



An  
Bord  
Pleanála

## Inspector's Report ABP-319593-24

<b>Development</b>	Construction of an extension to cottage with waste water treatment system and all associated site works.
<b>Location</b>	Killiskey, Ashford, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	23755
<b>Applicant(s)</b>	Mr. Anthony Crimmins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Christiane & Michael Hanrahan
<b>Observer(s)</b>	M. O' Braonáin
<b>Date of Site Inspection</b>	11/02/2025
<b>Inspector</b>	Paula Hanlon

## **1.0 Site Location and Description**

- 1.1. The site (c.0.16ha) subject to this appeal (hereafter referred to as 'the site') is located in the rural townland of Ballyduff Lower, approximately 2.6km north of the settlement of Ashford, Co. Wicklow. The site has no roadside frontage and is accessed off a narrow, unsurfaced right of way which connects this site and adjacent agricultural lands to the east with the adjoining local road (L-1063-0).
- 1.2. The site is bound by a cul-de-sac right of way (north), the rear boundaries of adjoining detached residences (west) and agricultural lands (south & east).
- 1.3. An existing watercourse which flows in a southerly direction bisects this site from adjoining residences to the west.
- 1.4. The site which is largely overgrown currently accommodates an existing low rise derelict cottage of stone construction (40m<sup>2</sup>), with boarded up window opes and temporary galvanised roofing. There are no wastewater services or on-site drainage provisions attached to the established cottage.
- 1.5. The site's topography slopes downwards in westerly direction towards the adjoining watercourse (west). The topography of adjoining agricultural lands to the east is locally elevated and falls downwards in a westerly direction. The site's topography slopes downwards in westerly direction towards the adjoining watercourse (west), with the footprint of the cottage on more elevated ground than adjacent dwellings (west of site).
- 1.6. The derelict cottage is substantially screened with trees and overgrowth along the site's western extent.
- 1.7. Vehicular access into the site is taken off the established unsurfaced right of way, along the site's northern boundary.
- 1.8. There are no ecological designations attached to this site.

## **2.0 Proposed Development**

- 2.1. In summary, the proposed development seeks the following:

- Domestic Extension

Proposed new one and half storey extension (85m<sup>2</sup>) with a proposed max. height of 5.736m onto an existing low profiles cottage (40m<sup>2</sup>) which has a maximum height of 4m. It would comprise of a new kitchen/dining, utility and bedroom at ground floor level, with a mezzanine level sought above the kitchen/dining area and a separate study room at upper floor level. The proposed extension would connect to the existing cottage via a proposed new entrance link.

- Existing Cottage

The existing cottage which is notated on submitted plans as comprising of 2(no) rooms - a kitchen/dining area and bedroom is sought to be converted into 2(no) bedrooms, ensuite and hallway.

- Associated Works

- Services

Water supply would be provided via a proposed new connection to Uisce Eireann's network.

A proposed new percolation area and on-site wastewater treatment plant is sought to treat wastewater generated.

2.2. The application was accompanied by the following documentation of note –

- Engineering Report; Surface Water Management (May 2023)
- Site Characterisation Form
- Tree Planting Layout (Received 07/03/23 following receipt of further information)
- Engineering Response to further information point 2.

## 3.0 Planning Authority Decision

### 3.1. Further Information

The Planning Authority (PA) requested further information on 28 November 2023, which was informed by, and reflects the recommendations of the Planning Officer, contained within the accompanying Planning Reports and as summarised in Section 3.3.1 below.

## **3.2. Decision**

By Order dated 28 March 2024, Wicklow County Council (WCC) issued a Notification of decision to grant planning permission subject to 7(no) conditions. The conditions were mainly standard, and the following are of note:

- Provision of details on effluent treatment system installation (Condition 2)
- Confirmation from Uisce Eireann on water supply (Condition 3).
- Standard drainage condition (Condition 4).
- External Material Finishes & Colour (Condition 5)
- Landscaping Requirements (Condition 7).

## **3.3. Planning Authority Reports**

### **3.3.1. Planning Reports**

Two Planning Reports have been attached to the file. The first report completed on 25 November 2023 recommended that further information be sought on the following:

- Fully Completed Site Characterisation Form & accompanying details.
- Full structural survey/engineering report
- Tree planting and landscaping scheme.

The second planning report completed 25 March 2024 forms the basis for the decision by WCC to grant permission, subject to compliance with conditions.

### 3.3.2. Other Technical Reports

- Municipal District Engineer: Referenced in planners report 24/11/2023 – Proposal would not alter flood plain. [I note that a copy of this report is not attached to the planning file].
- Environmental Health Officer (20/03/24): No Objection, subject to condition.

### 3.3.3. Conditions

In recommending that permission be granted, the PA attached specific conditions in relation to effluent treatment system installation (Condition 2) and attached a standard drainage condition (Condition 4). Consideration will be given to the attachment of these conditions within my assessment below [Refer Section 7].

### 3.4. Prescribed Bodies

Uisce Eireann (24/10/2023): Conditions recommended in the event of a permission.

### 3.5. Third Party Observations

The Planning Authority received 3(no) third-party submissions during the course of their determination. The matters raised at application stage are reflected in the third-party appeal.

## 4.0 Planning History

22/644: Extension to cottage & associated works was refused on the grounds of potential flood plain/flooding impacts.

96/5006: (27.1020591): Renovation & extension of cottage refused on appeal on the grounds of water supply and drainage.

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2022-2028 (CDP)

5.1.1. The Wicklow County Development Plan 2022-2028 (CDP) which came into effect 23 October 2022 is the operative Development Plan for the county. The site is located outside of any designated settlement, in the rural area (open countryside), identified as Level 10 within the Settlement Strategy for Co. Wicklow (Chapter 4, CDP).

5.1.2 Relevant policies, objectives, standards and sections within the CDP are set out under Housing (Chapter 6), (Chapter 8), Water Services (Chapter 13), Flood Risk Management (Chapter 14), and Development & Design Standards (Appendix 1). These include:

#### Rural Housing Design Objective

CPO 6.43: The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria:

- the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered;
- buildings must be of local, visual, architectural or historical interest;
- buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained; (a structural survey by a qualified engineer will be required with any planning application); and
- works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications.

CPO 6.44: (Rural House Design Guide requirements).

Section 3.1.8, Appendix 1 sets out 'Development and Design advice' for house extensions. It outlines that a number of basic principles to be applied in respect of any house extension, with regard to scale and mass, overlooking and overshadowing. It

further recognises that whilst the form, size and appearance of an extension should complement the area, a flexible approach to alternative design concepts will be taken, unless the area has an established unique or valuable character worthy of preservation.

#### Other Structures & Vernacular Architecture Objectives

Policy Objective CPO 8.18: To seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched roofs and historic features such as stonewalls and milestones. The demolition of vernacular buildings will be discouraged.

#### Wastewater Objectives

CPO 13.16: Permission will be considered for private wastewater treatment plants for single rural houses where:

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

## Flood Risk Management Objectives

CPO 14.10: To prohibit development in river flood plains or other areas known to provide natural attenuation for floodwaters except where the development can clearly be justified with the Flood Risk Management Guidelines 'Justification Test'.

CPO 14.12: Requires incorporation of sustainable drainage techniques.

CPO 14.13: Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.

CPO 14.16: For developments adjacent to all watercourses or where it is necessary to maintain the ecological or environmental quality of the watercourse, any structures (including hard landscaping) must be set back from the edge of the watercourse in accordance with the guidelines in 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland.

5.1.3 The site is located within landscape area – Corridor Area – East [Map: Wicklow Landscape Character Map].

### 5.2. Natural Heritage Designations

The appeal site is not located on or within proximity to any designated Natura 2000 site(s) or proposed Natural Heritage Area/Natural Heritage Area).

### 5.3. EIA Screening

Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (As amended), and as such preliminary examination or an environmental impact assessment is not required.



## **6.0 The Appeal (Third Party)**

### **6.1. Grounds of Appeal**

A Third-Party Appeal has been received from Christiane & Michael Hanrahan in relation to the PA's decision to grant permission. The grounds of appeal reiterate the matters raised in the Appellant's original observation made to the PA. The appellant requests that the board overturn the decision to grant permission or to amend the permission to address concerns arising.

A summary of the matters raised is as follows:

- The PA's decision contradicts the site's planning history.
- The risk of flooding due to proposal is not acceptable.
- Insufficient and accurate details were not provided on the existing water course. The sufficiency of SuDs measures and the need for an independent Site Specific Flood Risk Assessment are also raised.
- Impacts on ecology & the environment.
- Flooding issues associated with laneway/right of way.
- The site is not suitable for wastewater treatment plant and percolation area.
- Siting concerns – impacts on adjoining residential amenities.
- The Council's Rural Housing Need policy should apply and an occupancy condition attached to any grant of permission.
- The structural integrity of the existing building is queried.
- The capacity of laneway to accommodate residents & sightlines are of concern.
- An Appropriate Assessment Screening report was not carried out.
- The proposal would depreciate the value of the appellant's property and may potentially impact on obtaining home insurance in the future.

## **6.2. Applicant Response**

None received during the statutory period.

## **6.3. Planning Authority Response**

None received.

## **6.4. Observations**

1(no) observation which was made by M. O' Braonáin, being a concerned resident in the area was received. The observer attached a copy of their submission which was made to the PA at application stage.

In summary, the concerns raised relate to road & traffic safety (sightlines, absence of traffic data, traffic speed & volume along adjoining local road, capacity of lane, need for the appropriate application of TII guidelines), drainage concerns, failure to demonstrate a housing need and that the PA's decision contradicts previous decisions on this site.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including the third-party appellant's submission (the subject matter of this appeal), observation, undertaking a site inspection and having regard to the relevant policy-objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

The main issues in determining this appeal are as follows:

- Principle of Development /Compliance with Policy Objectives
- Drainage & Flooding
- Wastewater
- Roads & Traffic
- Impacts on Residential Amenities
- Other Matters.

## 7.1. Principle of Development / Compliance with Policy Objectives

### 7.1.1 Extension to Existing Structure

The proposed development relates to an existing derelict stone built cottage structure. From undertaking a site inspection, it is clear that this structure has not been in use as a habitable dwelling for many decades. The structure lies vacant and in a derelict state. I note that the appellant is of the view that the residential use with no associated services has been abandoned, and that rural housing need policy should therefore apply.

I submit that legislation does not provide us with a definition of a time limit for abandonment of use. Furthermore, I note that the reinstatement of abandoned residential buildings back to residential use in the rural area is supported by adopted policy, subject to compliance with certain stated criteria (CPO 6.43) and that the appropriate repair and reuse of vernacular buildings is also supported by adopted policy, with demolition discouraged (CPO 8.18).

There is no evidence provided to counter the findings of a Structural & Civil Engineer's Report entitled "SK 10 Engineering Specification to ensure the existing building integrity is maintained during extension and upgrade works", which was submitted and deemed acceptable to the PA at further information stage. The report details that the proposed structure is not increasing loads on the base of structure's walls and therefore, the absence of foundations under these stone wall is not deemed to be an issue. I see no reason to dispute the contents of this report which was undertaken by a suitably qualified person. I therefore concur with the conclusion reached by the PA that the structural integrity of the existing cottage structure would be maintained during extension and upgrade works.

In terms of the design of the extension sought, I am of the view that its design, siting and scale is appropriate in form and is sympathetic to the existing cottage. Should the Board be minded to grant permission, I suggest that a condition be attached which seeks that a Detailed Method Statement be submitted for the written approval of the PA which clearly demonstrates that all works to the existing structure will be carried out in a sensitive manner and that the works will make use of traditional and complementary materials, techniques and specifications, as required under policy objective CPO 6.43 of the CDP.

In light of the above and given that the structure's original stone walls are substantially intact and that the structure is of local historic interest, I am satisfied that the renovation and extension of the subject cottage structure would accord with the required criteria set out within policy objective CPO 6.43 and therefore that the proposal is acceptable in principle.

#### 7.1.2 Rural Housing Need

I am satisfied that there is no ambiguity within the adopted policy objectives of the CDP in regard to the applicability of rural housing need policy for Co. Wicklow. I note to the Board that the PA's rural housing need policy applies to new dwellings only (refer CPO 6.41, CDP). In this regard, notwithstanding that the existing cottage which is located within the Open Countryside (level 10) has no services and that the site is overgrown, it is clear that the proposed development seeks an extension to an existing dwelling, albeit in a derelict state. There is therefore no requirement for a rural housing need to be substantiated in this case.

Similarly, given the nature and extent of works sought, I am of the view that there are no grounds which necessitate the attachment of an occupancy clause, in the event that the Board is minded to grant permission. In reviewing the provisions of the CDP, I submit that the restricting of use of a dwelling/attachment of an occupancy clause applies only to new rural houses (refer CPO 6.42, CDP).

In this context, I disagree with the appellant's assertion regarding the proposal being sporadic development as the proposal relates to an established, derelict cottage.

#### 7.2. Drainage & Flooding

The matter of flood risk and drainage is a pertinent concern expressed by third parties. I note that the applicant has made no response to the matters raised in this appeal and that concerns on drainage were previously raised within site's planning history.

The site is located within the Ovoca-Vartry WFD catchment area. The site is not within an area identified as being at flood risk as per floodmaps.ie. Notwithstanding, I note the proximity of the subject site and adjoining residences sited to the west of this site to an existing watercourse.

In reviewing the documentation submitted, I note that the document entitled 'Engineering Report: Surface Water Management Plan,' prepared by Donal J Power & Associates provides no details (technical or otherwise) on how the flood plain as referenced and outlined in the Site Layout Plan presented in this case. It is unclear if the flood plain as delineated within the applicant's documentation was determined from historical mapping, or local knowledge, or just determined from site topography. In my view, there is therefore a gap in the information provided in terms of providing certainty on the extent of the flood plain within this site and to give the associated required certainty in regard to the site's drainage so as to allow for a full examination on the matter, as raised by third parties.

Furthermore, the applicant has not considered flood risk associated with the watercourse(s) at the site (fluvial), with the accompanying Engineering Report on surface water management focused solely on the potential risk of pluvial flooding. The location, extent and adequacy of the culvert of the "stream" that "runs between the property and the appellants site" should, in my opinion have also been provided. The concerns of the applicant in regard to discharge upstream of the culvert and modification of the watercourse downstream of the culvert are noteworthy.

In addition, I submit that required site levels are not shown on the Site Layout Plan, including those of adjoining lands and the appellant's property to allow for an understanding as to how the existing watercourse(s) interacts with adjacent property. The contour data on the Site Layout in the Site Characterisation Form document p26/27 refers to the subject site only.

In regard to the adjoining laneway, having visited the site, I am satisfied the matter of drainage associated with this laneway is not a matter which warrants refusal in itself. The laneway is an existing unsurfaced right-of-way which lies outside of the redline boundary. No development works are sought to laneway as part of the submitted application.

Overall, in light of the above, and whilst I note surface water calculations provided in support of this application, I am not satisfied that the applicant has sufficiently demonstrated that the matter of drainage and extent of flood plain/flood impact has been addressed, and I do not consider that this issue can be satisfactorily addressed

by condition. In the absence of same, I am of the view that it would be premature to grant permission at this time. I therefore recommend that permission be refused.

### 7.3. Wastewater

A completed Site Characterisation Form (SCF) which recorded a pass percolation test result, along with accompanying maps and photos were submitted at further information stage. I note that this test was undertaken in October 2021.

I concur with the appellants view in terms of the insufficiency of details in regard to on-site wastewater provisions. The trial hole log provided within the SCF does not reference bedrock, water table or groundwater ingress being encountered. However, a photographic image of the trial hole submitted in support of the Site Characterisation Report would appear to show water and or ingress within the trial hole at a depth undetermined.

Furthermore, whilst the proposed secondary wastewater treatment system and polishing filter is appropriately sized based on the percolation values achieved by the assessor, I submit that there is a lack of clarity pertaining to the invert level of the polishing filter. I note the following references within the SCF; 900mm of unsaturated material exists beneath the invert of the filter (Section 4.0), invert level of the SPF is at 850mm below ground level (Section 5) and Section 6.0 references depth of the filter at 900mm and then the filter invert at 200mm below ground level. Given the possibility of water ingress and the lack of clarity pertaining to the invert being proposed, it is my view that the applicant has not clearly demonstrated the ability of the site to adequately attenuate and dispose of effluent generated in a manner that is consistent with the requirements of the EPA's Code of Practice for Domestic Wastewater Treatment Systems Population Equivalent  $\leq 10$  (2021) (CoP).

Whilst the appellant raises concern on the siting of the proposed percolation area and treatment plant uphill from the adjoining stream, I submit that required minimum separation distance of 10m as set out within Table 6.2 of CoP can be achieved, which is the required standard. I am further satisfied that the separation distances from all features which are relevant in this case, as set out within Table 6.2 of the CoP can be achieved.

Given the photographic imagery within Fig 18, Fig 5F and Fig FG which date to 2021, as included within the appellant's submission and similar photograph accompanying the SCF and having recently visited the site which is substantially overgrown, I cannot be certain on the matter raised by the appellant on "made ground" and its significance to the outcome of this application.

Overall, in applying the methodology set out within the EPA's CoP, I am not satisfied that the application submitted has sufficiently demonstrated that the site is suitable for the installation of an on-site wastewater treatment system. For this reason, in the interest of public health and protection of groundwaters and surface waters, I recommend that permission be refused.

#### 7.4. Roads & Traffic

The appellant and observer have raised a number of concerns in regard to road and traffic safety. Whilst no detailed sightline information has been provided with the application, it is of relevance that the proposed development will utilise an established junction that connects the private cul-de-sac lane with the local road (L-1063-0). I note that Development Standard 2.1.9 (Entrances & sight lines) pertains to new junctions only and therefore there is no stated sightline distance standard applicable in this case. I disagree with the observer in respect of traffic volume along the adjoining local road.

I am satisfied that given the comparatively lightly trafficked nature of the serving local road and the likelihood of reduced traffic speeds due to the overall condition, width and alignment within a 60kph speed limit area, that adequate sightlines are available and therefore, the proposed development will not endanger public safety by reason of traffic hazard.

Whilst I somewhat concur with the appellant in terms of the capacity of the serving private laneway to accommodate traffic generated by this development given that it is unsurfaced, I do not consider that this matter warrants reason for refusal on its own. I note that an approximate 40m stretch of the lane would be utilised in accessing this site and that there are no further houses north of the site which utilise the lane. The matter of flooding associated with the laneway as raised by the appellant appears to relate to rainfall runoff arising from adjoining lands to the north. The existing stream

which adjoins the lane's western side, flows in a southwestern direction. I note that the PA raised no issues in this regard.

#### 7.5. Impacts on Residential Amenities

I have considered third party concerns in regard to impacts on residential amenities. The proposal relates to an established derelict cottage. Therefore, I consider that the matter of backland development and ribbon development are inaccurately raised in this case. While the development will be visible from adjacent households (west), this does not in itself give rise to impacts on residential amenities. In acknowledging that the proposal is sited close to the rear of 2(no) residences along its western extent, I am satisfied that it would not have a significant negative impact on residential amenities due to overlooking. This is due to its siting, design and orientation, with no windows proposed above ground floor on its western elevation and given the internal floor plan, with no overlooking issues arising from its proposed southern fenestration. I also note that the applicant proposes to retain existing trees and vegetation along its western boundary and that an existing watercourse forms a natural buffer between the site and established residences along its western boundary.

#### 7.6. Impacts on Ecology

In regard to the appellant's concern that a proposed trench fails to maintain the ecological or environmental quality of the adjoining watercourse, I am of the view that the proposal meets the required separation distances (10m) set out within Table 6.2 of the EPA CoP. Given this, the site's characteristics and that the applicant proposes to retain existing trees and vegetation along the site's western boundary, I am satisfied that the proposal will not result in any significant ecological devaluation, if permitted.

#### 7.7. Other Matters

In noting that the appellant contends that the PA's decision contradicts the site's planning history, I submit that this case is required to be assessed on its own merit, in accordance with the operative CDP and the submitted documentation.



A number of procedural matters were raised with respect to the validity of the development description given that works including retaining walls, cut & fill or excavation works, and works in managing surface water & flooding are not referenced. Further concerns were raised on the sufficiency of details in terms of the Site Characterisation Form and accompanying details, inaccurate details provided on submitted drawings on adjoining watercourse and the need for additional details on flood risk. I am satisfied that these raised matters did not prevent concerned parties from making representations.

Whilst the appellant refers to IFI Guidelines, I submit that the proposed development relates to an already established dwelling in a rural area and on-site wastewater provisions have been examined in accordance with the relevant Code of Practice.

I am satisfied that matters raised by Irish Water regarding the confirmation of a water connection can be suitably addressed by way of condition should the Board decide to grant permission.

There is no evidence to suggest that the proposed development would depreciate the value of adjoining property and the matter of home insurance lies outside of the Board's remit in this case.

Finally, I have considered the matters raised on Appropriate Assessment. I am satisfied that the proposal has been examined in accordance with the requirements of The Habitats Directive and that a Natura Impact Statement is not required. I refer the Board to 'Template 2: Screening the need for Appropriate Assessment Finding of no likely significant effects' which is appended to this report.

## **8.0 AA Screening**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works – Extension to an existing cottage, new percolation area with on-site wastewater system and all associated works.
- Location - Distance from nearest European site and lack of direct connections. The site with an established cottage is located in a rural area, in excess of 3.9km west from the nearest European site.
- Taking into account screening determination by the PA.

[Refer: Template 2 Screening the need for Appropriate Assessment Finding of no likely significant effects report form attached to this assessment].

## 9.0 Recommendation

I recommend that planning permission should be refused for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

1. In the absence of sufficient documentation with this application in regard to the site's suitability for the proposed on-site effluent treatment system and polishing filter, it is considered that to permit the development proposed may be prejudicial to public health and may pose a significant risk to groundwaters and surface waters. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. In the absence of sufficient documentation with this application in regard to proposed on-site drainage and the extent of flood plain within the subject site's boundary along with the site's location and proximity to an adjoining watercourse, and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be prejudicial to public health and safety, would be contrary to policy objective CPO 14.10 of the Wicklow

County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

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.

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Paula Hanlon  
Planning Inspector

19 February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	319593		
<b>Proposed Development</b> <b>Summary</b>	Construction of an extension to a derelict cottage with waste water treatment system and all associated site works.		
<b>Development Address</b>	Killiskey, Ashford, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	X		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>Yes</b>		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
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<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: 19/02/2025

## **Template 2: Screening the need for Appropriate Assessment Finding of no likely significant effects**

### **Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed development which comprises the construction of an extension to a derelict cottage with new percolation area, wastewater treatment system and all associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises:

- Proposed new one and half storey extension (85m<sup>2</sup>) onto an existing low profiles cottage (40m<sup>2</sup>)
- The existing cottage which is notated on submitted plans as comprising of 2 rooms - a kitchen/dining area and bedroom is sought to be converted into 2(no) bedrooms, ensuite and hallway.
- Associated Works.
- Water supply would be provided via a new connection sought to Uisce Eireann's network and a proposed new percolation area and on-site wastewater treatment plant is sought to treat wastewater generated.

The site is within a rural area. Its topography slopes downwards in westerly direction, towards an adjoining watercourse, with the footprint of the established cottage on a flat terrain. There are no protected habitats on the proposed development site. The majority of habitats present include Buildings and Artificial Surfaces, Amenity grassland and scattered trees, hedging and overgrowth.

No issues were raised by prescribed bodies during the consultation process.

The appellant raised concerns that no AA screening was submitted and considers that a Natura Impact Statement should have been provided given the site's proximity to an adjoining stream which provides an indirect hydrological link to the

coast/Natura 2000 sites, the site's characteristics and insufficiency in details submitted in respect of drainage, flooding and the adjoining watercourse.

The PA determined that the proposed development is not likely to give rise to significant effect on a Natura 2000 site.

### **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 or Special Protection Area (SPA).

- **Special Protection Area: The Murrough SPA (Site Code 004186)**

The boundary of the nearest European Site is c.3.9m, being The Murrough SPA (004186) which is located east of this site. The qualifying interests for this SPA include: Red-throated Diver (*Gavia stellata*) [A001]; Greylag Goose (*Anser anser*) [A043]; Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]; Wigeon (*Anas penelope*) [A050]; Teal (*Anas crecca*) [A052]; Black-headed Gull (*Chroicocephalus ridibundus*) [A179]; Herring Gull (*Larus argentatus*) [A184]; Little Tern (*Sterna albifrons*) [A195] and Wetland and Waterbirds [A999].

Its conservation objectives are to maintain favourable conservation condition and to restore the favourable conservation condition of the site's qualifying interests as defined by a list of attributes and targets.

- **Special Area of Conservation: The Murrough Wetlands SAC (Site Code 002249)**

The boundary of The Murrough SAC (004186) is also located c. 3.9 east of this site. The qualifying interests for this SAC include: annual vegetation of drift lines [1210]; perennial vegetation of stony banks [1220]; atlantic salt meadows (*Glaucopuccinellietalia maritimae*) [1330]; mediterranean salt meadows (*Juncetalia maritimi*) [1410]; calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210] and alkaline fens [7230]. Its conservation objectives are to restore the favourable conservation condition of the site's qualifying interests, which are defined by a list of attributes and targets.

Other European Site's include:

- Deputy's Pass Nature Reserve SAC (000717) located c.9.9km south of site). Its qualifying interest is Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
- Wicklow Mountains SAC (002122) located c. 6.1km west of site. Its qualifying interests are Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]; Natural dystrophic lakes and ponds [3160]; Northern Atlantic wet heaths with *Erica tetralix* [4010]; European dry heaths [4030]; Alpine and Boreal heaths [4060]; Calaminarian grasslands of the *Violetalia calaminariae* [6130]; Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]; Blanket bogs (\* if active bog) [7130]; Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]; Calcareous rocky slopes with chasmophytic vegetation [8210]; Siliceous rocky slopes with chasmophytic vegetation [8220]; Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] and *Lutra lutra* (Otter) [1355].
- Carriggower Bog SAC (000716) located c.7.8km north of site. Its qualifying interests are transition mires and quaking bogs [7140].
- Wicklow Reef SAC (002274) is located c.10.6km southeast of site. Its qualifying interests are reefs [1170].

There is no direct or indirect physical, or ecological linkage connecting the project site to any European site.

Having viewed the Environmental Protection Agency's AA Mapping Tool and having visited the site, I note that there is no direct hydrological connection(s) between the development proposed and any European Site(s). In regard to the appellant's concerns, I submit that the existing watercourse which adjoins the site's western boundary connects with an adjoining watercourse which flows in a southerly direction, within proximity to the R764, with varying landuses including agriculture, road and forestry between it and its connection with the Vartry River, and thereafter into the sea. Given the nature and scale of the proposal, the site's location and



separation distance from the European Sites and the intervening vegetated buffers, any likely significant effects on any European site are excluded.

**Likely impacts of the project (alone or in combination)**

The proposed development works will be contained within a site which already has an existing structure. Wastewater generated on site to be discharged and treated to a proposed new percolation area and wastewater treatment system and surface water to be attenuated on site via an infiltration trench and to drainage network. The nearest watercourse is located along the site's western boundary. No changes are proposed to the ecological function of the site and no disturbance impacts or habitat loss are identified.

Given the nature, siting and scale of the development, at both construction and operation stage, within an rural area, coupled with separation distance to the nearest European Sites, in excess of 3.9km and in examining the qualifying interests of these sites, the proposed development is not likely to impact either directly or indirectly on these European site as no direct physical, hydrological or ecological linkage exists between the project site and these European sites.

No ex-situ effects are likely having regard to the characteristics of the site which consists of an established vacant and derelict cottage on a rural site. The proposed new extension would be located within the general area of the existing cottage. The site is located in the vicinity of existing detached houses on individual sites.