



An
Bord
Pleanála

Inspector's Report ABP-314141-22

Development

House, new wastewater treatment plant, upgrading of existing agricultural entrance gate and boundary and all associated site works. A Natura Impact Statement (NIS) was received with this application.

Location

Cliff Manor, Cliff Road, Rathdown Upper, Windgates, Greystones, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

22/17

Applicant

Owen Molloy.

Type of Application

Permission.

Planning Authority Decision

Refusal of Permission.

Type of Appeal

First Party v Refusal of Permission

Appellant

Owen Molloy.

Observer(s)

None.

Date of Site Inspection

30/05/2023

Inspector

Enda Duignan

1.0 Site Location and Description

- 1.1. The address of the appeal site is Cliff Manor, Cliff Road, Rathdown Upper, Windgates, Greystones, Co. Wicklow. An existing agricultural entrance serves the appeal site which is accessed via a right-of-way through a car parking and open space area associated with the residential development of Cliff Manor. Cliff Manor is located where Cliff Road culminates, c. 1km to the north east of the junction of Cliff Road and the R761. The appeal site forms part of a larger agricultural field which is currently under grass. In terms of topography, the lands are undulating and there is a significant slope across the appeal site with a level difference of c. 40m between the site entrance and the site's south eastern corner. The appeal site has a stated area of c. 1.295ha.
- 1.2. In addition to the residential development of Cliff Manor, there are a number of on-off dwellings that are accessed from Cliff Road and have a direct abuttal with the lands which are under the control of the Applicant. To the south and south-east of the site is the Cliff Walk linking Bray and Greystones with the remainder of the lands within the surrounds of the site being typically in agricultural use.

2.0 Proposed Development

- 2.1. The proposal seeks planning consent for the construction of a dormer style bungalow on the appeal site. The gable fronted dwelling has a stated floor area of c. 273sq.m. and will comprise an entrance hall, 4 no. ensuite bedrooms, kitchen/dining area, pantry, utility and garage at ground floor level. At first floor level, the proposed dwelling will comprise a study, storage room and living room with a connecting balcony which has a southern orientation.
- 2.2. A new driveway will lead from existing agricultural entrance and will slope downward in a spiral like fashion to follow the topography of the site. A degree of cut is required within this portion of the site to facilitate vehicular access to the proposed dwelling and the car parking area on the dwelling's western side. In addition, a portion of the site will be infilled and a new timber gabion retaining wall is proposed on the dwelling's eastern side. A series of steps is proposed on the northern and eastern side of the dwelling leading to a landscaped garden area.

- 2.3.** The proposed development includes the installation of a wastewater treatment system and percolation area which is to be located to the south of the proposed dwelling. A new hedge will form the site's southern boundary with a new timber post and rail fence forming the eastern boundary. Extensive tree planting is also proposed along the southern and eastern boundaries of the site.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council refused planning permission for the proposed development for the following 2 no. reasons:

1. The proposed development would not represent a necessary dwelling in this Landscape designated Coastal AONB, and Bray Head to Greystones (Rathdown) Cell Coastal Zone contrary to the provisions of Section 4.4, and, Objective CZ3 of the County Development Plan 2016-2022. These provisions are required to maintain scenic amenities, recreational utility, existing character, and to preserve views of special amenity value and special interest and to conserve the attractiveness of the county for the development of tourism and tourist related employment. The Council's settlement strategy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a bona fide necessity to live in the rural area instead of in existing settlements. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objectives CZ3 and HD23 of the County Development Plan. The proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value.
2. Having regard to:
 - a. The location of the proposed development within a designated Area of Outstanding Natural Beauty (Northern Coastal Area) and Bray Head to Greystones (Rathdown) Cell Coastal Zone.
 - b. The location/visibility of the development along a listed prospect (Prospect ID 6);
 - c. The elevated nature, openness and visibility of the site in the surrounding landscape particularly in views from the Irish sea, the cliff walk, and

Greystones Harbour;

d. The isolated position of the proposed house relative to existing development; and

e. The degree of excavation and change to the natural contours of the site;

It is considered that the proposed development would form an obtrusive feature within, and be contrary to, the protection of this highly sensitive landscape area of Outstanding Natural Beauty; would result in the formation of a strident and obtrusive feature in the sensitive rural landscape; and would set an undesirable precedent for further development on unsuitable lands to the south which would negatively impact upon the rural character of the area. The development would therefore be contrary to the guidelines and objectives of the County Development plan, which require that all development shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics and Development Considerations' as set out in the Wicklow Landscape Assessment and which seek to resist development that would significantly or unnecessarily alter the natural landscape. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Report form the basis of the decision. The report provides a description of the site and surrounds and an outline of the proposed development. The report provides an overview of the policy that is applicable to the development proposal and summaries the planning history of the site. The report also summaries on the observation on the planning file.

In terms of the principle of development, the Planning Authority note that the Applicant would not qualify for a dwelling in this rural area as the Applicant is from an urban area and is not a full-time farmer. With respect to design and visual impact, it was also considered that the subject site is unsuitable for development given the site's location within an Area of Outstanding Natural Beauty and within the Bray Head to Greystones Rathdown) Cell Coastal Zone and to the west and north of Prospect 6. A refusal of

planning permission was therefore recommended for 2 no. reasons.

A second report is included on the planning file in response to the unsolicited information which included a letter of support from the Applicant's aunty to build on the land and a letter from Teagasc outlining the Applicant's business plan and forecast for farming activities and the benefits of building a house at this location. Notwithstanding the submission of unsolicited information, the Planning Authority considered that the original refusal reasons still stand.

3.2.2. Other Technical Reports

EHO: Report received recommending further information.

3.2.3. Prescribed Bodies

Irish Water: No objection.

Irish Rail: Report received recommending additional information requesting the Applicant to undertake hydraulic conductivity assessments due to the location of the proposed development relative to the existing railway tunnel and line.

3.2.4. Third Party Observations

One (1) no. observation is on the planning file from the Cliff Manor Management Company. The matters raised in the observation can be summarised as follows:

- The site is accessed through a right-of-way which is utilised as open space associated with a residential development. Concerns are highlighted with respect to the intensification of the use of this entrance which may prove a health and safety risk.
- Concerns regarding the precedence this development would set.
- Various conditions are recommended in the event of a grant of planning permission.

4.0 Planning History

4.1. Appeal Site

21/452: Planning application refused by the Planning Authority for the construction of

a dormer bungalow, stables, new wastewater treatment plant, upgrading of existing agricultural entrance gate & boundary to new rendered wall, railings & electrified double gates, re-surfacing of existing internal driveway & all associated site works.

The application was refused for the following 5 no. reasons:

1. The proposed development would not represent a necessary dwelling in this Landscape designated Coastal Area of Outstanding Natural Beauty (AONB) contrary to the provisions of Section 4.4 of the County Development Plan 2016-2022. These provisions are required to maintain scenic amenities, recreational utility, existing character, and to preserve views of special amenity value and special interest and to conserve the attractiveness of the county for the development of tourism and tourist related employment.

The Council's settlement strategy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a bona fide necessity to live in the rural area instead of in existing settlements. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objectives CZ3 and HD23 of the County Development Plan. The proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value.

2. Having regard to:
 - a. The location of the proposed development within a designated Area of Outstanding Natural Beauty (Northern Coastal Area);
 - b. The location / visibility of the development along a listed prospect (prospect ID 6);
 - c. The elevated nature, openness and visibility of the site in site in the surrounding landscape particularly in views from the Irish Sea, the Cliff Walk, and Greystones Harbour;
 - d. The isolated position of the proposed house relative to existing development;
 - e. The degree of excavation and change to the natural contours of the site;
 - f. The large/long access road proposed to create the internal road

/driveway; and

- g. The landscaping proposal and insufficient screening;

It is considered that the proposed development would form an obtrusive feature within, and be contrary to, the protection of this highly sensitive landscape AONB; would result in the formation of a strident and obtrusive feature in the sensitive rural landscape; and would set an undesirable precedent for further development on unsuitable lands to the south which would negatively impact upon the rural character of the area. The development would therefore be contrary to the guidelines and objectives of the County Development Plan, which require that all development shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics and Development Considerations' as set out in the Wicklow Landscape Assessment and which seek to resist development that would significantly or unnecessarily alter the natural landscape. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to Objective NH2 of the County Development Plan 2016-2022, the Department of Environment "Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities", 2009 and the details submitted, it is considered that inadequate information has been submitted for the Planning Authority to screen out the potential impacts of the development on the conservation values of the Bray Head SAC, and to determine the application in the absence of the full details would be contrary to the conservation objectives of the Natura 2000 site, the Appropriate Assessment Guidelines, the policies of the County Development Plan and to the proper planning and sustainable development of the area.
4. Inadequate evidence is available that the site is:
 - a. Suitable for septic tank effluent percolation; and
 - b. Suitable for a private well;If found to be unsuitable then this development would be prejudicial to public health.
5. Given the steep topography of the site and the siting of the proposed dwelling which appears to be in a hollow in the landscape; the potential level of hard

surfacing required for the construction laneway/driveway and right of way lane which would lead to an increased flow of surface water downhill; and the inadequate details available regarding surface water drainage, it is considered that the Planning Authority cannot fully assess the potential impacts of the development on the Bray Head SAC, Irish Rail infrastructure; biodiversity, and potential flooding. The development would therefore be contrary to proper planning and sustainable development.

5.0 Policy and Context

5.1. Local Policy

5.1.1. Wicklow County Development Plan (CDP), 2022-2028.

The Wicklow Dublin County Development Plan (CDP), 2022-2028 came into effect on 23rd October 2022 and after the decision of the Planning Authority to refuse permission. The policy contained with current CDP indicates that development within rural areas should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such, particular attention should be focused on ensuring that the scenic value, heritage value and/or environmental / ecological / conservation quality of the area is protected.

Given the nature of the proposal and the location of the appeal site within a rural area, Policy Objective CPO 6.41 (Housing in the Open Countryside) is of direct relevance to the development proposal. The policy seeks to “Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3. A housing need is defined as those who can demonstrate a clear need for new 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 of following legal separation / divorce / repossession by a lending institution, the transfer of a home attached to a farm to a family member or the past sale of a home following emigration;
- Someone that already owns / owned a home who requires a new purpose built

- specially adapted house due to a verified medical condition and who can show that their existing home cannot be adapted to meet their particular needs; and,
- Other such circumstances that clearly demonstrate a bona fide need for a new dwelling in the open countryside notwithstanding previous / current ownership of a home as may be considered acceptable to the Planning Authority.

In terms of 'Economic Need', the Planning Authority recognises the rural housing need of persons whose livelihood is intrinsically linked to rural areas subject to it being demonstrated that a home in the open countryside is essential to the making of that livelihood and that livelihood could not be maintained while living in a nearby settlement. In this regard, persons whose livelihood is intrinsically linked to rural areas may include:

a. Those involved in agriculture

The Planning Authority will positively consider applications from those who are engaged in a significant agricultural enterprise and require a dwelling on the agricultural holding that they work. In such cases, it will be necessary for the applicant to satisfy the Planning Authority with supporting documents that due to the nature of the agricultural employment, a dwelling on the holding is essential for the ongoing successful operation and maintenance of the farm. In this regard, the Planning Authority will consider whether there is already a dwelling / dwellings on the farm holding when determining if a new dwelling can be justified.

b. Those involved in non-agricultural rural enterprise / employment

The Planning Authority will support applications from those whose business / full time employment is intrinsically linked to the rural area that can demonstrate a need to live in the vicinity of their employment in order to carry out their full time occupation. The Planning Authority will strictly require any applicant to show that there is a particular aspect or characteristic of their employment that requires them to live in that rural area, as opposed to a local settlement.

Other relevant policy objectives of the CDP include:

- **CPO 6.42:** Where permission is granted for a single rural house in the open countryside, the applicant will be required to lodge with the Land Registry a

burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling for a period of 7 years to the applicant, or to those persons who fulfil the criteria set out in Objective CPO 6.41 or to other such persons as the Planning Authority may agree to in writing.

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

In terms of the site's landscape category, the site is located within the Northern Coastline of the 'Coastal Areas Area of Outstanding Natural Beauty (AONB)'. The Northern Coastline comprises of lands north of Wicklow Town-Rathnew extending to south of Greystones. The northern coastline provides intermittent views of the sea from the coast road with this area being somewhat more developed than the southern coastline. This landscape category includes a number of key environmental features such as the Murrough SAC/SPA, a designated European site and Natural Heritage Area (NHA). Relevant policies of the plan include:

- **CPO 17.1** To protect, sustainably manage and enhance the natural heritage, biodiversity, geological heritage, landscape and environment of County Wicklow in recognition of its importance for nature conservation and biodiversity and as a non-renewable resource.
- **CPO 17.35** All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

As per Schedule 17.12 (Prospects of Special Amenity Value or Special Interest) and Map No. 17.11, the appeal site is located directly to the west of the Bray-Greystones Cliff Walk (6) which is the 'Prospect of sea, cliffs and across southern slopes of Bray Head to R761 from Cliff Walk'.

The appeal site is located within Coastal Zone Cell 3, Bray Head to Greystones (Rathdown). Policy CP 19.18 is therefore relevant to the consideration of this appeal and is included as follows:

1. To strictly regulate and manage development in this cell to protect its function as a green break between the built up area of Bray and Greystones. Within this area, the following restrictions apply:
 - a. Residential development shall be strictly limited to those persons engaged in agriculture in this cell and who can demonstrate a definable economic need to live on the farm holding;
 - b. The highest standards of siting and design will be rigorously enforced for any developments in this area; and
 - c. Commercial and industrial development will be prohibited in the cell.
2. To maintain and enhance the cliff path from Bray to Greystones, while preserving its rugged and natural character.
3. To strictly control the development of new entrances and access driveways on the R761, to those which can be proven to be necessary for either traffic safety reasons or the normal functioning of the landholding.
4. To facilitate coastal protection works (natural, soft and hard engineered), to protect both the amenity value of the Cliff Walk and the significant economic and social value of the railway line.

Relevant Appendices

- Appendix 1: Development and Design Standards; and,
- Appendix 2: Single Rural Houses Design Guidelines.

5.1.2. Greystones-Delgany & Kilcoole Local Area Plan (LAP), 2013-2019.

Under the LAP, the appeal site is located on lands zoned GB (Greenbelt) and are situated outside the settlement boundary for the LAP area. The objective of GB zoned land is “To generally protect the open nature and landscape quality of lands, to protect and enhance local biodiversity, and to maintain the primary use of the land for agricultural purposes.” The policy notes that GB lands form part of the rural area and planning applications shall be assessed on the basis of the objectives and standards for the rural area, as set out in the Wicklow County Development Plan. The Coastal

Zone Management Plan objectives, as set out in Chapter 18 of the CDP shall also apply to areas designated a 'coastal cell'. Further to this, the following objectives apply:

- Protect the integrity of Natura 2000 sites in accordance with objective HER2.
- Protect listed views/prospects and other features of natural and built heritage
- Provide for the development of greenroutes in the area. In particular, facilitate the development of (i) a pedestrian/cycling route between Lott Lane, Kilcoole and Shoreline Sports Park, Charlesland, and (ii) a coastal walk, having due regard to environmental designations and compliance with the EU Habitats Directive, and to restrict development that interferes with the achievement of this objective.

Objective HER8 of the LAP seeks 'To maintain and enhance the 'cliff walk' from Bray to Greystones, including the development of services and facilities for visitors such as car parking, signage, information boards, footpath surfaces, and public toilets, while preserving its rugged and natural character and its biodiversity value. It is a particular objective of the Council to provide for the development of public toilet facilities at the harbour end of the 'cliff walk'.'

5.2. National Policy

5.2.1. Climate Action Plan 2023 (CAP23)

5.2.2. Project Ireland 2040 National Planning Framework (NPF) Local Policy

National Policy Objective (NPO) 19 states it is an objective to 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.

5.2.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2.4. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The overarching aim of the Guidelines is to ensure that people who are part of a 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. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.2.5. Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent \leq 10), 2021.

5.2.6. EPA Wastewater Treatment and Disposal Systems Serving Single Houses, Population Equivalent \leq 10 (2009).

5.3. Natural Heritage Designations

The nearest designated site is the Bray Head SAC (Site Code: 000714), which adjoins the eastern boundary of the appeal site. The Proposed Natural Heritage Area: Bray Head has also an eastern abuttal with the appeal site.

5.4. EIA Screening

Having regard to the nature and scale the development which consists of a single house in a rural location, there is no real likelihood of significant effects on the environment arising from the proposed development. 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

A First Party planning appeal has been prepared and submitted on behalf of the Applicant. The grounds of appeal can be summarised as follows:

Refusal Reason No. 1

- It is stated that the Applicant has extensive connections to rural Ireland and comes from a long line of Wicklow farmers and it is considered that he should be given special consideration under Objective HD23 of the CDP. The appeal submission provides details of the applicant's father and grandfather who were actively involved in farming throughout Wicklow. It is confirmed that the Applicant has never owned a house and has resided in the family home all his life. He attended primary and secondary schools within the Bray area and the majority of his extended family all live close by, within 5km of the appeal site. The applicant's family have been raised within this area for many generations with strong family ties to rural Wicklow and local communities. It is the hope of the Applicant to build a modest sized single dwelling on his land in order to continue farming his land. It is stated that the Applicant has been assisted in the running of his farm during the during his teenage and subsequent years by his uncle, who has become too elderly to continue. It is the Applicant's proposal to continue farming but also to further develop the farming practices carried out on the farm in a more environmentally and sustainable manner.
- It is stated that the current housing market in the north Wicklow/south Dublin area is, and has been for quite some time too expensive and out of reach of the Applicant. The best and most sustainable use of the farmland is to maximise the farming potential in conjunction with the new family home. The Applicant

also wishes to build a modest house on his farmland so he can continue living close to his family home, mother and his siblings so that they can help with his child minding in the near future and that the Applicant can be close by to provide care and assistance to his mother and family as they get older.

- The appeal submission refers to the letters of support from Teagasc which outline that a significant part of the Applicant's income would come from farming, an outline of the environmental schemes he is committed to, and the reasons he must live on the land for these activities to continue.
- It is this stated that the Applicant currently owns c. 20 acres in Windgates, leases other lands for farming purposes (14 acres), along with his entitlements of c. 362 acres of grazing rights on Glencap South an Upper Commonage, which were all detailed with the planning application.
- It is contended that the applicant has a legal and constitutional right to build a house on his farmland. Notwithstanding these legal rights, a detailed submission was made during the planning application process justifying, under the Wicklow county council's own guidelines, that the Applicant meets the relevant criteria to build a dwelling on his farmland.
- It is stated that the Applicant also needs to live on the land in order to monitor and protect his livestock, his land and future farming development. This is particularly relevant given the location of the appeal site relative to the existing Cliff walk.

Refusal Reason No. 2

- The appellant refers to the environmental consultants site suitability impact assessment report which clearly states that the proposed development would have no negative impact. It is stated that this report has not been referenced within the planner's report on file.
- It is contended that the proposed development would consolidate an existing nucleus of development, as it is a house of low visibility, has been sited appropriately within the existing landscape, sited below all existing residential developments and would nestle and assimilate into the existing landscape and topography without creating a scare on the landscape.
- The submission refers to previous applications determined by the Board within

the surrounds of the site which note that a qualifying person is permitted to build a new dwelling in an area of outstanding beauty, for their own use, once the siting and design are appropriate. It is contended that the proposed dwelling complies with all of these criteria. It is confirmed that there is no intention of proposing any further additional residential development on lands further to the south which is within the Applicant's ownership.

- In terms of Prospect 6, the proposed house and associated site works are positioned west of both the Cliff walk and the Irish Sea. Along the eastern boundary of the site, between the Cliff walk and the site boundary wall, there are quite a few mature trees and mature vegetation which contribute to screening views of the site and the proposed house from the existing Cliff Walk. It is contended that the proposed house and associated works would have absolutely no impact on these prospects i.e. the sea or cliffs, when viewed from the Cliff Walk. It is therefore considered that the proposed development would be in full compliance with the requirements of Prospect ID 6 of the Wicklow CDP.
- All prospects, of both the sea and Cliff Walk, as has been clearly demonstrated within the appeal submission and as stated within the Environmental Consultants Site Suitability Impact Assessment Report, would have no significant negative impact on either of these designated prospects.
- In terms of the prospect across the southern slopes of Bray Head, the submission refers to the commentary of the Site Suitably Assessment Impact Report, which notes that the proposed development would have no negative impact on these views. For the vast majority of this prospect, there is a substantial level difference between the existing site ground levels and the Cliff Walk levels, with the cliff walk always being lower. Where the proposed development may be visible, views will be restricted by the provision of additional landscaping.
- It is stated that the proposed house must be considered, reviewed and examined in the context of the existing built environment off Cliff Road, Cliff Manor and the adjacent environs, within which the proposed development is to be located. It is stated that it is not appropriate from a planning context, to view the proposed house and site in isolation, nor is it correct that the Planning

Authority appear within their Planner's Report to misrepresent the area within which the proposed dwelling was to be set.

- As can be readily determined from the site plans, photomontages and photographs included as part of the appeal and the original planning application, the location of the proposed house is well considered and set within an established residential area. It is stated that the proposed dwelling is of a high design standard and would assimilate and nestle appropriately into the existing landscape and topography. There are established existing infrastructures in the area, primarily roads, water, telecoms etc. The existing farmland has been using these infrastructure and services and the proposed house will be connecting into these services.
- There are currently 8 no. houses at the entrance of the R761, 11 no. houses off Cliff Road and 14 no. houses within or adjacent to Cliff Manor. The proposed house is in the middle of the two established residential areas and the proposed house would provide a consolidation of the established existing rural residential houses and not a one-off house in an isolated rural area, as referred to by the Planning Authority.
- With respect to the Planning Authority's reference to the dwellings 'isolated position', It is not appropriate, from a planning context, to view the proposed house and site in strict isolation, as there are 24 no. existing houses within the immediate environments of the proposed house and site. It is stated that the proposed house is set well within the two existing and established residential developments, as can be determined from the aerial photographs submitted with the appeal. Therefore, it is contended that the reference to the proposed house and site as being isolated, has no factual nor sound basis in planning terms. Nor has it any basis in relation to the planning precedence established by the Planning Authority, who have previously granted planning permissions within the area. It is contended that the Planning Authority have erred in both law and planning in referring and justifying a refusal based on the proposed house and site being isolated. It is contended that the proposed house is in accordance with the established planning and development of the area.
- The appeal submission notes that the Planning Authority's reference to the proposed house and site forming an obtrusive feature and being contrary to the

protection of this highly sensitive landscape of outstanding natural beauty is completely incorrect. It is also contended that the Planning Authority's reference to the proposed house and site forming a strident and obtrusive feature in the sensitive rural landscape is again completely incorrect based on previous Planning Inspector reports and the current built environment within the surrounds. This statement has no factual or sound basis in planning terms, nor has it any basis in relation to the planning precedents established by the Planning Authority. Therefore, the proposed house is in accordance with the established planning and development of the area.

- In terms of the degree of excavation and change of natural contours of the site, aerial imagery has been included, which indicates that the amount of excavation and build up, would be less than that carried out on adjacent properties and would not be a scar or have an adverse impact on the landscape. Following on from concerns raised by the Planning Authority in a previous application, the current proposal sought to significantly reduce the extent of cut and fill to only 5% of the total site. The majority of any soil being cut is related to levelling of natural amounts of topsoil for the access road, leaving the majority of the site untouched. The house design has been carefully considered during the design process taking into consideration the sloping nature, location, orientation and possible visibility of the site which has had regard to Appendix 2, Single Rural Houses Design Guidelines, as included within the County Development Plan.
- Based on the proposed creation of the single restricted terrace area, the amount of excavation that will be involved will be relatively small. Should there be any leftover excavated material, this will remain within the site and will be used to form naturalistic landscape mounds, which form part of the landscaping proposal. Both the design and the positioning of the house within the site has been designed to minimise any potential visual impact and to minimise the extent and depth of the cut and fill required. It is therefore contended that the proposed works would not create a strident and obtrusive feature within the landscape. The submission refers to planning applications on adjoining sites which were supported by the Planning Authority and the Applicant had a legitimate expectation for the proposal to be considered in a fair and reasonable

manner.

- It is stated that the landscaping drawings submitted as part of the planning application, were proposed to supplement, and reinforce the existing trees and landscaping along the site boundary wall, from where glimpses of the of the proposed dwelling may have been visible. It is also proposed to provide additional trees and planting within the site, which will provide additional screening of the proposed house from Greystones Harbour and along the Cliff Walk.
- It is highlighted within the appeal submission that Wicklow County Council approached the Applicant in April 2021, asking if he was willing to enter into a lease agreement with them to relocate the Cliff Walk into his property by way of 100 year lease of a 10m strip of land, due to the partial collapse of the section of the adjacent Cliff Walk. It is stated that the Applicant was agreeable in principle to this subject to the confirmation of a small number of items. More recently, Wicklow County Council have approached the Applicant to establish if they would sell the land rather the least the land. It is stated that the Cliff Walk has been closed for more than two years with no prospect of its reopening, which has had a significant commercial and tourism impact on Greystones, Bray the wider Wicklow area. Should Wicklow County Council proceed with the relocation of the Cliff Walk onto and along the Applicant's farmland, a permanent presence on site would be required in order to prevent antisocial behaviour, trespassing, damage to property, crops and potential issues arising with animals.
- It is stated that the Planning Authority deliberately presented misleading and inaccurate information in their justification to refuse permission. When the Board review all of the information, professional reports, submissions and previous permissions granted in the surrounds, on this basis alone the Board must overturn the decision to refuse permission.
- In conclusion, it is contended that it has been clearly demonstrated that the Applicant's proposals are in compliance with objective HD23 and Objective CZ3 of the Wicklow CDP, and the Applicant has clearly demonstrated that he is engaged in agriculture and has a right and need, to live on his farmland and be entitled to build a single house on the existing farmland. With the proposed high

quality design, along with the proposed position of the dwelling within the site, the proposal would nestle and assimilate into the surrounding existing landscape without scarring the existing landscape.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

The main issues are those raised in the appellant's grounds of appeal and I am satisfied that no other substantive issues arise. The issue of Appropriate Assessment also needs to be addressed. On the basis of the foregoing, the items to be addressed within the assessment will be considered under the following headings:

- Compliance with Rural Housing Policy
- Visual Impact & Design
- Wastewater Treatment
- Appropriate Assessment

7.1. Compliance with Rural Housing Policy

- 7.1.1. Compliance with rural housing policy is a core consideration for any planning application for a one-off house in a rural area. As indicated earlier in this report, the appeal site is located on lands zoned GB (Greenbelt) under Greystones-Delgany & Kilcoole LAP, the objective of which is 'To generally protect the open nature and landscape quality of lands, to protect and enhance local biodiversity, and to maintain the primary use of the land for agricultural purposes'. The policy notes that GB lands form part of the rural area of Wicklow and planning applications shall be assessed on the basis of the objectives and standards for the rural area, as set out in the Wicklow County Development Plan. The 'rural area' of County Wicklow forms the 'open

countryside' and includes all lands outside of the designated settlement boundaries. The policy of the current CDP notes that development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Further to this, the appeal site is located within Coastal Zone Cell 3, Bray Head to Greystones (Rathdown). Objective CPO 19.18 of the current CDP is relevant in this regard and seeks 'To strictly regulate and manage development in this cell to protect its function as a green break between the built up area of Bray and Greystones' and 'Residential development shall be strictly limited to those persons engaged in agriculture in this cell and who can demonstrate a definable economic need to live on the farm holding'.

7.1.2. In support of the planning application, it is confirmed that the Applicant and his family have owned and farmed the land, to which this application relates, for more than 30 years. A supporting letter has been enclosed with the application form from the Applicant to demonstrate their links to this particular site and the wider area and it is confirmed that the Applicant does not own any property other than these lands. The Applicant notes that he has c. 147ha. grazing rights in Glencap South and Upper Commonage which is located c. 5.5km from the application site. It is stated that it is the Applicant's intention to continue his farming activities and develop these in an environmentally and sustainable manner, as demonstrated by the submitted documentation from Teagasc. Due to the applicants ownership and requirement to maintain the land and animals and due to the regular gorse fires in the area during recent years, it is stated that the Applicant has a real need at this location for both the protection of his livestock and his land. Within their assessment of the application, the Planning Authority noted that the Applicant's overall landholding is not suitably sized to be viable for full time farming. It was also noted that the Applicant's current home would be closer to the Glencap South and Upper Commonage lands than the appeal site and therefore, it was considered that the Applicant's argument of needing to reside close to the farmland was inadequate. The Planning Authority noted that the Applicant is from an urban area, is not a full-time farmer and would therefore not qualify for a dwelling in this rural area.

7.1.3. I note that the County Development Plan has changed since the Planning Authority's

determination of the application. In this regard, Policy Objective CPO 6.41 of the current Plan is relevant to the consideration of this appeal which sets out a series of circumstances where residential development can be considered in rural areas. The policy seeks to 'Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3'. The application and appeal documentation confirm that the Applicant lives in the family home in the urban area of Bray and has never owned a home and I am therefore satisfied that the Applicant has demonstrated a need for housing as per the requirements of Table 6.3 of the current CDP.

- 7.1.4. In terms of 'Economic Need', upon which the Applicant is relying, Table 6.3 of the CDP notes that 'the Planning Authority recognises the rural housing need of persons whose livelihood is intrinsically linked to rural areas subject to it being demonstrated that a home in the open countryside is essential to the making of that livelihood and that livelihood could not be maintained while living in a nearby settlement'. For 'those involved in agriculture', the Planning Authority will positively consider applications from those who are engaged in a significant agricultural enterprise and require a dwelling on the agricultural holding that they work. In such cases, it will be necessary for the Applicant to satisfy the Planning Authority with supporting documents that due to the nature of the agricultural employment, a dwelling on the holding is essential for the ongoing successful operation and maintenance of the farm.
- 7.1.5. The appeal submission confirms that, along with farming the land on a part time basis, the Applicant currently works as an analyst in the financial services sector. A point which is confirmed in the 'Single Rural House' application form. It is noted in the submission that the ability to work remotely provides the opportunity to combine both types of employment, once the Applicant has the facility to work from his house which is located on the farmland. It is also contended within the submission that the Applicant also needs to live on the land in order to monitor and protect his livestock and land which is particularly relevant given the location of the appeal site relative to the existing Cliff Walk, where there have been instances of trespassing in the past. It is evident from the application and appeal documentation that the Applicant is from an urban

area, and it is confirmed that he has resided at this location his entire life. I have had regard to the supporting letter from Teagasc which outlines the Applicant's Business Plan and the various benefits of building a house on the lands as proposed. Notwithstanding this, the Applicant is currently not engaged in full time farming and it would appear that there is no intention for the Applicant to do so in the future. Therefore, I am not satisfied that the Applicant's livelihood is intrinsically linked to this rural area as required by the policy of the CDP nor is a new dwelling at this location essential to the making of that livelihood. In addition, there is insufficient evidence to demonstrate that a dwelling on the landholding is essential for the ongoing successful operation and maintenance of the farm. In this regard, I am not satisfied that the Applicant has a demonstrable economic need for a dwelling at this specific location, which could not be more readily absorbed on suitably zoned land within a nearby settlement.

7.1.6. In terms of regional and national planning guidance, the site's identified location in a rural area is consistent with the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, which similarly identifies the site and its wider rural setting. The Regional Spatial Economic Strategy – Eastern & Midland Region, 2019-2031 (RSES), acknowledges that for some rural areas, urban and commuter generated development has undesirably affected the character and cohesion of these locations. Under RPO 4.80, it is the policy for Local Authorities to 'manage growth in rural areas under strong urban influence by ensuring that in these areas, the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

7.1.7. In relation to locations identified as being under strong urban influence, the National Planning Framework, NPO 19, requires developments like this to demonstrate a functional economic or social requirement for housing need in areas under urban influence, with this being stated as a necessity. Although it is evident that the Applicant has a strong desire for a rural dwelling at this location, this in itself does not override the public good necessity for such applications to meet local through to national planning provisions. These provisions seek to safeguard such rural locations from the proliferation of what is essentially a type of development that planning provisions seek

to channel to appropriate serviced land within settlements where they can be more sustainably absorbed whilst safeguarding the rural environment from further diminishment of its character and predominant rural land use based function, i.e. agriculture. In keeping with this, I note that National Policy Objective 3a of the National Planning Framework seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements. In addition, NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development as well as at an appropriate scale of provision relative to location. There are settlements within the wider area, including those with infrastructural services such as mains drainage and potable water through to other services as well as amenities, where there is capacity to absorb additional residential development in a sustainable manner rather than at this location.

- 7.1.8. As per Section 6.3.8 of the current CDP, Wicklow's rural areas are considered to be 'areas under urban influence' due to their location within the catchment of Dublin, Bray, Greystones, Wicklow-Rathnew and Arklow. To permit the proposed development sought under this application would result in a haphazard and unsustainable form of development, it would contribute to the encroachment of random rural development in the area and it would militate against the preservation of the rural environment that is sensitive to change. For these reasons the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. This is reason in itself for the development sought under this application to be refused.

7.2. Visual Impact & Design

- 7.2.1. The appeal site is prominently located on an elevated and sloping site which commands extensive views across the Irish Sea and Greystones to the east and south respectively. The proposed development comprises the construction of a dormer bungalow style dwelling with a stated floor area of c. 273sq.m. A new c. 240m driveway, utilising grassed paving will lead from existing agricultural entrance to the location of the proposed dwelling. There is a significant level difference (c. 18m) between the site entrance and the finished floor level of the proposed dwelling and a degree of cut and fill is required within the portion of the site within which the dwelling is located and to facilitate access to the dwelling. The Planning Authority were of the

opinion that the proposed development would form a strident and obtrusive feature in this sensitive rural landscape due to the location/visibility of the development along a listed prospect (Prospect ID 6), the elevated nature, openness and visibility of the site in the surrounding landscape, the isolated position of the proposed house relative to existing development and the degree of excavation and change to the natural contours of the site.

7.2.2. As noted in Section 5 of this report, the appeal site is located within the Northern Coastline of the 'Coastal Areas Area of Outstanding Natural Beauty (AONB)'. This area is described as comprising lands north of Wicklow Town-Rathnew extending to south of Greystones. Further to this, the appeal site is located within Coastal Zone Cell 3, Bray Head to Greystones (Rathdown), where it is policy (CP 19.18) of the current CDP for the highest standards of siting and design to be rigorously enforced for any developments in this area. From my observations on site, I would agree with the appellant that views of the proposed development would generally be restricted from the Cliff Walk to the immediate south-east of the site owing to the variation in levels between the Cliff Walk and the site, the topography of the site and the existing vegetation cover along the site's eastern boundary. The exception to this, would be to the immediate east of the site along the walkway, where glimpses of the site are visible. Notwithstanding this, it is evident that the site is exposed when viewed from further distances to the south along the Cliff Walk, along the coastline and from as far as North Beach and the general harbour area of Greystones, owing to the site's exposed nature and elevation. Whilst a pattern of residential development is evident and visible along Cliff Road from these locations, this is not reason alone to justify a further degradation of existing agricultural land, the zoning objective (GB) of which seeks to generally protect the open nature and landscape quality of lands.

7.2.3. Although I accept that the dwelling has been the subject of a carefully considered architectural response, I would concur with the Planning Authority that the proposed development is at a removed location from the established cluster of development along Cliff Road and it would form a visually prominent feature within these scenic landscape, especially when viewed from the wider surrounds. Whilst the application is supported by photomontages and comprehensive landscaping proposals, it is evident that it would take a significant period of time for the proposed planting to reach maturity

and offer the level of screening as depicted in the supporting photomontages. Further to this, it is my view that the reliance on landscaping to ameliorate the visual impact of the proposed dwelling is not an appropriate design response in this instance.

- 7.2.4. Whilst the Applicant has attempted to minimise the extent of excavation across the site, I have significant concerns with respect to the potential visual impact of the proposed development within this designated Area of Outstanding Natural Beauty (Northern Coastal Area) and the Bray Head to Greystones (Rathdown) Cell Coastal Zone. As outlined in Section 7.1 of this report, it is my view that the proposed development does not represent a necessary dwelling at this location and the proposal would therefore contribute to the encroachment of random rural development in the area and it would militate against the preservation of the rural environment that is sensitive to change. For this reason, I recommend that planning permission be refused for the development proposal.

7.3. Wastewater Treatment

- 7.3.1. Planning permission is sought for the installation of a wastewater treatment system (WWTS) and percolation area which is to be located to the south of the proposed dwelling. I note that the Planning Authority has raised no objection to the Applicant's proposals for the disposal and treatment of wastewater on site. Assessment of the wastewater treatment element of a rural one-off house is a standard consideration. The site is in an area with a poor (PI) aquifer of extreme vulnerability. The Site Characterisation Form notes that groundwater was not encountered in the 2.1m deep trial hole. Bedrock was also not encountered at a depth of 2.1m. The soil was clay in the upper 300mm and gravelly clay within the remainder of the hole. I note that the Site Characterisation Form identifies a Groundwater Response of R2¹. I note that the trial hole was examined on 24th November 2020 and proposed wastewater treatment system is designed in accordance with the EPA Code of Practice 2009.
- 7.3.2. The T-test result was 21.22. A P-Test was also carried out on site, giving a result of 18.06. I consider the results to be generally consistent with the ground conditions observed on site. Section 3.1 of the Site Characterisation Form states the ground condition was firm topsoil underfoot at the time of inspection. The site comprises an agricultural field with no indication of, for example, outcrops, rushes etc. Section 4.0

(Conclusion of Site Characterisation) of the Site Characterisation form states that the site is suitable for a packaged wastewater treatment system and polishing filter which will discharge to ground water. As noted, the wastewater treatment system is proposed to be located to the south of the dwelling within a relatively flat area of the site. A site plan and section diagrams showing the wastewater treatment system in the context of the proposed house and the site is enclosed within the Applicant's documentation. Section 5 of the Site Characterisation Form recommends the installation of a tertiary sand filter with a 120sq.m. gravel infiltration bed. Having regard to the documentation on file, including the Site Characterisation Form and having inspected the appeal site, I am generally satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable. Should the Board be minded to grant permission for the proposed development, I would recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA Wastewater Treatment and Disposal Systems Serving Single Houses, Population Equivalent ≤ 10 (2009).

7.4. Appropriate Assessment

Background

- 7.4.1. The application is accompanied by a Natura Impact Statement (NIS), which was prepared by Enviroguide Consulting (Environmental Consultants) (dated December 2021). I have considered the report as part of my assessment below. The NIS includes an assessment of the likely significant effects or impacts that would be caused by the proposal on the integrity of the Natura 2000 network, both independently and in conjunction with other plans and projects.
- 7.4.2. It is noted that a previous application for a dwelling on the appeal site was refused permission by Wicklow County Council under Ref. 21/452. Reason No. 3 related to Appropriate Assessment, where it was stated that inadequate information had been submitted for the Planning Authority to screen out the potential impacts of the development on the conservation values of the Bray Head SAC, and it was considered that to determine the application in the absence of the full details would be contrary to the conservation objectives of the Natura 2000 site, the Appropriate Assessment

Guidelines, the policies of the County Development Plan and to the proper planning and sustainable development of the area.

- 7.4.3. The NIS submitted with the current application has sought to address the requirement for a stage 2 Appropriate Assessment, as stated by Wicklow County Council, and to provide sufficient information to allow the competent authority to undertake an Appropriate Assessment of the project. Given the appeal site has a direct (east) abuttal with Bray Head SAC (Site Code 000714), I consider it appropriate to apply the precautionary principle in this case.
- 7.4.4. In my opinion, it is not certain that significant effects will not affect a European Site and that the proposed development cannot be screened out at Stage 1, i.e., It should not be assumed that significant effects will not occur as a result of the proposed development, that there are reasonable grounds for concern and that risk cannot be excluded on the basis of the objective information available. Therefore, there is a possibility of significant effects occurring in the absence of mitigation and a Stage 2 AA (NIS is required).

Receiving Environment

Bray Head SAC

- 7.4.5. The location of the appeal site is described in Section 1.0 of this report. A description of the proposed development is provided in Section 2.0, and expanded upon in the assessment above, and within the submitted application documents. No natural heritage designations apply to the subject site. However, the site has an eastern abuttal with a European Site, i.e. the Bray Head SAC (Site Code 000714). The SAC also covers the rocky headland to the north of the appeal site.

Qualifying Interests

- 7.4.6. The qualifying interests for the Bray Head SAC are:
- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
 - European dry heaths [4030]

Conservation Objectives

7.4.7. The conservation objectives for the Bray Head SAC are:

- [1230] To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Bray Head SAC
- [4030] To restore the favourable conservation condition of European dry heaths in Bray Head SAC

Test of Likely Effects and Mitigation Measures

7.4.8. Taking account of the characteristics of the proposed development, including in terms of its location and the scale of works. The NIS indicates that there is no potential for direct impacts associated with the proposed development due to the location of the proposed development outside the SAC. The following issues are considered relevant in terms of assessing the likely significant effects on European sites:

- Potential negative impacts during the construction stage,
- Potential negative impacts during the operational phase, and
- Potential negative impact of the proposed development in combination with other plans or projects.

Construction Stage

7.4.9. The NIS sets out measures to mitigate potential negative impacts on European Sites. Section 7.2.2.1 of the report indicates that although unlikely, there is potential, in the absence of suitable mitigation measures, for Construction Phase surface waters containing sediment, chemicals and cementitious materials to make their way from the Site to sections of the SAC and cause changes to soil pH and associated changes in flora species distribution. Significant effects in this regard are not deemed likely to occur, due to the small scale and nature of the Proposed Development i.e. a private dwelling and garden, and the location of the site itself; within an agricultural field to the south of the Bray Head, with the land sloping east/south-east towards the cliff walk and cliffs.

7.4.10. However, it is noted that the Proposed Development will require excavation works to set the dwelling into the slope and, as such, as a precautionary measure, a set of mitigation measures have been designed to limit the potential for any sediment laden

run-off to leave the site during the Construction Phase. Section 8.1 (Mitigation 1: Construction Phase run-off management) notes that to prevent elevated levels sediment laden run-off at the site during the Construction Phase, surface water from the site will be managed and controlled for the duration of the construction works, until the permanent surface water drainage system (including attenuation and storage) for the proposed development is complete. This will include the installation of a buffer within the site adjacent to the boundary with the SAC and will include such features as silt fencing and an earthen berm. Section 8.1 also outlines construction best practice that will be adhered to.

Operational Stage

7.4.11. The NIS (Section 7.2.2.2) identifies potential operational impacts, including the potential for operational surface water run-off. The NIS notes that there is the potential for increased surface water flows to be generated at the site by the overall increase in hardstanding that the development of a greenfield site entails. Although considered unlikely to represent a significant impact pathway, in a worst-case scenario increased run off from the site could flow east towards the cliff habitats and lead to localised changes in vegetative species distribution/cover, and erosion. In terms of mitigation measures, Section 8.2 notes that a series of Sustainable Urban Drainage System features have been incorporated into the project design to ensure no excessive surface water run-off is generated during the lifetime of the Proposed Development which include:

- Permeable grasscrete surfacing along the length of the entrance driveway.
- A number of soak-aways located at the bottom of the entrance driveway and area surrounding the dwelling.
- Significant native tree planting forming a wooded buffer along the site's southern and eastern boundaries.

7.4.12. In terms of foul water treatment, wastewater generated by this private dwelling is to be treated onsite and in a worst-case scenario, where an unsuitably designed treatment facility is installed, this could lead to contamination of soils and ground water at the site and potential changes in soil nutrient levels in the SAC; affecting aspects such as species distribution and composition. It is noted that a suitably designed wastewater

treatment system has been proposed and the adoption of this system will negate any risk of significant effects relating to foul water contamination, reducing them to negligible, as outlined in Section 7.3 of this report.

Cumulative Effects

- 7.4.13. The NIS (Section 9) states that recent planning applications within the vicinity of the appeal site (of which there are few given the agricultural nature of the lands) have been reviewed to cumulatively assess any impact on European Sites in combination with the proposed development. Furthermore, it is noted that no aspects of the Development Plan in place at the time of the application are likely to combine with the proposed development to culminate in a negative effect on any Natura 2000 Site.

Conclusion

- 7.4.14. The NIS has assessed the potential impact of the proposed development on European Sites which are located adjacent to the appeal site (i.e. Bray Head SAC (Site Code 000714)). The NIS concluded that once the mitigation measures set out within the report are established and operative, there would be no likelihood of significant negative effects on the integrity of either of these sites, or any of the Natura 2000 Network.
- 7.4.15. In summary, the NIS, and its supporting documentation, provides adequate information in respect of baseline conditions, identifies the potential impacts of the proposed development, uses best scientific information and knowledge, and provides details of proposed mitigation measures. In conclusion, I am satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. It is considered that the proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value. Having regard to the documentation submitted with the planning application and appeal, the Board is not satisfied that the Applicant has a demonstrable economic or social need to live in this rural area, or that the housing need of the Applicant could not be met in a smaller town or rural settlement. In this regard, the Applicant does not come within the scope of the housing need criteria as set out under Objectives CPO 6.41 and 19.18 of the Wicklow County Development Plan, 2020-2028. The proposed development would, therefore, result in a haphazard and unsustainable form of development in a rural area, it would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment that is sensitive to change. For this reason, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The appeal site is located within the Coastal Areas AONB and the Bray Head to Greystones (Rathdown) (Cell 3) Coastal Cell, where it is an objective (CPO 19.18) of the Wicklow County Development Plan, 2020-2028, 'To strictly regulate and manage development in this cell to protect its function as a green break between the built up area of Bray and Greystones'. Having regard to the isolated position of the proposed house relative to existing development within the surrounds and the elevated nature, openness and visibility of the site in the surrounding landscape, particularly in views from the Irish Sea, the Cliff Walk, and Greystones Harbour, it is considered that the proposed development would form a visually obtrusive feature in the highly sensitive rural landscape and would negatively impact upon the rural character of the area. In this regard, the proposed development fails to accord with the guidelines and objectives (CPO 17.35 and 19.18) of the County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

06/07/2023