



An
Coimisiún
Pleanála

Inspector's Report

PL-500974-WW-26

Development

Construction of a dwelling with relocation of agricultural field entrance to form new residential & agricultural entrance and all associated site works.

Location

Kilpoole Lower, Wicklow, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2560490

Applicant(s)

Marco Herbst

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Marco Herbst

Observer(s)

None

Date of Site Inspection

16/06/26

Inspector

Donal Farrelly

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	3
4.0	Planning History.....	5
5.0	Policy Context.....	5
6.0	EIA Screening.....	8
7.0	The Appeal	9
8.0	Assessment	11
9.0	AA Screening.....	15
10.0	Water Framework Directive.....	15
11.0	Recommendation.....	16
12.0	Reasons and Considerations	16
13.0	Conditions.....	17
	Appendix 1: Form 1 EIA Pre-Screening	22
	Appendix 2: Form 2 - EIA Preliminary Examination	25

1.0 Site Location and Description

- 1.1. The appeal site is located in Kilpoole Lower, approximately 2km southeast of Wicklow Town. The site is surrounded by agricultural fields with residential units located to the south of the appeal site on both sides of the local road. The proposed development fronts the local road identified as L-5103. The site is located on the coastal side of the L-5103 but views to the sea are intermittent.
- 1.2. The shared vehicular entrance will enable access to the house, with a proposed new agricultural access connecting to the new access road. The access road will traverse the existing hedgerow which forms the majority of the northern boundary of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for a single storey dwelling (209m²), wastewater treatment system including a 50m² polishing filter located to the northeast of the site, the relocation of an agricultural field entrance to form a new shared residential and agricultural entrance, and new screening site works.
- 2.2. The new proposed private access road to the dwelling is through an existing field boundary to the north to connect with the proposed shared site entrance.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused by Decision Order dated 18/02/2026 for the following reason. An application time extension was granted by the PA until 16/07/26.

3.2. Having regard to:

- a) *The location of the proposed development on land within an area designated as an Area of Outstanding Natural Beauty (Southern Coastal Area) in the Landscape Hierarchy of the Wicklow County Development Plan 2022-2028;*
- b) *The elevated and exposed nature of the site;*
- c) *The lack of natural screening; and*

d) The availability of family lands which may be more capable of assimilating the proposed development into the surrounding landscape;

It is considered that the proposed development would be an incongruous and intrusive feature in the landscape, would result in the erosion of this rural landscape and would militate against the preservation and protection of the rural and visual amenities of the area, and would be contrary to Objective CPO 6.44 of the County Development Plan 2022-2028 which provides that all new 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 and should demonstrate good integration within the wider landscape.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Report of Planner dated 21/01/2025 recommends a refusal of permission. This refusal was based on the location of the development within an Area of Outstanding Natural Beauty (AONB), the elevated nature of the site, the lack of natural screening and the availability of other family lands.

3.3.2. Other Technical Reports

- Environmental Health Officer. No objection.
- Municipal District Engineer. No response received.

3.4. Prescribed Bodies

Department of Housing, Local Government and Heritage. No response received.

An Taisce. No response received.

Faite Ireland. No response received.

HSE. No response received.

3.5. Third Party Observations

Representation received from Cllr Graham Richmond.

4.0 Planning History

Planning Reference 23/60417. a single storey dwelling, effluent disposal system to current EPA requirements, upgrade of existing agricultural field entrance to residential entrance, landscaping and associated site works. Applicant withdrawn by the appellant.

Planning Reference 22/72. storey and a half type dwelling house along with proposed effluent disposal systems to current EPA requirements and associated site works. Applicant withdrawn by the appellant.

Site to the south of the appeal site (not connected to the appellant)

Planning Reference 21944. new dwelling, garage, new entrance, new section of laneway to join existing lane, wastewater treatment unit, soil polishing filter, new well and associate works. Application withdrawn. Planners report had recommended a refusal regarding ribbon development and impact on area of Outstanding Natural Beauty.

5.0 Policy Context

5.1. Development Plan

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

5.1.2. The site is located within an Area of Outstanding natural Beauty (AONB)-Southern Coastal Area (Chapter 17 CDP Map No. 17.09B).

5.1.3. I consider the following objectives and policies to be most relevant to the appeal.

Chapter 4 Settlement Strategy

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

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

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

Chapter 6 Housing

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

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

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

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

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

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

Table 6.3 sets out a number of criteria that may fulfil rural housing policy standards

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.

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

Chapter 12 – Sustainable Transport

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

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

Chapter 17 – Natural Heritage and Biodiversity Wicklow County

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

CPO 17.36. Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility). The Assessment shall demonstrate that landscape

impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.

Relevant National or Regional Policy / Ministerial Guidelines

National Planning Framework (First Revision) 2025

National Policy Objective (NPO) 23 Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape including island communities that make Ireland's rural areas authentic and attractive as places to live, work and visit. Any successor policy documents relating to national policy for rural areas and the islands will ensure continued alignment and consistency with the National Policy Objectives of this Framework.

NPO 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 overdevelopment, while sustaining vibrant rural communities.

NPO 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...

Sustainable Rural Housing Guidelines 2005

5.2. Natural Heritage Designations

Wicklow Head SPA (004127) is located c2.1km to the northeast of the site.

Magherabeg Dunes SAC (001766) is located c2.1km to the southeast of the site

Proposed Natural Heritage Areas

Wicklow Head (000734) is located c2.1km to the northeast of the site.

Magherabeg Dunes (001766) is located c2.1km to the southeast of the 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.

7.1.2. The grounds of appeal are summarised as follows;

Planning History and Policy

- The appellant has a genuine need to live in the rural area and those with such a need are entitled to build in an area designated as an Area of Outstanding Natural Beauty (Southern Coastal Way).
- The appellant has previously submitted three planning applications, and this is the first appeal. Now a single storey dwelling is proposed and previously a larger dwelling was proposed.
- The appellant conforms to Objective 6.41 of the CDP. They have emphasised that the house will not impact on any protected view or prospect, no traffic or public health hazards arise, it does not impact on adjoining or surrounding property or amenities, the house design is a simple build form and includes a level of visual impact mitigation which exceeds that of most rural houses.
- The development should not be restricted in order to protect views and prospects.
- The Landscape and Visual Impact Assessment finds the proposal acceptable on visual impact grounds.
- NPO 28 of the NPF is relevant and the appellant has satisfied this policy.

Site Location and Design.

- The appellant's site is located some distance to the west of the coast road. All lands along this road owned by the appellant and their family are elevated. An assessment

was undertaken on all alternatives (BPS report-Appendix 2), but the appeal site was determined to be the best option available.

- The PA has asked for the site to be moved to more elevated and exposed lands to the north or northeast of the appeal site across the adjoining local road. This would require a new vehicular access which would be less safe and more visually adverse than the appeal site. The appellant has set out proposals to address likely visual impacts of the appeal site which are much better than the alternative sites proposed by the PA. The sites on the opposite side of the local road are outside the AONB.
- The appeal site is not predominantly visible from the public road due to the existing hedgerow and site levels.
- The submitted mitigation proposals are adequate to address the visual impact of a modest bungalow dwelling.
- The site was chosen to avoid ribbon development.
- Many rural sites must create new boundaries and boundary treatments, with many of these sites elevated.
- The project team contains registered professionals who all agree that the dwelling can be assimilated into the landscape.
- The appellant's consultant has proposed a planning condition regarding earthworks, and semi mature tree planting and fencing to create new screening boundaries on the two currently open sides of the site prior to the commencement of construction. Dark tiles are also proposed to the roof to blend into the landscape.
- The house design is unobtrusive and is informed by the Rural House Design Guidelines. New hedgerow, tree planting and earthen mounding would help screening. The development would not result in the erosion of the rural landscape. The proposal is an exemplar of how a new rural house can respond to site characteristics and principles of the Rural Design Guidelines. Tree planting will compensate for works required at the site entrance.

There are no road safety or wastewater treatment technical concerns, and no impact on Natura 2000 sites or wildlife.

The appellant is happy for appropriate planning conditions to be included regarding integration into the landscape if deemed necessary.

The design is consistent with the established pattern of development along the local road.

Other Matters

- The appellant only owns the appeal site, with family members being the landowners of the other land referenced by the PA. Using an alternative site would require the appellant to ask their father for the site.
- In 2022 the PA appeared to consider the development acceptable in principle considering the FI request and then changed their position.

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

8.1. Having examined the planning 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:

- Rural housing need and alternative sites considered
- Current site location and house design, and visual impact
- Other Matters

8.2. Rural housing need and alternative sites considered

8.3. I have reviewed the details and evidence submitted by the appellant regarding their rural housing need. The details submitted outline that the appellant has a local connection to the area, is the son of a local landowner, is seeking to build his first home, and needs to care for his elderly parent. The details confirm that the appellant

qualifies for a rural housing need. I note that the Planner outlines in their initial report that they are not satisfied that the appellant has a rural housing need making reference to property currently owned by the appellant's father. The subsequent reason for refusal did not specifically state that the appellant does not have a rural housing need but makes reference to alternative sites within the wider family ownership which are more suitable for development.

8.4. I have reviewed the BPS planning report submitted to the PA. This report assesses 7 alternative sites (using scores) within the wider family landholding. The report outlines the following.

- All 7 alternative sites are in the ownership of the appellant's father. The appellant only owns the appeal site.
- The appeal site scores joint highest along with alternative site number 7. Issues identified with site number 7 include legal issues with getting an access agreement to the site, the appellant does not own the site, and likely objections from existing residents.
- The other 6 alternative sites received lower scores mainly due to works required to achieve appropriate vehicular access, works to achieve sightlines and impact to trees, siting and visibility of the dwelling in the landscape, ribbon development, clustering of dwellings and potential impact to existing dwellings.

8.5. The appellant has outlined that they are in compliance with Objective 6.41 of the CDP. I note the details submitted by the appellant in this regard. I accept that Objective CPO 6.41 references the importance of housing need and the location of rural housing with respect to the conservation of views. As per section 8.4 above I am satisfied that the appellant has demonstrated a robust assessment of alternative sites in the wider family landholding and provided appropriate evidence regarding the suitability of the appeal site for development. It is my view that the appellant has demonstrated compliance with Objective CPO 6.41 in that they have provided evidence of a rural housing need and that alternative sites were considered but not deemed appropriate.

8.6. Further to the above, I have considered the details submitted by the appellant and the details of the Planners report and reason for refusal. It is clear from the planning

report and solicitors letter submitted to the PA that the various properties owned by the appellant's father are connected to the commercial operations of the father's polo equestrian business. I am satisfied that these properties are not available to the appellant. I am also of the view that property in the ownership of the appellant's father is not relevant in determining rural housing need in this instance

8.7. I am satisfied that the appellant has a local rural need and the alternative sites suggested by the PA are less satisfactory. I therefore recommend to the Commission that the previous reason for refusal regarding selecting an alternative site for development should be overturned.

Current Site Location and house design, and visual impact

8.8. I note the appellant's details regarding the planning history which includes planning reference nos. 22/721 and 23/60417. Both of these applications were withdrawn. In both of these applications the PA raised concerns regarding the impact on the AONB. In the current reason for refusal the PA outlines that the proposal is not in accordance with Objective CPO 6.44 of the CDP.

8.9. I have reviewed the CPD including Chapter 17 maps 17.09A and 17.09B. These maps clearly show that the appeal site is located within The Coastal Areas AONB. However, this only includes the eastern side of the local road L-5103 which includes the appeal site, with the western side of the said local road not located within the AONB. The site is not located within an area with 'Views of Special Amenity Value or Special Interest' as per Map No. 17.10B of the CDP.

8.10. The BPS report identifies 3 no. sites on the western side of the local road outside of the AONB. A number of issues were highlighted in the report regarding these sites which includes the following; the appellant does not own the sites, position of dwelling in the middle of a field, right of way agreement required, ribbon development, works to construct vehicular entrance, and access required by a long laneway. I acknowledge the issues regarding the sites located outside the AONB.

8.11. I have reviewed the plans and particulars submitted by the appellant to the PA including the landscape and visual assessment (LVIA) and mock structure of a single storey dwelling.

8.12. The site topography slopes away from the public road to the rear of the site with rising hills and views of the sea visible from the appeal site. Having undertaken a site visit I am of the opinion that the dwelling would be positioned below the level of the public road and would be extensively screened by existing mature planting with views of the dwelling limited from the public road. I also acknowledge that the appellant has made suggestions on overcoming the issue with regarding to landscape screening on site and the use of planning conditions if appropriate as a means to reduce the visual impact of the dwelling.

8.13. Having regard to the above I am satisfied that the proposed dwelling can be assimilated into the existing landscape in a manner which minimises any adverse impact on surrounding visual and residential amenities and views associated with the AONB. I am also satisfied that the proposal conforms with Objectives CPO6.41 and CPO 6.44 of the CDP.

8.14. I therefore recommend to the Commission that the PA reason for refusal regarding impact on the AONB should be overturned.

8.15. Other Matters

8.16. The appellant proposes to create a shared vehicular and agricultural entrance to the north of the dwelling. This includes the construction of a vehicular laneway to access the dwelling through an existing field boundary. I note the PA raised no objection to the vehicular entrance.

8.17. The site layout plan identifies sightlines of 90m to the south and 75m to the north on a local road with a speed limited of 60kph. 90m to the south satisfies the design speed for a local road of 60kph as per Table 1.3 of the Transport Infrastructure Ireland (TII) publication DN-GEO-03031 (May 2023). I have considered the uphill gradient of the public road at this location and the speed of cars which I observed to be lower than 40kph during my site visit. I am of the opinion that the 75m sightline to the north meets the one step below desirable minimum sightlines as per table 1.3. I am therefore satisfied that the entrance sightlines are acceptable.

8.18. I note that the PA raised no objection regarding wastewater treatment. I note that the wastewater treatment system was deemed acceptable under the previous submission 23/60417. I have reviewed the site assessment details and I am satisfied

that the WWTS to include a 50m² polishing filter is in accordance with the EPA 2021 standards and is therefore acceptable for the appeal site.

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 at Kilpoole Lower, Wicklow, Co. Wicklow approximately 2.1km southwest of the Wicklow Head SPA (004127) and c2.1km northwest of the Magherabeg Dunes SAC (001766).

The permission is for a single story dwelling, effluent disposal system to the northeast of the site, relocation of agricultural field entrance to form a combined new residential and agricultural entrance, and new screening earth banking.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The minor works and scale of the development.
- Location and distance from the nearest European site and lack of hydrological connections.

I conclude, on the basis of objective information, that the 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. The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.

Furthermore, 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 planning 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 Objectives CPO 6.41 and 6.44 with respect to rural housing need and rural house design in an AONB.
- the nature, scale, and location of the development on a site which is lower than the public road with extensive mature vegetative screening,
- the measures to ensure traffic safety regarding a new shared entrance for both the house and agricultural lands to the north,

It is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of visual amenity within an AONB, and would be acceptable in terms of road safety. Therefore, the 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to

meeting essential local need] in the interest of the proper planning and sustainable development of the area.

3. (a) The landscaping scheme shown on drawing number 081922_LP_01, as submitted to the planning authority on the 02/07/25 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (b) The existing field entrance identified on drawing no. 081922_LP_01 to be closed permanently on completion of the new entrance. Appropriate hedgerow planting of native species shall be used in place of the closed entrance.

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

4. (a) The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the site entrance.

(b) New hedgerow planting to achieve appropriate sightlines shall be carried in accordance with the landscape scheme identified on drawing no. 081922_LP_01.

Reason: In the interest of visual amenity.

5. The shared entrance shall be constructed as outlined on the site layout plan. No entrance gate, wall or piers shall be erected directly along the public road.

Reason: In the interest of traffic safety.

6. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

(b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

7. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 02/07/25 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

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 existing roadside drainage.

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: in the interest of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays 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 amenities of property in the vicinity.

11. 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

18/06/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500974-WW-26
Proposed Development Summary	Construction of a single storey rural dwelling and wastewater treatment system, and shared vehicular entrance for the dwelling and agricultural field. Site works also to include earthworks and landscaping.
Development Address	Kilpoole Lower, Wicklow, 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.	
☒ 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.	Class 10 (b)(i) Construction of more than 500 dwelling units. The proposal is for 1 no dwelling.

Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	The private access road is less than 2000m in length and the works for the site entrance are not considered significant.
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-500974-WW-26
Proposed Development Summary	Construction of a single storey rural dwelling and wastewater treatment system, and shared vehicular entrance for the dwelling and agricultural field. Site works also to include earthworks and landscaping.
Development Address	Kilpoole Lower, Wicklow, 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 has a modest footprint, 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	The development is situated in a rural area on improved agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated sites of identified significance in the County

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).	Development Plan. The site is located within an Area of Outstanding Natural Beauty.
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 modest 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 effects on the environment.	EIA is not required. 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)