



An
Bord
Pleanála

Inspector's Report ABP 301218-18

Development	Single storey house, double garage, Oakstown treatment plant, sand polishing filter, bored well, new entrance and all associated site works.
Location	Golden Hill, Manorkilbride, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	17/1136.
Applicant	Nicola Donohoe.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellants	Lewis and Frances Clohessy.
Observers	None.
Date of Site Inspection	27 th June 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The site is located on the eastern side of the L8375 at Golden Hill to the west of Manorkilbride village in rural county Wicklow. A significant portion of the c. 0.75 hectares site is located within the identified boundaries of Golden Hill, a designated Level 9 Rural Cluster. The eastern section of the site (c.0.12 hectares) is outside the designated settlement boundary. The proposed sand polishing filter is located in the northeastern portion of the site which is located in a field to the rear of the site but included within the application site boundaries outlined in red in this application.
- 1.2 On the western side of the L8375 there are a number of detached dwellings located in a linear fashion along the road. To the northwest, is established forestry. To the southwest are further residential dwellings and a commercial premises – Kilbride Plant Services.
- 1.3 The site is elevated c.2m above the public road and has a gradual slope from south to north. There is no access off the L8375, the roadside boundary consists of a steep embankment with mature trees and vegetation. The site is screened from the public road with no views available into the site. To the south the site is bounded by a single storey house with the southern boundary consisting of a barbed wire fence with a ditch running along this boundary. To the north the site is bounded by a field and the boundary consists of a timber fence. ESB wires run along the roadside boundary parallel to the road.
- 1.4 At the time of inspection the site was overgrown and dry underfoot. The site is exposed on three sides with panoramic views of the mountains to the east.

2.0 Proposed Development

Permission is sought for a c. 196sq.m single storey house, a c. 45sq.m double garage on a site with an overall area of c. 0.75 hectares. The application also includes the opening of a new entrance off the public road, a wastewater treatment system, sand polishing filter, gravel distribution layer and a bored well.

The application included:

- Supporting documentation relating to the applicants compliance with the rural housing policy.
- Letter of consent from adjoining landowner relating to works required to achieve sightlines.
- Site Characterisation Form.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 15 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner Report (31st October 2017). Signed by Assistant Planner (31st October 2017), Counter signed by Senior Executive Planner (1st November 2017) and Director of Services (8th November).

The report contained a recommendation to refuse permission for the following reasons:

- 1. The proposed development would be prejudicial to public health because the site is unsuitable for effluent disposal due to the high water table evident on site.*
- 2. The proposed development is located within Golden hill which is a Level 9- Rural Cluster. These settlements represent the more rural areas in the County. It is an objective of the County Development Plan that new single house developments within rural clusters as set out under Objective HD21 shall be for a resident for at least 10 years duration in County Wicklow of a settlement/area designated as Level 7-10 in the County Settlement Hierarchy that is within 10km of the rural cluster in question prior to the making of the application, and must have a proven need for new housing. It*

is considered that the applicant has not adequately demonstrated that she comes within the scope of the housing need criteria as set out as she has not submitted details of her family home or current residence and she has not adequately demonstrated that she has not previously owned a house. In the absence of same, the development would therefore materially contravene the provision of objective HD21 for Level 9 Rural Clusters, would result in urban generated housing in this Corridor Landscape Area and would materially contravene the Settlement Strategy of the County Development Plan 2016-2022.

An Extension of Time request, to the 6th March 2018, was received by the Planning Authority on the 7th November 2017. Unsolicited Information was received by the Planning Authority on the 21st December 2017. This sought to address the reasons for refusal contained in the report dated 31st October 2017.

The main issues contained in the Planners Report can be summarised as follows:

- Reference to a 2011 recommendation to refuse permission (10/3013) on the application site on grounds of public health. This included reference to a) the site adjoining an important feeder stream to the Poulaphouca Reservoir, the proliferation of on-site effluent treatment systems would increase the likelihood of contaminants reaching the main water supply for the Dublin region (b) the high water table evident on site and c) that the proposed wastewater treatment system had not been designed in accordance with the EPA code of practice 2009.
- The design of the proposed house does not comply with the Wicklow Single Rural Houses Design Guidelines, however taking into account the built form in the area the proposal was considered acceptable subject to a condition removing the use of bay windows. This condition was not included in the schedule of conditions.
- Details of the applicant's place of residence and family landholding required in order to fully assess compliance with the Council's rural housing policy.

Planner Report (26th February 2018). Signed by Senior Executive Planner (26th February 2018) and Director of Services (27th February 2018).

The main points can be summarised as follows:

Unsolicited Information submitted to address the two recommended reasons for refusal.

- Reason No. 1 was applied as Dublin City Council (DCC) were concerned with respect to the presence of water in the trial hole. The agent discussed the issues with DCC. A revised report was received from DCC noting no objection to the proposed development.
- The proposed effluent treatment system provides for a package treatment plant and tertiary treatment in a sand filter which would discharge over a gravel distribution layer. It is considered that the design of the system is sufficient to allow the effective treatment of effluent from the dwelling and accordingly is acceptable.
- Details submitted to address the applicant's compliance with the Council's rural housing policy were considered acceptable.
- The requirement of the Assistant Planner, in the report of the 31st October 2017, in respect of the bay windows was noted. However the Senior Executive Planner considered that given the location of the development within a cluster, well set back from the road, the existing development in the vicinity and the small scale of such features that they would be acceptable in this instance.

The Senior Executive Planner was satisfied that the unsolicited information addressed the previous recommended reasons for refusal and recommended the permission be granted.

3.2.2. Other Technical Reports

EHO (9th October 2017). No objection.

Baltinglass Municipal District Engineer (20th September 2017). No objection subject to the setting back of the roadside boundaries as per the

proposed layout plan to achieve the required sightlines and that no surface water would run onto the public road.

National Road Design Office (5th October 2017). No objection as the proposal would not have an impact on the N81 or the emerging preferred route N81 Tallaght to Hollywood road improvement scheme.

Dublin City Council, Water Services, Environment and Engineering Department (three reports on file):

Report (27th October 2017).

Opposed to the proposed development because:

1. The high water table in the trial holes.

The report noted that water from Poulaphouca Reservoir is treated by DCC at Ballymore Eustace and is supplied to the Greater Dublin Area. Half the water for this area is supplied from this source and as a result the purity of the water is vital to the City Council.

Surveys from DCC consulting engineers have indicated that the Reservoir is tending to become eutrophic due to a rise in the nutrient levels, part of which is attributable to septic tanks. Consequently it has been recommended that septic tanks should be curtailed in the proximity to Poulaphouca Reservoir and its feeder streams.

Report (11th December 2017 and 3rd January 2018) contain the same recommendations.

No objection to the development from the point of view of minimizing pollution threats to the raw water in the Poulaphouca Reservoir subject to copies of annual service/maintenance agreements being submitted to Wicklow County Council and certificate that the system has been installed in accordance with the plans submitted.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (27th September 2017). No observations to make.

The file was also referred to the Department of Arts, Heritage and the Gaeltacht. No response received.

3.4. Third Party Observations

Two submissions were received. These included one from the current appellant. The issues are broadly in line with the grounds of appeal and shall be dealt with in more detail in the relevant section of this report.

The main issues can be summarised as follows:

- Public health concerns relating to the threat to neighbouring wells arising from additional private drainage systems in the vicinity.
- History of refusals of permission on the application site and adjoining site on public health grounds due to poor percolation and high water table.
- The proposed development would be visually obtrusive and have an overbearing impact due to the elevated nature of the site above the public road and properties on the western side of the road.
- The removal of the roadside boundary would detract from the rural character of the area.
- No landholding map submitted for the applicant's family lands.
- Inaccurate separation distances from properties referred to in the application.

4.0 Planning History

Application site:

Planning Authority Reference No. 10/3013 refers to a 2011 decision to refuse permission to Colm Finn for the following reason:

It is considered that the proposed development would be prejudicial to public health because:

- a) The site of the proposed development is located within the Liffey catchment area and adjoins an important feeder stream to the*

Poulaphouca Reservoir, which is a major source of public water supply. The proliferation of on-site effluent disposal systems will increase the likelihood of contaminants reaching this water source, through malfunction, lack of maintenance or otherwise, and would, therefore, be prejudicial to public health and contrary to the proper planning and development of the area.

b) The high water table evident on site.

c) The proposed wastewater treatment system has not been designed in accordance with the Wastewater Treatment and Disposal Systems Serving Single Houses (p.e ≤10) Code of Practice, published by the EPA 2009.

Adjoining site to the south:

Planning Authority Reference No. 08/580 refers to a 2008 grant permission to Edel McGarr for a bungalow. The Area Planner had recommended a refusal on ground of rural housing policy and public health. Permission was granted following a direction from the Director of Services.

Planning Authority Reference No. 02/6391 refers to a 2002 grant of permission to John McGarr for a bungalow.

Adjoining site to the north:

Planning Authority Reference No. 03/8408 refers to a 2009 decision to refuse permission for a house on grounds of public health due to the slow percolation rate evident on site, the proposal to discharge from the soil polishing filter to this ground would be unacceptable and could lead to ponding on site and thus pollution.

5.0 Policy Context

5.1. Wicklow County Development Plan 2016-2022

Relevant policies include:

Section 3 Settlement Strategy: Golden Hill is identified as a **Level 9 Rural Cluster**. It is stated:

“These are ‘unstructured’ settlements considered suitable for very limited new rural development, with the main purpose of the designation being to direct rural generated housing into clusters rather than the open countryside.”

Multi house developments are not permitted within such clusters. With regard to applications for single houses, it must be demonstrated that the prospective applicant/purchaser:

“(a) be a resident for at least 10 years duration in County Wicklow of a settlement / area designated as Level 7-10 in the County settlement hierarchy that is within 10km of the rural cluster in question prior to making of application / purchase of new house.

(b) demonstrate a proven need for housing, for example:

- *first time home owners;*
- *someone that previously owned a home and is no longer in possession of that home as it had to be disposed following legal separation / divorce, the transfer of a home attached to a farm to a family member or the past sale of a home following emigration.”*

Section 4.3.6: Relates to the *Design of New Developments* and it is stated that all new housing including rural housing shall achieve the highest quality of layout and design.

Objective HD 3 refers to the need for single rural houses to comply with certain design criteria as set out in Appendix 1 and Appendix 2.

Appendix 1 refers to general development and design standards.

Appendix 2. refers to the ***Design Guidelines for New Houses in Rural Co. Wicklow.***

Appendix 5: Landscape Assessment: The subject site is located in an area designated as Western Corridor – Map 10.13 (d). It is stated in the plan that:

“Development proposals within this area should aim to locate within existing

clusters of structures tree stands and avoid locating new development in open fields.”

Wastewater Objectives

WI7 refers to the provision of private wastewater treatment plants for single rural houses. Permission will be considered where:

- The relevant ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation areas.
- 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 Wicklow Groundwater protection Scheme (2003).
- The proposed method of treatment and disposal complies with the Councils’ policies for wastewater treatment and Disposal and the EPA Waste Water Treatment Manuals.
- In all cases the protection of ground water and surface water quality shall remain the overriding priority and proposal must definitely 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.

Heritage

NH19 To encourage the retention, wherever possible, of hedgerows, stone walls and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or 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 site (unless otherwise agreed by the Planning Authority).

5.2 Guidelines

Sustainable Rural Housing Guidelines (2005):

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures.

To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government (2018)

National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations.

In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009

Sets out guidance on the design, operation and maintenance of on site wastewater treatment systems for single houses.

5.3 Natural Heritage Designations

There are no designated site in immediate proximity to the site. The Poulaphouca Reservoir SPA is located approximately 2.4 km to the south of the site. The Wicklow Mountains SAC is located c. 4.4 km to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Lewis & Frances Clohessy. 'Ithaca', Golden Hill, Manorkilbride, Co. Wicklow (house on the western side of the L8375). The appeal includes the original submission to the Planning Authority and reiterates the points raised in it. The main issues relate to drainage, visual amenity and rural character. These are summarised as follows:

- The initial recommendation by the Area planner was to refuse permission for two reasons, including one relating to public health with reference to drainage conditions and the presence of a high water table on site as evidenced by the presence of water in the trail holes.
- An Extension of Time was requested by the applicant and unsolicited information was submitted to the Planning Authority in an attempt to address the recommended reasons for refusal. Following this submission a recommendation to grant permission was made. There is no explanation/rationale for the change in the attitude of Dublin City Council. The Senior Executive Planner noted that the recommendation to refuse permission initially on public health grounds was on foot of Dublin City Council's concerns.
- A grant of permission was recommended on the basis that it was considered that the design of the system is sufficient to allow for the effective treatment of effluent from the dwelling. The appellant notes that there is no significant change to the proposed system which was considered unacceptable by both Dublin City Council and Wicklow County Council in the first planning report.

- The characteristic of the site remain unchanged: high water table and a t-value of 63.
- Concerns that the proposed development would result in the pollution of wells in the area due to the multiplicity and concentration of individual drainage systems in the vicinity.
- Extensive Planning history in the area and on the application site for refusal of permission on public health grounds.

Visual Impact of the proposed development

- The proposed development would be visually obtrusive and overbearing due to the elevated nature of the site vis a vis the adjoining public road and existing houses along the western side of the road.
- If permission is granted the FFL should be dropped c. 2m and screening conditioned to reduce the potential light pollution arising from the location of the garage and associated vehicular movements.

Impact on Rural Character of the area:

The removal of the roadside boundary and ditch is unacceptable and would detract from the rural character of the area.

The appeal also noted concerns pertaining to procedural issues during the assessment of the file by the Planning Authority.

6.2. Applicant Response

This is in the form of a rebuttal. Additional points of note are as follows:

The applicant has clearly demonstrated compliance with the rural housing policy for Level 9 Rural Clusters.

Drainage:

- The Area Planner referred to photographs of water in the trial holes. The trial pit was in fact dry. There was water in the test holes.
- The applicant requested an extension of time and contacted Dublin City Council. A site inspection was carried out by Dublin City Council and the

Site Assessment report was reviewed. On this basis Dublin City Council noted no objection to the proposed development.

- The site characterisation form highlighted that there is slow soakage on site. The t-value and p-value are within acceptable ranges. No evidence of water table in the trial pit (depth of 2.3m). A secondary treatment system is proposed with a sand polishing filter and a gravel distribution layer.

The response includes correspondence from Dr. E. Bolton (Site Assessor). This can be summarised as follows:

- The test were carried out in May 2017. Spring is a period when watertable levels would be expected to be at their highest.
- The trial pit had a depth of 2.3m bgl (below ground level). No evidence of water table or mottling in the soil profile was found.
- The soil profile (gravel, cobbles and small flags), therefore at the base of the pit the rate of soakage would be high. In contrast there was slow soakage at the higher level. The t-test was carried out between 300-500mm bgl. At this level the subsoil was gravely clay that was very compacted and as expected, slow soakage in this layer.
- Give the slight slope of the site, it is likely that surface water drained into the holes and because of poor soakage the test holes filled with water. The trial pit, which is much deeper and with good soakage held no surface water.
- The treatment system proposed takes into account the slower soakage at the higher levels. Recommendation: high level treatment is a secondary system, followed by polishing in a tertiary sand filter and discharge to ground via a gravel infiltration layer, the base of which would be 700mm bgl.
- The report concluded that the water table is in excess of 2.3m bgl and any water observed in the test holes is surface water retained in these holes due to slow soakage. It is noted that the slow soakage in the upper horizons of the subsoil has been taken into account in the design of the

treatment system. The system as proposed would not pose any unacceptable risk to public health or the environment.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of development
- Wastewater Treatment.
- Access.
- Design and Visual Impact.
- Appropriate Assessment.

7.1 Principle of Development

7.1.1 The subject site is located within an established cluster of rural dwellings. The site has been identified as part of the Golden Hill Rural Cluster under the Wicklow County Development Plan 2016-2022. It is recognised in the plan that it is more appropriate and sustainable to group rural houses together in a planned way and to promote dwellings on infill sites such as this rather than sporadic development.

7.1.2 I consider that having regard to the documentation submitted with the application, the applicant would comply with the current settlement strategy which requires applicants for rural housing in rural clusters to be a native

resident who has resided in a rural area that is within 10 km of the rural cluster in question prior to making of application and is a first time home owner.

7.1.3 Having regard to the foregoing, it is considered that the proposed development is entirely appropriate. It is in an infill development within an identified Rural Cluster and the applicant meets the criteria for applications for housing in such areas. The principle of the development is considered acceptable subject to compliance with the relevant development management standards.

7.2. **Wastewater treatment**

7.2.1 It is proposed to install a packaged wastewater treatment system, sand polishing filter and gravel distribution layer with discharge to ground water. The appellant's have raised concerns that the site is not suitable for the safe disposal of effluent due to the site characteristics and the presence of a high water table as evidenced by the water in the trial holes. The appellant's have referred to the history of refusals on public health grounds on the application site and adjoining sites. And to the Planners Report dated 31st October 2017 contained a recommendation to refuse permission for two reasons, the first reason stated that '*The proposed development would be prejudicial to public health because the site is unsuitable for effluent disposal due to the high water table evident on site*'. This was superseded by a report dated 26th February 2018 which noted no objection on public health grounds.

7.2.2 The applicant in their response to the appeal included a report by the Site Assessor. This concluded that the water table is in excess of 2.3m bgl and any water observed in the test holes is surface water retained in these holes due to slow soakage. It was also noted that the slow soakage in the upper horizons of the subsoil had been taken into account in the design of the treatment system. The system as proposed, therefore, would not pose any unacceptable risk to public health or the environment.

7.2.3 The site is located in an area which is classified as high vulnerability and has a ground water protection scheme in place. The Site Characterisation Form noted that lands to the west of the site supported growth of rushes. The field where

the test was completed and lands to the east were clear at the time of the assessment in May 2017. Section 3.2 of the Form recorded that the watertable was not encountered at a depth of 2.3m below ground level (bgl). Top soil recorded as Gravely loam. Between 0.3 to 0.6m bgl recorded as gravely clay with a few angular cobbles. Between 0.7 and 2.3m gravely silt/clay with some boulders. It was noted that there was an increasing content of gravel, cobbles and small flags with depth. A T value of 62.98 (min/25mm) is reported and a P value of 24.94 (min/25mm). The report concluded that an Oakstown BAF 6 PE treatment system, a sand polishing filter system and a gravel distribution layer would be suitable. The Environmental Health Officer (EHO) and Dublin City Council (DCC) noted no objection to the proposal.

7.2.5 I carried out a site inspection on the 27th June 2018 following a prolonged period of very dry weather. Rushes were noted along the western section to the site. No vegetation indicative of poor drainage was observed to the eastern portion of the site. I note that the site is located c. 800m west of the Kilbride River that feeds into the Poulaphuca Reservoir. A ditch was observed running along the southern boundary of the site, this was dry on the 27th of June, however I note that the Site Characterisation report recorded water at a depth of 500mm in May 2017 in this ditch. The site gradually slopes, south to north, and is elevated c.2m above the public road (west). The site layout plan shows the wastewater treatment system located in the eastern portion with the sand polishing filter located to the northeast of the main body of the site, in an adjoining field but included within the application site boundaries.

7.2.6 The Code of Practice sets out minimum separation distances between wastewater treatment systems and certain features, including separation distance from other wastewater treatment systems. The Code also allows for increase of distances where this is deemed appropriate. Whilst the proposed development would meet the standard separation distances set out in Table 6.1 of the Code of Practice. The site is located within an identified Level 9 Rural Cluster in the Wicklow County Development Plan 2016-2022 which comprises several houses which are serviced by individual effluent treatment systems which arguably could collectively lead to increased nitrate levels in the receiving

groundwater, giving rise to potential for significant cumulative impacts on ground water quality. In this context, I am not satisfied that the applicant has addressed the potential cumulative impact of the proposed wastewater treatment system on groundwater quality. Accordingly, I recommend that planning permission is refused based on the basis that the proposed development has the potential to give rise to significant cumulative impacts on groundwater quality and be prejudicial to public health.

7.2.7 The issue of nitrate levels was raised by the EHO under Planning Reference No. 10/3013 in 2011, at the time further information on this matter was recommended. I note that the reasons for refusal of permission under Planning Authority Reference No. 10/3013 refer to the proximity of the wastewater treatment system and percolation area to a watercourse which flows into the Poulaphouca and the presence of the high water table in the trail holes.

7.2.9 Works associated with the development, consisting of the sand polishing filter and gravel distribution layer are located outside the designated Level 9 rural cluster boundaries.

7.3 Traffic & Visual Impact

7.3.1 Appendix 1 of the County Development Plan sets out that new entrances off local roads shall be tailored to local conditions and comply with the requirements of the NRA Design Manual for Roads and Bridges. Specific regard shall be paid to the protection of the natural environment, particularly mature trees and hedgerows.

7.3.2 The appellants noted that their appeal that the removal of the existing road side boundary to achieve the required sightlines would have a detrimental impact on the rural character of the area. A copy of the appellant's original submission was included with the grounds of appeal which set out in detail these grounds.

7.3.3 The site is located on a hill on a relatively straight stretch of the L8375 and a maximum speed limit of 80kph applies. The opening of a new entrance and the

achievement of 80m sightlines requires the removal of c 45m of mature vegetation and embankments along the roadside boundary on land within the applicants control and an additional c.50m on third party lands to the north, a letter of consent was submitted with the application.

- 7.3.4 I note that the Wicklow County Development Plan seeks to retain existing roadside boundaries, but where removal is required, a replacement hedge should be planted. In this instance the site is located within a designated Rural Cluster which has been clearly identified for the provision of house subject to the relevant rural housing policy as an alternative to sporadic housing in the open countryside. The designation of the area as a rural cluster requires development to be concentrated within the identified development boundaries and in this case the achievement of the required sightlines requires the removal of the existing roadside boundary which consists of mature trees and an embankment. While I have concerns that the removal of tract of mature roadside boundaries would alter the character of the area I am aware of its designation in the settlement hierarchy for the County. Details relating to boundary setbacks and appropriate replacement planting within the application site boundaries could be dealt with by condition if the Board consider granting permission.
- 7.3.5 The Area Planner and the Municipal District Engineer concluded that the required sightlines could be achieved by removing the existing roadside boundary and setting back the boundary on lands within the applicant's family's control and third party lands to the north. A letter of consent has been submitted for works to the roadside boundary on third party lands, however these have not been included within the application site boundary out lined in red.
- 7.3.6 In this context, I would draw attention to Section 34 (13) of the Planning and Development Act 2000 (as amended) which reads '*A person shall not be*

entitled solely by reason of a permission under this section to carry out development'.

7.4 Design and Visual Impact

- 7.4.1 The appellants also raised concerns regarding the visual impact of the proposed development at this location, the house would be sited c. 51m back from the public road. The site is elevated c.4m above the adjoining road level and the houses on the western side of the L8375.
- 7.4.2 The site is located within the 'western corridor' as per the Wicklow Landscape Assessment and is for the most part located within the designated level 9 settlement boundary for Golden Hill, an area identified for clustering of residential development as is apparent from the level of development in the immediate vicinity to date.
- 7.4.3 The applicant is seeking permission for a c. 196sq.m single storey dwelling with a ridge height of c.6m. The design is not reflective of the guidelines set out in the Development Plan which seeks to promote dwellings that will blend and not dominate the local landscape. I am satisfied that the issue of design could be resolved by condition and minor modifications to reduce the overall bulk, roof profile and window configuration, if the site is deemed suitable for development and the Board is of a mind to grant permission.

7.5 Appropriate Assessment

- 7.5.1 The closest Natura 2000 site is the Poulaphuca Reservoir SPA (site code 004063) c. 2.4km south of the site and the Wicklow Mountains SAC (site code 002122) c.4.4km to the east.
- 7.5.2 The Wicklow Mountains SAC is an extensive site which is spread across two counties. Conservation Objectives and a National Park Management Plan has been prepared for the site
- 7.5.3 The Area Planner concluded that given the nature, scale and location of the development. It was considered that subject to the installation of a wastewater treatment system to EPA standards the proposed development is unlikely to

give rise to any adverse impacts on the qualifying interests and conservation objectives of Natura 2000 sites in the vicinity.

7.5.4 A site inspection was carried out on the 27th June 2018, following a prolonged period of dry weather resulting in drought conditions. I did not observe evidence of a high watertable. A ditch running along the southern boundary was dry, however I note that at the time of the Site Assessment water was recorded in this ditch at c.500mm. The Brittas River, which feeds into the Poulaphuca Reservoir SPA is c. 800m to the east of the site. There are no direct pathways or linkages with the Wicklow Mountains SAC.

7.5.5 Given the scale of the development and its location I consider it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site, in particular Poulaphuca Reservoir SPA (side code 004063) or any other European site, in view of the site's Conservation Objectives. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

I recommend that planning permission should be refused for the proposed development, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The Board is not satisfied that, when taken in conjunction with the high concentration of waste water treatment units in the area, the development would not contribute to unacceptable increase of nitrate levels in the receiving groundwater and result in excessive concentration of development served by waste water treatment units in the area. Accordingly, it has not been demonstrated that the effluent generated as a result of the development can be adequately treated and safely disposed on on-site within risk to groundwater

quality. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Dáire McDevitt
Planning Inspector

19th July 2018