



An
Bord
Pleanála

Inspector's Report

ABP-315927-23

Development

Two storey house over basement, basement to be used as hobby workshop/home office with storage, balconies at ground and first floor level, garage with personal fitness area and sauna, new vehicular entrance from private access road, effluent treatment unit, polishing filter and all ancillary site works.

Location

Down House, Glen of the Downs, Delgany, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

22506

Applicant(s)

Janos Koehler

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Janos Keohler

Observer(s)

None

Date of Site Inspection

30th January 2024

Inspector

Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Woodlands, c. 1.5km east of Delgany and c. 1km east of the N11. Woodlands is a rural area characterised by agricultural lands and associated dwellings and buildings and industrial warehousing units.
- 1.2. The appeal site has a stated area of 0.404ha and forms part of a larger landholding within the ownership of the applicants family. It is an undulating, greenfield site. The surrounding area is elevated. However the proposed dwelling is located in a low lying section of the site. The sites northern, eastern and western boundaries generally comprise of hedgerows and mature trees. There is a stream along the sites northern boundary. There is a private road at the sites southern boundary and there is an existing agricultural access to the site. This private road links to the L5041.
- 1.3. The appeal site is c. 100m west from the Glen of the Downs SAC.

2.0 Proposed Development

- 2.1. It is proposed to construct a 2-storey over basement dwelling with a gross floor area of 217sqm and a single storey (59sqm) garage to the side (north west) of the house.
- 2.2. Works include the replacement of the existing agricultural access to the south of the site with a new vehicular access from the private access. The construction of an effluent treatment unit, polishing filter and all required ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

1. The proposed development would not represent a necessary dwelling in this Landscape designated Access Corridor Area, contrary to the settlement strategy for the Rural Area as set out in Chapter 4 of the County Development Plan 2022-2028. This strategy seeks to control development to ensure the protection of the environmental and ecological quality of the rural area and ensuring that the scenic value, heritage value, and / or environmental /

ecological / conservation quality of the area is protected. The Council's settlement strategy is to require new housing to locate on designated housing land within the boundaries of settlements, and to restrict rural housing to those with a housing need based on the core consideration of demonstratable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objective CPO 6.41 of the County Development Plan 2022-2028. 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.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planners report dated 23rd June 2022 requested that further information be sought regarding the applicants social and economic need to live in the rural area. Following receipt of further information, it was recommended that permission be refused for the reason outlined above.

3.2.2. Other Technical Reports

Environmental Health Officer: Report dated 24th May 2022 raised no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A submission was received in support of the application.

4.0 Planning History

Appeal Site

Reg. Ref. 20/977: Permission was refused in 2020 for 3 no. reasons relating to (1) urban generated housing (2) traffic hazard and (3) public health. A first party appeal was withdrawn in 2021.

Surrounding Sites

Reg. Ref. 16/739: Permission was granted in 2016 for the construction of a house (310sqm) on a site c. 100m south of the appeal site.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022 - 2028

The appeal site is located in a Level 10 Rural Area (Open Countryside) as identified in the settlement hierarchy of the development plan, which relates to all the rural areas outside of the designated settlements.

CPO 4.10 To support the sustainable development of rural areas by encouraging growth while managing the growth of areas that are under strong urban influence to avoid over-development.

CPO 6.36 Urban generated housing shall not be permitted in the rural areas of the County, other than in rural settlements that have been deemed suitable to absorb an element of urban generated development as set out in the Settlement Strategy.

Objective CPO 6.41 aims 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.*

CPO 4.10 To support the sustainable development of rural areas by encouraging growth while managing the growth of areas that are under strong urban influence to avoid over-development.

CPO 4.11 To strengthen the established structure of villages and smaller settlements both to support local economies and to accommodate additional population in a way that supports the viability of local infrastructure, businesses and services, such as schools and water services.

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.

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

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

5.2. ***Sustainable Rural Housing Development Guidelines***

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

5.3. **National Planning Framework**

Policy Objective 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’.*

5.4. **Natural Heritage Designations**

The following are located within 15km of the appeal site:

- The Glen of the Downs SAC (000719) is located c. 100m east of the appeal site.
- Carriggower Bog SAC (000716) is located c. 4km south west of the appeal site.
- The Murrough SPA (004186) is located c. 4km east of the appeal site.
- Bray Head SAC (000714) is located c. 4.2km north east of the appeal site.
- The Murrough Wetlands SAC (002249) is located c. 5km south west of the appeal site.
- Wicklow Mountains SAC (002122) is located c. 6km west of the appeal site.
- Wicklow Mountains SPA (004040) is located c. 6km south west of the appeal site.
- Ballyman Glen SAC (000713) is located c. 8.1km north of the appeal site.
- Knocksink Wood SAC (000725) is located c. 8.4km north west of the appeal site.
- Rockabill to Dalkey Island SAC (003000) is located c. 13.3 north east of the appeal site.

5.5. EIA Screening

Having regard to the limited nature and scale of the proposed development I am satisfied that 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 appeal against the Planning Authority's decision to refuse permission has been submitted. The submission addresses the reason for refusal and is summarised below: -

- The application is compliant with the provisions of the Development Plan, the Sustainable Rural Housing Guidelines and the RSES.
- The appellant grew up in the rural area. While he lived within the footprint of Delgany until he was 17, the family home was on the outskirts of the town, c. 1.5km from the existing family home 'The Downs'.
- The urban / rural boundary has radically changed over the course of the applicant's life, partly due to the construction of the N/M11 and the expansion of the DART.
- He was baptised in the local church and went to the local national school.
- He currently lives with his wife Dina and his mother in his family home. His mother is dependent on his to help look after the farm and other domestic needs and companionship.
- The applicant does not work in the urban area. His income is tied to the family farm.
- The applicant's parents own a large farmland area which since the passing of the applicants father, has become his full legal responsibility to run and upkeep.
- The applicant is a very active member of the community.

- The applicant does not own another home. The applicant wants to retain his family connection to the area and remain close to his mother and the family farm.

6.2. **Planning Authority Response**

No response.

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. The main grounds of this appeal relate to the reason for refusal, in this regard compliance with rural housing policy and visual amenity. Water Service requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Visual Amenity
- Water Services

7.2. **Compliance with Rural Planning Policy**

7.2.1. The planning authority refused permission on the basis that the applicant does not come within the scope of the housing need criteria as set out under Objective CPO 6.41 of the County Development Plan 2022-2028. Objective CPO 6.41 aims 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. Table 6.3 identifies 3 main criteria when assessing an application for a house in the open countryside, these are (1) Housing Need / Necessary Dwelling, (2)

Economic Need and (3) Social Need. Having regard to the nature of the appeal it is considered appropriate to assess the proposal under the criteria outlined in Table 6.3 of the development plan.

Housing Need / Necessary Dwelling:

7.2.2. The applicant states that he does not own another property.

Economic Need

7.2.3. The appeal states that the applicant is economically linked to agricultural work in the area such as the management of the family farm (16 ha), the upkeep of lambs and an apiary. In response to the request for further information the applicant noted that he took over the stewardship of the farm as his primary occupation in Spring 2020. It is envisioned that the farm would progress to a fully certified organic model over a 2-year period. The applicant states that he currently has 27 no. sheep. It is proposed to extend the farm into the uplands and increase livestock numbers. A letter from the applicant, dated 10th September 2020, was also submitted with the appeal. This letter in support of the application outlines the applicants educational and employment history and notes that the applicant is a qualified apiarist. The information submitted indicates that since 2018 the applicant has worked as a local mountain bike guide and instructor with Fatbike Adventures in Blemont, Co. Wicklow. This position is in addition to employment at LittleBig Bikes. A letter from LittleBig Bikes is attached with the appeal which states that the applicant has been employed in the company, located in Wicklow Town since 2018. It is noted that the applicant does not have a history of employment in agriculture.

7.2.4. While the information submitted indicates that the applicant is engaged in agricultural activities on the family farm. I agree with the planning authority that the applicant has not submitted sufficient evidence that his employment is intrinsically linked to the rural area and that a house in the open countryside is essential to the making of a livelihood. It is also noted that there is already an existing family dwelling on the farm holding with an additional c. 10 no. dwellings accessed from the private laneway.

Social Need

- 7.2.5. With regard to a social need the development plan states that the planning authority recognises the need of persons intrinsically linked to rural areas that are not engaged in significant agricultural or rural based occupations to live in rural areas and sets out a number of criteria that may be considered relevant.
- 7.2.6. The information on file indicates that the applicant currently lives with his wife and mother in the family home, 'The Downs' located c. 300m north west of the appeal site. The family moved to this property when the applicant was 17. Prior to this the family resided on the within the settlement boundary of Delgany, c. 1.5km from the existing family home. The applicant notes that the urban / rural boundary of Delgany has radically changed over the course of the applicant's life and that he grew up in a rural area. The information submitted also indicates that the applicant was baptised in the local church 'Christ Church' and went to the local national school. It is noted that both the church and the national school are located within the settlement boundary of Delgany and are not in a rural area. I agree with the planning authority that the applicant appears to have spent his formative years and beyond in the urban area of Delgany. The settlement boundary of which is located c. 800m (as the crow flies) from the appeal site.
- 7.2.7. The information provided also indicates that the applicant is a very active member of the community with longstanding ties to local cycling clubs (9Bray Wheelers Cycling Club) and to local Beekeeping Associations (Ashford and District Beekeepers Association and Roundwood Beekeepers Association). It is further stated that the applicant's mother is dependent on him to help look after the farm and other domestic needs and companionship.
- 7.2.8. It is noted that the applicant has strong familial and social ties to the area. However, having regard to the proximity (800m as the crow flies) of the appeal site to the urban area of Delgany I am not satisfied that the applicant has adequately demonstrated a social need to live in the open countryside on unzoned and unserviced lands and that the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would negatively impact on the viability of smaller towns and villages.

7.2.9. In addition to the above, the Sustainable Rural Housing Guidelines define rural areas under strong urban influence as area which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network. The guidelines note that the key objectives in these areas should be to facilitate the housing requirements of the rural community as identified by the planning authority while also directing urban generated development to areas zoned for new housing development in cities, towns and villages. Policy Objective 19 of the National Planning Framework also requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area. Although not identified in the development plan as an area under urban influence, given the proximity of the appeal site to Delgany and to the N/M11 motorway it is my opinion that the appeal site is located within an area under strong urban influence, and I am not satisfied that the applicant has adequately demonstrated an economic or social need to live in the open countryside. Therefore, it is my recommendation that permission be refused on this basis.

7.3. **Visual Amenity**

7.3.1. The planning authority's reason for refusal also considered that the proposed development would not represent a necessary dwelling in a landscape which is designated an 'Access Corridor Area' and considered that the development would be contrary to the settlement strategy for the Rural Area as set out in Chapter 4.

7.3.2. Table 17.1 of the development plan sets out Wicklow's landscape categories. The appeal site is located in a Corridor Area - 4(a): The N11 Corridor. Objective CPO 17.35 requires that 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, which is set in Volume 3 (Appendix 5) of the 2016 Development Plan. Table 1.5 of the Landscape Assessment indicates that Access Corridor Areas have a medium vulnerability.

- 7.3.3. With regard to Level 10 areas the development plan states that 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. This is also reflected in Section 5.3.14 (Corridor Area) of the Wicklow Landscape Assessment.
- 7.3.4. It is proposed to construct a contemporary, two-storey house over basement (217sqm) and a single storey (59sqm) garage to the side of the house. Due to the topography of the site the basement level would be partially visible from the rear (east) elevation. The house has a flat roof with a dark grey cladding finish. The predominate external material would be render, with timber framed windows.
- 7.3.5. The front elevation of the house is generally orientated west. The southern side elevation of the house is orientated south, towards the private road. There is a circuitous driveway to the dwelling from the private laneway with a hard standing area to the front of the house, which would provide a car parking area.
- 7.3.6. The proposed house is located on low lying lands, compared to the surrounding wooded area. The existing northern, eastern and western boundaries comprises mature trees and hedgerows. The house is generally located in the centre of the site, c. 45m from the private lane to the south, c. 58m to the northern boundary with agricultural lands, 20m from the private lane to the east and c. 40m to the western boundary with agricultural lands. Due to the undulating topography of the site the positioning of the dwelling and driveway are considered acceptable.
- 7.3.7. The proposed development would not obstruct any designated views or prospects and in my opinion would not be an obtrusive or incongruous feature in the landscape. There are no protected structures, monuments or features of heritage or conservation value within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents and given the current agricultural nature of the site I am satisfied that no habitats of significant ecological value would be affected by the proposed development. The appeal site is located within 160m of the Glen of the Downs SAC. An AA Screening Report was submitted with the application which concludes that the proposed development, by

itself or in combination with other development, plans and projects in the vicinity, would not be likely to have a significant effect on any European Site.

7.3.8. Section 5.3.14 (Corridor Area) of the Wicklow Landscape Assessment also recommends that proposals should aim to locate within existing clusters of structures / tree stands and avoid locating new development in open fields. It is acknowledged that there are c. 10 other houses served by the private access lane and that the proposed house would be well screened by existing mature trees and vegetation.

7.3.9. While the concerns of the planning authority are noted I am satisfied that given the nature and scale of the proposed development and its location on low lying lands that are well screened by mature trees and hedgerows that the development would not be visually obtrusive and would be in accordance with the provisions of the Wicklow Landscape Assessment.

7.4. Water Services

7.4.1. It is proposed to install a secondary treatment system and soil polishing filter with discharge to ground water. The treatment system is to be located approx. 23m east of the house with the percolation area located approx. 16m to the east of the house. Table 6.1 of the 'EPA Code of Practice for Waste Water Treatment and Disposal Systems Serving Single Houses' sets out minimum separation distances which requires a minimum separation distance of 7m between the wastewater treatment system and dwelling house. The proposed system is therefore in excess of this minimum standard.

7.4.2. The submitted Site Suitability Assessment Form was submitted with the application, which indicates that the site is suitable for the installation of an on-site domestic waste water treatment system.

7.4.3. It is also proposed to provide a bored well in the north western portion of the subject site to serve the proposed development. The proposed well is located c. 70m north west of and up slope from the proposed percolation area. Table B3 of the 'EPA Code of Practice' requires a minimum separation distance of 25m between wells and wastewater treatment systems, on a level gradient. The separation distance, therefore, exceeds this requirement. It is noted that no concerns were raised by the planning authority in this regard.

- 7.4.4. Having regard to the information submitted I am satisfied that that the subject site is suitable for the installation of the proposed wastewater treatment system and a bored well.

8.0 **Appropriate Assessment**

- 8.1. The applicant has submitted an Appropriate Assessment Screening Report prepared by Verde Environmental Consultants. The Report provides a description of the proposed development, identifies the European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes the project is not likely, alone or in-combination with other plans or projects, to have a significant effect on any European Sites in view of their conservation objectives and on the basis of best scientific practice and there is no reasonable scientific doubt as to that conclusion.

- 8.2. Having reviewed the submitted information, I am satisfied that it allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

8.3. *Stage 1 AA Screening*

- 8.3.1. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

8.4. *Brief Description of the Proposed Development*

- 8.4.1. A description of the project is summarised in Section 2 of my report. In summary, it is proposed to construct a 2-storey over basement dwelling with a gross floor area of 217sqm. It is also proposed to construct a single storey (59sqm) garage to the side (north west) of the house. The proposed works include the replacement of the existing agricultural access to the south of the site with a new vehicular access from the private

access. The construction of an effluent treatment unit, polishing filter and all required ancillary works.

8.4.2. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening ‘buffer’ lands, roads etc.); and
- Sensitivity and location of ecological features

8.4.3. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

European Site Site Code	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
The Glen of the Downs SAC (000719)	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	c. 100m east	Yes. Hydrologically connected via stream along the sites northern boundary	Yes
Carriggower Bog SAC (000716)	Transition mires and quaking bogs [7140]	c. 4km south west	No	No

The Murrough SPA (004186)	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>	c. 4km east	No	No
Bray Head SAC (000714)	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	c. 4.2km north east	No	No
The Murrough Wetlands SAC (002249)	<p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and</p>	c. 5km south west	No	No

	<p>species of the Caricion davalliana [7210]</p> <p>Alkaline fens [7230]</p>			
Wicklow Mountains SAC (002122)	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p>	c. 6km west	No	No

	<p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>			
Wicklow Mountains SPA (004040)	<p>Merlin (Falco columbarius) [A098]</p> <p>Peregrine (Falco peregrinus) [A103]</p>	c. 6km south west	No	No
Ballyman Glen SAC (000713)	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>	c. 8.1km north	No	No
Knocksink Wood SAC (000725)	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	c. 8.4km north west	No	No
Rockabill to Dalkey Island SAC (003000)	<p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>	c. 13.3 north east	No	No

8.4.4. The proposed development has no potential source pathway receptor connections to any other European Sites.

- 8.4.5. As outlined in the table above I am satisfied that the potential for likely significant effects on the qualifying interests of 9 no. sites (Carriggower Bog SAC, The Murrough SPA, Bray Head SAC, The Murrough Wetlands SAC, Wicklow Mountains SAC, Wicklow Mountains SPA, Ballyman Glen SAC, Knocksink Wood SAC and Rockabill to Dalkey Island SAC) can be screened out from further assessment due to the nature of the qualifying interests of sites and the intervening distances which are considered sufficient to negate any potential for significant disturbance / displacement impacts.
- 8.4.6. The applicants report notes that there is a stream running through the northern boundary of the appeal site. This stream runs through the Glen of the Downs SAC, c. 100m east of the appeal site prior to discharging to the Three Trouts Stream, c. 300m east of the appeal site. Due to the hydrological connection between the appeal site and the Glen of Downs SAC a more detailed Screening Assessment is required.
- 8.5. *Consideration of the Impacts on the Glen of the Downs SAC*
- 8.5.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
- 8.5.2. The appeal site is located c. 100 east of the Glen of the Downs SAC and is hydrologically connected via stream along the sites northern boundary. Having regard to the limited sized and the localised nature of the proposed construction works the extent of any contaminated surface water run-off is likely to be limited. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices and would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of the Glen of the Downs SAC from surface water run-off can be excluded given the nature of the qualifying interest and the distant hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 site.
- 8.5.3. Due to the nature and scale of the development and the distance from the SAC I am satisfied that there would be no potential for the proposed development during both

the construction and the operational phase to result in a change to the cover and distribution of the native species of old oak woodland occurring within the SAC.

8.6. *Cumulative In-Combination Effects*

8.6.1. I am satisfied that there would be no potential cumulative effects given the nature and scale of the proposed development and the distance to any European sites.

8.7. *AA Screening Conclusion*

8.7.1. It is evident from the information before the Board that due to the nature and scale of the proposed development, the distance to the nearest European site, the hydrological pathway considerations and the information submitted by the applicant, that the proposed development by itself or in combination with other development, plans and projects in the vicinity, would not be likely to have a significant effect on the Glen of the Downs SAC (000719), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

8.7.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site.

8.7.3. It is noted that the planners report also concluded that the qualifying features of Natura 2000 sites are not at risk of experiencing likely significant effects and a stage 2 Appropriate Assessment is not required.

9.0 **Recommendation**

9.1. It is recommended that permission be refused.

10.0 **Reasons and Considerations**

1. The site of the proposed development is located within an area that is designated as Level 10 (The Rural Area) settlement within the Wicklow County Development Plan 2022-2028 and with an 'Area Under Strong Urban Influence', as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local

Government in April 2005. Furthermore, Objective CPO 6.41 in the Wicklow County Development Plan 2022-2028 facilitates residential development in the open countryside for those with a housing need, in line with National Policy Objective 19 of the National Planning Framework. Having regard to the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicant has a demonstratable 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. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria, as set out in the current Development Plan for the area, guidelines and national policy of a house at this location. The proposed development would be contrary to Objective 6.41 of the Wicklow County Development Plan 2022-2028 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.

Elaine Power

Senior Planning Inspector

31st January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315927-23		
Proposed Development Summary	Construction of a house and garage.		
Development Address	Glen of the Downs, Delgany, Co. Wicklow.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes		
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes		10 (b)(i): Construction of more than 500 dwelling units	The proposed scheme falls below Proceed to Q.4

		<p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	the applicable thresholds	
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315927-23		
Development Summary	The construction of a house and garage.		
Examination			
			Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required	X	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects