

Inspector's Report ABP-321979-25

Development Construction of a house and all

associated site works.

Location Arklow Road, Aughrim, Co. Wicklow

Planning Authority Wicklow County Council

Planning Authority Reg. Ref. 2460374

Applicant Richard Duffy

Type of Application Outline Permission

Planning Authority Decision Refuse

Type of Appeal First Party

Appellant Richard Duffy

Observer(s) None

Date of Site Inspection 6th May 2025

Inspector Matthew O'Connor

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1.0 Site Location and Description

1.1. The appeal site is 0.120ha and located in the townland of Killacloran on the southwestern periphery Aughrim, Co. Wicklow. The site is accessed from an existing entrance on the southern side of the Arklow Road (R-747) and comprises a timber cabin dwelling (18sq.m). There are existing detached dwellings to the east and west of the appeal site which also share the same road access. The character of the surrounding locality is primarily residential. There are no Protected Structures or National Monuments within or immediately adjoining the appeal site. The site is not located within a Flood Zone.

2.0 **Proposed Development**

- 2.1. The subject development comprises:
 - demolition of existing building;
 - construction of new dwelling;
 - connection to public services;
 - new entrance onto driveway to public road; and,
 - moving of existing wall and gates leading to neighbouring dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 The Planning Authority recommended refusal for the subject development for the following reason:
 - 1. The site of the proposed development is located in the town of Aughrim where the existing wastewater treatment plant is already over capacity. It is considered that the proposed development would be premature having regard to the existing deficiency in the provision of sewerage facilities and the period within which these constraints may be reasonably expected to cease. The proposed development therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Report(s)

3.2.1. First Planning Report

- The <u>first</u> Planner's Report, dated 14th August 2024, had regard to the submitted documentation, locational context of the site, planning history, policy framework of relevant development plans and inter departmental/referral reports.
- The Planning Authority deemed the principle of the development as acceptable and acknowledged the submitted information provided as basic as it relates to outline permission. A full assessment of design standards would need to be considered at permission consequent stage.
- With respect to access, the entrance is shared by 3 no. dwellings. 70 metre sightlines in both directions was shown however, 90 metres is required. The proposal is likely to result in an increase in vehicles using the site.
- In terms of servicing, the Wastewater Treatment Plant serving Aughrim is at full capacity and an upgrade is required in advance of permitting any new connections.
 Therefore, the proposal cannot be considered until upgrades are carried out.
- No concerns raised in respect on AA or EIA.
- The Case Officer recommended that permission be refused having regard to the capacity of the Aughrim Wastewater Treatment Plant.

3.2.2. Applicant's Request for extension to Planning Application

 The applicant submitted a 6-month extension timeframe to appropriate period of the application on 14th August 2024. The Planning Authority responded on 15th August 2025 indicating that a decision on the application must be made no later than 13th February 2025.

3.2.3. Applicant's submission of Unsolicited Information

- The applicant submitted unsolicited further information in response to the recommendation for refusal as set out by the Planning Authority. The following items were attached:
 - Letter of Confirmation of Feasibility from Uisce Eireann in relation to water supply and foul.

Updated drawing showing that 90 metre sightlines are existing at site entrance.

3.2.4. Second Planning Report

- The <u>second</u> Planner's Report, dated 31st January 2025, provides an analysis of the applicant's Unsolicited Further Information and forms the basis for the refusal of outline permission.
- The pre-connection enquiry from Uisce Eireann dated 26th September 2024 states water and wastewater connections are feasible without an infrastructure upgrade.
- The Planning Authority deemed Uisce Eireann's correspondence contrary to the information available from the Uisce Eireann website (updated December 2024) showing no spare capacity at Aughrim presently pending the upgrade of the WWTP.
 No application has been made for the upgrade of the WWTP.
- The Planning Authority noted Uisce Eireann did not make a submission on the application when referred and that Further information would be required from Uisce Eireann demonstrating available capacity.
- 90 metre sightlines in both directions have been shown.
- The Planning Authority concluded that the refusal reason has not been addressed.

3.2.5. Other Technical Reports

Municipal District Engineer: No objection, subject to compliance with entrance

details and surface water drainage.

3.3. Prescribed Bodies

Uisce Eireann – No response received.

3.4. Third Party Observations

None.

4.0 **Planning History**

4.1. The following planning history is associated with the site:

99/1333 Permission GRANTED for retention of bungalow, garage and site development works. Applicant: Sean Ivers.

5.0 Policy Context

5.1. **Development Plan**

- 5.1.1. The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site.
- 5.1.2. Chapter 4 relates to 'Settlement Strategy'. Aughrim is designated as a Level 5: Small Town-Type 1 settlement. The following objectives are considered relevant:
 - CPO 4.2 To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.
 - CPO 4.3 Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.
 - CPO 4.6 To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.
 - CPO 4.7 To implement the Core Strategy and Settlement Strategy, to monitor development and the delivery of services on an ongoing basis and to review population targets where service delivery is impeded.
- 5.1.3. Chapter 6 relates to 'Housing' with Section 6.4 setting out a number of general housing objectives. The following housing objective is considered to be relevant:
 - 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.
 - 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 6.5 To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:
 - Strengthening the character and urban fabric of the area;
 - Reinforcing local identity and sense of place;
 - Optimise the opportunities afforded by the historical and natural assets of a site / area;
 - Providing a coherent, legible and permeable urban structure;
 - Promoting an efficient use of land;
 - Improving and enhancing the public realm;
 - Conserving and respecting local heritage;
 - Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;
 - Promoting accessibility for all; and,
 - Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.
- CPO 6.14 To densify existing built-up areas subject to the adequate protection of existing residential amenities.
- CPO 6.16 To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well-designed high quality outcomes and public safety is not compromised and the environment is suitably protected.
- CPO 6.21 In areas zoned 'Existing Residential' house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see CPO 6.25 below). While

new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

- CPO 6.22 In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserviced, low density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.
- 5.1.4. Chapter 12 relates to 'Sustainable Transportation' and the following objective is relevant to Regional Roads:
 - CPO 12.48 New means of access onto regional roads will be strictly controlled and may be considered if one of the following circumstances applies:
 - The regional road passes through a designated settlement and a speed limit of 50km/h or less applies;
 - where the new access is intended to replace an existing deficient one*7:
 - where it is demonstrated, through the submission of a site access engineering report prepared by a competent engineer, that the proposed entrance will not interfere with the free flow and safety of traffic on the regional road;
 - where it is demonstrated that the entrance is essential and no other means of access is available.
- 5.1.5. Chapter 13 relates to 'Water Services' with the following waste water objective considered relevant:
 - CPO 13.15 In order to fulfil the objectives of the Core Strategy, Wicklow County

 Council will work alongside and facilitate the delivery of Irish Water's

Water Services Investment Programme, to ensure that all lands zoned or identified for development are serviced by an adequate wastewater collection and treatment system and in particular, to endeavour to secure the delivery of regional and strategic wastewater schemes.

In particular, to support and facilitate the delivery of new / improved wastewater treatment plants in the following settlements:

- ... Aughrim...
- 5.1.6. Volume 2 of the Development Plan contains Town Plans for Level 5 settlements. The following is relevant to the Aughrim Town Plan:
 - The appeal site is zoned 'RE- Existing Residential' with an objective 'to protect, provide and improve residential amenities of existing residential areas'.
 - Wastewater: Aughrim is served by an aeration wastewater treatment plant located between the river and the R747 on the south-east side of the town. The plant has a design capacity of 1,500pe and has a loading of 1,840pe as of 2022. Improvements to this plant are required, and funding has been sought for same under Irish Water's Small Town and Villages Growth programme, part of IW's investment programme 2020-2024. No new development shall be permitted unless there is adequate capacity in the wastewater collection and treatment system.
 - Water Supply: The current public water supply in Aughrim and Annacurragh is abstracted from the Tinakilly River at Threewells to the north-east of the town. Works are in train (2022) to replace this supply by connecting Aughrim to the Arklow water supply scheme with a connection to the water treatment plant at Ballyduff, and this new supply will have adequate capacity to accommodate the growth level targets for Aughrim in this plan up to 2031 and beyond.
- 5.1.7. Volume 3 of the Development Plan contains Appendix 1: 'Development and Design Standards' which is considered to be relevant to the subject development in terms of Section 3.1.6 relating to Infill/backlands development in existing housing areas.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located on or within any designated Natura 2000 sites, with the nearest designated sites set out as follows:
 - Vale of Clara (Rathdrum Wood) SAC (Site Code: 000733) approx. 10.83km to the northeast;
 - Slaney River Valley SAC (Site Code: 000781) approx.. 10.8km to the south (and also to the west and southwest);
 - Wicklow Mountains SAC (Site Code: 002122) approx. 11.39km to the northwest;
 - Wicklow Mountains SPA (Site Code: 004040) approx. 11.39km to the northwest;
 - Buckroney-Brittas Dunes and Fen SAC (Site Code: 000729) approx.14.45km to the east; and,
 - Deputy's Pass Nature Reserve Fen Special Area of Conservation (Site Code: 000717) is approximately 14.8km to the northeast.
- 5.2.2. The Avoca River Valley pNHA is approximately 3.078km to east of the appeal site.

5.3. EIA Screening

5.3.1. 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.

6.0 **The Appeal**

6.1. Grounds of Appeal

6.1.1 The First Party appeal has been prepared and submitted on behalf of the applicant against the Planning Authority's decision to refuse outline permission. The grounds of appeal are summarised as follows:

- Unsolicited information was lodged during application stage comprising a letter of confirmation from Irish Water that connection to the existing foul and water network was feasible and acceptable for the proposed development.
- The process of submitting a pre-connection enquiry to Irish Water was undertaken and confirmed capacity for the proposal.
- Irish Water are the authority in charge of this facility in Aughrim. They alone will know the capacity of the existing wastewater facilities in the area not Wicklow County Council.
- It is unclear how Wicklow County Council can refuse permission for connection when Irish Water have confirmed there is capacity and is feasible hence why we believe the Planning Authority's decision should be overturned.

6.2. Planning Authority Response

- 6.2.1. A response to the appeal was received from the Planning Authority and is summarised as follows:
 - The assessment is set out in the planning reports.
 - The Planning Authority has a knowledge of capacity for wastewater treatment in County Wicklow.
 - The WWTP in Aughrim has bad capacity problems for a significant period of time which predate Uisce Eireann.
 - The Planning Authority is not aware of any necessary upgrades carried out in recent years to increase capacity at Aughrim and is not aware of any planned upgrades that would be in place prior to the expiry of a permission for the subject development.
 - Uisce Eireann WWTP capacity can be viewed on the Capacity Register updated in December 2024. Aughrim WWTP is designated as status Red i.e. no spare capacity available at present. The Capacity Register identifies that a WWTP project is planned, although the timescale of the project is uncertain.
 - The Planning Authority concurs with the Appellant RE Uisce Eireann's statutory responsibility, in particular in relation to compliance with the Water Framework Directive and the Water Regulations.

- The Board may wish to ask Uisce Eireann why their COF letter is not aligning with their own published data.

6.3. Observations

None.

7.0 Assessment

Having examined the application details and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the main issues in this First Party appeal can be addressed under the following relevant headings:

- Principle of Development
- Services
- Appropriate Assessment (Screening)

7.1. Principle of Development

- 7.1.1. The proposed development seeks outline permission for the demolition of existing building on the site, the construction of a new detached bungalow-type dwelling and connections to public services along with modifications at the existing site access.
- 7.1.2. The appeal site is within the settlement boundary of Aughrim and the surrounding locality is primarily residential in character. The site is zoned 'RE Existing Residential' in the Aughrim Town Plan as contained in the Wicklow County Development Plan 2022-2028 with an objective 'to protect, provide and improve residential amenities of existing residential areas'. I consider that the proposal for a dwelling would accord with the land use zoning objective in principle.
- 7.1.3. Given the nature of the application for outline permission, the extent of information and detailing in respect of design is limited. I therefore consider it prudent that the focus of my assessment is based on the principle of development and not on precise matters of compliance with design or precise development management parameters for new houses/infill development as set out in the Development Plan. In this regard, I consider that the siting of the proposed bungalow in the location of the existing habitable cabin structure would be consistent with the prevailing pattern of development in the

- immediate vicinity. Moreover, I also consider that the proposal would accord with the overarching objectives of the Development Plan in terms of compact growth within existing settlements; prioritising development on infill sites; and, requiring thar new housing be located on designated housing land within the boundaries of settlements.
- 7.1.4. In considering the access arrangement for the proposal, I note that the current entrance serves 3 no. residences including the cabin on the appeal site. The applicant has demonstrated sightlines of 90 metres in both directions from the existing entrance and I consider the proposed works would enable a better, more coordinated layout of the driveway area serving the other residences. Therefore, I am satisfied that the proposed development will not result in any significant impact on the surrounding road network nor will it give rise to road safety concerns by way of creation of a traffic hazard.
- 7.1.5. On balance, I am satisfied that the overall principle of the proposal for a dwelling is acceptable from a land use zoning and infill-type development context subject to complying with other planning requirements as addressed in the following sections.

7.2. Services

- 7.2.1. The proposal seeks to connect to public services and has indicated on Question 20: 'Services' of the submitted Application Form that the proposed wastewater management/treatment is a new connection to the public sewer. The submitted Site Layout Plan illustrates the foul and water connections from the proposed dwelling to the public road. The Planning Authority's refusal reason is based on the consideration that the existing Aughrim wastewater treatment plant is already over capacity and the proposal would therefore be premature.
- 7.2.2. The grounds of the appeal is based on a "Confirmation of Feasibility" letter from Uisce Eireann dated 26th September 2024 which states that a water connection is feasible without infrastructure upgrade by Uisce Eireann; and, a wastewater connection is feasible without infrastructure upgrade by Uisce Eireann in relation to a water & wastewater connection for a single domestic of 1 unit(s) at Arklow Road, Aughrim, Co. Wicklow.
- 7.2.3. In considering the servicing of the proposed development, I refer the Board to Section 3.7: 'Service Infrastructure' of the Aughrim Town Plan contained in Volume 2 of the

- Wicklow County Development Plan 2022-2028 which states in respect of Wastewater that the wastewater treatment plant serving Aughrim has a design capacity of 1,500pe and has a loading of 1,840pe as of 2022. According to the Aughrim Town Plan, improvements to this plant are required, and funding has been sought for same under Irish Water's Small Town and Villages Growth programme, part of IW's investment programme 2020-2024. It is further stated that no new development shall be permitted unless there is adequate capacity in the wastewater collection and treatment system.
- 7.2.4. In addition, I have reviewed Uisce Eireann's Wastewater Treatment Capacity Register (December 2024) in respect of the Aughrim WWTP which indicates the plant as 'Red' which means that there is "no spare capacity available at present". The register also indicates that a WWTP project is planned/underway but there is no further precise details outlined.
- 7.2.5. Having regard to the above, I acknowledge that the 'Confirmation of Feasibility' letter provided to the applicant is contradictory Uisce Eireann's own Wastewater Treatment Capacity Register. That said, on the basis of the most recent published Uisce Eireann information regarding the capacity of the Aughrim Wastewater Treatment Plan which dates from December 2024, I consider that there is no spare capacity. I also note that whilst it is indicated that there is a project/plan for the upgrading of the Aughrim Wastewater Treatment Plant, I have no further available information before me to corroborate/clarify the status of such a project for upgrade or its delivery. As such, I am of the view that new residential development which seeks to connect to the wastewater services cannot be considered until there is appropriate capacity in the settlement of Aughrim.
- 7.2.6. I further note that the submitted 'Confirmation of Feasibility' letter states that it does not constitute a connection offer, in whole or in part, to provide a connection to any Uisce Eireann infrastructure. Therefore, I am of the view that such a letter may only be representative of a connection to the existing service infrastructure network being feasible rather than an actual indication of the networks available capacity. Outline permission should therefore be refused.

8.0 Appropriate Assessment (Screening)

8.1. Having regard to the nature and scale of the subject development for which outline permission is sought, the location of the site within an urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

9.1. I recommend that Outline permission be REFUSED for the following reason and consideration as set out below.

10.0 Reasons and Considerations

1. The proposed development is located in the settlement of Aughrim where the existing wastewater treatment plant is indicated as having "no spare capacity available at present" in Uisce Eireann's Wastewater Treatment Capacity Register (December 2024). It is therefore considered that the proposed development would be premature having regard to the existing capacity constraint of the sewerage facilities and the unprescribed time period within which these capacity constraints might reasonably be expected to cease or be resolved. The proposed development would 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Matthew O Connor Planning Inspector

15th May 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321979	
Proposed Development Summary	Construction of a house and all associated site works.	
Development Address	Arklow Road, Aughrim, 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?		
	☐ 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)		
	f 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.	Class 10(b)(i)(iv) - Infrastructure Projects	
☐ 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 subthreshold. Preliminary examination required. (Form 2) 	Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of 1 no. 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)?		
No 🖂 Pre-screening determ	ination conclusion remains as above (Q1 to Q3)	
Inspector:	Date:	

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321979	
Proposed Development Summary	Construction of a house and all associated site works.	
Development Address	Arklow Road, Aughrim, 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	The proposal comprises outline permission for the construction of 1 no. house in an urban settlement.	
(In particular, the size, design, cumulation with existing/ proposed development, nature	The size of the development would not be described as exceptional in the context of the existing environment.	
of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.	
Location of development	The proposed development is situated within the	
(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	settlement boundary of a town. There are no significant environmental sensitivities in the vicinity – potential impacts on Natura 2000 sites is addressed under Appropriate Assessment (Screening).	
Types and characteristics of potential impacts	Having regard to the limited nature and scale of the proposed development (i.e. 1 no. infill dwelling on residential zoned lands), there is no potential	
(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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)