

An
Coimisiún
Pleanála

Commission Order
PL-500575-WW-26

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 2560317

Appeal by Stephen Roberts against the decision made on the 8th day of December, 2025 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Single storey, split level, dwelling, wastewater treatment system to Environmental Protection Agency standards, garage, entrance, landscaping, and associated works at Church Lane, Newcastle, County Wicklow as revised by further public notices received by the planning authority on the 17th day of October, 2025.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the grounds of appeal, the policy framework provided by the Wicklow County Development Plan 2022-2028 including the requirements of the Wicklow Single Rural House Design Guide and to the guidance set out within the Environmental Protection Agency's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021); it is considered that, subject to compliance with the conditions set out below, the proposed development is appropriately proportioned, responds to its rural setting and is an acceptable form of development at this location. Having further regard to the separation distances provided, the existing and proposed boundary and landscape treatments, it is considered that the proposed development would not seriously injure the amenities of the neighbouring properties or the character of the area and would be acceptable in terms of traffic safety, having regard to the low-speed traffic environment where the site is located. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 information received by the planning authority on the 10th day of October, 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The overall site shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.

Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

4. (a) The proposed wastewater drainage system shall be in accordance with the standards and separation distances set out in the document entitled "Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) The developer shall enter a maintenance contract with the manufacturers/suppliers of the wastewater treatment system to ensure satisfactory performance at all times.
- (c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least one million euros) stating that the wastewater treatment system has been installed in accordance with Environmental Protection Agency guidelines.

Reason: To guard against pollution and ensure the proper servicing of the development.

5. The developer shall ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. number 99/2023.

Reason: In the interests of public health, residential amenity, and proper planning.

6. In advance of the any site works commencing, the developer shall contact Gas Networks Ireland to ensure that all works in the vicinity of the Gas Transmission Pipeline are in compliance with the 'Code of Practice for Working in the Vicinity of the Transmission Network.'

Reason: In the interests of public safety, the maintenance of gas supplies and the proper planning and sustainable development of the area.

7. (a) Save for that which needs to be removed in order to create the proposed entrance and sightlines, all remaining boundary screening shall be retained and not removed save with the prior written consent of the planning authority.
- (b) Site boundaries shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing native hedgerows in the vicinity. Species shall include hawthorn, blackthorn, ash, oak, hazel, and holly; beech (*fagus sylvatica*) and laurel shall not be used.
- (c) Planting shall be carried out in the first planting season following commencement of development.
- (d) In the event of tree/hedge failures, these shall be replaced within the following planting season.

Reason: In the interests of visual and residential amenity.

8. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to surrounding properties.

Reason: In the interest of traffic safety and to prevent pollution

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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

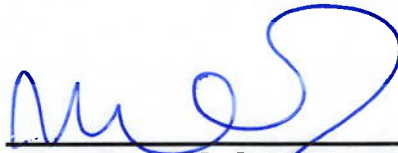
Reason: In order to safeguard the residential amenities of property in the vicinity.

11. (a) During the construction stage of the proposed development, the developer shall comply with the document titled “Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects” published by the Environmental Protection Agency.
- (b) During the development works, the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the adjoining public thoroughfare and properties in a neat, tidy, and safe condition.

Reason: In the interests of the reduction and best practice management of construction waste from the proposed development, public health, pollution control, and traffic safety.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



MaryRose McGovern



**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *27th* day of *April* 2026