



An
Coimisiún
Pleanála

Inspector's Report

PL-501170-WW-26

Development

Retention of existing agricultural lane as constructed and permission for upgrading existing lane, upgrading existing entrance onto public road, the construction of a new dwelling, wastewater treatment unit and polishing filter, new well and associated works.

Location

Ballinacor West, Kilbride, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2660077

Applicant(s)

Enda Dempsey

Type of Application

Retention & Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Enda Dempsey

Observer(s)

None

Date of Site Inspection

10th June 2026

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.68ha. It is located in the townland of Ballinacor West, c.120m west of the level 7 settlement of Barndarrig in Co. Wicklow. The site is greenfield in nature and occupies part of a larger agricultural field. An agricultural laneway provides access to the southern part of the site by crossing another field and connecting with the R-754-85 regional public road approximately 200m to the south. The topography of the site rises to the north-east and falls to the south. It is approximately 16m higher than the public road. The site is bounded on all sides by agricultural fields. To the south-east of the site, there are some detached, one-off houses facing onto the R-754-85.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a new, single- storey house, (c. 226 sq. m), wastewater treatment unit and polishing filter, new well and associated works.
- 2.2. Permission is also sought to retain an existing agricultural lane as constructed and to upgrade the existing entrance onto the public road.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused for the development for the following reason.

Notwithstanding the applicant's legitimate eligibility for consideration for one-off housing development in this rural area, having regard to:

- *The location of the proposed development on lands within an area designated as an Area of high Amenity (South East Mountain Lowlands) in the Landscape Hierarchy of the Wicklow County Development Plan 2022-2028;*
- *The location of the dwelling set back from the adjoining regional road and the creation of an access driveway of in excess of 200m in length;*

- *The elevated and exposed nature of the site, to be located in an open field away from any existing buildings or clusters; and*
- *The availability of family lands which could more appropriately accommodate a rural dwelling and which may be more capable of assimilating the proposed development into the landscape;*

It is considered that the proposed development would be an incongruous and intrusive feature in the landscape, would set a precedent for further similar undesirable patterns of development in the rural area, 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.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority (PA) was informed by the report of the Planning Officer (PO) dated the 25th March 2026. The report of the PO includes the following,

- The house is in a designated Area of High Amenity (AHA – South East Mountain Lowlands), which has a heightened degree of visual sensitivity.
- The PO was satisfied that the applicant complied with the rural housing need criteria in terms of residency, employment and local ties.
- The design of the house would be broadly in keeping with the provision of the Single Rural Houses Design Guidelines (Appendix 2 – Wicklow CDP 2022-2028). However, the house would be positioned c. 200m from the public road and on an elevated part of the site.
- A Landscape and Visual Impact Appraisal (LVIA) was submitted with the application and concluded that, in light of the mitigation measures proposed,

the house and roadway would be sufficiently screened to prevent any perception of landscape scarring, and any long-range views would be minimal.

- Notwithstanding the findings of the LVIA, the PO considered the provision of a dwelling at such an elevated and exposed location, with associated substantial access roadway, would result in the visual scarring of the landscape, would be contrary to the provision of the rural design guidelines, and would establish a precedent for similar haphazard development.
- The PO also considered the development to 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.

3.2.2. Other Technical Reports

- Arklow Municipal District Engineer – No objection to the development.
- Environmental Health Officer - No objection to the proposed water supply and onsite wastewater treatment system.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

- No observations received.

4.0 Planning History

24/415 – Planning application withdrawn for a single storey dwelling with onsite services, with agricultural shed and yard proximate to the house and for upgrade works to agricultural access lane from the public road. The application was withdrawn after the PA raised concerns regarding the elevated site, its openness to surrounding

views, its set back from the road, and the creation of an excessive driveway that would result in visual scarring of the landscape.

24/81 - Planning application withdrawn for a single storey dwelling with onsite services, with agricultural shed and yard and for upgrade works to agricultural access lane from the public road. The application was withdrawn after the PA raised concerns regarding the lack of evidence of rural housing need, access details to the public road, the elevated and exposed site, excessive length of access road and the unauthorised nature of the existing agricultural laneway.

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2022-2028 (WCDP)

- 5.1.1. The following extracts from the WCDP relate to aspects of the subject development but is not an exhaustive list of all relevant policies and objectives contained in the Development Plan.
- 5.1.2. In the settlement strategy for the county, the site is within Level 10 – The rural area (open countryside), which relates to ‘All the rural area outside of the designated settlements.’ Rural housing policy applies to Level 10 areas.

Chapter 6 – Housing – objectives

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

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

CPO 6.41 – Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or

economic need to live in the open countryside in accordance with the requirements set out in Table 6.3.

Table 6.3 – contains the definitions for Housing Need, Economic Need and Social Need.

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

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

Chapter 12 — Sustainable Transportation

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

Chapter 13 — Water Services

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

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE 5 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals"; and in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the

proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

5.1.3. **Chapter 17 – Natural Heritage and Biodiversity**

Landscape - The site is within an Area of High Amenity - South-East Mountain Lowlands, which has a Landscape Hierarchy of 3. (Table 17.1 & Map 17.09A).

CPO17.23 - To require the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).

CPO17.35 - All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

Appendix 1 – Development & Design Standards

2.1.9 – Entrances & sight lines –

- Clear sightlines will be required at new junctions and entrances and will be calculated using the applicable road design manual based on – the designation of the road, its function and projected volumes of traffic, the typical speed of the road (not the speed limit), the vertical and horizontal alignment and any other factors in the relevant road manuals.
- When locating new entrances and proposing increases in traffic movements at existing entrances, it must be shown that vehicles turning right into the entrance do not obstruct or cause a hazard to other road users. Sufficient forward sight distance must be available to (a) cars approaching an entrance in case a car is waiting on the road carriageway to turn right, (b) for cars waiting to turn right at an entrance. Right turning lanes may be required and these shall be designed in accordance with the applicable road design manual.

Appendix 2 – Single Rural House Design Guidelines for New Homes in Rural Wicklow.

This design guide is principally concerned with house design and layout issues and is intended to be a tool to assist in site selection, house positioning, layout and house design.

In terms of site selection and positioning, the Guidelines recommend that prominent and exposed sites should be avoided; that houses shall not be above the ridgeline or positioned to break the skyline, or to appear highly visible or dominant in the landscape. Houses located in the middle of sites/fields distant from boundaries will not be considered to be acceptable.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is not within a Natural Heritage Area (NHA) or a proposed NHA (pNHA). The closest pNHA is Glenealy Woods (001756), which is c. 4.5km to the north of the site. The Buckroney-Brittas Dunes and Fen pNHA (000729) and the Magherabeg Dunes pNHA (001766) are c. 4.8km and 5.5km respectively to the east of the site.
- 5.2.2. The closest European sites are the Buckroney-Brittas Dunes and Fen SAC (c. 4.8km to the east of the site), the Deputy's Pass Nature Reserve SAC (c. 5km to the north-west) and the Magherabeg Dunes SAC, c. 5.5km to the east.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal respond to the reasons for refusal and contain the following.

The applicant notes that the principle of development and the design approach were not in dispute as the PA accepted the criteria put forward for local need and the proposed dwelling was found to be broadly in line with the Wicklow Single Rural House Design Guidelines.

The refusal is confined to concerns relating to landscape impact, siting and precedent.

Landscape and Visual Impact Appraisal -

- Whilst the development is in the South-East Mountain Lowlands Area of High Amenity, this does not prohibit development.
- The applicant states that the Landscape and Visual Impact Appraisal (LVIA) submitted with the application demonstrates that the landscape sensitivity at the site is low to medium at a local level, the site is at the edge of the AHA designation, the receiving environment has the capacity to accommodate development and no designated views and/or prospects would be affected by the development.
- Furthermore, the receiving environment is characterised by one-off rural houses which do not undermine the landscape character of the area.
- The LVIA concluded that the development will not give rise to significant adverse landscape effects within the receiving environment; the landscape has the capacity to accommodate a modest single-storey dwelling; visual impacts are limited and are assessed as slight to not significant, with any higher-level effects being localised and short term in nature; the undulating topography, field boundaries, and vegetation will limit visibility and reduce the extent of visual influence; the scale, form and siting of the house, will not break the skyline, appear visually dominant or adversely affect any designated views or scenic prospects; mitigation measures, including planting and hedgerow reinforcement, will ensure that the development is assimilated into the landscape over time.

Set back and access laneway –

- The applicant refutes the contention of the PA that the set back from the road and length of the access lane would result in visual scarring.
- From the outset the setback of the dwelling from the public road, and the associated access arrangement, are directly informed by the recommendations of the Agricultural Advisor, having regard to the operational requirements of the land holding and are not arbitrary.
- The access route is based on an existing agricultural laneway which forms part of the established farm holding. The proposal therefore relates to its retention and upgrading, rather than the creation of a new feature within an undeveloped landscape.
- Mitigation measures contained in the LVIA will ensure that the access lane is effectively assimilated into the landscape. Accordingly, the applicant argues that the proposed access arrangement would not give rise to visual scarring or an erosion of rural character.

Elevated and Exposed Siting

- Although the PA describe the site as elevated and exposed, the applicant is satisfied that the LVIA assessment of the proposal from 12 representative viewpoints located throughout the surrounding landscape and along the local road network, demonstrates that the proposed development will integrate into the receiving environment and will not give rise to undue visual intrusion within the landscape.

Availability of Alternative Lands

- The applicant states that, contrary to the PA's suggestion that an alternative site could be found, there are no alternative lands available within their control that could reasonably accommodate the proposed development in a manner that would support the operation of the farm.
- The Agricultural Report that accompanied the application details the requirements of the applicant's farming enterprise and the reasons why the proposed site was chosen.

Functional Agricultural Need

- The Agricultural Report states that the nature of the applicant's enterprise requires, immediate response to animal health and welfare issues; continuous supervision of livestock; security and oversight of farm infrastructure; and a permanent on-site presence to address time sensitive farming activities, including calving/lambing animal health emergencies, and adverse weather events.
- The report also confirms that the proposed siting of the dwelling is functionally related to the layout and operational needs of the farm, allowing for direct oversight of livestock areas, access points, and agricultural infrastructure, while also reducing biosecurity risks and potential conflict with the public road network.

Precedent –

- The applicant disagrees with the PA's assertion that the development would set an undesirable precedent. The grounds of appeal state that the proposal is based on established compliance with rural housing eligibility, demonstrated functional agricultural need and detailed technical assessments (including LVIA and Agricultural Report) prepared by qualified professionals.
- These factors are specific to the circumstances of the site, the applicant, and are informed by evidence relating to the operation of the farm holding and the characteristics of the receiving environment. Therefore, the proposal does not give rise to a generalised precedent for similar development. Accordingly, all future proposals for development would be assessed on their merits and specific circumstances.

7.2. Planning Authority Response

- No response on the grounds of appeal.

7.3. Observations

- No observations received.

8.0 Assessment

8.1. The main issues can be addressed under the following headings

- Principle of Development
- Local Housing Need
- Location & Visual Impact
- Wastewater Treatment.

8.2. Principle of Development

- 8.2.1. The subject site is in a Level 10 – Rural Area, outside of a designated settlement. The Settlement Strategy for the county (Chapter 4 of the WCDP) states that *‘Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area’* and that particular attention should be focused on ensuring that the scenic value, heritage value and/or environmental / ecological / conservation quality of the area is protected. All applicants are required to demonstrate compliance with the Rural Housing Policy as per Table 6.3 of the WCDP.
- 8.2.2. I am satisfied that the application for a one-off house in a Level 10 rural area can be assessed against the policies and objectives of the WCDP which relate to the development.

8.3. Local Housing Need

- 8.3.1. Objective CPO 6.41 states that residential development in the open countryside can be facilitated for those with a ‘housing need’ based on the core consideration of demonstrable functional social or economic need to live in the countryside. Table 6.3 defines ‘housing need’ as those who can demonstrate a clear need for housing such as ‘first time home owners...and other such circumstances that clearly demonstrate a bona fide need for a new dwelling in the open countryside’. The applicant submitted a signed declaration stating that they are a first-time homeowner, which satisfies the requirement for ‘housing need’ in Table 6.3.
- 8.3.2. The applicant submitted the following documentation in support of their proposal,

- Birth certificate
- Map of the family land and dwellings.
- School records, (primary, secondary and third level)
- Letters of support from the local Parish & confirmation of the applicant's involvement in local clubs and activities.
- Confirmation of willingness to enter into a Section 47 agreement.
- Utility bills / proof of address
- Details of the applicant's connections to the family farm and business are also supplied.

8.3.3. The applicant states that they are applying for a rural house under social need and have submitted documentation to support the requirements in Table 6.3 of the WCDP. They have submitted a Sworn Declaration stating that they have never either individually or jointly with any person, directly or indirectly previously purchased, built, or inherited a house. Therefore, the applicant has demonstrated a definable housing need under the basis of first-time home ownership (as per CPO 6.41). Based on the information submitted, I am satisfied that the applicant has demonstrated that they have a 'social need' for rural housing. They currently reside in the family home which is which is approximately 100m to the south-east of the subject site. They are intrinsically linked to the local area, would be building a house on the family farm holding and are engaged in farming on the land. Based on the information submitted, I am satisfied that the applicant has demonstrated housing need as defined in Table 6.3 of the WCDP.

8.4. Location & Visual Impact

8.4.1. The PA were generally satisfied with the design of the proposed house and considered it to be broadly in keeping with the provisions of the *Wicklow Single Rural House Design Guide (Appendix 2 – WCDP 2022-2028)*. I would agree with the conclusion of the PA. In terms of the design, the house would have a simple, single storey form with a 'living' and a 'sleeping' volume connected by a central entrance hallway. Whilst the form, shape and design of the house would be in accordance with the guidance contained in Appendix 2 of the WCDP, I share the concerns of the PA regarding the siting of the house.

- 8.4.2. It is proposed to position the house on an elevated site, approximately 200m from the public road access. The site would be accessed from an adjoining field to the south and via an existing agricultural track that traverses the field and connects with the R-754. Permission is also sought to retain this track and to upgrade it to provide an access route to the house. A fragmented hedgerow and treeline provide the boundary between the 'upper' and 'lower' fields. The house would be constructed behind the hedgerow, and additional planting is proposed to screen the house.
- 8.4.3. A justification for the location of the house is provided based on agricultural operational requirements. A letter from an Agricultural Consultant was submitted with the application. It explains that the applicant is engaged in livestock farming, which requires a regular and responsive on-site presence for animal welfare and farm security. The letter states that the location of the house allows for direct oversight of livestock areas, farm access points and agricultural infrastructure, whilst also reducing biosecurity risks and minimising potential conflict between farming activity and the public road network. The applicant's parent also submitted a letter stating that the family farm will be subdivided and passed on to the family members. Due to the way the subdivision is planned, the subject site is the only available area that can be transferred without adversely affecting the future plans for the farm. It is further argued that the location of the house, in the bottom corner of the upper field was selected to ensure the proposed house can take advantage of the existing shrubbery in that corner and ensure it will not create a visual impact on the surrounding area.
- 8.4.4. Although the information submitted with the application seeks to support the chosen location of the house, it is unclear as to why the same agricultural benefits could be achieved by positioning the house in a location closer to the road. Drawings show a proposed paddock to the east of the house which may be for keeping livestock. However, no reason is given as to why a paddock cannot be provided directly adjacent or to the rear of a house in a different location. The future plans for the family lands are not outlined and there is no requirement to do so. However, it is acknowledged that the subject site has been chosen to accommodate plans for the future use of the wider landholding. Notwithstanding the reasons for selecting the site with a significant set back from the public road, the impact of the location on the wider landscape is the key issue in the PA's reason for refusal.

- 8.4.5. The subject site is in the South East Mountain Lowland landscape character area, which is designated as an Area of High Amenity (AHA) – Level 3 in the Landscape Hierarchy for the county. A Landscape and Visual Impact Appraisal (LVIA) was prepared and submitted with the application. The grounds of appeal argue that the PA did not give due consideration to the conclusions of the LVIA, which determined that the landscape had capacity to absorb the development without significant visual impact.
- 8.4.6. The LVIA was carried out in line with EPA draft guidelines on the *Information to be Contained in Environmental Impact Assessment Reports (2022)* and the methodology prescribed in the *Guidelines for Landscape and Visual Impact Assessment, 3rd edition, 2013* (GLVIA) published by the UK Landscape Institute and the Institute for Environmental Management and Assessment. It noted that the proposed development will lie within the pattern of the field boundaries and will not result in the removal of existing trees or hedgerows. There are no protected views of prospects across the site and the LVIA found that there are no views or prospects where the development would form an incongruous feature. A visual assessment was carried out from 12 viewpoints in the immediate and wider area. Although a full assessment of the visual impact on each of the viewpoints is contained in the LVIA, the report does not contain CGIs of the proposed development within the landscape. The study found that the magnitude of change to each viewpoint would be 'low' to 'negligible' with the significance of effects ranging from 'slight to not significant' to 'moderate to slight'. In all cases the LVIA found that the maturing trees and hedgerows proposed as part of the landscaping plan will successfully mitigate against visual impacts.
- 8.4.7. In terms of the capacity of the existing landscape to absorb the development the LVIA notes that the site occupies elevated ground within the local context but the presence of existing dwellings at comparable and higher elevations in the wider hinterland demonstrates the landscape's capacity to accommodate a sensitively designed, low-key dwelling without appearing out of context. The report also notes that screening through planting plays a strong role in integrating development into this landscape and absorbing it into the overall corridor.
- 8.4.8. I have reviewed the application details and the LVIA and whilst I accept that the proposed development would not have a significant effect on the landscape from the viewpoints assessed in the wider area, I agree with the opinion of the PA that the interventions into

the landscape to accommodate the house would have a significant impact on the receiving landscape which has been designated as an Area of High Amenity (AHA) in the WCDP.

- 8.4.9. Objectives CPO 6.4 and CPO 6.44 of the WCDP require that all new rural houses should be in accordance with the principles set out in the *Wicklow Single Rural House Design Guide*, (Appendix 2 of the WCDP). Section 2 of Appendix 2 recommends against positioning houses in elevated locations and at a distance from the public road. Whilst the house has been positioned behind field boundaries, in accordance with the design guidelines, the field is more than 200m away from the road and at an elevated position. This necessitates a significant intervention in the existing field to provide access. The application includes a landscape masterplan that allows for the provision of trees and planting directly adjacent to the gate at the public road and at the entrance to the second field and surrounding the house. Whilst this level of planting would mitigate the visual impact of the single storey building, I am not convinced that the location is suitable, given the level of intervention required for access and mitigation.
- 8.4.10. Whilst I accept that the proposed planting would mature and screen the house and, to some extent, the access road, such extensive mitigation would not be required if the house was positioned at a lower level or closer to the road. The access road would be a major intervention in the landscape. An argument that there has been a historical agricultural access in place in the field has been made by the applicant. However, maps submitted with the application show that the historical access route extended from the back of the existing house and was positioned closer to the eastern field boundary. The existing and proposed upgraded route is in a more prominent location and bisects the field.
- 8.4.11. Although the LVIA concluded that there would be no significant visual impact from the development, this was due in part to the presence of existing houses at the same elevation throughout the countryside and the implementation of sufficient screening measures. Whilst these conditions may be true, there is a concern that the construction of additional houses at similar and higher elevations across the sensitive landscape would lead to an incremental erosion in its value and sensitivity. Even though mitigation measures could be employed, I consider the location to be unsuitable in the first instance. The Single Rural House Guide specifically recommends that rural houses are not positioned in elevated locations and at a distance from the public road or access. Therefore, I consider the location of the proposed house to be contrary to the CPO 6.4 and CPO 6.44 which require

that all rural houses should be in accordance with the standards of the *Wicklow Single Rural House Design Guide* Rural House Design Guide. The proposal would also result in the incremental erosion of the landscape character which would not be in accordance with the development plan. For these reasons I recommend that permission is refused.

8.5. Wastewater Treatment

- 8.5.1. The proposed house would be serviced by an onsite well and by an onsite wastewater treatment system. A Site Characterisation Form (SCF) was submitted with the application and was prepared in accordance with the EPA Code of Practice, Domestic Wastewater Treatment Systems (2021). In Section 2.0 of the SCF the underlying aquifer is stated as a *'LI – Locally Important'* with an 'extreme' vulnerability. Therefore, the Groundwater Protection Response was determined to be *'R2' – Acceptable subject to normal good practice. Where domestic water suppliers are located nearby, particular attention should be given to the depth of subsoil over bedrock so that the minimum depths required in Chapter 6 are met...'*
- 8.5.2. The groundwater body is the Wicklow groundwater body, which has a 'Good' status in the Water Framework Directive (WFD). During the site investigations a trial hole was excavated to a depth of 2.1m. No water table, bedrock, mottling or water ingress were encountered in the excavated trial hole. The topsoil and upper horizon of subsoil were found to be 'silt' with a granular structure, uncompact density with a dark brown colour. The lower subsoil was found to have the same characteristics which indicates that the soil is suitable for discharge.
- 8.5.3. The results of the subsurface percolation test for subsoil returned a percolation value of 6 minutes per 25mm and the surface percolation test for soil returned a percolation value of 16 minutes per 25mm. Both values indicate that soakage is within the acceptable range and, as per Table 6.4 of the EPA CoP, that the site is suitable for the secondary treatment and soil polishing filter proposed. There are no watercourses in or around the site and all required separation distances as per Table 6.2 of the EPA Code of Practice can be met. Minimum unsaturated soil and / or subsoil depths required in Table 6.3 are also met.
- 8.5.4. When I visited the site the trial pit was not open, but the land was dry with no visible signs of waterlogging or standing water on the elevated site. Based on the results of the SCF and my observations on the site, I am satisfied that the site has the characteristics and the

capacity for the wastewater system proposed, which is a secondary treatment system and soil polishing filter. I note that the PA had no issue with the wastewater treatment system proposed.

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.1.1. The site is situated approximately 4.8km from the Buckroneys-Brittas Dunes and Fen SAC (to the east of the site), approx. 5km from the Deputy's Pass Nature Reserve SAC (to the north-west) and approx. 5.5km to the Magherabeg Dunes SAC, (to the east). The proposed development seeks to construct a detached dwelling, upgrading of an existing lane, utilise an existing vehicular entrance, sink an onsite well and provide on-site wastewater treatment.

9.2. 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 rural, domestic nature and modest scale of the works,
- The location of the site removed from any waterbodies and lack of any hydrological connectivity,
- The proposed on-site wastewater treatment system which will treat wastewater prior to discharge to ground in compliance with the EPA Code of Practice.
- The screening determination by Wicklow County Council.

9.3. 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.

9.4. 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

- 10.1. There are no watercourses within or crossing the site. The site is situated approximately 390m to the north of the Kilmurry West River Network / WFD - Potter's_020 river (Code - IE_EA_10P010500) and approximately 380m to the north east of the Ballintim River Network / WFD Redcross_010 river (Code – IE_EA_10P010500).
- 10.2. It is within the Redcross_010 sub catchment and the Ovoca-Vartry 10 catchment. The Wicklow aquifer (IE_EA_G_076) underlies the site and is a poorly productive bedrock aquifer with extreme vulnerability at the site. The overall status for the Wicklow groundwater aquifer is 'Good'. However, it is also categorised as 'At Risk', with agriculture and anthropogenic pressures identified. There are no watercourses in or adjoining the site.
- 10.3. The proposed development is for the construction of a new, single- storey house, (c. 226 sq. m), wastewater treatment unit and polishing filter, new well and associated works.
- 10.4. No water deterioration concerns were raised in the planning appeal or by the PA.
- 10.5. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- The rural, domestic nature and modest scale of the works.
 - The location of the site removed from any waterbodies and lack of any hydrological connectivity.
 - The proposed on-site wastewater treatment system which will treat wastewater prior to discharge to ground in compliance with the EPA Code of Practice.
- 10.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or

permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that planning permission is refused.

12.0 Reasons and Considerations

1. Having regard to the position of the rural house, on an elevated site and set back from the public road by a distance of more than 200m, it is considered that the proposed development is not in accordance with the *Wicklow Single Rural House Design Guide*, and as such is contrary to objectives CPO 6.4 and CPO 6.44, which require that all rural houses should be in accordance with the standards of the *Wicklow Single Rural House Design Guide*, which is contained in Appendix 2 of the Wicklow County Development Plan 2022-2028. Therefore, the development would be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located within an Area of High Amenity (South East Mountain Lowlands) in the Landscape Hierarchy of the Wicklow County Development Plan 2022-2028, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current *Wicklow Single Rural House Design Guide*, which are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with the resulting extensive access road it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, and would result in an incremental erosion of the sensitive landscape in the area, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Elaine Sullivan
Senior Planning Inspector

16th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501170-26
Proposed Development Summary	The proposed development is for the construction of a new, single- storey house, (c. 226 sq. m), wastewater treatment unit and polishing filter, new well and associated works.
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.
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.	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.	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10 (b)(i) Construction of more than 500 dwelling units. Threshold = 500 dwellings. Proposed development = 1 dwelling.
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	501170-26
Proposed Development Summary	The proposed development is for the construction of a new, single- storey house, (c. 226 sq. m), wastewater treatment unit and polishing filter, new well and associated works.
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	The rural site is agricultural in nature and is not serviced. The size of the development is not exceptional in the context of the prevailing plot size in the area. A short-term construction phase would be required, and the development would not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health. The size and scale of the proposed development is not significantly or exceptionally different to the existing dwellings.
Location of development	The development is situated in a rural area adjacent to and in close proximity to existing residential properties which is not exceptional in the context of surrounding development. The surrounding landscape is designated as an Area of High Amenity in the development plan. It is removed from sensitive habitats or designated European

	sites, NHAs or pNHAs. There are no protected structures or national monuments within or in proximity to the site. It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.
Types and characteristics of potential impacts	Having regard to the nature of the proposed development and works constituting development of a modest scale, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

