

Subject to the 28 conditions set out in the attached schedule.

An appeal against this decision may be made to An Bord Pleanála within the prescribed period - see footnote.

Signed on behalf of Wicklow County Council.

**SENIOR EXECUTIVE OFFICER
PLANNING, DEVELOPMENT AND ENVIRONMENT**



PLANNING & DEVELOPMENT ACT 2000 (as amended)

Reference Number in Register: 23/60219

SCHEDULE

Having regard to the design of the development, the zoning objective for the site, the emerging pattern of development in the area and the objectives and standards of the Wicklow County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would not seriously injure the residential amenities of the adjoining properties or the visual amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would therefore be in accordance with the proper planning and sustainable development of the area.

1. This permission refers to the development as described in the documents lodged on the 14/08/2023, and as revised by the documents and drawings submitted on the 30/11/2023, save as the conditions hereunder require.

REASON: For clarification and to ensure that the development shall be in accordance with the permission.

2. **Prior to the commencement of development, the developer shall pay the sum of €3,106,406 (three million, one hundred and six thousand, four hundred and six euro) to the Planning Authority** as a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

3. **Before the commencement of development, the developer shall pay the sum of €1.936,000 (one million, and nine hundred and thirty six thousand euro) to the Planning Authority** as a contribution in respect of the Construction of the Wicklow Port Access and Town Relief Road benefiting development in the area of the Planning Authority.

The contribution sought is in accordance with Wicklow County Council's Supplementary Development Contribution Scheme and Section 49(1) of the Planning and Development Acts 2000.

Where the contribution remains unpaid the monies payable shall be increased in accordance with increases in the Consumer Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the development should contribute towards the cost thereof.

4. **No development shall be commenced until** cash security for the provision of and satisfactory completion of open space, roads, footpaths, storm water sewers, public lighting, other public facilities, including maintenance until taken in charge by Wicklow County Council, and the satisfactory compliance with the conditions of this permission, has been given. This cash security is required by the Council for application at its absolute discretion if such facilities are not duly provided to its satisfaction. The cash security shall be given by:-

Lodgement with the Council of the sum of €4,275,000. (four million, two hundred and seventy five thousand euro). If development has not commenced within one calendar year from the date of the grant of this permission, or if it remains incomplete within three years of the commencement of development, the Council may at its discretion require an increase in the amount of the security in line with the Wholesale Price Index - Building & Construction (Capital Goods) published by the Central Statistics Office or the cost of completing the outstanding works, whichever is the greater.

Where the developer proposes in writing to the Planning Authority to carry out the proposed development in phases, a reduced cash security will be computed by the Planning Authority proportionate to the development works required to make each phase viable.

This cash security can be partially rolled from one phase to another depending on the Planning Authority's assessment of the works outstanding in each phase and where the storm water sewers, public lighting, roads, footpaths and open spaces, required to facilitate the houses constructed in that phase, have been completed to an appropriate standard.

All relevant information to show compliance with the appropriate standards (e.g. Engineers Certification, CCTV of storm water sewers, RECI Certs etc.) should be submitted to the Planning Authority in advance of any request to roll the cash security from a particular phase to another phase of the development.

The return, of the cash security shall be subject to, inter alia, the report of an independent chartered engineer (with professional indemnity insurance) confirming that all materials and workmanship of the site infrastructure is in accordance with the plans and specifications submitted.

REASON: To ensure (a) satisfactory completion of the site development works, (b) that the security is adequate to cover the cost of recuperative works, (c) that the security is index linked, in the interests of residential amenity and the proper management of roads and services.

5. (a) **The first occupation of any dwelling/residential unit shall be by individual purchasers or by those eligible for the occupation of social and/or affordable housing, including cost rental housing, and shall not be by a corporate entity.**

(b) **No occupation of any dwelling shall occur until** confirmation from a solicitor with professional indemnity insurance has been submitted to and agreed in writing by the Planning Authority confirming that the dwellings have been sold in accordance with this condition.

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.

6. **No development shall commence until** contributions/submission/agreements required by conditions 2, 3, 4, 7, 8, 9, 11, 13, 15 (c), 17, 21, 25, and 27 **have been submitted to and agreed acceptable in writing by the Planning Authority.** All of the details required to be submitted for agreement by these conditions shall be submitted as a single compliance package where possible.

REASON: In the interests of proper planning and development and clarification.

7. (a) **Prior to the commencement of development,** a final full and detailed construction management plan shall be submitted to and agreed in writing with the Planning Authority, which shall include, inter alia, a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures (including details of a truck wheel wash at the site entrance), details of silt fence locations, siltation ponds, bunded storage areas and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the various sections of the Council.

(b) The mitigation measures described in the Natura Impact Statement submitted to protect surface water quality, the spread of non- native invasive species and the protection of otters during the construction phase and the operational phase of the proposed development shall be fully incorporated into the final CEMP and followed accordingly.

(c) Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances **where prior written approval has been received from the Planning Authority.**

REASON: In the interest of residential amenity, traffic/pedestrian safety, the protection of adjoining watercourses, the control of surface water run-off, the prevention of pollution and proper planning and sustainable development.



8. **Prior to the commencement of development** a suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. The ecologist shall ensure the implementation of all proposals contained in the Natura Impact Assessment are incorporated into the final CEMP and fully adhered to on site. **Prior to commencement of development**, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the Planning Authority to be kept on record.

REASON: In the interest of nature conservation

9. **Prior to the commencement of development**, the applicant or any other person with an interest in the land to which the application relates shall enter into an agreement with the Planning Authority in accordance with the County Development Plan and in accordance with Section 96 of the Planning & Development Act 2000, as amended.

REASON: In the interest of proper planning and development, and having regard to the objectives of the County Development Plan and the Housing Strategy.

10. (a) **Prior to commencement of development**, the written agreement of Irish Water shall be obtained for the provision of water services necessary to serve the proposed development.

(b) The granting of this permission by Wicklow County Council is in its role as a Planning Authority. It does not commit Wicklow County Council to the provision of any water services to serve the proposed development. Details of connections and the specification of materials to be used for the water services are a matter for Irish Water.

REASON: In the interests of clarification and proper planning and development.

11. **Prior to commencement of development** a detailed phasing programme for the development **shall be submitted to and agreed in writing with the Planning Authority**. The phasing programme shall be in accordance with the submitted phasing plan, as detailed on the Phasing Diagram submitted on the 14/08/2023, as modified to comply with the following requirements, **unless otherwise agreed in writing with the Planning Authority**.

(a) No subsequent phase shall commence until the preceding phase has been completed to the written satisfaction of the Planning Authority

(b) The construction of public open spaces, estate road and footpaths, and landscaping (including a timeframe for carrying out of planting and hard landscaping), shall be in tandem with the construction and occupation of the dwellings on site.

(c) The crèche permitted under PRR19/853 shall be completed and operational prior to the occupation of any dwelling units.

(d) Phases 2- 5 inclusive of the proposed residential development shall not commence, and the 108th dwelling of Phase 1 of the proposed residential development shall not be occupied until the full completion and opening of the proposed Inner Relief Road.

(e) The development of Phases 3-5 inclusive of the proposed residential development shall not commence until the full completion of the Active Open Space and the riverine park proposed as part of the proposed development and as permitted under plan ref. 22/837.

(f) The portion of Tinakilly proposed to be pedestrianised as part of the proposed development shall be fully completed on the full completion and opening of the Inner Relief Road.

REASON: In the interests of proper planning and development and to ensure the road network and public open space provision is adequate to serve the occupied development.

12. The provisions of Section 34(4) (m) of the Planning and Development Act 2000 (as amended) shall apply to the construction by the developer of the proposed Inner Relief Road.

REASON: In the interest of traffic safety and the equitable apportionment of the cost of the proposed road link from the R763 to the R764 together with the associated junctions

13. **Prior to the commencement of development** the applicant shall submit for the written approval of the Planning Authority final design details of the proposed Inner Relief Road, internal access roads, the entrances to the development from the Inner Relief Road and all associated footpaths and cycle paths/tracks. The design details shall comply with the requirements of DMURS, the Traffic Signs Manual, the Cycle Design Manual and the Road Authority.

REASON: In the interest of traffic and pedestrian safety.

14. (a) On street car parking spaces associated with individual houses shall be EV ready with ducting and cabling installed.

(b) EV charging points shall be provided in accordance with the Parking Allocation plan prepared by CS Consulting Group and as submitted on the 14/08/2023, **unless otherwise agreed in writing with the Planning Authority.**

REASON: To allow these on street car parking spaces to be easily converted to EV parking if required at a future date and in the interest of the proper planning and sustainable development of the area.

15. The housing estate roads and footpaths shall be constructed in accordance with specifications of Section 2 of "Recommendations for Site Development Works for Housing Areas" (Department of the Environment and Local Government 1998), subject to the following amendments/ submissions :-

(a) All trees planted on grassed margins of roads or within 15m of the apex of all road junctions shall be of a variety which will be clean stemmed to a height of 2.1m above ground level at time of planting and when fully grown. These shall be mountain ash, whitebeam or hornbeam unless **otherwise agreed in writing by the Planning Authority.** Street trees shall be planted at not less than 10m centres.

(b) Roads shall be kerbed on both sides.

(c) **Before any development commences,** the results of CBR tests and the exact specification of the road **shall be submitted to and agreed acceptable in writing by the Planning Authority.**

(d) The developer shall arrange to have the road construction materials tested at his own expense, at a reputable laboratory. The results of such testing shall be available for inspection if and when requested by the County Council.

REASON: In order to ensure a satisfactory standard of development in the interests of amenity and traffic safety.

16. **Prior occupation of each phase of the development,** a Stage 3 Road Safety Audit, including a Final Audit Report, for the proposed development together with associated junctions, prepared in accordance with the TII's standards', shall be submitted. Where the audit identifies the need for design changes revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out all necessary works in accordance with the agreed revised design. The details shall accord with the requirements of the Roads Authority.

REASON: In the interest of traffic safety and in the interest of the proper planning and sustainable development of the area.

17. **Prior to commencement of development,** the final public lighting design and layout, for the overall development including all roads infrastructure and public open spaces, **shall be submitted to and agreed in writing with the Planning Authority.** The design and layout shall comply with the document Guidance for Public Lighting Works for Developers: Wicklow County Council: 2017 and the requirements of the Road Authority.

REASON: In the interest of residential amenity, safety and proper construction.

18. The storm water drainage system shall accord with the details submitted and shall comply with the requirements of the 'Greater Dublin Strategic Drainage Study' and the Ciria SuDS Manual C753 for interception storage.

REASON: To ensure satisfactory storm water drainage in the interest of proper planning and development.

19. (a) The hard and soft landscaping, including the play areas, exercise areas, pathways and seating areas shall be carried out in accordance with the Landscaping Design statement and landscaping drawings prepared by Murphy –Sheanon, and as revised on the drawings submitted on the 30/11/2023 **unless otherwise agreed with the Planning Authority.**

(b) The landscaping and tree planting shall be carried out before or during the first planning season or part thereof occurring after the commencement of development. Any plants which become seriously damaged shall be replaced by others of similar size and species.

(c) Trees and hedges planted in the public realm of the development shall consist of native species only.

(d) The estate railings used throughout the development shall be black.

REASON: In the interests of visual amenity, residential amenity and proper planning and development.

20. The boundary treatments shall accord with the details of the Boundary Plan prepared by Murphy-Sheanon, as revised on the drawings submitted on the 30/11/2023, unless other forms of boundary treatments are agreed in writing with the Planning Authority. Privacy walls shall be provided, 2m in height, cement rendered and capped, and shall extend 4m along the dividing boundary from the rear building line of all terraced and semi-detached dwellings.

REASON: In the interests of safety, security, visual amenity, residential amenity and privacy.

21. **Prior to the commencement of development and for the written agreement of the Planning Authority** a site layout plan of the western pedestrianised section of Tinakilly Avenue showing the erection of black estate railings either side of the proposed bollards on Tinakilly Avenue shall be submitted. The development shall accord with the agreed plan.

REASON: To prevent unauthorised entry of vehicles into the pedestrianised area of Tinakilly Avenue and in the interests of safety and amenity.

22. All private rear gardens shall be suitably graded so that they are fully usable.

REASON: In the interest of residential amenity.

23. (a) All open space shall be levelled, drained, cultivated, and topsoiled as necessary to provide a minimum of 200mm depth of vegetative soil and shall be consistent with the levels of all adjoining roads. Planting with trees and shrubs appropriate to the area shall be carried out and the remaining areas shall be sown with grass seed to give a uniform pastureland condition. In areas of steep embankments, dense ground cover shrubs shall be established to be protected by temporary fencing until the growth is established.

(b) Open space areas shall be dedicated to the use of the residents. The maintenance of the open space shall be the responsibility of the developer until one year after the completion of all houses in the entire development and until the grassed areas and ground cover shrubs are firmly established. The developer shall enter into a licence in a form similar to that set out on the following page. The developer shall submit in triplicate the following:

- i. Deed of dedication, signed and sealed,
- ii. O.S. map with open space outlined
- iii. Copy of scheme plan as registered in Land Registry with open space outlined

COUNTY WICKLOW FOLIO _____

A grant dated the day of 20.

A.B. the registered owner of the property described in Folio _____ of the County Wicklow hereby irrevocably grants to all the residents of _____ Estate, their heirs and assigns in respect of that portion of the Folio _____ County Wicklow where shown on the map annexed hereto and thereon outlined in red full right, liberty and permission at all times to use the said lands for recreational and amenity purposes, AND _____ hereby assents to the intent that the said right should be enforceable by any of the said residents, their heirs and assigns, the Local Authority or the Planning Authority for the area.

Signed, sealed and delivered by

In the presence of: - Dated:

REASON: To ensure that the amenity open space shall be left in a satisfactory and useful condition on completion of the development and will be available for amenity and recreational purposes to the residents of the estate.

24. (a) Estate and street names and numbering system **shall be agreed with the Planning Authority in writing before the occupation of the first dwelling.**

(b) House numbers shall be erected/installed at the driveway entrance to each house, so that they are clearly visible to visitors.

(c) Name and/or house number plates shall be erected by the developer on each road in the estate. **The design and contents of the nameplates shall be agreed with the Planning Authority.**

REASON: In the interests of proper planning and development and residential amenity.

25. **Prior to the commencement of development, the final details of the external finishes to the proposed dwellings shall be submitted for the written agreement of the Planning Authority.**

REASON: In the interest of visual and residential amenity.

26. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

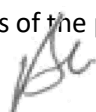
REASON: In the interests of visual and residential amenity.

27. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. **Prior to commencement of development** the developer shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930 – 1994) to monitor all topsoil stripping associated with the development. Where archaeological material is found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision on the best approach to deal with the archaeology. The developer shall be prepared to be advised by the Department of Environment, Heritage and Local Government with regard to the necessary mitigation action. The operator shall facilitate the archaeologist in recording any material found.

REASON: To ensure the continued preservation (either in-situ or by record) of places, caves, sites features or other objects of archaeological interest, in the interest of proper planning and sustainable development.

28. **At the completion of the development,** or each sector thereof, and prior to the taking in charge of the estate, as constructed drawings of the development, to the requirements of paragraph 1.9 of Recommendations for Site Development Works in Housing Areas (Department of the Environment and Local Government, 1998) at a scale of 1/500 or larger shall be supplied to the Council on computer diskette and shall be in a “DXF” format or other format agreeable to the Planning Authority and shall not be scanned images. They shall show the as constructed position of each site, house, road, watermain (including the location of sluice valves, scour valves, air valves and hydrants), foul and surface water sewers (including gullies, and invert levels of manholes to ordnance datum) and all pipe sizes and they shall show the Irish National Grid co-ordinates of the four corners of the drawing and shall be relative to the Irish National Grid.

REASON: In the interests of the proper management and maintenance of the roads and services.



Footnote:

An appeal against a decision of a Planning Authority under the Planning and Development Act 2000 (as amended) may be made to An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902. (Tel. (01) 8588100) during office hours.

1. You have four weeks beginning on the date the planning authority makes its decision. This is a strict time limit.
2. You must put your appeal in writing (either typed or handwritten).
3. You must clearly state your own name and address. If someone is acting for you, like a planning agent they must clearly state their own name and address as well as your name and address.
4. You must give enough details to allow An Bord Pleanála to identify the application you wish to appeal.
5. You must provide your planning grounds of appeal (reasons and arguments) for your appeal and any items you wish to support your grounds of appeal.
6. If you are a third party, you must include the written acknowledgement given to you by the planning authority to confirm it received your submission at planning application stage.
7. You must pay the correct fee <https://www.pleanala.ie/en-ie/fees>

For more information on how to make an appeal see www.pleanala.ie