



An
Coimisiún
Pleanála

Inspector's Report

PL-500903-WW-26

Development	Construction of 4 dwellings with all associated site works.
Location	Rathdrum, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560857
Applicant(s)	Padraig Smith
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Padraig Smith
Observer(s)	None
Date of Site Inspection	01/06/26
Inspector	Donal Farrelly

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1.0 Site Location and Description

- 1.1. The appeal site is located approximately 600m north of Rathdrum Town Centre. The River Avonmore is located c100m from the southeast boundary of the appeal site but is not directly connected to the site. The appeal site is located c110m southeast of the Special Area of Conservation: Vale of Clara (Rathdrum Wood). Surrounding land uses are predominantly agricultural to the north, west and southwest. Rathdrum Rugby Club is located further to the north, c120m from the appeal site boundary, with Splash Valley Aqua Park located c200m and Hidden Valley Resort located c120m northeast of the appeal site boundary. Killian's Glen residential development which comprises predominantly two storey semidetached units is located directly south of the appeal site.
- 1.2. An existing cul de sac to the north of the Killian's Glen development terminates at the appeal site southern boundary. To the immediate north and east of the appeal site is an agricultural access road in the ownership of the adjacent landowner. This access road is used by the adjacent landowner to gain vehicular and machinery access to their agricultural lands located predominantly to the west of the appeal site. I observed machinery parked on this access route during my site visit. To the immediate southwest of the appeal site is a laneway (shown within the site blue line boundary). During my site visit it did not appear that this laneway was used for vehicular access.
- 1.3. The appeal site will connect to the existing Killian's Glen internal road network, which connects to a vehicular access road which serves the Hidden Valley Resort and Splash Valley Aqua Park which are located to the North.
- 1.4. The appeal site has a stated area of 0.68ha with the site generally sloping from west to east and consists currently of vacant agricultural land.

2.0 Proposed Development

- 2.1. The proposed development comprises the development of 4 no. two storey detached residential units. The houses which comprise of generous sized plots are arranged in a cul de sac with a separate detached garage for each plot. Water and foul are proposed to connect to the existing mains in the Killian's Glen development to the

south. Surface water will discharge to an infiltration area of the private gardens of each plot as per the RFI Technical Note response dated 08/01/26.

- 2.2. The site includes a number of mature trees and hedgerows with the appellant outlining that a number of the stone and sod ditch boundaries will be retained. Service vehicles will utilise the existing hammerhead in Killian's Glen for turning manoeuvres.

3.0 Planning Authority Decision

- 3.1. Permission was refused by Decision Order dated 28/01/2026 subject to 1 no. reason.

Having regard to:

- i) Objective RT1 of the Wicklow County Development Plan 2022-2028, which seeks 'to provide for residential development for a maximum of 4 units on lands of c.0.8ha, zoned 'RN – New Residential', north of Killian's Glen';*
- ii) The proposed development of 4no. dwellings on a site area of c. 0.68ha, which excludes the eastern and northern section of the zoned lands and the existing mature boundary screening available; and*
- iii) The lack of any proposals for the remainder of the zoned lands and concerns that the estate roads in Killian's Glen could be used to access the farmlands to the north west of the estate.*

It is considered that the proposed development would materially contravene Objective RT1 of the Rathdrum Town Plan and would result in piecemeal development of the zoned lands, contrary to the amenities of the area and to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of the Executive Planner requested further information for the following;

- (1) Details on the clearing works that are taking place on site, justification as to why the existing access route that runs along the western boundary of the Killian's Glen housing estate cannot be used for access to the agricultural lands, revised proposals

so that the application site extends for the full width of the lower estate road in the Killian's Glen housing estate i.e. adjacent to 22 Killian's Glen.

(2) A tree survey to be submitted, details regarding surface water drainage to be retained on site, and access for service vehicles to the site.

The report of the Executive Planner in response to the further information submitted by the appellant recommends refusal for 1 no. reason which is discussed in detail under the assessment section of this report. In summary this reason for refusal is that the proposed development would contravene Objective RT1 of the Rathdrum Town Plan and would result in piecemeal development of zoned lands and concerns regarding planting.

3.2.2. Other Technical Reports

- The District Engineer of the Environment Section outlined no objection subject to an appropriate entrance being installed to enable surface water to flow off the public road, preserve existing drainage inlets and use appropriate culverted pipes if necessary, surface water generated on site to be disposed of on site, and restrictions on the driveway gradient.
- Transportation initially requested further information regarding the following.

Entrance upgrades proposed under planning reference number **24/503** are required to achieve the appropriate entrance sightlines. More detailed construction details are required regarding the internal road layout which must also enable service vehicle access, pedestrian tie ins to the existing development are required which also require agreement with the PA, public lighting must be agreed, surface water to be disposed of on site. The FI submission by the appellant was acceptable to the Transportation Engineer.

- Wicklow County Fire Service recommended fire related conditions in the event of a grant of permission.

3.3. Prescribed Bodies

No Response from Uisce Eireann,

No Response from Failte Ireland

Department of Housing, Local Government and Heritage. The Department therefore recommends that an AA Screening and Ecological Impact Assessment report are requested from the applicant regarding biodiversity and location near an SAC.

An Taisce outlines that the applicant to address on site biodiversity and tree retention, and AA Screening is required on site.

3.4. Third Party Observations

I note 3 representations made by Cllr Pat Kennedy, Cllr Sylvester Bourke and Senator Pat Casey.

4.0 Planning History

4.1. Appeal Site

Planning Ref 23874. Construction of 4 No. dwellings together with associated site works on lands recently zoned RN under objective RT1. Withdrawn by P. Smith

Planning Ref 2360429. proposed development comprising of: (1) 3 no. two-storey, four-bedroom, terraced dwellings with west facing balconies; (2) Landscaping & boundary treatments incl. retention of boundary wall between Killian's Glen & the subject site; (3) 6 parking spaces; (4) Retention permission & permission to complete, to DMURS standards, established connection to the existing estate road; (5) Electric gates to northern boundary to serve Right of Way & to the northeastern boundary to connect to adjoining property (last p.p. reg. ref. 141478); (6) Ancillary connections to all roads, footpaths, open spaces, & services previously granted at St. Killian's Glen Estate under PRR 18/966 (or reg. refs. 07/900, 09/315, 11/4869, 15/889, 17/331 & 17/882); & (7) All associated site works. Permission refused for Lloyd Williams on 17/01/24.

Reasons

1. Having regard to:

-the location of the development on peripheral lands, the proposed development of 3 no. dwellings on a site of 0.11 hectares,

-Objective RT1 of the Rathdrum Town Plan as set out in the Wicklow County Development Plan 2022-2028, which seeks is 'to provide for residential development

for a maximum of 4 units on lands of c. 0.8ha, zoned 'RN – New Residential', north of Killian's Glen',

-CPO 6.26, which states that in relation to the protection of residential amenity in transitional areas, 'it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones'.

It is considered that the proposed development would materially contravene objective RT1 of the Rathdrum Town Plan, would result in an overdevelopment of the lands, would contravene Objective CPO 6.26 of the County Development Plan 2022-2028 as it would result in development which would be of a scale which would not form an appropriate transition to the rural area on these peripheral lands, would be contrary to the amenities of the area, and to the proper planning and sustainable development of the area.

2. The proposed development would seriously injure the amenities of properties in the vicinity, and endanger public safety in the vicinity because the use of the existing housing estate road to provide access to agricultural lands and to the existing dwelling would result in agricultural vehicles on estate roads which would be inappropriate, lead to the deterioration of road surface/ deposition of deleterious materials, would conflict with residential traffic movements/ parking, would be unjustified having regard to existing vehicular access available.

4.2. Development to the south (Killian's Glen)

Planning Ref 24/503. Planning Permission for the retention of 15 no. dwellings as constructed under PRR 18/966 utilising the development entrance as constructed on site as permitted in accordance with PRR 17/822, all together with associated site works. Permission granted on 27/06/25 for Nigel Clarke Developments Limited. (Permission included for sightlines of 90m in both directions regarding the vehicular entrance into the Killian's Glen development.)

Planning Ref 22269. for 15 dwellings as constructed under PRR 18/966 utilising the development entrance as constructed on site as permitted in accordance with PRR 17/822, all together with associated site works. Application withdrawn by Nigel Clarke Developments.

Planning Ref 18966. revisions to development as granted under Pl. Reg. No. 17/331 and 17/822 (development is currently under construction) which will consist of the following amendments: - (a) Revision to site boundary, site edged red site Area (due to mapping anomaly), (b) The omission of house numbers 15, 16, 17, 18, 19, 20, 21, 22 and 23 (total of 9no. detached units). Permission to construction 15 no. dwelling units in their place which will consist of 3 no. two storey semi-detached units. (c) Revised public open space areas and minor amendments to previously granted public roads and footpaths. (d) connection to services as previously granted under Pl.Reg.no. 17/331 and 17/822. (e) Ancillary works. Permission granted to Nigel Clarke Development on 25/04/19.

Planning Ref 17822. revisions to development as granted under PRR 17/331 incorporating amendments to site entrance and associated site works and minor adjustments to the boundaries of sites 1, 2, and 3 a granted all together with associated site works. Permission granted for Sympath Developments Ltd on 02/10/17.

Planning Ref 17331. 25 no dwellings all together with associated site works with a similar site layout to that as previously granted permission for a housing development under Planning Register Reference 07/900 (extended under PRR 11/4869) with similar associated revisions as granted under PRR 09/315 (which comprised of 6 no dwellings in lieu of 4 no houses) and revised site entrance similar to that as granted under PRR 15/889. Permission granted for Sympath Developments Ltd on 23/06/2017.

Planning Ref 15889. the construction of 10 no. dwellings all together with associated site works on a site which was previously granted permission for a housing development under PRR 09/315 and extended under 11/4869. Permission granted for Sympath Developments Ltd.

Site to the west

Planning Ref 211300. Part reconstruction and enhancement of the traditional one/sod ditch boundaries with associated quickthorn/tree planting and the construction of 33 no. dwellings, consisting of 9no. Type A (4-bed detached), 7 no. Type A1 (3-bed detached), 8 no. Type B (3-bed detached), 2 no. Type B1 (3-bed semi detached), 2 no. Type C (2-bed semi-detached) and 5 no. Type D (2-bed

detached), all together with associated site works. Refused permission as on rural zoned land and outside the settlement boundary.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site comprises an existing agricultural field which is designated under Objective RT1 of the Rathdrum Town Plan/ Wicklow County Development Plan 2022-2028 and states *‘Objective RT1 of the Wicklow County Development Plan 2022-2028, which seeks ‘to provide for residential development for a maximum of 4 units on lands of c.0.8ha, zoned ‘RN – New Residential’, north of Killian’s Glen’.*
- 5.1.2. The Wicklow County Development Plan 2022-2028 (CDP) is the relevant Development Plan for the appeal site. In my opinion the most relevant policies and objectives are listed below.
- 5.1.3. Chapter 4 relates to ‘Settlement Strategy’. The appeal site is located within Level 4 Self-Sustaining Towns.

Housing

- 5.1.4. Table 6.1 Density Standards: For Self-Sustaining Towns (1,500-5,000 people) which includes Rathdrum the following density standards are noted: Centrally located sites: development should respond to the scale and form of existing development and the capacity of services. Edge/ Urban Extension Sites: 25-40 dwellings per hectare.
- 5.1.5. Table 6.1 further states *‘The ‘edge’ of small / medium sized towns are the lower density housing areas constructed around the centre, while ‘urban extension’ refers to greenfield lands at the edge of the built-up area that are zoned for residential or mixed-use (including residential) development.’* The appeal site is considered to be located within the urban extension zone.
- 5.1.6. Objective CPO 6.3: New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

- 5.1.7. Objective 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).
- 5.1.8. Objective CPO 6.13: To require that new residential development represents an efficient use of land and achieves the densities as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH 2024).
- 5.1.9. The development and design standards for mixed use and residential housing developments are set out in Appendix 1
- 5.1.10. Appendix 1 of Volume 3 sets out relevant design standards. The following is relevant: Section 2.1.4 notes that the design of new local roads and new means of access onto local roads shall generally comply with the guidance set out in the Design Manual for Urban Roads and Streets, Traffic Management Guidelines and Recommendations for Site Development Works for Housing Areas as appropriate.
- 5.1.11. **Rathdrum Town Plan 2022-2028**

The appeal site is located within the settlement boundary of The Rathdrum Town Plan (Town Plan), identified as level 4 Self Sustaining Town Plans. The said Plan identifies the site as being zoned as RN-New Residential with a land use zoning objective *‘To provide for new residential development and supporting facilities.’* The said Plan further states *‘Uses generally appropriate for residential (RN / RE) zoned areas include houses... in accordance with the CDP’.*

Residential Development Objectives of the Town Plan for the appeal sites states the following. *‘RT1 To provide for residential development for a maximum of 4 units on lands of c.0.8ha, zoned ‘RN-New Residential’ north of Killian’s’ Glen’.*

Section 4.3. *‘This Plan provides for sufficient zoned land and residential development objectives in order to achieve the population and housing objectives set out in the ‘Core Strategy’ of the County Development Plan and as detailed in Section 1.1 of this document’.*

5.1.12. **Relevant National or Regional Policy / Ministerial Guidelines**

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

Section 3.2.1 Methodology. *‘The densities should generally be within the ranges set out in Section 3.3 and can be refined further in accordance with the guidance set out in Section 3.4. It may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area’.*

The Guidelines set out national planning policy in relation to the planning and development of settlements and housing. Section 3.3.4 outlines details regarding small and medium sized towns such as Rathdrum (1,500 – 5,000 population).

Table 3.6 states *‘It is a policy and objective of these Guidelines that densities in the range 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns’.*

5.2. **Natural Heritage Designations**

Special Area of Conservation: Vale of Clara (Rathdrum Wood) SAC (000733) is located c110m to the northwest of the northern boundary of the appeal site.

Proposed Natural Heritage Areas:

Vale Of Clara (Rathdrum Wood) is located approximately c110m to the northwest of the northern boundary of the appeal site.

6.0 **EIA Screening**

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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A first party appeal has been lodged by a consultant acting on behalf of the appellant. The appeal was also accompanied by landownership maps.

7.1.2. The grounds of appeal are summarised as follows.

Zoning and Density

- The proposed development is in accordance with zoning objective of the Rathdrum Town Plan which provided for a *'a maximum of 4 units on lands of c.0.8ha, zoned RN-New Residential, north of Killian's Glen'*
- It would not materially contravene Objective RT1 of the CDP and comprises 4 no. detached dwellings in compliance with appropriate density. The appellant is of the view that the planning authority should enforce a lower density of housing on the periphery of the town and 4 is deemed to be the maximum, therefore 2 or 3 should be acceptable. The 0.8 ha identifies the landholding but is not prescriptive in the form or layout and that the appeal site at 0.68ha is close to the 0.8ha figure. It only specifies that within the zoned area a maximum of 4 houses can be provided.
- The PA are incorrect in their analysis of the RT1 objective as houses are located within the designated zoned area. The appellant outlines that the principle of development is acceptable within the Planners report. The proposal is in accordance with Objective RT1.
- The granting of permission means that no more dwellings can be located on the RN lands in this location and would be a material contravention in this instance. Other lands can be used for other purposes other than housing. However, the proposed housing units does not constitute a material contravention.
- Under the previous Rathdrum LAP 2017 and 2006 LAP lands to the southwest were zoned for residential development but were de-zoned with the adoption of the CDP

2022-2028. A development to the west of the appeal site was refused permission on basis of the expiry of the 2017 LAP. The Killian's Glen development provides for a road connection to the west in the event that further lands are rezoned for development.

Access and site boundaries

- It will not create a through route for agricultural vehicles and will not impact on residential amenity. The adjacent landowner has full access through their house and sheds to the rear from the main road (R752). There will be no legal right of way through Killian's Glen to provide access to the agricultural lands. The appellant is happy for a condition in terms of boundary and planting treatments.
- The laneway to the southwest of the site is not suitable for farm machinery and is only for pedestrians and there is no right of way access over these lands to the agricultural fields. The lane may be used in potential future development of lands to the west and no buildings will impinge on the lane from the proposed development. The appellant is happy for a condition in terms of boundary and planting treatments along the line of the old pathway.
- The development provides appropriate design and establishment of a new rear boundary, and preserving the existing mature boundary screening in order to define and consolidate property boundaries.
- The appellant believes that the PA became frustrated with the explanation being provided regarding the third-party lands, in conjunction with the adjacent landowner submitting a proposal for 3 no. houses on the adjacent RN zoned lands (23/60429). They believe this undermined their credibility in terms of the current application.
- The site layout plan submitted as FI shows the access along the northern boundary and that planning permission is required regarding the use of this corridor.
- The corridor to adjacent lands is appropriate for assessment under Appendix 1 Section 3 Mixed use and Housing Developments of the CDP.
- The red line boundary does not extend to the northern hedgerow, and applicant does not own the full extent of the lands which allows the neighbouring property owner to maintain access to their lands located to the west of the appeal site. Appendix 2 outlines the extent of the appellant's land and those of the adjacent property owner.

The subject site does not include the lands to the north or east as they are outside the appeal site.

- Landscape screening is proposed to all boundaries and is outlined on the site layout plan, with stone and sod hedgerows and indigenous planting to be used where appropriate.

Other

- The PA concluded that clearing works on third party lands were subject to an enforcement case which was now closed. The PA didn't accept the appellant's explanation regarding land ownership and boundary lines, and the rationale for not including all of the 0.8ha of land.
- The design of homes is similar to the design of some of the homes granted permission under 21/1300 in Killian's Glen development. The proposal seeks to create transition from Killian's Glen development to adjacent agricultural fields.
- The development will connect to the existing drainage network.
- Sightlines at Killian's Glen Estate were granted under 24/503. The ESB substation was part of this which is awaiting commissioning. The access way at the edge of RT1 zoned lands provides legal connection from the private dwelling of the adjacent landowner to agricultural fields in the northwest and is not under the control of the applicant.

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Planning History
- Compliance with Objective RT1 of the Rathdrum Town Plan/CDP
- Landscape and boundary treatment
- Material Contravention
- Other

Planning History

8.2. I draw the Commissions attention to the previous planning history associated with the appeal site, and that of the adjacent site to the southeast which is under different landownership. Both sites are located within the lands associated with the RT1 Objective of the Rathdrum Town Plan/CDP which states '*RT1 To provide for residential development for a maximum of 4 units on lands of c.0.8ha, zoned 'RN-New Residential' north of Killian's' Glen*'.

8.3. I note the previous reason for refusal under planning reference number 2360429 on the adjacent site of 0.11ha to the southeast of the appeal site, which outlined that the 3 no. housing units proposed would leave a significant portion of the RT1 lands undeveloped, would constitute overdevelopment of the site, and is therefore not in accordance with the RT1 Objective. These lands are not owned by the appellant.

8.4. The Planners Report notes that an application was also submitted for 4 no. dwellings on the adjacent site (23/874), and I note that this was subsequently withdrawn. This land is owned by the appellant.

8.5. The appellant subsequently submitted a new planning application for 4 no. units on their lands (2560857), which they previously withdrew under 23/874. This new submission constitutes one planning application for the RT1 zoned lands as opposed to two applications as previously submitted by two different landowners.

Compliance with Objective RT1 of the Rathdrum Town Plan/CDP

8.6. Objective RT1 of the Rathdrum Town Plan 2022-2028 states '*To provide for residential development for a maximum of 4 units on lands of c.0.8ha, zoned 'RN-New Residential' north of Killian's' Glen*'.

- 8.7. The appeal site is located within the RT1 zoned land, is 0.68ha in size, and is in the ownership of the appellant. The full extent of the RT1 zoned lands is 0.8ha. The land outside the 0.68ha is not in the ownership of the appellant.
- 8.8. I note that the Local Authority in their reason for refusal outlined that the proposed development would materially contravene Objective RT1 of the Rathdrum Town Plan 2022-2028. The initial Executive Planners Report also raises concerns that the appeal site is less than the 0.8ha stated under Objective RT1 and excludes a section of land along both the northern boundary and to the east of the site. This section of land along the northern and eastern boundary is not in the ownership of the appellant.
- 8.9. In the subsequent further information report of the Executive Planner they recommend refusal as they were not satisfied that the 0.8ha of land is included as per the requirements of Objective RT1. It is also not clear to the Planner what the remaining 0.12ha of land will be used for, which is outside of the 0.68ha in the appellant's ownership.
- 8.10. I note the rationale provided by the appellant in that the appeal site is less than 0.8ha due to landownership. The appellant outlines that the northern most section of the 0.8ha area and a section of land to the east of the appeal site, are outside their ownership and are currently used by the adjacent landowner for access to their fields to the west of the appeal site. The appellant confirms that their landholding is 0.68ha and provides land ownership maps to confirm the extent of their ownership and the ownership of the adjacent landowner.
- 8.11. Having reviewed the reason for refusal regarding Objective RT1 of the CDP and the stated 0.8ha which forms part of the objective, I am of the opinion that landownership is a significant factor in the determination of the site boundaries in this instance as the appellant does not own all of the land within the RT1 zoned area. I am satisfied that the appellant has submitted appropriate evidence to demonstrate that they are not the owners of the land to the north and east of the appeal site, as it is this land that forms a significant element of the reason for refusal as it reduces the area of land from 0.8ha to 0.68 ha.
- 8.12. Having regard to the above and on balance I am satisfied that the proposed development adheres to the zoning Objective RT1. I accept that the site at 0.68ha is

less than the stated 0.8ha site area as per Objective RT1, however this site area should not be the determining factor in this instance due to the landownership constraints as discussed above. I am satisfied that the proposed development is in accordance with Objective RT1 of the CDP as the appellant proposes to deliver 4 no. residential units. Density and housing unit numbers are discussed further below. I therefore recommend to the Commission that the PA's reason for refusal regarding the site size and agricultural access should be overturned.

Density

- 8.13. I have considered the density proposed for the appeal site. I note the appellants rationale for why the site is 0.68ha as opposed to 0.80 ha. However in terms of density, I consider the difference in density regarding the provision of 4 no. units on 0.68 ha (5.88 units per ha) as opposed to 0.80ha (5 units per hectare) not to be significant. However, I note that the proposed density is significantly lower than the density outlined in Table 6.1 of the CDP which identifies the site as an Urban Extension Site with an associated density of 25-40 dwellings per hectare. I will discuss this further below under the material contravention section of this report.
- 8.14. The appellant also argues that Objective RT1 of the CDP seeks a maximum of 4 no. housing units which they have proposed, however they also outline that a lower density of housing should be sought on this periphery town site.
- 8.15. I also accept the argument put forward by the appellant in that the 4 no. house limit is what should determine the development parameters of the appeal site and therefore future development can be controlled in this regard. I am satisfied that this addresses the concerns raised by the Planner in that it was unclear what the remaining 0.12ha of land will be used for when the 0.68ha is developed.
- 8.16. I am therefore satisfied that the density of 4 no. units on the appeal site is acceptable as it is in accordance with the unit number outlined under Objective RT1 of the Rathdrum Plan/CDP and includes a housing typology of detached two storey units on generous plots which is appropriate for its periphery location within the settlement boundary of Rathdrum.

Landscape and boundary treatment

- 8.17. I note the appellant submitted an Arboricultural Assessment, and a landscape plan to the PA regarding the appeal site.
- 8.18. I note the previous reason for refusal regarding the existing mature boundary screening. However as set out above under the landownership element of this report, this boundary screening is outside the ownership of the appellant and is located along the northern and eastern boundaries of the RT1 zoned lands, and I do not consider it to be relevant.
- 8.19. I therefore recommend to the Commission that the PA's reason for refusal regarding boundary treatments should be overturned.

Other

- 8.20. The previous reason for refusal also outlined that the PA was concerned that the existing laneways would be used for access through residential lands to farmlands located to the west of the appeal site.
- 8.21. The appellant has outlined that the laneway access to the southwest of the site is for pedestrian access only and not for agricultural access, and that the adjacent landowner has no right of way over the appeal lands to access their fields. I note the landownership map provided by the appellant which confirms same. I am satisfied that this laneway will not be used for agricultural access.
- 8.22. Further to this, I am satisfied that access to farmland located to the west of the appeal site will be by the existing laneway to the north of the appeal site and will not be through Killian's Glen.
- 8.23. I therefore recommend to the Commission that the PA's reason for refusal regarding farm access should be overturned.

Material Contravention

- 8.24. The Planning Authority have refused permission and stated that the development materially contravenes the CDP.
- 8.25. Further to my assessment above I do not consider the proposal to constitute a material contravention as the total number of units to be delivered are 4, which is the figure established under Objective RT1 of the CDP/Town Plan.

8.26. Notwithstanding the above, if the Commission are minded to come to a different interpretation and consider the overall development of 4 no. units to materially contravene Objective RT1 of the CDP of the development plan/town plan, I have assessed the development against the four criteria outlined under Section 37(2)(b) of the Planning and Development Act 2000, as amended, which is the criteria that allows the Commission to grant permission in the event of a material contravention

(i) 'the proposed development is of strategic or national importance'.

I do not consider that the proposed development is of strategic or national importance.

(ii) 'there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or'.

The applicant proposes 4 no. units for the site but I accept the rationale regarding landownership as to why the site is 0.68ha and not 0.8ha, which is discussed under the 'Compliance with Objective RT1 of the Rathdrum Town Plan/CDP' section of this report. I am of the opinion that Objective RT1 is not clearly stated as it references a maximum number of housing units on a site of 0.8ha but does not state the density requirement. I am therefore of the opinion that the Objective is not clear with respect to density. I consider that the zoning boundary is not reflective of existing land ownership and ultimately the feasibility of delivery of the units for this RN-New Residential zoned site.

Further to the above, Table 6.1 of the CDP identifies the appeal site as being an urban extension with a density range of 25 dph- 40 dph. This is significantly higher than the 4 no. units proposed under Objective RT1 of the Rathdrum Town Plan/CDP 2022-2028. The density objective within Table 6.1 of the CDP conflicts with Objective RT1.

(iii) 'permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or'.

Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH 2024) identify a density range of 25 dph to 40 dph (net) to be generally applied at the edge of small to medium sized towns. The density of 4 units (5.88 uph) on the appeal site is significantly less than this.

(iv) 'permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.'

I refer the Commission to the 'Planning History' section of this report which assess previous planning applications I believe are relevant for both the appeal site and adjacent site. Although there is consistency in the reasons for refusal from the Planning Authority with respect to Objective RT1 of the CDP, I believe the provision of 4 no. units is in accordance with Objective RT1 of the Rathdrum Town Plan/CDP 2022-2028.

8.27. Therefore, it is my view that Section 37(2)(b)(ii) would allow for consideration to be given to the material contravention of the Plan, where such was considered to arise.

9.0 AA Screening

I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located c110mm southeast of the Special Area of Conservation: Vale of Clara (Rathdrum Wood). The proposed development comprises the construction of 4 no. four bedroom dwellings with foul and water connections to the public mains.

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:

- Nature of the small scale development, with foul and water connections to public mains. On site surface water will be collected in infiltration areas in each private garden.
- Location and distance from the nearest European site and lack of hydrological connections.

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.

10.0 Water Framework Directive

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. Foul connections will be to the existing public mains, and on site surface water will be to infiltration areas located in each private garden.

The development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

I recommend to the Commission that permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- the provisions of the Wicklow County Development Plan 2022-2028, including Objective RT1 of the Rathdrum Town Plan 2022-2028,
- the nature, scale, and location of the proposed development on residential zoned land (RN – New Residential),
- the pattern of development in the surrounding area and the adjacent residential estate.

It is considered that the proposed development, subject to compliance with the conditions set out below, would not constitute a material contravention of the CDP, would not seriously injure the residential amenity of properties in the vicinity, would provide an acceptable standard of amenity for future residents, and would be acceptable in terms of visual amenity. Therefore, the proposed development would 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, 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. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and orderly development.

3. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

5. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

7. (a) The landscaping scheme shown on drawing number PP/03-03, as submitted to the planning authority on the 23 day of October, 2025 shall be carried out within the first planting season following substantial completion of external construction works.

(b) All existing boundary hedging, trees and ditches shall be maintained where possible.

(c) All planting shall be adequately protected from damage until established. Any plants 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.

Reason: In the interest of residential and visual amenity.

8. The mitigation measures outlined within the Arboricultural Assessment dated 09/01/26 shall be implemented in full.

Reason: To ensure that trees are not damaged or otherwise adversely affected by building operations.

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. Any 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 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.

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

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise, dust, debris management measures, traffic management measures, and off-site disposal of construction waste.

Reason: In the interests of public safety and residential amenity.

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

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

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.”

Donal Farrelly

Planning Inspector

04/06/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500903-WW-26
Proposed Development Summary	Provision of 4 no. two storey detached dwellings and 4 no. garages on generous sized plots, with foul drainage to the public mains. Potable water will be by way of the public mains, and on-site surface water will be to infiltration areas located in each private garden.
Development Address	Land to the North of Killian's Glen, Rathdrum, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b)(i) Construction of more than 500 dwelling units. The development comprises only 4 no. residential units.
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)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500903-WW-26
Proposed Development Summary	Provision of 4 no. two storey detached dwellings and 4 no. garages on generous sized plots, with foul drainage to the public mains. Potable water will be by way of the public mains, and on-site surface water will be to infiltration areas located in each private garden.
Development Address	Land to the North of Killian's Glen, Rathdrum, 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 development is small in scale, comes forward as a standalone project, does not require demolition works, 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 particular existing and approved land use,	The development is situated on agricultural land which is zoned for housing in a periphery location on the outside of Rathdrum. The development site is surrounded by predominantly agricultural land and residential houses. The development is removed from sensitive natural habitats, and designated sites and

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).	landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the limited nature of the proposed development, 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.
Conclusion	
Likelihood of Significant Effects	
There is no real likelihood of significant	EIA is not required.

effects on the environment.	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.
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Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)