



Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

PLANNING & DEVELOPMENT ACTS 2000 (as amended)

NOTIFICATION OF DECISION TO GRANT

Olga Rowe
C/o plan 8 architects
Church Road
Delgany
Co. Wicklow
A63 K710

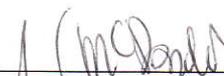
Planning Register Number: 19/1249
Valid Application Received: 22/11/2019
Further Information Received Date: 05/03/2020

In pursuance of the powers conferred upon them by the above-mentioned Act, Wicklow County Council has by Order dated 20/3/2020 decided to GRANT PERMISSION for development of land, namely:-

Demolition of existing bungalow comprising approx. 162 sqm, construction of 4 no four bedroom single storey dwellings each having a floor area of 115 sqm, new grass verge and 1.5m wide footpath along the roadside boundary with New Road, new vehicular entrance and access off new road, connection to all public services, all necessary ancillary works and site works to facilitate the development at Whincroft, New Road, Greystones, Co. Wicklow.

Subject to the 16 conditions set out in the attached schedule.

Signed on behalf of Wicklow County Council.



SENIOR EXECUTIVE OFFICER
PLANNING, DEVELOPMENT AND ENVIRONMENT

Date: 20/3/2020

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísi, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.



PLANNING & DEVELOPMENT ACT 2000 (as amended)

Reference Number in Register: 19/1249

SCHEDULE

Pursuant to the Planning & Development Act 2000 (as amended), permission is hereby granted, having regard to the location of the proposed development and the provisions of the Wicklow County Development Plan 2016-2022 and the Greystones, Delgany and Kilcoole Local Area Plan 2013, in relation to this area, it is considered that the subject to compliance with the conditions set out in the schedule below, the proposed development would not seriously injure the amenities of the area or properties in the vicinity; would be acceptable in terms of traffic safety and convenience and would therefore be in accordance with the proper planning and sustainable development of the area.

General

1. This permission refers to the development as described in the documents lodged, as revised by the plans and particulars submitted on the 5th March 2020, save as the conditions hereunder require.

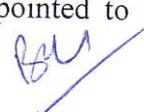
REASON: For clarification

2. **No development shall commence until** contributions/submissions/agreements required by conditions 3, 4, 5, 6, 7, 8, 10, 11, 12 and 13 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.

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

3. (a) Before development commences, a 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, a traffic management plan, noise and dust mitigation measures (including details of a truck wheel wash at the site entrance) and details of construction lighting.

- (b) A Construction Manager shall be appointed to liaise directly with the various sections of the Council.



- (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 and proper planning and sustainable development.

Financial

4. **Before development commences**, the developer shall pay the sum of **€22,161 (Twenty two thousand one hundred and sixty one 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 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.

5. **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 **€60,000 (Sixty 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 cash 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) the satisfactory completion of the site development works,
- (b) that the cash security is adequate to cover the cost of recuperative works,
- (c) that the cash security is index linked, in the interests of residential amenity and the proper management of roads and services.

Public Services /Infrastructure:

- 6. (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.



7. **Prior to the Commencement of development** the developer shall submit to and for the written agreement of the Planning Authority, final design details of the surface / storm water drainage systems. Proposals shall satisfy the requirements of the Greater Dublin Strategic Drainage Study (GSDSDS), including proposals for Sustainable Urban Drainage System (SUDS) and shall accord with the requirements and specifications of the Water Services Section of Wicklow County Council.

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

8. **Prior to commencement of development**, the public lighting design and layout, for the overall development including all roads infrastructure 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 and proper construction.

9. 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.

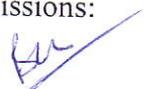
REASON: In the interests of visual and residential amenity.

Roads

10. **Prior to the commencement of development**, the developer shall submit to and for the written agreement of the Planning Authority final design of the site entrance, public footpaths and shared surface areas which shall comply with the requirements of the Road Authority of Wicklow County Council.

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

11. The proposed roads and footpaths shall (unless otherwise agreed in writing with the planning authority **prior to the commencement of development**), 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 estate roads 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.

Finishes/ Public/private open space

12. **Prior to the commencement of development**, a schedule of all external finishes to all structures including boundary treatments, shall be submitted for the written agreement of the planning authority.

REASON : In the interests of visual amenity.

13. (a) All open space shall be landscaped in accordance with the details submitted on the 5th July 2018 as revised by the plans and particulars submitted on the 12th October 2018 unless otherwise agreed in writing by the Planning Authority.
- (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

BC

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.

14. (a) Estate names and numbering system shall be agreed with the Planning Authority in writing **before the occupation of the first dwelling unit.**
- (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 entrance to 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.

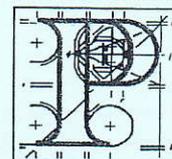
15. **At the completion of the development, or each sector thereof, and prior to the taking in charge of the estate,** as constructed drawings of the development, to the requirements of paragraph 1.9 of Recommendations for Site Development Works in Housing Areas (Department of the Environment and Local 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.

16. In the event of any remains of archaeological or historic interest being discovered on the site, **the Council shall be informed immediately.** Works affecting these remains shall **cease immediately** and shall not re-commence until the Department of the Environment/ Heritage and Local Government agrees in writing.

REASON: To facilitate the investigation of any remains of archaeological or historic interest discovered on the site in the interests of proper planning and development.





Guide to Fees payable to An Bord Pleanála - 2011

This guide does not purport to be a legal interpretation of the fees payable to the Board. Further information in respect of fees can be obtained from the Board by contacting it at 64 Marlborough Street, Dublin 1.

Tel: 01 8588100

email: bord@pleanala.ie or at www.pleanala.ie

Appeals/Referrals under Planning Acts	On or before 2 nd September 2011	On or after 5 th September 2011
(a) Appeals against decisions of Planning Authorities		
Appeal		
(i) 1 st party appeal ¹ relating to commercial development ² where the application included the retention of development.	€4,500 or €9,000 if an EIS ³ involved	€4500 or €9,000 if an EIS or NIS ⁴ involved
(ii) 1 st party appeal relating to commercial development (no retention element in application).	€1,500 or €3,000 if EIS involved	€1,500 or €3,000 if EIS or NIS involved
(iii) 1 st party appeal non-commercial development where the application included the retention of development.	€660	€660
(iv) 1 st party appeal solely against contribution condition(s) – (2000 Act ⁵ section 48 or 49).	€220	€220
(v) Appeal following grant of leave to appeal.	€110	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220	€220
(b) Referral.	€220	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies ⁶).	€110	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act).	€110	€110
(e) Making submission or observation (specified bodies exempt ⁶).	€50	€50
(f) Request for oral hearing under section 134 of 2000 Act.	€50	€50
<p>Note: The above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).</p>		
Substitute Consent Part XA of 2000 Act	On or before 2nd September 2011	On or after 5th September 2011

⁶ A list of these bodies is available from the Board.

⁷ Where cost recovery applies fees are offset against costs incurred.

Note:

An Appeal against a decision of a Planning Authority under Section 37 of the Planning & Development Act, 2000 may be made to: **An Bord Pleanala, 64 Marlboro Street, Dublin 1**

1. Any appeal must be received by An Bord Pleanala within four weeks beginning on the date of the decision and shall:
 - (a) be made in writing,
 - (b) state the name and address of the appellant or person making the referral and of the person, if any, acting on his or her behalf,
 - (c) state the subject matter of the appeal or referral,
 - (d) state in full the grounds of appeal or referral and the reasons, considerations and arguments on which they are based,
 - (e) in the case of an appeal under Section 37 by a person who made valid submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the Planning Authority of receipt of the valid submissions or observations,
 - (f) be accompanied by such fee as may be payable in respect of such appeal or referral in accordance with Section 144 and
 - (g) be made within the period specified for making the appeal or referral

An appeal or referral which does not comply with these requirements shall be invalid.

2. The requirement of the aforementioned shall apply whether or not the appellant or person making the referral request, or purposes to request, in accordance with Section 134, an oral hearing of the appeal or referral.
3. Without prejudice to section 131 or 134, an appellant or person making the referral shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds of appeal or referral stated in the appeal or referral or to submit further grounds of appeal or referral and any such elaboration, submission or further grounds of appeal or referral that is or are received by the Board shall not be considered by it.
4.
 - (a) An appeal or referral shall be accompanied by such documents, particulars or other information relating to the appeal or referral as the appellant or person making the referral considers necessary or appropriate.
 - (b) Without prejudice to Section 132, the board shall not consider any documents, particulars or other information submitted by an appellant or person making the referral other than the documents, particulars or other information which accompanied the appeal or referral.
5. An appeal or referral shall be made:-
 - (a) by sending the appeal or referral by prepaid post to the Board,
 - (b) by leaving the appeal or referral with an employee of the Board at the offices of the Board during office hours (as described by the Board), or
 - (c) by such other means as may be prescribed

INFORMATION for the purposes of Building Control;-

• IMPORTANT NOTE NOW THAT YOU HAVE RECEIVED PLANNING PERMISSION or ARE INTENDING TO CARRY OUT BUILDING WORKS.

BEFORE ANY BUILDING WORKS TAKES PLACE ON YOUR SITE YOU WILL NEED TO CHECK THE FOLLOWING **Pre-Development Planning Conditions, Commencement Notice, Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)** .

• IF SOME OR ANY OF THESE ARE OMITTED YOUR BUILDING MAY BE AN UNAUTHORISED BUILDING AND YOU MAY BE GUILTY OF AN OFFENCE AND/OR YOU MAY BE SUBJECT TO PENALTIES.

• YOU SHOULD ALSO BE AWARE THAT IF YOU OMIT TO SUBMIT A VALID COMMENCEMENT NOTICE TO YOUR LOCAL AUTHORITY YOU MAY BE UNABLE TO GET A COMPLETION CERTIFICATE AND THIS MAY HAVE SERIOUS LONG TERM CONSEQUENCES.

(The information is for guidance purposes only and does not purport to be a legal interpretation or constitute legal or professional advice.)

1. Pre-Development Planning Conditions;

1. If there are any Pre-Development conditions on the schedule of conditions attached to your planning permission you should give your immediate attention to them prior to the commencement of your development.

Note: All conditions must be complied with in full as failure to do so will render your permission invalid and may result in the initiation of enforcement proceedings for compliance with same

2. Commencement Notice –See www.localgov.ie

In accordance with the Building Control Regulations you are obliged to submit a Commencement Notice prior to commencement of the development and it must be received by the BCA not less than 14 days and not more than 28 days before you wish to commence. Please logon to www.localgov.ie to complete commencement notice. This involves

(1) A completed copy of the commencement notice which must be signed by the owner of the works and must (refer to section 9 **S.I. No 9 of 2014**) be to be accompanied by the following;

- a. General Arrangement Drawings
- b. A schedule of design documents as are currently prepared or to be prepared
- c. An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2014;
- d. The preliminary inspection plan
- e. A Certificate of Compliance (Design)

- f. Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
- g. Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

With regard to the above, please note that:

1. The Designer and the Assigned Certifier must be a **Chartered Engineer**, or **Registered Architect** or **Registered Surveyor**
2. A Competent Builder must execute the work
3. Your drawings must show details of how your Building will comply with the Building Regulations - drawings submitted for planning permission purposes are not typically building control compliance drawings.
4. The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

(**Note:** Statutory approvals relating to fire safety and disabled access continue to apply where relevant and are not affected by the above changes).

For more information; <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

3. Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)

CE MARKING of construction products covered by harmonised European Standards is mandatory, when the construction product is placed on the market.

You need to ensure that you appoint competent professionals.

Whilst the CPR concerns itself with the conditions which apply when placing a construction product on the market, clients, specifiers, designers and builders etc. should be aware of the following when incorporating construction products into building works:

1. When drawing up specifications, refer to the harmonized technical specifications and specifically to the performance requirements of individual characteristics when necessary,
2. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance,
3. Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsa.ie, and

NOTE; All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

Information Note - Public Water and Waste Water Networks Connections

On the 1st of January 2014 Irish Water became the statutory body with the responsibility for all water services, both water and waste water. The provision of a water services connection will be carried out by Irish Water in partnership with each Local Authority.

Any persons seeking a connection to any of Irish Water's networks should make an application in the first instance to their Local Authority who will act on behalf of Irish Water in processing the application.

A Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Since the 1st of January 2014 Irish Water has been applying Interim New Connection Charges (Infrastructure Fee and Connection Fee) that are the equivalent of both the water and waste water portion of Development Levies and Connection Fees previously charged by the Local Authorities.

The previous Local Authority Development Levy is now called an Infrastructure Fee and the previous Local Authority Connection Fee is now called a Works Fee. Both these fees are charged by Irish Water as they were in the Local Authorities on the 31st of December 2013.

Where planning permission was granted prior to the 1st of January 2014, Local Authorities will continue to bill and collect the water and waste water portion of Development Levies (Infrastructure Fee) as previously and subsequently transfer this to Irish Water. Irish Water will charge a Works Fee equivalent to the Connection Fees as they were in the Local Authorities on the 31st of December 2013.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Irish Water.

Similarly under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premise to the public waste water collection network, either directly or indirectly, without the agreement of Irish Water.