

An
Bord
Pleanála

Board Order
ABP-315046-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22927

APPEAL by Vincent Mulvihill and Amy O'Neill care of John Murphy of Ballyteige, Rathdrum, County Wicklow against the decision made on the 18th day of October, 2022 by Wicklow County Council to refuse permission to Vincent Mulvihill and Amy O'Neill.

Proposed Development: Construction of a proposed bungalow and effluent treatment system in accordance with EPA 2021 and associated site works at Kilmacurra West , Kilbride , County Wicklow.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.



Reasons and Considerations

1. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board noted the absence of information in the application and appeal documentation with regard to the existing treatment system on site, the high level of the water table on site, the dependency on groundwater for water supply, and the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government in April, 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. Having regard to the above, the Board could not be satisfied, on the basis of the of the submissions made in connection with the planning application and appeal, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to Ministerial guidelines and to the proper planning and sustainable development of the area.
2. The proposed development is intended to be carried out on a site where it appears unauthorised development has taken place, including a dwelling for which no details have been provided which would enable an assessment as to its relationship to the proposed development to be carried out. Furthermore, in relation to the vehicular access onto the public road upon which the proposed development relies, it is not certain from the documentation submitted with the application and appeal as to its authorised status. Nor is any reference made to the vehicular access in the statutory notices

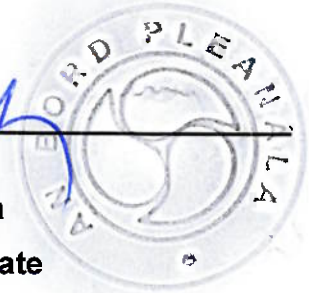


accompanying the planning application. In this regard, the Board cannot be satisfied that the proposed development would not consolidate unauthorised development at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 15th day of November 2023.