



Development	Single storey, split level, dwelling, wastewater treatment system to EPA standards, garage, entrance, landscaping, and associated works.
Location	Church Lane , Newcastle , Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560317
Applicant(s)	Stephen Roberts
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Stephen Roberts
Observer(s)	None
Date of Site Inspection	27/3/26
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Newcastle Middle which is a rural area punctuated with single dwellings c.0.8km to the south-west of Newcastle Village in Co. Wicklow.
- 1.2. The appeal site which has a stated area of c. 0.38ha comprises of an agricultural field which is irregular in shape. The appeal site is located to the west of a larger landholding currently in use for agricultural purposes including grazing of sheep.
- 1.3. The western boundary of the appeal site comprises of a roadside hedgerow which consists of a mixture of species. All other boundaries of the appeal site are undefined.
- 1.3. In terms of topography the site generally rises in an easterly and northern direction from the roadside (western) boundary of the land.
- 1.4. Access to the site is via the L-50501, which is a one-lane undulating local road, which is predominantly used for local traffic.

2.0 Proposed Development

- 2.1 The application seeks planning permission for the following:
 - Construction of a single storey, split level dwelling, and garage.
 - A Batchpur- Sewage Treatment Plant (Secondary Treatment System) and soil polishing filter
 - Entrance, landscaping, and all associated site works.
- 2.2 The proposed dwelling would have an internal floor area of c. 249m² and would have a maximum height of c. 6.5m. The proposed dwelling would have a nap render finish with a pitched blue / black slate roof.
- 2.3 The proposed garage would have an area of c.39.4m² and a maximum height of c. 4.2m with a native stone finish.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 8/12/25 the Planning Authority decided to refuse planning permission subject to two reasons as set out below:

1. *Having regard to, the inadequacy of the laneway serving the site in terms of width, alignment and structural condition and the number of existing dwellings served by this laneway, it is considered that the existing road network is only suitable to cater for traffic movements generated by existing permanent native residents who are local to this particular area and who are already served by Church Lane and therefore to allow this development would endanger public safety by reason of a traffic hazard.*
2. *Objectives CPO 6.4 and CPO 6.44 of the County Development Plan 2016-2022 provide 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 document appended to this plan and should demonstrate good integration within the wider landscape, be well designed, simple, unobtrusive, and respond to the site's characteristics and guided by the principles set out in the Wicklow Single Rural House Design Guide. The proposed dwelling, due to its design, large mass and floor area together with its location centrally on an undeveloped field on an unscreened site would form a highly incongruous and intrusive feature on the landscape, would militate against the presentation and protection of the rural and visual amenities of the area and would therefore be contrary to the design guidelines and objectives of the County Development Plan and would be contrary to proper planning and sustainable development.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 There are three planning reports on file. The first area planners report dated 12/6/25 states that the applicant does have a housing and social need for a dwelling, however the area planner is not convinced that the applicant has a demonstrable economic need for a dwelling on the land, as there is no indication of farm buildings necessary for the keeping of cattle or sheep.

3.2.1.2 In terms of design of the dwelling, the area planner states that the design of the dwelling is consistent with the Rural Design Guide. However, concerns are highlighted with respect to the narrow width of Church Lane and that dwellings will only be considered for those native to the laneway.

3.2.1.3 The area planner recommended that permission be refused on this basis of the concerns outlined above.

3.2.2. Other Technical Reports

- **Environmental Health:** Report dated 8/5/25 outlining no objection, subject to condition.
- **Municipal Engineer:** 8/5/25 no objection subject to conditions.

3.3. Prescribed Bodies

- **Gas Networks Ireland:** E-mail dated 19/5/25 outlining no comment or objection to the proposed development.

3.4 Second Planning Report

3.4.1 A second planning report dated 2/12/25 outlining the Planning Authority's response to unsolicited Further Information submitted by the applicant to the recommended refusal. This information was deemed to be significant, and the application was re-advertised.

3.4.2 The area planner states that the information provided by the applicant has not sufficiently demonstrated that a dwelling is required to be located on Church Lane. In addition to this, the area planner notes that the applicant's response to the recommended reason No.2 for refusal did not address their concerns having regard to the scale and design of the dwelling. Therefore, the area planner recommended that permission be refused.

3.5 Third Planning Report

3.5.1 There is a third planning report on file. This report is a repeat of the initial planning report which recommends refusal with an updated signature from the Director of Services on 8/12/25.

4.0 Planning History

4.1 Appeal Site

There is no relevant planning history relating to the appeal site.

Site to the north of the appeal site

Reg. Ref. 23/602: Application withdrawn for a proposed dwelling, wastewater treatment system to EPA standards, garage, entrance, and associated works.

4.2 Site further to the north

Reg. Ref. 19/455 – (ABP-306561-20): Application for a split-level dwelling on family land which part of the proposed dwelling is storey and a half in height, an effluent disposal system, new entrance from existing public road and associated site works. Permission granted, subject to conditions. This was subject to a third-party appeal to An Bord Pleanála, where the decision of the Planning Authority was upheld.

Reg. Ref. 15/437 – (PL.27.245762): Application for a single storey dwelling, on site effluent treatment system, new entrance, bored well and associated works. Permission was granted by the Planning Authority; however, this decision was subject to a third-party appeal to An Bord Pleanála where the decision of the Planning Authority was overturned and permission was refused for one reason:

- 1. The minor rural road serving the site – Church Lane – is considered to be seriously substandard in terms of width and alignment. It is also poorly surfaced. It is considered that the traffic generated by the proposed dwelling would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.3 Sites to the south of the site

Reg. Ref. 17/1009: Application for a detached two storey, three-bedroom house (244 sqm), all associated site works and landscaping to accommodate new dwelling, provision of a new treatment plant and percolation area along with a bored water well, new vehicular entrance piers and splayed walls. Permission refused for 4 reasons relating to the 1. The applicants need for a dwelling, 2. the inadequacy of the laneway serving the site in terms of width,

alignment and structural condition and the number of dwellings served by the laneway, 3. Issues relating to the design of the dwelling and 4. The set back of the proposed development from a National Monument.

4.4 *Sites to the east of the site*

Reg. Ref. 18/54 (ABP 302287-18): Application for a three-bedroom house, all associated site works, vehicular entrance, driveway access, and landscaping to accommodate new dwelling, provision of a new treatment plant and percolation area along with a bored water well. Permission was refused. This decision was subject to a first party appeal to An Bord Pleanála where the decision of the Planning Authority was upheld.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 The *Wicklow County Development Plan 2022-2028* is the operative plan for the area. Relevant policies and objectives include:

Chapter 4: Settlement Strategy: Section 4.2:

County Wicklow Settlement Strategy:

Level 10: The rural area (open countryside)

Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focused on ensuring that the scenic value, heritage value, and/or environmental / ecological / conservation quality of the area is protected.

Section 4.3: Settlement Strategy Objectives:

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

Chapter 6: Housing:

Section 6.3.8: Rural Housing:

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 6.41: 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.

Table 6.3 Rural Housing Policy: Housing Need / Necessary Dwelling

This is defined as those who can demonstrate a clear need for new housing, for example: -

- first time home owners;
- someone that previously owned a home and is no longer in possession of that home as it had to be disposed of following legal separation / divorce / repossession by a lending institution, the transfer of a home attached to a farm to a family member or the past sale of a home following emigration;
- someone that already owns / owned a home who requires a new purpose built specially adapted house due to a verified medical condition and who can show that their existing home cannot be adapted to meet their particular needs;

and other such circumstances that clearly demonstrate a bona fide need for a new dwelling in the open countryside notwithstanding previous / current ownership of a home as may be considered acceptable to the Planning Authority.

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.

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.

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.

Chapter 13: Water Services:

Section 13.2: Water Services 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 "Wastewater 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 & Biodiversity:

Section 17.3: Landscape:

The site is located within area 4(a) – The N11 Corridor. This area covers the main access corridor area along the east of the County. The boundary of the eastern access corridor generally follows what is considered to be the areas upon which the greatest influence is exerted by this primary access route.

CPO 17.1 To protect, sustainably manage and enhance the natural heritage, biodiversity, geological heritage, landscape, and environment of County Wicklow in recognition of its importance for nature conservation and biodiversity and as a non-renewable resource.

CPO 17.23 To require the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).

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.

Appendix 2, Single Rural House Design Guidelines

5.2. Relevant National or Regional Policy / Ministerial Guidelines

5.2.1 National Guidance

5.2.1.1 **Project Ireland 2040 - The National Planning Framework: First Revision (April, 2025)**

National Policy Objective 24: - 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 over-development, while sustaining vibrant rural communities.

National Policy Objective 28: - 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.

5.2.2 Regional Guidelines

5.2.2.1 Eastern and Midland Regional Spatial & Economic Strategy (RSES), 2019-2031

Section 4.8: 'Rural Places: Towns, Villages and the Countryside' of the RSES states that: 'A key challenge is to ensure that in planning for rural places, responses are uniquely tailored to recognise the balance required between managing urban generated demand in the most accessible rural areas, typically in proximity to Dublin and other towns, whilst supporting the sustainable growth of rural communities and economies, including those facing decline. In general, those rural places in proximity to large urban centres have experienced significant growth and urban generated pressures and require levels of growth to be managed in order to ensure that there is a requisite service level for the existing population.'

It further states that the rural housing planning policy of local authorities should be evidence-based and accommodate rural-generated housing consistent with the settlement framework contained in the RSES and the 'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005', or any successor thereof, and should be accommodated within the Housing Needs Demand Assessment, reflecting the housing needs of the county as a whole.

In this regard, Regional Policy Objective (RPO) 4.80 states that: - Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural

area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and settlements.

5.2.3 ‘Sustainable Rural Housing, Guidelines for Planning Authorities, 2005’

5.2.3.1 These Guidelines promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an ‘Area under Strong Urban Influence’ as indicatively identified by the Guidelines.

5.2.4 EPA Code of Practice Domestic Wastewater Treatment Systems, population equivalent of less than 10, 2021.

5.2.4.1 This document provides guidance on the site characterization, design, operation, and maintenance of domestic wastewater treatment systems.

5.3 Natural Heritage Designations

5.3.1 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the Murrough Wetlands SAC (Site Code: 002249) which is located c. 1.8km to the east of the land, the Carriggower Bog SAC (Site Code: 000716) which is located c. 6.7km to the northwest of the appeal site and the Glen of the Downs SAC (Site Code: 000719) which is located c. 6.9km to the north of the site.

5.3.2 In addition to this, the Murrough cSPA (Site Code: 004186) is located c. 1.78km to the east of the site and the Murrough pNHA (Site Code: 000730) is located c. 1.78km to the east of the site.

5.3.3 A screening exercise for Appropriate Assessment will be undertaken in Section 8 below.

6.0 EIA Screening

6.1. 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. Please see Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 A first party appeal has been received from Stephen Roberts. I make the Coimisiún aware that this appeal includes Appendices as follows:

1. Landscape and Visual Impact Assessment
2. Site Layout Plan
3. Further Information Cover Letter
4. PP03 Revised House Drawing
5. Landscape Plan
6. Letter of Support from Neighbour
7. Statement from Department of Agriculture
8. Statement from Accredited Agricultural Advisor John Mallick
9. Personal Statement
10. Ref 23602 Engineer Report
11. Ref 2560317 Engineer Report

7.1.2 The appeal can be summarised as follows:

- The appellant is a permanent native resident of Newcastle, Co. Wicklow. This is where I was born and it has always been their home. They have never lived or been employed outside of Newcastle. The appellant played football in Newtown and rugby at Wicklow RFC. Appellants family intrinsically linked to Newcastle. The extended Roberts family have been living in the area for over 80 years. Family own and run the local shop and petrol station. The appellant and fiancée live in the family home and do not own their own home.
- W.C.C. have accepted that the appellant qualifies under category one of Objective HD23 of the Wicklow County Development Plan 2016-2022. The appellant submits that they also qualify under categories 2, 3, 5, 6, 7, 8,9, and 11 of Objective HD23 of Wicklow County Development Plan 2016-2022.
- Although deemed Rural Newcastle, the proposed site is in close proximity to Newcastle Village. There are amenities and utilities already present in the wider vicinity, i.e. local shops, public transport, community/parish centres, schools, ESB

networks are already present in the area, and it is easy to hook into the existing system.

- Part of Church Lane was included in the Newcastle Town Plan 2016-2022. Part of the applicant's land on Church Lane is included within the town bounds in this map.
- A large portion of the Village is in a known flood plain and it would be unsuitable to build here. The majority of the land within the village boundaries has now either been built on or deemed suitable by WCC.
- Due to the ongoing housing crisis, in July 2025 the Irish Government published new ministerial Guidelines on NPF Implementation: Housing Growth Requirements. In December 2025 local Authorities were tasked with seeking out landowners to propose land that could be rezoned to enable the increase of the housing stock locally.
- The appellant is not looking for their Farm to be replaced with a housing estate; they are attempting to build a house in the village they were born in and add to the local housing stock. This does not align with the proposals put forward by the Government.
- Eight dwellings along Glebe Lane have been built on elevated land, which is visible from the entire local vicinity, all dwellings are visible from the appeal site on Church Lane, and all dwellings have unique one-off designs. The houses on this lane are majority 2 storey and range from 143sqm to 346sqm in size. There is no landscaping or screening carried out on these properties which was farmland in the recent past.
- The proposed dwelling is nestled into the brow of a hill with a landscape plan included to ensure it is adequately screened. The houses on Glebe Lane have been built on elevated sites, have broken the skyline with no landscaping or screening required to protect the visual amenities of the countryside in the wider Newcastle area.
- Chancel Way has been constructed since permission was originally applied for 2023, the second phase is under construction which includes a three-story apartment block. Both developments are visible from the appeal site.
- There are also four one-off houses granted permission along the L5050 at Oaklawn coming into Newcastle village. This was farmland up until planning was granted. These dwellings are circa 450m-600m from the appeal site as the crow flies.
- Each house has changed in size (originally 222sqm), and whilst one dwelling was reduced from a two-storey to a single storey dwelling and reduced in size, all others were increased in size, with one is listed as 312 sq.m..

- The proposed one-off dwelling of 248.8m² is not out of character for this area. Nor is it out of character at present in Newcastle to construct a dwelling on farmland, even if local need is not required.
- One off-rural houses do not require the same road standards as urban roads; they do however need to meet road safety standards focusing on sightlines and access. W.C.C. are using a potential traffic hazard as a means for refusal.
- The only issues W.C.C's Engineer mentioned here was that cars could potentially use the hardstanding between the road and hedgerow to park. To avoid this the Engineer requested it be infilled to at least 300mm above road level and sown with grass seed to avoid people driving/parking on it, there was no mention of a traffic hazard.
- Water currently flows from the public road onto the appeal site. If deemed necessary by WCC drains can be installed at the proposed gateways.
- Issues relating to the field entrance have been addressed by "side by side" entrance to the land and dwelling in the further information submitted.
- One additional dwelling rarely constitutes a traffic hazard without evidence. W.C.C. have failed to provide evidence of how this dwelling would create a traffic hazard. W.C.C's engineers report indicated that the road width should not be increased when we proposed works to achieve sightlines. This would indicate that the road width is deemed sufficient.
- In ABP.301768-18, an entrance off Church Lane for a new dwelling was deemed acceptable.
- W.C.C. stating that "only natives of Church Lane should be permitted", without taking into account that I am already serviced by Church Lane and will always be part of the traffic on Church Lane due to my Farm surrounding the proposed site, is discriminatory and not backed by any local or national policies. The road was resurfaced extending further south than my farmland on Church Lane. The poor surface on Church Lane is 200m to the south of the appeal site and doesn't affect this application.
- Requiring an applicant to be "native of a specific lane" is not in line with the Wicklow County Development Plan 2016-2022, The Sustainable Rural Housing Guideline 2005, or the National Planning Framework First Revision April 2025. his directly undermines this W.C.C. reason for refusal.

- Both the farm I own, and the farm Raymond (appellants father) owns, are fragmented in nature. The applicant is farming -50 hectares in total and my most recent 2025 BISS application was submitted to W.C.C. to support this. The appellant's land is 100% separate and distinct from his father's land, registered separately with the Department of Agriculture and have separate flock and herd number and this has always been the case.
- The appellant's father is a registered Feedlot (CFU), and as such, is required to adhere to more stringent biosecurity measures to reduce the possibility of disease spread such as Tuberculosis (TB). This, in simple terms, means that appellants animals cannot mix with his father's animals and vice versa.
- It is common practice nationally for a farmer to have a Farmhouse on their own Farm holding to provide security for both the land and the livestock present.
- There is an animal handling unit on site that is capable of working with 70 cattle or 450 sheep at any one time, this is where the appellant carries out the vast majority of their work with livestock. It is where shearing is carried out each year, spring lambs are drafted for sale, ewes are vaccinated, sheep are dipped for external parasite eradication and all other animal health issues are rectified. These were overlooked in the Planners report.
- Stating there is little evidence of a viable farming operation on the applicant's farm on Church Lane is simply incorrect. At time of writing (31st December 2025, sheep census date), there were 287 sheep on the farm. This is circa two times the average sheep farm size in Ireland.
- A farm dwelling on-site at Church Lane is also necessary for security reasons. Dog attacks on sheep and livestock thefts are becoming more prevalent in rural Ireland.
- The site proposed was selected as it utilises the contours of the land to nestle into the landscape with its split-level design. The proposed site was deemed the best suited to a new dwelling on the lands taking into consideration the steep contours to the north on the lands, the gas pipeline, and the ESB infrastructure on the lands.
- A landscape plan has been provided as part of the Further Information as it was called out as not initially included. This indicates how the dwelling can be screened effectively from view. there was a VIA submitted in conjunction with the landscape plan which illustrates how with the thoughtful planting included in the landscape plan the proposed dwelling is well screened from view.

- This site was selected due to steep falls in other areas of the field which would require large excavation works which would require large earth movement which is not sustainable.
- The site was selected to comply with WCCs Rural Housing Design Guide in relation to managing contours. The split-level design, nestled into the contours of the land, in a naturally lower section of the field design aligns exactly to WCCs Rural Housing Design Guide.
- It has been setback from the existing hedgerow to comply with the exclusion zone for digging/construction around gas pipelines. The location also considers the gas pipeline running through my land, along with the ESB powerlines.
- In the Planners Report, site location and house design are considered consistent with the Rural Design Guide by the planner who visited the site, however, there was a difference of opinion from another planner within Wicklow County Council.
- The dwelling on the opposite side of the road to the proposed site has projecting twin gables-Application ref. 17104. The proposed design was modelled off this house. We wanted something in keeping with those surrounding us that fitted comfortably in the locality. This dwelling is the closest in proximity to this proposal, it is not out of character for the area.
- 244.8sqm is consistent with what is in the area as a whole and is smaller than the closest house across the road which stands at 325sqm. The roof was reduced substantially by 0.7m to make the landscape plan more effective at screening.
- there are several houses that we are aware of in County Wicklow that also align to the design of the proposed dwelling. A dwelling with a double gable design (Ref. 211438) is currently finishing construction beside the Vartry Reservoir. Another example of a dwelling with a similar design - Ref. 21805(Image 19) and form that is found close to Newcastle is located beside the road on the L5062. This dwelling also encompasses 2 gables facing the road with no screening or landscaping in place.
- The appeal points to a number of other applications along Church Lane where permission was granted for applicants who were native to Newcastle and refused for those who were not native or full-time farmers.
- In the case where permission was refused in relation to the road, the appellant notes that this application is further south that the appeal site and the surface of the road along this portion of Church Lane.

- All previous applications had submissions objecting to proposed dwellings. The only submission in relation to this application was a submission of support.

7.2. Planning Authority Response

7.2.1 There is no response from the Planning Authority on file.

7.3. Observations

7.3.1 There are no observations on file.

7.4. Further Responses

7.4.1 There are no further responses on file.

8.0 Assessment

8.1. Having examined the appeal details and all other documentation on file, including submissions / observations, the reports of the local authority and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Housing need
- Access and sightlines
- House Design
- Wastewater Treatment
- Flooding
- Appropriate Assessment
- Water Framework Directive

8.2 Principle of development

8.2.1 The subject site is in the open countryside, outside of a designated settlement. The Settlement Strategy for the county (Chapter 4 of the *Wicklow County Development Plan 2022-2028*) states that ‘Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area’ and that particular attention should be focused on ensuring that the scenic value, heritage

value and/or environmental / ecological / conservation quality of the area is protected. All applicants are required to demonstrate compliance with the Rural Housing Policy as per Table 6.3 of the *Wicklow County Development Plan 2022-2028*. I am satisfied that the application for a one-off house in a Level 10 rural area can be assessed against the policies and objectives of the *Wicklow County Development Plan 2022-2028* which relate to the development.

8.3 Housing Need

8.3.1 Objective CPO 6.41 states that residential development in the open countryside can be facilitated for those with a 'housing need' based on the core consideration of demonstrable functional social or economic need to live in the countryside. Table 6.3 defines '*housing need*' as those who can demonstrate a clear need for housing such as 'first time homeowners...and other such circumstances that clearly demonstrate a bona fide need for a new dwelling in the open countryside.' The applicant submitted a signed declaration stating that he is a first-time homeowner, which satisfies the requirement for 'housing need' in Table 6.3.

8.3.2 The applicant submitted the following documentation in support of their proposal,

- Long birth certificate.
- Certificates from a creche attended at Kilpedder.
- Letter from the Parish administrator, Newcastle & Newtownmountkenedy confirming baptism and confirmation at Newcastle Parish Church.
- Letter from St. Francis' National School confirming attendance.
- Letter from East Glendalough Secondary School confirming attendance.
- Confirmation of achievement of Agriculture and Farming Certificates.
- Bank account statements from 2020-2025 confirming the family address at Gallows Hill, Newcastle, County Wicklow.
- A signed declaration of no previous ownership of a residential property.
- Written confirmation of willingness to enter into an agreement with the Planning Authority under Section 47 of the Planning & Development Act 2000 (as amended).

- 8.3.3 The applicant does not specify if they are applying under economic need or social need and have submitted documentation that would support both circumstances. It is clear from the documentation submitted that the applicant has lived in the Newcastle area for a period in excess of 10 years. I note the concerns of the area planner as expressed in their report that there is no demonstrable economic need for a dwelling on the land, as there is no indication of farm buildings necessary for the keeping of cattle or sheep. However, having been on site, I noted sheep grazing on the appellants land to the south of the appeal site, animal holding infrastructure on this same piece of land and animal droppings on the appeal site. I am satisfied that the appellants lands are used for agricultural purposes.
- 8.3.4 In addition to this, I refer the Coimisiún to a letter included in Appendix 8 of the first party appeal from John Mallick Agricultural Consultant which states that the applicant is a full-time farmer and that the site of the proposed development is the hub of his farming enterprise. Based on the information submitted, I am satisfied that the applicant has demonstrated housing need as defined in Table 6.3 of the *Wicklow County Development Plan 2022-2028*.

8.4 Access & Sightlines

- 8.4.1 Reason No. 1 for refusal relates to the laneway serving the site. There are concerns relating to the width, alignment and structural condition and the number of existing dwellings served by this laneway, and that it the road network is only suitable to cater for traffic movements generated by existing permanent native residents who are local to this particular area and who are already served by Church Lane and therefore to allow this development would endanger public safety by reason of a traffic hazard.
- 8.4.2 In response the first party states that one off-rural houses do not require the same road standards as urban roads; they do however need to meet road safety standards focusing on sightlines and access. W.C.C. are using a potential traffic hazard as a means for refusal. It is further stated that the road was resurfaced extending further south than the appellants farmland on Church Lane. The poor surface on Church Lane is 200m to the south of the appeal site and doesn't affect this application.
- 8.4.3 It is proposed to develop a new site entrance onto Church Lane. Church Lane is a narrow, undulating, single lane road with no footpaths, which runs from the townland of Tiglin in the south to Newcastle Church in the north. The lane provides access from c.25 homes, the majority of which are located at the northern end of the road. Having been on site, I note

that the Church Lane is reasonably surfaced to the appeal site, however, it is noted that the surface of the road substantially deteriorates to the south of the appeal site.

- 8.4.4 The subject site is situated c.380m to the south of Newcastle Church along Church Lane and in this area the road has a width of c.3.5m (I refer the Coimisiún to Drawing No. PP02 'Proposed Site Layout Plan').
- 8.4.5 I note that the width of the road, its alignment and surface treatment have been outlined as concerns for dwelling applications along Church Lane in the past by both the Planning Authority and An Bord Pleanála. In this case, Reason No.1 for refusal states that Church Lane is only adequate to cater for traffic movements generated by existing permanent native residents who are local to this particular area and who are already served by Church Lane.
- 8.4.6 I have considered the information provided on file and I am satisfied that the applicant is not native to Church Lane, however, the applicant does own and operate a farm which is primarily accessed from Church Lane. This is substantiated by a letter from John Mallock, Agricultural Consultant submitted with the Further Information (see Appendix 8 of the first party appeal) which states that the applicant is a full-time farmer and that the appeal site is the hub of his farming enterprise.
- 8.4.7 In my view this is an important consideration with respect to traffic flows to and from the site. In this regard, it is my view that operating a farming enterprise would generate numerous trips per day to for the purpose of operating the farm, including tending to livestock etc. An individual dwelling such as that proposed is not likely to generate a substantial volume of additional traffic. In fact, in this case, the proposal has the potential to reduce the traffic flow to and from the site and as a result along Church Lane as the applicant would not be required to travel to and from the site as regularly as he does now to tend to his farm. Therefore, I am satisfied that the proposed dwelling would not lead to an unsustainable number of traffic movements along Church Lane. On the day of my site visit, I noted that the level of traffic along Church Lane was minimal.
- 8.4.8 Further to the above, I note that the response of the Municipal District Engineer of Wicklow County Council does not outline any concerns with respect to a traffic hazard as a result of the proposed development. Therefore, in my view, the proposed development would be acceptable from a traffic generation perspective.

Sightlines

8.4.9 In addition to this, Drawing No. PP02 'Proposed Site Layout Plan' shows that sightlines of 90m can be provided north and south of the site. I have considered this drawing, and I am satisfied that the sightlines as shown are achievable and comply with Table 1.3 of the TII publication DN-GEO-03031 'Rural Road Link Design' which shows that the Desirable Minimum Stopping Sight Distance for a road with a 60km speed is 90m. This is considered to be acceptable. Having inspected the site and viewed the location of the proposed entrance and given the relative low volume of traffic using the public road and the low travelled speed, I am satisfied that an adequate sightline distance is available in both directions and the proposed development would cause any traffic hazard.

8.5 House Design

8.5.1 I note the concern of the Planning Authority with respect to the design of the proposed dwelling as expressed in Reason No. 2 for refusal of the initial application. In this regard, the Planning Authority is concerned that the proposed dwelling, due to its design, large mass and floor area together with its location centrally on an undeveloped field on an unscreened site would form a highly incongruous and intrusive feature on the landscape, would militate against the presentation and protection of the rural and visual amenities of the area and would therefore be contrary to the design guidelines and objectives of the County Development Plan. I make the Coimisiún aware that Reason No.2 for refusal refers to the Wicklow County Development Plan 2016-2022. This would appear to be a typographical error and the Objectives referred to in this reason for refusal are included within the *Wicklow County Development Plan 2022-2028*.

8.5.2 The grounds of appeal note that the height and design of the proposed dwelling has been decreased since the previous application on the site (23/602) which was withdrawn in 2023. The first proposal was for a 2 storey 4-bedroom split-level house of 255 m² with a maximum height of c 7.093m.

8.5.3 I make the Coimisiún aware that the applicants provided unsolicited Further Information including floor plans, elevations, and a landscape plan. The submitted drawings show that the proposed house is contemporary in design. It is a double gable single storey split-level dwelling with a floor area of c.249m² and a maximum height of 6.2m. The proposed dwelling would be finished in a nap plaster with a blue/ black Slate roof. In addition to this, the site of

the dwelling proposed as part of this application has been relocated to the south of the dwelling previously applied for at a lower contour on the site.

- 8.5.4 I have reviewed the drawings for both applications and I consider that the scale and massing of the proposed dwelling has been suitably reduced in the subject proposal. While the floor areas are broadly similar the height of the dwelling now proposed is lower than that previously applied for. In addition to this the dwelling is proposed to be located at a lower level of the site. I am satisfied that the design alterations allow the proposed dwelling to sit more comfortably within the site.
- 8.5.5 The site is within the N11 Eastern Corridor, landscape category which has a 'Low to Medium' sensitivity. Objective CPO 6.44 of the *Wicklow County Development Plan 2022-2028* requires 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, (Appendix 2). The Rural Houses Design Guide sets out the design principles for rural houses with regard to site selection, position and siting, house design, and materials. When selecting a site for a rural house the Design Guide does not recommend sites that are prominent or exposed. While it is noted that the topography of the site does increase to the north and west of the site, the proposed dwelling would be set at a lower part of the site and as such I am satisfied that the site of the proposed dwelling sits in with the topography of the site in an acceptable manner.
- 8.5.6 Section 3 of the Wicklow Single Rural House Design Guide acknowledges the trend towards larger houses in the countryside and states that they can be accommodated in certain circumstances: key considerations being the ability of the site and landscape to absorb the house. The subject proposal would be reasonably large in scale. It would extend to c. 26m in length and the maximum height of the front elevation would be c. 6.2m. The Design Guide notes that a large dwelling needs a large site, and preferably one with mature landscaping to help absorb the structure. In my opinion the appeal site is large enough to accommodate the house.
- 8.5.7 In addition to this, I note that the Design Guide states that, 'All applicants for rural dwellings will be required to submit landscaping proposals. In this regard, I refer the Coimisiún to Drawing No. PP06 'Proposed Landscape Plan' submitted with the unsolicited Further Information which shows that it is proposed to plant hedgerows and trees along each of the boundaries of the dwelling site. I am therefore satisfied that the proposed dwelling would be

sufficiently screened and would not comprise of a discordant development within the landscape and that the proposal would comply with the advice in Appendix 2 which states that 'Houses should not dominate the local landscape or stick out by reason of scale form or detail'.

8.5.8 The proposed development is reasonably set back from other dwellings in the vicinity to ensure that there would be no impact on residential amenity by way of overlooking or overshadowing.

8.5.9 Overall, I am satisfied that the applicant has addressed the concerns of the Planning Authority both in this application and as outlined in the previous application regarding the design of the house. The proposed dwelling would be positioned on the lower part of the site and would be screened by way of hedgerows and trees which would soften the intervention in the landscape. Furthermore, I note that the contemporary design approach is not prohibited in the rural setting and that design guidance favours 'contemporary interpretations of traditional styles. In this regard the proposed a single storey design is in keeping with the Design Guide and responds acceptably to the surrounding context. I am therefore satisfied that the proposed dwelling would comply with Objectives 6.4 and 6.44 of the *Wicklow County Development Plan 2022-2028*.

Gas distribution pipelines

8.5.10 I refer the Coimisiún to Drawing No. PP02 '*Proposed Site Layout Plan*' which shows that there is low pressure and high-pressure gas distribution pipelines along the western boundary of the land. The proposed dwelling would be set back c. 24m from the high pressure and c. 28m from the low-pressure pipeline.

8.5.11 The application was referred to Gas Networks Ireland, who responded by e-mail dated 19/5/25 outlining no comment or objection to the proposed development subject to a condition which requires that all such works in the vicinity of the Gas Transmission Pipeline in compliance with the attached 'Code of Practice'.

8.5.12 Given the response from Gas Networks Ireland, I am satisfied that the proposed development would be acceptable in this regard.

8.6 Wastewater Treatment

8.6.1 The site would be served by an onsite wastewater treatment system comprising a Batchpur-Sewage Treatment Plant (Secondary Treatment System) and soil polishing filter.

- 8.6.2 A Site Characterisation Form was submitted with the application and was prepared in accordance with the EPA Code of Practice, Domestic Wastewater Treatment Systems (2021). The underlying aquifer is categorised on the GSI maps and EPA Maps as PI – Poor Aquifer, generally unproductive except for local zones. The groundwater vulnerability data states that the ‘the vulnerability is low and that groundwater here has natural characteristics that mean it has lower vulnerability to contamination by human activities.
- 8.6.3 During the site investigations a trial hole was dug to a depth of 2.1m and bedrock was not encountered. The topsoil encountered comprised had a granular structure with a medium-firm-density. The soli texture was assessed as sandy gravel silt and light brown and brow / grey colour. The site falls within the R2 response category which indicates that an on-site system is acceptable subject to normal good practice.
- 8.6.4 The results of the subsurface percolation test for subsoil returned a percolation value of 10.75 minutes per 25mm. This value indicate that the site is suitable for the secondary treatment and soil polishing filter proposed.
- 8.6.4 I have considered the proposal in light of the setbacks set out in Table 6.2 of the EPA Guidelines and I am satisfied that all setbacks can be achieved. Notwithstanding this, I note that the proposed private well which is set back c.20 m from the polishing filter would not fall slightly below the requirement of 25 as set out in the in Table 6.2 of the EPA Guidelines, while this may be the case, I am satisfied that the polishing filter is set back a reasonable distance from the proposed private well. In addition to this, I note the response of the Senior Environmental Health Officer of Wicklow County Council did not have any objections to the proposed development.
- 8.6.6 Having considered the above, I am satisfied that wastewater treatment would comply with the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) 2021.

8.7 Flooding

- 8.7.1 I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone ‘C’.
- 8.7.2 Having considered all the foregoing; I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

9.0 AA Screening

- 9.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a rural area of County Wicklow and comprises of a single storey dwelling, separate garage, and wastewater treatment facility.
- 9.2 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the Murrough Wetlands SAC (Site Code: 002249) which is located c. 1.8km to the east of the land, the Carriggower Bog SAC (Site Code: 000716) which is located c. 6.7km to the northwest of the appeal site and the Glen of the Downs SAC (Site Code: 000719) which is located c. 6.9km to the north of the site. In addition to this, the Murrough cSPA (Site Code: 004186) is located c. 1.78km to the east of the site and the Murrough pNHA (Site Code: 000730) is located c. 1.78km to the east of the site.
- 9.3 There is no hydrological link between the subject site and the European sites.
- 9.4 Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.5 This determination is based on:
- Distance from European sites.
 - Small scale and domestic nature of the development

10.0 Water Framework Directive

- 10.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

- 10.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.
- 10.3 The NEWCASTLE (WICKLOW)_010 (IE_EA_10N010600) IS c.337m to the north-west of the appeal site. This waterbody is classified as at-risk ecological status. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>).
- 10.4 I have assessed the proposal 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.
- 10.5 The reason for this conclusion is as follows:
- The scale of the proposed development, and
 - The adequate treatment of wastewater with the site.

11.0 Recommendation

- 11.1. I recommend that planning permission be granted.

12.0 Reasons and Considerations

- 12.1 Having regards to the grounds of appeal, the policy framework provided by the *Wicklow County Development Plan 2022-2028* including the requirements of the Wicklow Single Rural House Design Guide and to the guidance set out within the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021); it is considered that the proposed development which is appropriately proportioned and responds to its rural setting is an acceptable form of development at this location. Having further regard to the separation distances provided, the existing and proposed boundary and landscape treatments, it is considered that the proposed development would not seriously injure the amenities of the neighbouring properties or the character of the area. The proposed development would be acceptable in terms of traffic safety having regard to the

low-speed traffic environment where the site is located. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by unsolicited further information submitted on 10/10/25 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicants, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicants shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in

possession or the occupation of the dwelling by any person deriving title from such a sale.

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

4. (a) The proposed wastewater drainage system shall be in accordance with the standards and separation distances set out in the document entitled "Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent \leq 10)" – Environmental Protection Agency, 2021.
- (b) The developer shall enter a maintenance contract with the manufacturers/suppliers of the wastewater treatment system to ensure satisfactory performance at all times.
- (c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least €1 million) stating that the wastewater treatment system has been installed in accordance with EPA guidelines.

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

5. The developer shall ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. No. 99/2023.

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

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

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

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

Reason: In the interests of visual and residential amenity.

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

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11.(a) During the construction stage of the proposed development, the developer shall comply with the document titled “Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects” published by the Environmental Protection Agency.

(b) During the development works, the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the adjoining public thoroughfare and properties in a neat, tidy, and safe condition.

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

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

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

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Ronan Murphy

Planning Inspector

30 March 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500575-WW-26
Proposed Development Summary	Single storey, split level, dwelling, wastewater treatment system to EPA standards, garage, entrance, landscaping, and associated works
Development Address	Church Lane, Newcastle, Co. Wicklow
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project.' Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	<p>Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units</p>
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5, or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p>Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units: 1 dwelling on 0.38ha</p>

<p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500575-WW-26
Proposed Development Summary	Single storey, split level, dwelling, wastewater treatment system to EPA standards, garage, entrance, landscaping, and associated works
Development Address	Church Lane, Newcastle, Co. Wicklow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The proposal comes forward as a stand-alone project. The development does not require any demolition works. The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. 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.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in	The development is situated in a predominantly rural area and is not adjacent an ACA. The subject land is not within or in proximity to any protected views within this landscape.

<p>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>Types and characteristics of potential impacts</p> <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).</p>	<p>Having regard to the nature of the proposed development, consisting of a single storey dwelling, garage and wastewater treatment facility and entrance, landscaping and associated, its location removed from sensitive 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.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>

<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 3

Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
<p>1: The proposed development comprises the construction of a split level one storey dwelling, domestic garage and effluent treatment system and percolation area, a new vehicle entrance and all associated works.</p> <p>Site Area 0.38ha</p> <p>Total floor area of proposed dwelling: 249m².</p> <p>An on-site wastewater treatment system with polishing filter is proposed. It has been demonstrated that the wastewater treatment system will accord with EPA Code such that no untreated wastewater may escape to groundwater.</p> <p>There is a drainage ditch located to northern and eastern boundaries (adjoining the roadway).</p>			
An Bord Pleanála ref. no.	PL-500575-WW-26	Townland, address	Church Lane, Newcastle, Co. Wicklow
Description of project		The proposed development comprises the construction of a split level one storey dwelling, domestic garage and effluent treatment system and percolation area, a new vehicle entrance and all associated works.	
Brief site description, relevant to WFD Screening,		The topography of the site is generally undulating with the site rising to the north and east. The NEWCASTLE (WICKLOW)_010 (IE_EA_10N010600) IS c.337m to the north-west of the appeal site.	

	<p>The proposed dwelling will be positioned to the west of the site being setback from the public road. By c.37m. A private water well and soakhole are proposed to the rear (south-west) of the dwelling while the wastewater treatment system and polishing filter will be positioned towards the rear (north-west) of the site.</p> <p>The site forms part of a larger field. The wider area is generally agricultural fields interspersed with rural one-off dwellings.</p> <p>The Site Characterisation Report indicated there is no water table within 2.1m below ground level and the site is located within an area where the vulnerability is low and that groundwater here has natural characteristics that mean it has lower vulnerability to contamination by human activities'</p>
Proposed surface water details	Soakhole proposed to the rear front of dwelling indicated on site layout plan.
Proposed water supply source & available capacity	Private well. Location indicated on site layout plan to the rear of the dwelling.
Proposed wastewater treatment system & available capacity, other issues	It is proposed to install a secondary treatment system and soil polishing filter.
Others?	No.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	337m to the north-west	NEWCASTLE (WICKLOW)_010 (IE_EA_10N010600)	At Risk	At Risk	No pressures.	Drainage
Groundwater Waterbody	Underlying site	IE_EA_G_076-Wicklow	Good	Not at risk.	No pressures.	Groundwater.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	NEWCASTLE (WICKLOW)_010 (IE_EA_10N010600)	Nil	Hydrocarbon spillages	Standard construction practice	No	Screened out
2.	Ground	IE_EA_G_076-Wicklow	Pathway exists	Hydrocarbon spillages	As above	No	Screened out

OPERATIONAL PHASE

3.	Surface	NEWCASTLE (WICKLOW)_010 (IE_EA_10N010600)	Nil			No	Screened out
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4.	Ground	IE_EA_G_076-Wicklow	Pathway exists	WWTS discharge to groundwater	Standard Construction Measures / Conditions	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Groundwater							
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance, and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity			Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a	

		the aim of achieving good status*		derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 3: Operation phase, surface water	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code as potential transmission via groundwater to watercourses	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code.	WWTP to EPA Code.	Yes
Development Activity 4: Operation phase, groundwater	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code.	WWTP to EPA Code.	Yes