



An
Bord
Pleanála

Inspector's Report

ABP-308500-20

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| Development | House, 3 stable buildings, equestrian store, equestrian courtyard, sand arena, construction of driveway and landscaping, existing agricultural entrance to be retained and used for both domestic and equine traffic. |
| Location | Athgoe North, Newcastle, Co. Dublin |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD20A/0208 |
| Applicant(s) | Ian Haughan |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Ian Haughan |
| Observer(s) | None |
| Date of Site Inspection | 23 rd April 2021 |
| Inspector | Phillippa Joyce |

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Athgoe North, c. 2km southwest (by road) of Newcastle town centre and c.0.75km east (by road) of the border with County Kildare. The site is in an uplands rural area, at c.135m OD, located on rising lands between Lyons Hill c.195m OD to the west and Athgoe Hill c. 175m OD to the east.
- 1.2. The site is located on the southern side of local tertiary road L6056, referred to as Smith's Hill road. The site is an inverted 'L' shape in configuration, with a stated area of 0.9875 ha. The ground level falls in a northeasterly direction across the site. The site is in agricultural use, comprising a number of fields with tree and hedge line boundaries. There is an existing vehicular gated entrance and a gravelled driveway to a stable structure located in the southwestern corner of the site.
- 1.3. In the vicinity of the site, also accessing onto the L6056, are a limited number of detached rural residences of varying design and scale, and farm/ agricultural buildings.

2.0 Proposed Development

- 2.1. The proposed development is for a rural residence and an equestrian enterprise. The proposal comprises a detached single storey dwelling, three stable buildings with a courtyard, sand arena, feed shed/ store, and wash bay, site boundaries, landscaping and ancillary development. The dwelling is sited in the northeastern part of the site, while the equestrian enterprise is located to the southwest.
- 2.2. The equestrian enterprise is described as a specialist livery operation offering accommodation to horses that cannot be trained due to injury or recuperation from surgery. The enterprise has capacity to accommodate 18 horses with six horses in each of the three stables. The dwelling is stated as being for the owner of the enterprise, that being the applicant, who shall be the primary carer and trainer of the horses.
- 2.3. Proposed onsite services include a wastewater treatment plant with polishing filter, connection to the public water supply for the dwelling, private well for the equine use, and a soakaway for surface water runoff.

- 2.4. A letter of consent from the landowner, the applicant's mother, is included with the application. There is no blue line boundary indicating control by the applicant of lands adjacent to the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 7th October 2020, the planning authority issued a Notification of Decision to Refuse Permission for 6 no. reasons that can be summarised as follows:

1. The site is located in an area zoned 'RU' *'To protect and improve rural amenity and to provide for the development of agriculture'*. As per Section 2.5.3 of the South Dublin County Development Plan, rural dwellings will only be permitted where applicants can establish a genuine need to reside in proximity to their employment or through a close family tie. The applicant has not provided sufficient justification to satisfactorily demonstrate compliance with Policy H22;
2. As per Section 2.5.8 of the South Dublin County Development Plan, dwellings in rural areas are required to respond appropriately and sensitively to their context. The applicant has not provided sufficient justification for locating the dwelling in the Athgoe and Saggart Hills Landscape Character Area, would create ribbon development, and be contrary to Policy H27;
3. The proposed development is located on a substandard rural road, which would endanger public safety by reason of traffic hazard;
4. The proposed development would set an undesirable precedent for similar development which would by itself or cumulatively be harmful to the rural amenities of the area;
5. Due to absence of landscape plans, tree survey and bat survey, the planning authority is not satisfied that the proposed development would not adversely impact on the amenities of the rural area; and
6. Due to absence of a report indicating percolation test results for the soakaway for the proposed development same would be contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planner's report is the basis for the planning authority decision. In addition to the matters cited in the refusal reasons, the report notes, inter alia:

- Planning history of refused permissions at the appeal site, including to the current applicant for a dwelling;
- The proposed stable buildings, feed shed, equestrian store, courtyard, sand arena, horse wash bay, and equestrian waste storage area are acceptable in principle;
- Residential amenity (i.e. floor areas of the dwelling/ rooms and private open space provision) of the proposed development is acceptable; and
- Absence of a project specific appropriate assessment screening report by the applicant noted; concludes the need for Stage 2 Appropriate Assessment can be screened out.

3.2.2. Other Technical Reports

Roads: substandard rural road network with poor vertical and horizontal alignments and lacking facilities such as pedestrian footpaths and lighting; refusal recommended as proposal would endanger public safety by reason of traffic hazard.

Environmental Health Officer – no objection subject to conditions regarding wastewater, water supply, equestrian water supply, waste collection, and noise levels.

Water Services:

- Surface Water – further information requiring a report for the percolation test results for the soakaway with a drawing for the proposed surface water layout; and include water butts as part of SuDS measures.
- Flood risk – no objection subject to conditions in respect of separation of surface water and foul drainage systems.
- Water – referred to Irish Water.
- Foul Drainage – referred to Irish Water.

Parks & Landscape Services/ Public Realm: no objection subject to conditions requiring a landscape plan, tree survey and a bat survey.

3.3. **Prescribed Bodies**

Irish Water

No objections subject to conditions regarding water supply and wastewater.

3.4. **Third Party Observations**

None received by the planning authority.

4.0 **Planning History**

Appeal Site

PA Ref. SD07A/0962 and PA Ref. SD07A/0436 – permissions refused to I. Haughan, the applicant, for a dwelling on the northern part of the subject site.

PA Ref. SD07A/0964 and PA Ref. SD07A/0434 – permissions refused to A. Haughan for a dwelling on the southern part of the subject site.

PA Ref. S01A/0477 and ABP Ref. PL06S.128821 (PA Ref. S01A/0478) – outline permission refused to different applicants for separate residences in the northern and southern parts of the subject site.

5.0 **Policy Context**

5.1. **National Policy**

Sustainable Rural Housing Guidelines for Planning Authorities, 2005 and Circular SP5/08

- 5.1.1. The Rural Housing Guidelines, supplemented by the Department Circular, outlines the planning context for applicants seeking dwellings in rural areas, including those areas under urban influence, defines ‘rural generated housing’, and identifies the different categories of persons which can demonstrate a rural housing need. Section 3.2.3 of the Guidelines refer to ‘Persons who are an intrinsic part of the rural community’ and ‘Persons working full-time or part-time in rural areas’.

- 5.1.2. For persons with an employment related rural housing need, the Guidelines outline that: *'Such circumstances will normally encompass persons involved in full-time farming, forestry, inland waterway or marine related occupations, as well as part time occupations where the predominant occupation is farming/ natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within rural areas'*.
- 5.1.3. Appendix 4 of the Guidelines describe occurrences of ribbon development as: *'...where 5 or more houses exist on any one side of a given 250 metres of road frontage'*.

Project Ireland 2040: National Planning Framework, 2018

- 5.1.4. The National Planning Framework (NPF) postdates the Guidelines and Circular, and maintains the established policy that applicants for new rural dwellings in locations under urban influence demonstrate a functional economic or social requirement for housing need. The relevant National Policy Objective (NPO) is NPO 19.

NPO 19:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

5.2. Local Policy

- 5.2.1. The applicable development plan is the South Dublin County Development Plan 2016-2022 (CDP), and the appeal site is located on lands zoned as Rural 'RU' with

the objective '*To protect and improve rural amenity and to provide for the development of agriculture*'.

- 5.2.2. Of relevance to the national policy context and NPO 19 in the NPF, Section 1.7.5 of the CDP stipulates that Rural zoned lands are under strong urban influence for housing.

Section 2.5.2: Rural Housing Policies and Local Need Criteria

- 5.2.3. Of relevance to the national planning guidance, Section 2.5.2 states that rural generated housing includes applicants that work in a type of employment intrinsic to the rural economy, which requires the applicant to live in the rural area to be close to their rural-based employment.

Policy H21: Rural Housing Policies and Local Need Criteria

It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005) and Circular SP 5/08 Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty, "persons who are an intrinsic part of the rural community" or "persons working full-time or part-time in rural areas" as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines (2005) shall be favourably considered in relation to rural housing.

Section 2.5.3: Rural Housing in RU Zone

- 5.2.4. Section 2.5.3 contains Policy H22 and H22 Objective 1, which are of direct relevance to the appeal case, as follows:

Policy H22: Rural Housing in RU Zone

It is the policy of the Council that within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances.

H22 Objective 1:

To consider new or replacement dwellings within areas designated with Zoning Objective “RU” (to protect and improve rural amenity and to provide for the development of agriculture) where:

- *The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) OR*
- *The applicant has close family ties with the rural community.*

Section 2.5.8: Rural Housing and Extension Design

- 5.2.5. Section 2.5.8 relates to the design of housing in rural areas guiding that such designs should respond appropriately and sensitively to the surrounding rural, mountain and/or river valley context. This section includes Policy H27 and H27 Objective 1 as follows:

Policy H27: Rural House and Extension Design

It is policy of the Council to ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H27 Objective 1: Ensure that all new rural housing and extensions within areas designated with Zoning Objective ‘RU’ (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective ‘HA–DM’ (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective ‘HA –LV’ (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective ‘HA–DV’ (to protect and enhance the outstanding character and amenity of the Dodder Valley):

- *Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- *Is designed and sited to minimise impact on the site’s natural contours and natural drainage features; and*

- *Retains and reinstates traditional roadside and field boundaries; and Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

Section 9.2.0 Landscapes

- 5.2.6. The site is located in the Athgoe and Saggart Hills Landscape Character Area, which in the Council's Landscaper Character Assessment is afforded a landscape sensitivity of medium-high and a landscape value of high. Policy HCL7: Landscapes and HCL7 Objective 1 are of relevance as follows:

Policy HCL7: Landscapes

It is the policy of the Council to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development

HCL7 Objective 1:

To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, taking full cognisance of the Landscape Character Assessment of South Dublin County (2015).

- 5.2.7. There are no watercourses in or adjacent to the site, or other geological, ecological or heritage designations identified for the site in the CDP.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA.

- 5.3.2. The European Site designations within precautionary 15km radius of the appeal site include the following:

- Rye Water Valley/ Carton SAC (site code 001398) is c.8.3km to the northeast;

- Red Bog Kildare SAC (site code 000397) is c.10.3km to the south;
- Glenasmole Valley SAC (site code 001209) is c.10.5km to the southeast;
- Wicklow Mountains SAC (site code 002122) is c.11.3km to the southeast;
- Poulaphouca Reservoir SPA (site code 004063) is c.12.1km to the south; and
- Wicklow Mountains SPA (site code 004040) is c.14.7km to the southeast.

5.4. Environmental Impact Assessment Screening

5.4.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The following is a summary of the main issues raised in the first party grounds of appeal:

- Refutes each of the six refusal reasons cited by the planning authority (PA);
- First Refusal Reason:
 - PA report refers to and relies upon the previous 2004 CDP policy and the planning history of the applicant's refused permission at the site;
 - No part of the PA report acknowledges that the applicant is seeking permission through the equestrian enterprise and not residency traits (which was the case in the planning history);
 - Refers to initial planning report submitted with the application that contains numerous An Bord Pleanála (ABP) appeals and case law in support of the applicant's position and persons involved in the equestrian industry obtaining permission for rural dwellings;
 - Requests ABP to give due regard to the national context cited in the current CDP (inference understood to be Policy H21 which refers to the planning guidelines and circular);

- Second Refusal Reason:
 - PA report has no analysis of the size or position of the dwelling, nor identification of vantage points from which the proposal would be visually injurious;
 - Submits the single storey dwelling would not be a conspicuous addition to the area;
 - Refers to explanation of ribbon development in the Guidelines and refutes the PA position that the proposed development comprises same;
 - Invites ABP to accept that the proposed development does not result in five or more houses along one side of a stretch of road for 250m;
- Third Refusal Reason:
 - No explanation or identification of basis for the approach taken;
 - Existing entrance can safely serve proposed dwelling and equestrian operation onto a lightly trafficked carriageway with slow moving vehicles;
 - No evidence in the PA report that local conditions are so poor and inadequate, relative to other rural routes in the County, to jeopardise public safety at this location;
- Fourth Refusal Reason:
 - Not considered to be a substantive refusal reason;
 - Refers to ABP cases relating to decisions for rural houses not setting precedent due to proposals being assessed on their own merits;
- Fifth Refusal Reason:
 - Invites ABP to address deficiencies of information through conditions requiring agreement with the PA;
 - No reason or justification for the Bat Survey;
- Sixth Refusal Reason:
 - Refers to case law (inference understood to be ABP can attach a condition allowing for agreement between the applicant and the PA).

6.2. **Planning Authority Response**

- 6.2.1. The planning authority has provided documentation from the planning application, refers to development contribution schemes as relevant, and makes no further comment.

6.3. **Submissions and Observations**

None received.

7.0 **Planning Assessment**

- 7.1. I consider the main issues in determining this appeal are as follows:

- Rural Housing Policy;
- Landscape and Rural Amenity;
- Traffic Safety and Access; and
- Water Services Infrastructure, Groundwater and Surface Water.

7.2. **Rural Housing Policy**

- 7.2.1. The appeal site is located on lands zoned as Rural 'RU' with the objective 'To protect and improve rural amenity and to provide for the development of agriculture'. In the RU zoning objective matrix, residential use is 'open for consideration' in accordance with the Council's policy for residential development in rural areas. I have identified the applicable County Development Plan (CDP) policy in Section 5.0 of this report as being Section 1.7.5 which states that RU zoned lands are under strong urban influence, and in particular Policy H21 and Policy H22.
- 7.2.2. Policy H21 of the CDP states that favourable consideration of rural dwellings will be given to persons working full-time or part-time as described in the Rural Housing Guidelines, while Policy H22 specifies that new rural dwellings will be permitted in exceptional circumstances with H22 Objective 1 stipulating such a circumstance to be a genuine need to reside in proximity to their employment.
- 7.2.3. In the information submitted to the planning authority (PA), the applicant indicates that his rural generated housing need arises from his intention to establish a specialist equestrian operation at the site which will give accommodation to horses

that are recuperating from injury or surgery. The applicant submits that an onsite residence is required as he will be the primary care giver to the horses.

- 7.2.4. The applicant provides information on firstly, his personal equestrian experience and secondly, on the proposed equestrian enterprise. Documentary evidence on the applicant's equestrian experience includes photographs, newspaper articles, race cards documenting attendance at and involvement in races and hunts; correspondence from racehorse trainers, stud farms, stables, suppliers and veterinary service testifying to the applicant's experience and involvement in the industry; and invoices/ receipts indicating horse ownership; equestrian related qualifications; and historic memberships of equestrian associations. From a review of the information provided, I accept that applicant has an involvement in the equestrian industry, has a family history of involvement in the industry (Mariner's Stud, Newcastle was in previous family ownership), and has previous employment experience in the industry.
- 7.2.5. Documentary evidence for the proposed equestrian enterprise comprises copies of documents indicating the registration of the business name Orian Stables, registration with the Department of Agriculture, an insurance provider, and a bank statement with the company name and site address; correspondence from companies indicating that the applicant has retained their services for the enterprise, including an equine veterinary, waste management company, suppliers, financial advisor, and solicitor; and a business plan.
- 7.2.6. With regard to the business plan, information is provided on the project, the promoter (i.e. the applicant), employees, market analysis, and finances including profit and loss projections and overheads. Of note, includes information on the phasing plan with the dwelling and first stable building built in 1-3 year period, the second stable in 2-3 year period and third stable in 4-5 year period; that the applicant's family sold the Mariner Stud in 2004; the applicant trained as a carpenter; income projections are linked to the growth of the operation, commencing with 2021 projections for care of 6 horses (including two horses in the applicant's ownership), up to 18 horses after 5 years.
- 7.2.7. The determination of this appeal, therefore, pivots on the applicant's employment source. The applicant submits that his intention to establish an equestrian operation

with a necessity to reside at the site constitutes a rural generated housing need. In the information provided, it is not definitively stated what the applicant's current source of employment is or where this is based. Reference is made to the applicant being a carpenter, amateur jockey, and smallscale horse owner with two horses. No evidence has been provided that the applicant has a current source of employment that requires him to reside at this location (as per H22 Objective 1), or that he has an equestrian enterprise that is being successfully operated elsewhere that could be established at the appeal site.

7.2.8. As such, while the business plan appears to be reasonable and logical, and I have no reason to query its contents (the PA report makes no reference to or assessment of same), the key issue is that the applicant's intentions are based wholly on future plans. The phasing of the development indicates the dwelling and one stable building (which will accommodate two of the applicant's own horses) are to be constructed first, with the remaining stables built over the following years. In effect, the applicant is seeking permission for a rural dwelling without any evidence of a current employment source, the existence of which would be the basis for a rural dwelling to be permitted. While I note the applicant's supporting documentation and accept that the applicant has clearly demonstrated involvement in the equestrian industry, I do not consider that the desire to establish an equestrian enterprise at the site constitutes a genuine rural generated housing need.

7.2.9. In summary, I consider that the proposed development does not come within the scope of the exceptional circumstances referred to in Policy H22, nor satisfactorily meet the applicable criterion in H22 Objective 1. As such, permitting the proposed development would materially contravene the RU zoning objective. Furthermore, I do not consider that the applicant's situation satisfies the employment or economic qualifying criteria for rural generated housing need referred to in Policy H21 which in turn refers to Section 3.2.3 of the Rural Housing Guidelines and, by extension, NPO 19 of the NPF, which requires for rural areas under urban influence, such as the appeal site, that an economic need to live therein is demonstrated.

7.3. Landscape and Rural Amenity

7.3.1. The appeal site is located in the Athgoe and Saggart Hills Landscape Character Area referenced in the CDP. This area is afforded a medium-high landscape

sensitivity and a high landscape value. However, I do note that there are no map-based designations to 'Protect and Preserve Significant Views' along the public roads in the vicinity of or with aspects to or from the site.

- 7.3.2. The applicable CDP policies for determination of this aspect of the appeal, include Policy H27 with H27 Objective 1, and Policy HCL7 with HCL7 Objective 1. I consider the second, fourth and fifth refusal reasons cited by the PA to be somewhat interrelated as they broadly refer to harm being caused to the landscape and rural amenity of the area, and I propose to address the issues in turn.
- 7.3.3. In the application documentation submitted by the applicant, and reiterated in the appeal response to the second refusal reason, the proposed dwelling's design is stated as being sensitive to its rural surroundings due to its positioning in the lower part of the site and being single storey in design. The applicant invites conditions to address any concern relating to the absence of a landscaping plan and tree survey, as cited in the fifth refusal reason.
- 7.3.4. I have reviewed the plans and elevation drawings, and positively note the architectural approach taken for the design of the proposed dwelling, including the single storey scale, simple elevational design, and choice of external finishes. Similarly, the structures associated with the equestrian operation are modest in scale and traditional in design features. I consider the positioning of the range of buildings within the site to be responsive to the ground levels and existing field boundaries, and the proposed shared use of the existing vehicular entrance to ameliorate the potential impact on the receiving landscape and rural environment from a proliferation of entrances and boundary walls.
- 7.3.5. The second refusal reason states that the proposed development creates ribbon development and would be contrary to Policy H27. While I note there are a number of rural dwellings sited along either side of the L6056, these are intermittent, with notable separation distances in places. I have reviewed Appendix 4 of the Rural Housing Guidelines and concur with the applicant's position that the development does not create ribbon development as it does not cause or result in five or more houses on one side of a given 250m stretch of road frontage.
- 7.3.6. The fourth and fifth refusal reasons relate to harm caused to the rural amenities of the area due to, respectively, an undesirable precedent being set and an absence of

information on landscaping, tree and bat surveys. I consider these reasons to be somewhat vague and/ or unsubstantiated.

- 7.3.7. On balance, I do not consider the proposed development to be of a scale or design to cause harm to the landscape and/ or rural amenities of the area, or that the proposed development would be contrary to the provisions of Policy H27 and/ or Policy HCL7; nor do I consider the proposal to create ribbon development per se, or to set an undesirable precedent due to the case specific nature of rural dwelling applications. In summary, I do not consider these issues to be in and of themselves reasonable refusal reasons.

7.4. Traffic Safety and Access

- 7.4.1. In respect of vehicular access, the applicant intends to use the existing entrance serving the stable structure on site for both the proposed dwelling and the equestrian operation. The applicant has indicated sightlines of 90m to the northeast and the same to the southwest from the entrance.
- 7.4.2. The PA's Road section report states that the proposed development is located on a substandard road with poor vertical and horizontal alignments, lacking facilities such as pedestrian footpaths and public lighting, and would endanger public safety by reason of traffic hazard. The report does not include an analysis or assessment of the sightlines as indicated by the applicant, nor is any evidence presented that the existing entrance proposed to be used is substandard or dangerous per se.
- 7.4.3. While I note that the public road is narrow, from my site inspection and travelling along the L6056/ Smith's Hill road, I am of the opinion that there are sufficient sightlines north and south from the entrance, the road is trafficked at relatively slow speeds due to the conditions, and there are relatively frequent opportunities for drivers to pass each other at wider sections of the road, and at agricultural and residential entrances. While the proposed development would give rise to an intensification of use of the existing entrance, I consider this to be a matter of scale which is acceptably low. I do not concur that the proposed development is in and of itself a traffic hazard or an endangerment to public safety. I do not consider that to be a reasonable refusal reason.

7.5. Water Services Infrastructure, Groundwater and Surface Water

- 7.5.1. The proposal includes for an onsite wastewater treatment plant with percolation filter, connection to the public mains for water supply, and drilling of a private onsite well for equine use. I note the reports from the PA's Environmental Health Officer (EHO) and Irish Water assessing the proposed development, and citing no objection subject to applicable conditions for wastewater and water supply.
- 7.5.2. In respect of the former, I have reviewed the Site Characterisation Form and manufacturers' specifications for the plant and filter. I note that the results indicate that the site has suitable ground conditions (P-value of 16, T-value of 17) for an onsite treatment plant and filter percolation area. I consider the proposed development to comply with the applicable EPA's '*Code of Practice: Wastewater Treatment and Disposal Systems serving single houses, 2009*'.
- 7.5.3. In respect of surface water, the absence of a report indicating the percolation test results for the soakaway is cited as a refusal reason. In the first party appeal response, it is indicated that this can be addressed by condition. I note there is no record of a watercourse at or in proximity to the site, and at my site inspection there was no evidence of wet or waterlogged ground conditions, either of which may have indicated a potential risk or vulnerability to groundwater or surface water environments. On balance, in the instance of a grant of permission, I consider the matter could be addressed by condition requiring agreement with the planning authority.
- 7.5.4. Similarly, with respect to the equestrian operation and the generation of equine waste, the applicant indicates this will be disposed of through a licensed waste contractor, which I consider reasonable and appropriate. The applicant indicates that, as such, there will be no effect on groundwater, a position which the EHO accepts, and I concur with.

8.0 Appropriate Assessment

8.1. Compliance with Article 6(3) of the EU Habitats Directive

- 8.1.1. The requirements of Article 6(3) of the EU Habitats Directive as relate to screening the need for appropriate assessment of a project under section 177U, part XAB of the Planning and Development Act 2000, as amended, are considered fully in this section.

8.2. Screening the need for Appropriate Assessment

- 8.2.1. The applicant has not submitted an appropriate assessment screening report or a Natura Impact Statement for the proposed development with this appeal case. Therefore, this screening assessment has been carried *de-novo*.
- 8.2.2. The appeal site is not located in or immediately adjacent to a European Site, nor is there any watercourse in the vicinity of the proposed development. Within the precautionary 15km radius from the appeal site, the following six European Sites have been identified for consideration in this screening examination, including Rye Water Valley/ Carton SAC, Red Bog SAC, Glenasmole Valley SAC, Wicklow Mountains SAC, Poulaphouca Reservoir SPA, and Wicklow Mountains SPA.
- 8.2.3. I consider that the potential of likely significant effects on the European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded due to the absence of ecological and/ or hydrological connections (source-pathway-receptor); the physical separation distances from the site; and the scale and nature of the project. As there is no pathway between the project and the six European Sites screened, there is no potential for loss or disturbance of species or habitats associated with the qualifying interests of the European Sites, and therefore, no possibility of any effect on the European Sites' conservation objectives.
- 8.2.4. No measures designed or intended to avoid or reduce any potentially harmful effects of the project on a European Site have been relied upon in this screening.

8.3. Screening Determination

- 8.3.1. The project was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Sites in view of the Sites' conservation objectives and qualifying interests, and that a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not therefore required.

9.0 Recommendation

- 9.1. I recommend that permission be REFUSED for the proposed development due to the reasons and considerations set out below.

10.0 Reasons and Considerations

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| 1 | <p>Having regard to the definition of rural generated housing need in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities where Section 3.2.3 specifies persons being in full-time and part-time employment in rural areas; the location of the site within a rural area under urban influence in accordance with the National Planning Framework where NPO 19 seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic need to live in a rural area; to the location of the site in an area subject to the RU zoning objective which seeks 'To protect and improve rural amenity and to provide for the development of agriculture' of the South Dublin County Development Plan 2016-2022, where Policy H21 and Policy H22 restrict new dwellings in rural areas to persons with rural generated housing needs based on exceptional circumstances, the proposed development does not satisfy the definition of rural generated housing need, or come within scope of the exceptional circumstances as the qualifying criteria relating to employment or economic based circumstances have not been met. As such, the proposed development would be contrary to the provisions of the Rural Housing Guidelines, the National Planning Framework, the RU zoning objective of the South Dublin County Development Plan 2016-2022, and would, therefore, be contrary to the proper planning and sustainable development of the area.</p> |
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Phillippa Joyce
Senior Planning Inspector

29th April 2021