



An
Coimisiún
Pleanála

Inspector's Report PL-500015-WW

Development	Erection of a detached 2-storey house and all associated site works.
Location	Glendarragh Lane, Glendarragh, Newtownmountkennedy, Co. Wicklow, A63 HF43
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	25/60290
Applicant(s)	Jack Miller.
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Sean and Ann Owens.
Observer(s)	None
Date of Site Inspection	6 th January 2026
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Glendarragh, 2km northwest of Newtownmountkennedy village.
- 1.2. It is situated in a linear cluster of 9 single-storey residential dwellings on the northern side of Glendarragh Lane – a rural road, which runs in a southwest-northeast direction off local road L-1051-14. This lane provides direct access to the site.
- 1.3. Kilmurry forest is located to the south of the site and the area is predominantly agricultural in nature with a number of existing dwellings in the immediate vicinity.
- 1.4. The appeal site forms part of a larger landholding which contains an existing dwelling to the west of the site with a gated vehicular access and is home to the applicants parents. The third-party appellants to the decision of the PA own the property East Hill Organic Farm located to the east of the appeal site.
- 1.5. The site slopes upwards from the roadside and is heavily screened with mature vegetation. The subject site as outlined in red contains part of an existing field located to the east of the existing driveway/access route to the existing dwelling to the west. This tarmacked access route also extends to the north providing access to other agricultural lands and to the east serving existing stables.
- 1.6. The subject site has a stated area of approx. 0.330ha.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 16/04/2025.
- 2.2. With further plans and details submitted on 15/08/2025 following a further information request dated 03/06/2025 with revised public notices received 15/08/2025.
 - 2.2.1. The proposal as amended comprises;
 - Construction of house with external finishes to be white/off-white coloured render and grey slate roof. The floor area of the proposed 3-bedroom house is stated as 231.7sqm (185sqm at gf + 46.74sqm at ff). The roof profile of the part two storey and part single storey house comprises a pitched roof with a ridge height of 6.94m and 5.49m respectively.

- Installation of a new wastewater treatment system and new on site domestic well. The WWTS comprises of SEPCON BAF PE6 WWTS and 45sqm soil polishing filter.
- Change of ground levels.
- Access is proposed via the existing entrance from Glandarragh Lane which serves another dwelling located to the west on the landholding. Existing roadside trees along the boundary with Glandarragh Lane are to be removed with new boundary tree planting proposed.
- Retention of existing shed (15sqm) and existing tarmac driveway extending from the entrance to the site to the northern boundary and to the east serving the existing shed.

2.2.2. The application is accompanied by the following;

- Planning Report – Planning Consultant
- Architects Design Statement
- Landscape Plan
- Site Characterisation and Assessment Report
- Letter of consent from landowner/applicants parents (Anne and Robert Millar)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following receipt of Further Information, the planning authority granted planning permission subject to 11 conditions.

Conditions

The planning authority placed the following conditions of note:

Condition 2 – First Occupancy requirement for a period of 7 years

Condition 3 – Development contribution of €8,657 in accordance with Wicklow County Council Development Contribution Scheme.

Condition 4 – WWTS requirements

Condition 5 – Hours of operation

Condition 6 and 10 – Surface water drainage requirements

Condition 7 – Landscaping

Condition 8 – Roof finish

Condition 9 – External finishes

Condition 11- Restriction on use of shed for private domestic use only.

3.1.2. In reaching this decision, the Planning Authority sought Further Information (RFI) in respect of a range of matters including:

1. Compliance with Table 6.3/Policy Objective 6.41 and need to demonstrate housing need.
2. Landscaping proposals to accord with the Single Rural Houses: Design Guidelines for New Homes in Rural Wicklow (Appendix 2 of the CDP 2022-2028).
3. Revised design to accord with The Design Guidelines for New Houses in Rural Wicklow,
4. Reasoned justification for the retention of the tarmacked internal roadways which provide access to what appears to be an agricultural field.
5. Details of surface water drainage that mitigate surface water entering the road.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- Following receipt of FI the planner's report concluded that the documentation submitted to support the applicant's housing need under Objective 6.41 was deemed appropriate and the planner concluded that the proposal met Development Plan requirements and was acceptable.
- The Landscape Plan, Revised Architects Design Statement and drawings submitted illustrate the revised design approach which is far more

sympathetic to the accepting site and consistent with the Design Guidelines for New Houses in Rural Wicklow.

- The application and further information received also satisfied the planner that the use of the lands to the north as a small forestry area which requires access for vehicles and machinery has sufficiently justified the requirement for internal hard surfaced roads.
- The provision of new drainage measures is noted, but it is unclear if these are suitable for the effective drainage of surface water for the site, there does not appear to be any additional SUDS interventions proposed. Recommends that prior to development that written confirmation is sought that the proposed interventions are acceptable.

3.2.2. Other Technical Reports

- **EHO:** Report dated 28/04/25 raised no objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A third-party observation and a further observation in response to the further information request from the same party was submitted to the PA. The issues raised are similar to those raised by the third-party appellant in the grounds of appeal.

4.0 Planning History

Site to North of Appeal Site

PA Reg. Ref. 24/60121 – Permission **refused** 30/09/2024 for the erection of one detached house containing three floor levels and providing three bedrooms, an open plan kitchen / dining / living area along with ancillary bathroom, hallway and utility accommodation, the installation of a Sepcon 2000 secondary sewage treatment system and polishing filter, the drilling of a well for domestic water supply purposes, the shared use of an existing vehicular entrance and driveway (the latter of which is

to be extended) off Glendarragh Lane, the provision of a garden, a private driveway into the site itself and a car parking area, as well as all associated or ancillary site works, including a change of ground levels to Jack Miller.

The reasons for refusal

1. Objective CPO 6.4 of the County Development Plan 2022-2028 provides that all new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2). The proposed development is located on an elevated site in a landscape Area of High Amenity (the North East Mountain Lowlands) and, due to its siting a distance from the public road and existing development and inclusion of an excessively long driveway, would form an incongruous and intrusive feature on the landscape. The development would therefore be contrary to the guidelines and objectives of the County Development Plan, and to proper planning and sustainable development of the area.
2. The proposed development would represent consolidation of un-authorized development on this site, having regard to the existing extended driveway on site for which no permission exists. The provision of such a form of development unduly impacts on the amenities of the area, public health, the amenities of adjoining properties, undermines the planning regulations and would be contrary to the proper planning and sustainable development of the area.

PA Reg. Ref. 03/9835 – Permission **granted** 01/04/2004 for person with special needs for a 2 storey extension comprising of 300sqm onto the existing 87sqm residence to Anne and Robert Millar.

PA Reg. Ref. 99/1084 – Permission **granted** 14/01/2000 for retention of alterations and extension to existing dwellinghouse and site works and permission for new septic tank to Anne and Robert Millar.

PA Reg. Ref. 98/9100 – Permission **granted** 29/03/1999 for new Agricultural entrance to Anne Millar.

Site to the West of Existing House

PA Reg. Ref. 24/67 ABP-321252-24 Permission **granted** 01/07/2025 for construction of a dwellinghouse, wastewater treatment system to EPA standards, garage, entrance, driveway and associated works, all at Glendarragh, Newtownmountkennedy, County Wicklow to Niamh Kavanagh.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022-2028

Chapter 4 Settlement Strategy

The subject site is located in Level 10: Rural (Open Countryside)

CPO 4.10 To support the sustainable development of rural areas by encouraging growth while managing the growth of areas that are under strong urban influence to avoid over-development.

CPO 4.14 To ensure key assets in rural areas such as water quality and natural and cultural heritage are protected to support quality of life and economic vitality.

CPO 4.15 To protect and promote the quality, character and distinctiveness of the rural landscape.

Chapter 6 Housing- Section 6.4 Housing Objectives

CPO 6.1 New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.

CPO 6.4 All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

CPO 6.40 Where permission is sought for residential development in a settlement with occupancy controls the applicant will be required to show compliance with objectives for that settlement set out in this plan and to lodge with the Land Registry a burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling(s) for a period of 7 years in accordance with the relevant objective.

Housing in the Open Countryside

CPO 6.41 Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in **Table 6.3**.

In the event of conflict of any other settlement strategy objective / Landscape Zones and categories, a person who qualifies under policy CPO 6.41 their needs shall be supreme, except where the proposed development would be a likely traffic hazard or public health hazard.

With regard to the preservation of views and prospects, due consideration shall be given to those listed within the area of the National Park; and with respect to all other areas, to generally regard the amenity matters, but not to the exclusion of social and economic matters. The protection and conservation of views and prospects should not give rise to the prohibition of development, but development should be designed and located to minimise impact.

Table 6.3

Table 6.3 sets out a number of criteria that may fulfil rural housing policy standards, and these include.

- **Economic Need** - The Planning Authority recognises the rural housing need of persons whose livelihood is intrinsically linked to rural areas subject to it being demonstrated that a home in the open countryside is essential to the making of that livelihood and that livelihood could not be maintained while living in a nearby settlement.
- In this regard, persons whose livelihood is intrinsically linked to rural areas may include:
 - (a). Those involved in agriculture - The Planning Authority will positively consider applications from those who are engaged in a significant agricultural enterprise and require a dwelling on the agricultural holding that they work. In such cases, it will be necessary for the applicant to satisfy the Planning Authority with supporting documents that due to the nature of the agricultural employment, a dwelling on the holding is essential for the ongoing successful

operation and maintenance of the farm. In this regard, the Planning Authority will consider whether there is already a dwelling / dwelling on the farm holding when determining if a new dwelling can be justified.

(b). Those involved in non-agricultural rural enterprise / employment The Planning Authority will support applications from those whose business / full time employment is intrinsically linked to the rural area that can demonstrate a need to live in the vicinity of their employment in order to carry out their full-time occupation. The Planning Authority will strictly require any applicant to show that there is a particular aspect or characteristic of their employment that requires them to live in that rural area, as opposed to a local settlement. Where an applicant's case for a new dwelling on the basis of economic need is based on establishing a new or alternative agricultural / non-agricultural rural enterprise and they have no previous experience in agriculture / rural enterprise, the Planning Authority shall not consider the above requirements met until the applicant can show that the new agricultural / non-agricultural rural enterprise has been legally and continuously ongoing for at least 5 years prior to the making of the application for a dwelling, and is the applicant's primary occupation and source of income. Applicants whose proposed business is not location-dependent will not be considered.

(c). Other such persons as may have definable economic need to reside in the open countryside, as may arise on a case-by-case basis.

- **Social Need** - the Planning Authority recognises the need of persons intrinsically linked to rural areas that are not engaged in significant agricultural or rural based occupations to live in rural areas. In this regard, persons intrinsically linked to a rural area may include:
 - Permanent native residents of that rural area (including Level 8 and 9 settlements) i.e. a person who was born and reared in the same rural area as the proposed development site and permanently resides there;
 - A former permanent native of the area (including Level 8 and 9 settlements) who has not resided in that rural area for many years (for example having moved into a town or due to emigration) but was born and reared in the same rural area as the proposed development site,

has strong social ties to that area, and now wishes to return to their local area.

- A close relative who has inherited, either as a gift or on death, an agricultural holding or site for his/her own purposes and can demonstrate a social need to live in that particular rural area,
- The son or daughter of a landowner who has inherited a site for the purpose of building a one-off rural house and where the land has been in family ownership for at least 10 years prior to the application for planning permission and can demonstrate a social need to live in that particular rural area,
- Persons who were permanent native residents of a rural area but due to the expansion of an adjacent town/village, the family home place is now located within the development boundary of the town/village.
- Local applicants who are intrinsically linked to their local area and, while not exclusively involved in agricultural or rural employment, have access to an affordable local site.
- Local applicants who provide care services to family members and those working in healthcare provision locally; and
- Other such persons as may have a definable strong social need to live in that particular rural area, which can be demonstrated by way of evidence of strong social or familial connections, connection to the local community / local organisations etc as may arise on a case-by-case basis.

Other Policy Objectives

CPO 6.42 Where permission is granted for a single rural house in the open countryside, the applicant will be required to lodge with the Land Registry a burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling for a period of 7 years to the applicant, or to those persons who fulfil the criteria set out in Objective CPO 6.41 or to other such persons as the Planning Authority may agree to in writing.

CPO 6.44 To require that rural housing is well-designed, simple, unobtrusive, responds to the site's characteristics and is informed by the principles set out in the Wicklow Single Rural House Design Guide. All new rural dwelling houses should demonstrate good integration within the wider landscape.

CPO 6.45 Subject to compliance with CPO 6.41 (rural housing policy), the Council will facilitate high quality rural infill / backland development in accordance with the design guidance set out in the Wicklow Rural House Design Guide provided that such development does not unduly detract from the residential amenity of existing properties or the visual amenities of the area, or the rural character and pattern of development in the area and does not result in a more urban format of development.

CPO 6.46 Subject to compliance with CPO 6.41 (rural housing policy), the Council will facilitate a new dwelling house that results in the creation of a rural cluster layout provided that such development is of a high-quality design, meets all requirements in terms of public health and safety and does not unduly impact on the residential amenity of neighbouring properties.

Appendix 2 of the Development Plan contains the Single Rural Housing Design Guidelines for County Wicklow.

Chapter 12 – Sustainable Transport

CPO12.34 The design of new roads or improvements to existing local roads and new means of access onto roads shall generally comply with the guidance set out in the 'Design Manual for Roads & Bridges' DMRB (TII), the 'Design Manual for Urban Roads and Streets' DMURS (DTTA-DHPLG), the 'Traffic Management Guidelines' (DoT-DoELG-DTO) and 'Recommendations for Site Development Works for Housing Areas' (DoELG) as appropriate as may be amended and revised, unless local conditions determine otherwise.

CPO 12.54 Rural local roads shall be protected from inappropriate development and road capacity shall be reserved for necessary rural development.

Chapter 13 – Water Services

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.

Chapter 17 – Natural Heritage and Biodiversity Wicklow Count

CPO 17.35 All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

CPO 17.38 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

5.2. National Policy/Guidance

- 5.2.1. 'Housing For All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for

people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,
- Built to a high standard in the right place,
- Offering a high quality of life.

5.2.2. Project Ireland 2040- National Planning Framework –(NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

NPO 3b seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

NPO 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2.3. The Revised National Planning Framework (April 2025) recognises the need to plan for a population of between 6.1 to 6.3 million people by 2040, and plan for approximately 50,000 units per annum over that period, to meet additional population and employment growth over and above the original 2018 NPF projections. This reflects the latest research and modelling by the Economic and Social Research

Institute (ESRI), which forecasts substantial population growth over the next decade. The Revised NPF, with the subsequent provision of updated planned housing requirements at a local authority level, aims to ensure that housing supply meets both new demand and addresses existing need, creating a sustainable future for housing in Ireland.

In order to ensure that the revised population projections and related housing requirements can be delivered on, service provision will also require co-ordination and prioritisation to ensure that the necessary infrastructure is in place, both to support and enable housing development to take place, and to ensure that housing delivery is aligned with the provision of services and facilities for communities. This includes the provision of education, childcare, healthcare and recreational facilities to support the expansion of existing settlements and the creation of new sustainable communities.

The implementation of the NPF will continue to align with the National Development Plan and form as one single vision for Ireland under 'Project Ireland 2040' to be fully supported by the Government's investment strategy for public capital investment and investment by the State sector in general.

NPO 24 seeks to support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

NPO 28 seeks to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory

guidelines and plans, having regard to the viability of smaller towns and rural settlements

5.2.4. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.

The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Climate Action Plan 2025 builds upon the previous year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.2.5. Ireland's 4th National Biodiversity Action Plan 2023–2030 - Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

5.3. Sustainable Rural Housing Guidelines (2005)

Under the Sustainable Rural Housing Guidelines (2005), planning authorities are required to frame the planning policies in their development plans in a balanced and measured way that ensures the housing needs of rural communities are met, while avoiding excessive urban-generated housing.

The Guidelines set out relevant planning criteria to be applied in local authority development plans for rural housing, making a distinction between urban and rural generated housing need. The Guidelines allow county development plans to provide for housing in the countryside based on the considerations of social (intrinsic part of the rural community) or economic (persons working full or part time in rural areas) need are to be applied by planning authorities in certain rural areas.

Circular PL 5/2008 - Rural Housing Policies and Local Need Criteria in Development Plans.

This Circular directed all local authorities to examine their current (or draft) development plan policies and practices to ensure compatibility with the provisions of Articles 43 and 56 of the EC Treaty (Freedom of Establishment and Free Movement of Capital). It states the following:

‘Development plan policies based on section 3.2.3 (“Rural generated housing”) of the Sustainable Rural Housing Guidelines should continue to apply, in that persons who are an intrinsic part of the rural community, or persons working full-time in rural areas, should be favourably considered in relation to rural housing. Notwithstanding the above, a bone fide applicant who may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration within the proper planning and sustainable development objectives for the area subject to the following considerations:

- *Such applicants may reasonably be required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, in order, for example, to discourage commuting to towns or cities;*

- *That they outline how their business will contribute to and enhance the rural community; and*
- *That they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage applicants whose business is not location dependent'*

5.4. **Natural Heritage Designations**

The nearest designated site is Carriggower Bog Special Area of Conservation (Site Code 000716) located 1.9km to the northwest.

5.5. **EIA Screening**

- 5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.
- 5.5.2. EIA Pre-Screening is attached as Appendix 1 and EIA Preliminary Examination is attached as Appendix 2 of this report.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. A third-party planning appeal against the planning decision of the PA to grant permission was lodged. The grounds of appeal can be summarised as follows;
- Subject site has a history of unauthorised developments and refers to recent refusal of permission for a house under PA Reg. Ref. 24/60121.
 - Query the applicants rural housing need and whether their needs could be met in the local village.

- Non-compliance with Policy Objective CPO 6.41 and housing need.
- Response to FI request in relation to compliance with the requirements of Table 6.3 refers to previously refused application under Reg. Ref. PA 24/60121. Applicant has not demonstrated an Economic or Social need to live in a rural location.
- Tarmacadam drive was constructed approx. 5 years before tree planting commenced and would not be the norm to any forest. Contend that this road was part of the ground work for future development and to provide access to the unauthorised building to the north of the road.
- Ground and surface water issues on site have not been addressed.
- Precedent of objections by the applicant to other proposed developments on Glendarragh Lane.
- Overdevelopment on this part of Glendarragh Lane an Area of Outstanding Beauty.

6.2. Applicant Response

6.2.1. A response to the appeal was prepared by a planning consultant on behalf of the applicant, and contains the following relevant information:

- Note planning history relating to the appellants and the applicants families.
- Note the grant of permission by the PA for the previously unauthorised driveways, which did not harm the environment or amenity of the area.
- Submit applicant has demonstrated close social/family ties with the area and the subject site is located on the family landholding.
- Accept appellants case that supporting documentation was not initially submitted with the application.
- Dispute claim that response to further information does not include updated information, as applicants response included updated versions of statutory declaration and a supplementary application form.

- Tarmacadam Driveway – No particular visual or technical disadvantage identified by the appellant.
- Claim that the issue of surface water and ground waste have not been adequately addressed is not substantiated. Recommend suitably worded conditions as attached under ABP-321252-24.
- Precedent – Submit the PA or the Commission are not bound by precedent.

6.2.2. The response was accompanied by a copy of the Planning Consultants report in relation to the previous application under PA Reg. Ref. 24/60121.

6.3. **Planning Authority Response**

- None received.

6.4. **Observations**

- None received.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. I would draw the attention of the Commission to the planning history on site.

7.1.2. An application for permission for a similar development, by the same applicant on a different site located to the north of the appeal site was refused by the PA under Reg. Ref. 24/60121 (September 2024). The decision of the PA was not subject of an appeal to the Commission.

7.1.3. The current application, for a smaller dwelling (two storey rather than three), on a different and lower site on the landholding seeks to address the previous reasons for refusal under PA Reg. Ref. 24/60121. The site as outlined in red also includes the extent of the existing driveway which is to be retained and was previously excluded under 24/60121.

- 7.1.4. There have been no significant changes in planning policy, the same County Development Plan applies. The main national policy changes relate to the revised National Planning Framework and Climate Action Plan CAP 2025.
- 7.1.5. The main issues are those raised in the planning application and the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:
- Compliance with Rural Housing Policy
 - Design
 - Visual Impact/Landscape
 - Drainage
 - Precedent
 - Traffic Safety/Sightlines

7.2. Compliance with Rural Housing Policy

- 7.2.1. The third-party appellant submits that applicant has not demonstrated compliance with the Rural Housing Policy, on the basis of rural housing need. Specifically, it is submitted that the applicant has not demonstrated an Economic or Social need to live in a rural location and that the proposed development is contrary to rural housing policy as set out in the Wicklow County Development Plan (CDP) 2022-2028.
- 7.2.2. The site is within an area identified as Level 10: Rural (Open Countryside) in the Wicklow CDP 2022-2028. The issue of compliance with Policy Objective CPO 6.41 of the Development Plan requires meeting the housing need criteria of either social or economic linkages in Table 6.3 and this criterion is contained in Section 5.1 of this report.
- 7.2.3. In terms of social linkages, Section 3.2.3 of the Sustainable Rural Housing Guidelines states the rural generated housing need relates to people who are an intrinsic part of the rural community. Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who

have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence.

- 7.2.4. In terms of economic-related housing need, Section 3.2.3 of the guidelines states that such circumstances will normally encompass persons involved in full-time farming, forestry, inland waterway or marine related occupations, as well as part time occupations where the predominant occupation is farming/natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within rural areas.
- 7.2.5. No information was submitted with the planning application to the PA in support of the applicants housing need. The PA subsequently sought further information in relation to compliance with Table 6.3/Policy Objective 6.41 and need to demonstrate housing need. The initial Planners report also noted that the applicant was deemed to qualify for a rural dwelling following a further information request under PRR 24/60121.
- 7.2.6. In response to F.I. Request (item 1 relating to Objective CPO 6.41) the applicant submitted a large amount of documentation in addition to what was submitted with the planning application to demonstrate proof of residency.
- 7.2.7. This included a sworn legal declaration dated 2nd February 2024 that the applicant had never bought or built a house, and further proof of long-term occupancy of family home address in the form of bills, drivers licence, and bank letters, correspondence addressed to the applicant at Glendarragh from 2015 – 2023 inclusive. This is in addition to confirmation of his employment, with Amazon, a birth certificate, providing family ties and school records from St Laurence O’Toole NS in Roundwood, Co. Wicklow (2008 – 2011), and from Blackrock College (2012 – 2017), secondary school to show early life in the area. The applicant entered full time employment with Amazon Data Services Ltd after finishing third level education. The location of the applicants employment is stated as in Ballsbridge, Dublin 4.
- 7.2.8. I accept the case made by the appellants that the response to the PA refers to previously refused application under Reg. Ref. PA 24/60121. I would also note that

by necessity, the majority of the supporting documentation submitted is dated prior to and including 2023.

- 7.2.9. I am satisfied that the documentation verifies that the applicant has an intrinsic social link to the Glendarragh area, meeting the criteria in Table 6.3, having been reared on the family landholding in the Glendarragh townland, and having been an intrinsic part of the local community, and is still permanently residing in the family home on the adjoining site. It is clear that sufficient evidence has been produced to demonstrate functional social and economic need to live in the open countryside in accordance with the requirements set out in Objective CPO 6.41 and the corresponding Table 6.3 in the Development Plan.
- 7.2.10. The appellant is correct to state that in line with the Development Plan new housing should first be directed to serviced settlements in the interests of proper planning and sustainable development. However, the overarching aim of the Rural Housing Guidelines is to ensure that people who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures.
- 7.2.11. The appellant refers to the case where a single dwelling was refused in the adjacent townland. In the relevant case Reg. Ref. 19/164 and ABP-304432-19 permission was refused by Wicklow County Council for a single rural dwelling in Easthill, Newtownmountkennedy and subsequently refused by the Coimission following a first party appeal. Wicklow County Council refused the application for two reasons.
- 7.2.12. Firstly, the site was in an area of strong urban influence, and the applicant could not demonstrate housing need through economic or social links. Secondly, the farm plot size was deemed too small to be a working farm that required housing and would set a bad precedent for the balanced orderly development of rural areas. In the subsequent appeal, the Coimission found in their single reason for refusal that the applicant had failed to satisfactorily meet the criteria in Table 6.3 and could not provide a demonstrable functional social or economic need to reside in the open countryside.
- 7.2.13. In the subject case at Glendarragh, the submitted documentary evidence in both the application and the follow-up response to the FI request is satisfactory confirmation of housing need. The applicant can demonstrate intrinsic social linkages to the

community from early life to current permanent residency in the family home on the family landholding. As the planner's report stated, the issue of qualification was resolved in the initial F.I response with the receipt of further documentation demonstrating both economic need and intrinsic social links. I am satisfied with that conclusion.

7.2.14. I have also had regard to the details provided in the Supplementary Application Form Part B (lodged with the application 16/04/2025) and am satisfied on the basis of information provided in terms of residency and employment that the applicant satisfies the requirements of Objective CPO 6.41 of the Rural Housing Policy.

7.2.15. It should be noted that the planning authority seeks to attach an occupancy restriction (Condition 2), which ensures that the proposed dwelling is used to meet the applicant's stated housing need and that development in this rural area is appropriately restricted in accordance with the rural settlement strategy for County Wicklow. I recommend that in the event of a grant of permission a similar Section 47 occupancy condition is attached.

7.2.16. I consider that the applicant does satisfy the qualifying criteria for a rural generated house as set out in National Policy Objective 19 of the National Planning Framework and National Policy Objective 28 of the Revised National Planning Framework. These require that an economic or social need to live within rural areas under urban influence is demonstrated in facilitating the provision of rural dwellings.

7.2.17. In conclusion, I therefore consider that the application would be acceptable under the provisions of the Wicklow County Development Plan 2022-2028 in relation to the issue of rural housing policy.

7.3. Design/Visual Impact/Landscape

7.3.1. Objective CPO 6.4 of the County Development Plan 2022-2028 provides that all new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

7.3.2. The proposed development is located on an elevated site in a landscape Area of High Amenity (the North East Mountain Lowlands).

- 7.3.3. The proposed dwelling is located on a lower part of the overall landholding and downhill from the previous site identified under PA Reg. Ref. 24/60121, which was refused permission by the PA on the basis that it would form an incongruous and intrusive feature on the landscape.
- 7.3.4. I have had regard to the Architects Design Statement submitted with the application and as revised in response to the further information request. I have also had regard to the proposed contextual, contiguous section drawings which illustrate the proposed house and existing shed relative to the proposed site levels and adjoining house to the west as viewed from the public road to the south.
- 7.3.5. The part single storey part two storey house as modified in response to concerns raised by the PA is in my opinion not excessive in scale bulk, massing or height. I am satisfied that the proposed dwelling house can be assimilated into the site.
- 7.3.6. I note the initial proposal (as indicated on the site layout plan) to remove some of the existing mature trees along the southern roadside boundary and would share the concerns of the PA in relation to their removal.
- 7.3.7. I have examined the Landscape Plan prepared by a landscape architect submitted in response to the further information request. The landscape proposals provide for the retention of existing mature trees along the southern roadside boundary along with a significant additional tree planting along site boundaries, to the existing driveway to be retained and the proposed house to be constructed.
- 7.3.8. I am satisfied that the amended design and landscaping proposals accord with the Single Rural Houses: Design Guidelines for New Homes in Rural Wicklow (Appendix 2 of the CDP 2022-2028).
- 7.3.9. I would also note that the site is bounded further to the south by existing forestry and that the eastern boundary of the site is adjoined by mature planting, both of which will help screen the visual impact of the proposed dwelling from adjoining properties.
- 7.3.10. I am therefore, satisfied that the proposed dwelling and associated driveway and shed to be retained would not form an incongruous and intrusive feature on the landscape. The development would be in accordance with the guidelines and

objectives of the County Development Plan, and to proper planning and sustainable development of the area.

7.4. Unauthorised Development

- 7.4.1. The third-party appellant has raised concerns in relation to the purpose of the existing driveway which was constructed without the benefit of planning permission.
- 7.4.2. I would share the concerns raised by the PA in relation to the extent of the existing hard surface internal roadways and have considered the applicants response to the further information request.
- 7.4.3. The applicants have indicated that the internal roadways are intended to provide for heavy vehicular access to forestry lands in the applicants parents ownership located beyond the application site to the north.
- 7.4.4. It is submitted that as the roadway is the only access, to these lands and is proposed to be also used by the proposed dwelling, and that a more temporary surface would cause unreasonable and unmanageable damage to road surfaces. I consider this a reasonable case.
- 7.4.5. I am satisfied that the full extent of this existing driveway which is included in the current application to be retained serves the existing house, agricultural lands to the north and the subject site and existing stables.
- 7.4.6. I can confirm from my site visit that this driveway is constructed to a high standard and although not the norm in a rural area is none the less considered acceptable in the context of the current proposed development on site.
- 7.4.7. I am further satisfied that the current proposal which includes the extended existing driveway largely addresses the second reason for refusal under PA Reg. Ref. 24/60121 and would not be contrary to the proper planning and sustainable development of the area.

7.5. Foul and Surface Water Drainage

- 7.5.1. The third-party appellant has raised concerns in relation to ground and surface water issues on site which it is submitted have not been addressed in the application.

- 7.5.2. It is proposed to provide a new waste water treatment system (SEPCON BAF PE6 WWTS) and associated percolation area (45sqm soil polishing filter) in the north eastern part of the site which has a stated area of 0.330ha.
- 7.5.3. The site slopes down from north to south in this location and is set off site boundaries. I note there are no streams or ditches in the vicinity, and that the proposed new on site domestic well is located downgradient in the opposite south western corner of the site. I note the report of the Environmental Health Officer raises no objection in relation to ground water levels or water quality issues.
- 7.5.4. I have examined the details of the proposed-on site treatment system provided in the Site Suitability Report prepared by the applicants agent dated 14/03/2025 which accompanied the application. The report confirms that the subject site is located in a groundwater protection response of R2_1 water table was encountered at 2.1m. I can also confirm from my site visit that the trial holes on site did not contain any groundwater and that the site appeared well drained with no evidence of surface ponding.
- 7.5.5. I note the planning authority have attached a standard planning condition seeking detail on wastewater treatment and this would be retained in the event of a grant of permission.
- 7.5.6. The PA comment on the adequacy of surface water drainage measures proposed and whether additional SUDS interventions are proposed and sought further information. I have reviewed the revised drawings submitted which indicate proposals to provide new linear road-surface gully drains (ACO-Drain) across the driveway that will provide access to the proposed dwelling in two locations at the top and bottom levels of the driveway. These will be served by soakaways to BRE Digest 365.
- 7.5.7. It is also noted on the application drawings that an ACO Drain already exists across the lower level of the existing main driveway, behind the existing site entrance gates, further highlighted on the revised drawings. An existing yard gully and outlet which discharges to the applicants lands near the boundary with the public roadway is proposed to be removed.
- 7.5.8. To my mind on a greenfield site such as this there is ample scope to include additional SUDS measures, and these can be explored by the applicant in

consultation with the Drainage section of the PA. I am satisfied that the details can be agreed by way of a suitably worded condition.

8.0 AA Screening

I have considered the proposed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in the open countryside c.1.9 km south from Carrigower Bog SAC. The proposed development comprises the construction of a house, waste water treatment system and associated site works as per Section 2.0 of this report. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Scale and nature of the development
- The distance from European sites and the absence of any ecological or hydrological pathways.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive Screening

The nearest water body is a stream, IE_EA_G_076 c.400m to the south of the site (moderate water body status) and the groundwater body is Newtownmountkennedy IE_EA_10N020600. The stream is a tributary to Altidore River (which it joins it to the west). This groundwater body is stated as being 'Poor' in relation to not meeting their Water Framework Directive objectives. The proposed development is detailed in section 2.0 of my report.

I have assessed the proposed development of a dwelling and associated works and have considered the objectives as set out in Article 4 of the Water Framework

Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

9.1. The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from nearest water bodies and/or lack of hydrological connections.

9.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that permission be **granted**.

11.0 Reasons and Considerations

Having regard to the objectives of the Sustainable Rural Housing Guidelines (2005) and the Wicklow County Development Plan 2022-2028 to allow single dwellings in the open countryside in accordance with the criteria set out under Objective CPO6.41, it is considered that, subject to compliance with the conditions set out below, the proposed development and development to be retained would be compatible with rural settlement policy, the visual and residential amenities of the area and would be acceptable in terms of traffic safety and drainage. The proposed development and development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The proposed development and development to be retained shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of April 2025 and on the 15th day of August 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 proposed development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of visual amenity and to ensure an appropriate high standard of development.</p>
3.	<p>(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, as amended, to this effect.</p> <p>(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.</p>

	<p>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.</p> <p>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 in the interest of the proper planning and sustainable development of the area.</p>
4.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: in the interest of public health and to prevent water pollution.</p>
5.	<p>(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.</p>

	<p>(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 existing roadside drainage.</p> <p>Reason: in the interest of traffic safety and to prevent flooding or pollution.</p>
6.	<p>(a) The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with a planting/landscape design scheme to be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>(b) The existing shrub and tree vegetation on the site shall be retained, except to the extent that its removal is necessary to provide for the entrance to the site. Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
7.	<p>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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: in order to safeguard the amenities of property in the vicinity.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be 'located underground.</p> <p>Reason: in the interest of visual and residential amenity.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

<p>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.</p> <p>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.</p>

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.

Susan McHugh

16th January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500015-WW		
Proposed Development Summary	Erection of a detached 2-storey house and all associated site works.		
Development Address	Glendarragh Lane, Glendarragh, Newtownmountkennedy, Co. Wicklow, A63 HF43.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	X	<p>Schedule 5, Part 2,</p> <p>Class 10 (b)(i) provides that EIA is required for the construction of more than 500 dwellings units.</p> <p>Class 1(a) of Part 2 (rural restructuring/hedgerow removal) provides that EIA is required where the length of field boundary to be removed is above 4km.</p> <p>Class (dd) of Part 2 relates to private roads exceeding 2,000 metres in length.</p>	
No			
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment	Conclusion

			(if relevant)	
No				
Yes	X	<p>Proposed development is a single dwelling substantially below the 500 dwelling unit threshold in Class 10(b)</p> <p>No removal of roadside boundary for existing entrance,</p> <p>Length of driveway which is approx. 130m (98m +32m) below the 2,000m threshold in Class (dd)</p>		

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2
EIA Preliminary Examination

Case Reference Number	PL-500015-WW
Proposed Development Summary	Erection of a detached 2-storey house and all associated site works.
Development Address	Glendarragh Lane, Glendarragh, Newtownmountkennedy, Co. Wicklow, A63 HF43.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development is a modest stand-alone construction of a 231.7sqm part single storey part two storey dwelling on elevated greenfield land and includes works such as a hardstanding driveway, wastewater treatment system, two soak pits, with access onto Glendarragh Lane c. 2km outside the village of Newtownmountkennedy.</p> <p>It does not require demolition works or the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in a rural area on improved elevated agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</p>	<p>Having regard to the modest nature and low impact characteristics of the proposed development, its location removed from sensitive</p>

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3
Screening for Appropriate Assessment

I have considered the proposed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in the open countryside c.1.9 km south from Carrigower Bog SAC. The proposed development comprises the construction of a house, waste water treatment system and associated site works as per Section 2.0 of this report. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Scale and nature of the development
- The distance from European sites and the absence of any ecological or hydrological pathways.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.