants accompanied the application it is dated 17th August 2022.
- 7.6.9. Notwithstanding I am satisfied that the applicant has demonstrated that the required sightlines of 45m in both directions can be achieved from the proposed entrance. I can also confirm from my site visit mid-morning on a weekday that traffic volumes were not high and traffic speeds were not excessive.
- 7.6.10. I note in the third-party submission to the PA that the applicant should be required to provide a footpath from the subject site along the western side of Sea Road to connect with the existing footpath at the entrance to the Pine residential development. While I accept that this would also benefit the residents of the 14 no. houses within 'Merton', the subject development and the area generally, the provision of a footpath along this section of road would have to be agreed between the applicant and the Roads section of the PA and the other private houses including the appellants.
- 7.6.11. In the absence of a report from the Roads Section of the PA and works which extend within the public roadway I consider this outside the scope of the current planning application and appeal.

- 7.6.12. I note concerns raised by the appellant (in the current appeal) to the PA in relation to the details of the front boundary treatment at the entrance with respect to levels and retaining structures. I am satisfied the Site section drawing showing front boundary wall details submitted in RFI illustrate the finished ground levels and tie in with adjoining boundaries particularly to the south provide clarity and are acceptable.
- 7.6.13. I am satisfied that the previous reason for refusal under PA Reg. Ref. 22/402 in terms of adequate sight lines has been addressed in the current application and is acceptable in terms of traffic safety.
- 7.6.14. I note the public notices make clear that works are proposed to carry out alterations to the existing entrance of the adjoining property to the north. I note no submissions were received from the owner/management company disputing the nature of the works proposed. However, I would also note that the applicant has not submitted any details of consent from the owners of the adjoining Merton development in order to carry out these works.
- 7.6.15. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.
- 7.6.16. The 2007 Development Management Guidelines note that in such circumstances, the Comisiún can seek further information pursuant to Article 33, but that “Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis.” In my opinion the scale and nature of the works in this instance does not warrant a further information request.
- 7.6.17. It is open to the Comisiún to grant permission as it is not the competent authority to determine issues of title. If the Comisiún are minded granting permission knowing that it is subject to a s.34(13) express reference to section 34(13) can be provided to the parties in any cover letter enclosing the Comisiúns decision.
- 7.6.18. In my opinion the works required in order to set back the existing front boundary are very modest in nature and scale. I am satisfied on the basis that no objection to these works was lodged with the application to the PA or on appeal to An Coimisiún

from the residents of Merton, that the works may be facilitated by the Management Company subject to agreement on costs.

Summary

7.6.19. The proposed development is acceptable in terms of traffic safety and convenience and will not give rise to a traffic hazard.

7.7. Surface Water Drainage

7.7.1. The proposed development would be served by public mains and sewage, with surface water drainage proposals on site forming part of the proposed development.

7.7.2. The application is accompanied by an Engineering Services Report prepared by Carraig Consultants Civil and Structural Engineers dated 4th July 2025.

7.7.3. The Engineering Services Report refers to the previous planning application on the subject site which was refused in 2023 on the basis of insufficient information in respect of storm water run-off from the development.

7.7.4. While I note a completed Uisce Éireann Pre-connection enquiry form accompanied the application, it is stated in the Engineering Services Report submitted that a pre connection enquiry has not yet been submitted to Irish Water. I further note that a report from Uisce Éireann was not received by the PA.

7.7.5. In respect of the application under PA Reg.Ref. 22/402 the Environmental Services Report notes that Irish Water in their observation to the PA dated 16th May 2022 indicated that a water connection and a wastewater connection were both feasible.

7.7.6. On this basis, I am reasonably satisfied that the proposed development can be accommodated by Irish Water particularly given the completion of the new Arklow Wastewater Treatment Plant which became fully operational in November 2024 and officially opened in May 2025.

7.7.7. Surface Water Drainage proposals are outlined under Section 3.3 of the Engineering Services Report. SuDs measures proposed include permeable surfacing to front driveway areas accounting for 380m² in area. The new internal access road will have a permeable surface with a stated area of 644m² in area. Surface water run-off from the roofs of the proposed 7 houses will discharge to a soakaway located in the grassed area between the back gardens of H1-H3 and Sea Road. I would further

note that houses 1-3 are located roughly within the footprint of the existing bungalow on site.

- 7.7.8. I have had regard to Drawing no. 280/1/001 and 002 included in Appendix A which details the location and layout of the soakaway. Carraig Consultants Proposed Site Plan drawing (Drawing no. 280/1/001) lodged with the application indicates the location of the proposed soakaway within the area of open space to the south of the proposed entrance. The soakaway will consist of a 6.0m long x 5.0m wide x 0.8m deep storage volume made up of modular units and provide a storage volume of 22.8m³.
- 7.7.9. I have had regard to the percolation test results and calculations carried out on 20th June 2023 and contained in Appendix B of the Engineering Services Report. Notwithstanding the absence of a report from the Engineering section of the PA, I am satisfied that the soil infiltration rate is suitable to accommodate surface water runoff from the proposed development.
- 7.7.10. Condition no. 8 of the PA notification to grant planning permission refers to surface water requirements which shall be in accordance with Engineering Services Report. If the Coimisiún are minded granting permission, then this can be addressed by way of a similar suitably worded condition.

8.0 Appropriate Assessment

- 8.1.1. 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, Buckroney-Brittias Dunes and Fen SAC, and Kilpatrick Sandhills SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. Please refer to Appendix 3 of this report.
- 8.1.2. 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,

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to location of the site within the town of Arklow, the provisions of the Wicklow County Development Plan 2022-2028 (as varied), the infill nature and associated policy encouraging appropriate infill development including the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), 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 proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14 th day of November 2025 and by An Coimisiún Pleanála on the 15 th day of January 2026 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
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	<p>and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: in the interest of clarity.</p>
2.	<p>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.</p> <p>Reason: in the interest of visual amenity.</p>
3.	<p>The proposed wire trellis proposed to the gable elevations of house no. 3 and 7 shall be omitted.</p> <p>Reason: In the interests of visual amenity.</p>
4.	<p>Prior to the commencement of development, the developer shall enter into a connection agreement(s) with Uisce Eireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: in the interest of public health and to ensure adequate water/wastewater facilities.</p>
5.	<p>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.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
6.	<p>The landscaping scheme and boundary treatments proposed shown on the Landscape Detail Plan drawing number 21-15-100 and Existing planting identified to be retained on drawing number 21-15-101 as submitted to the planning authority on the 14th day of November 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</p>

	<p>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.</p> <p>Reason: in the interests of residential and visual amenity.</p>
7.	<p>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.</p> <p>Reason: in the interests of visual and residential amenity.</p>
8.	<p>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.</p> <p>Reason: in the interest of sustainable transportation.</p>
9.	<p>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</p> <p>Reason: in the interests of amenity and public safety.</p>
10	<p>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 interests of public safety and residential amenity.</p>

11.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays 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.</p> <p>Reason: in order to safeguard the residential amenities of property in the vicinity.</p>
12	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
13.	<p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
14.	<p>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.</p>

	<p>Reason: in the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
15.	<p>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.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
16.	<p>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 Coimisiún Pleanála for determination</p> <p>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.</p>
17.	<p>(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), 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</p>

	<p>being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(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.</p> <p>(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.</p> <p>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.</p>
18.	<p>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 and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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

Susan McHugh

8th April 2026

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	PL-500568-WW-26		
Proposed Development Summary	7 no dwelling units and all associated site works.		
Development Address	'Imaal', Sea Road, Arklow.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	√	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	√	S 5 P.2 10(b)(ii) construction of more than 500 dwelling units	
No			
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No			
Yes	√	S 5 P.2 10(b)(ii) construction of more than 500 dwelling units	7 houses Sub Threshold
			Conclusion
			EIAR not required

4. Has Schedule 7A information been submitted?

No	√	
Yes		

Inspector: _____ Date: _____

Case Reference	PL-500568-WW-26
Proposed Development Summary	7 no dwelling units and all associated site works.
Development Address	'Imaal', Sea Road, Arklow.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Permission is being sought for the construction of 7 no. dwelling units which is located to the north of Arklow town.</p> <p>Access to the dwelling is provided from Sea Road.</p> <p>Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed site is located to the north of Arklow town; there are no significant sensitivities in the immediate area.</p> <p>The subject site is not located within a designated site, the nearest are as follows:</p> <ul style="list-style-type: none"> • Arklow Sand Dunes pNHA (Site Code 001746) located c. 0.41km to the northeast • Arklow Town Marsh pNHA (Site Code 001931) located c. 0.51km to the southeast. • Buckrone-y-Brittas Dunes and Fen SAC (Site Code 000729) located c. 3.9km km to the north-east. • Kilpatrick Sandhills SAC (Site Code 001742) located c. 7.5km to the south. <p>My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.</p>

<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The site size measures c. 0.29 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 north, 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>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____
DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

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 7 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:

- Buckroney-Brittias Dunes and Fen SAC (Site Code 000729) located c. 3.9km km to the north-east.
- Kilpatrick Sandhills SAC (Site Code 001742) located c. 7.5km to the south.

There are no direct natural hydrological connections from the subject site to Ferrybank 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 Buckroney-Brittias Dunes and Fen SAC and Kilpatrick Sandhills SAC via the Arklow 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 Arklow 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 sites there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the 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 Natura 2000 sites located within the zone of influence.