



An
Bord
Pleanála

Inspector's Report ABP 317683-23

Development	House, wastewater treatment system, garage, entrance and associated works.
Location	Glaskenny, Enniskerry, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23384
Applicant(s)	Brian Sutton
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Paul and Georgina Flynn
Observer(s)	None
Date of Site Inspection	18/09/2023
Inspector	Rosemarie McLaughlin

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1.0 Site Location and Description

- 1.1. The 0.404 ha subject site is located in a highly scenic rural area on the lower slopes of Knockree summit (342m) in north County Wicklow, overlooking Glencree valley to the southeast. Lacken Wood covers an extensive part of Knockree Hill. The appeal site is located on the western side of a rural road (L5014-0) that sweeps in a crescent to the east, south and west of Knockree Hill, approximately on the 170 m contour, connecting at two points to the Enniskerry to Glencree Road, the L1011. Buildings in the form of houses and agricultural sheds are present to the north of the subject site on both sides of the road, extending north towards the L1011. The site is currently in agricultural use with an agricultural access at the northern end of the site.
- 1.2. The applicant has submitted a six-inch record place map, at a scale of 1:10,560 indicating the lands in the applicants ownership in blue which extend to both sides of the local road in the vicinity of the appeal site. The appeal site is within the overall land holding.
- 1.3. The subject site is square in shape and is located within a larger field that extends upslope towards the summit. A dwelling house is located to the north which is the home of the appellants, and a house is located on the northeastern side of the local road indicated as the applicant's former dwelling. Adjacent to the former house of the applicant is a gated enterprise, Glaskenny Farm, which is also noted on maps as Enniskerry Stables with a number of large buildings. Glaskenny Farm is within the applicants ownership, located within a large land holding on the eastern side of the local road, extending to the north, east and southeast of the stables.
- 1.4. Section 1 of the Wicklow Way is located on the western side of the L5014-0 Road which curves around Knockree, partially on the road and also traversing Lacken Wood, terminating close to Knockree Youth Hostel (closed) c 900 m southwest from the subject site.
- 1.5. The site is visible from certain vantage points in the surrounding road network owing to the elevated position including from Ballinagee townland c 2 km south on the L1013 (Waterfall Road).
- 1.6. Glaskenny Cromlech, located on private lands, is on the Record of Monuments and Places (RMP) as established under Section 12 of the National Monuments

(Amendment) Act 1994, SMR No.WI007-033 and is c 200 southeast of the appeal site.

2.0 Proposed Development

- 2.1. This is an application for a 169 sqm single storey dwelling, set back 25 m and uphill of the local road, with a garage and wastewater treatment plant. A well is proposed to the west and uphill on the site. The proposed house is on a similar building line to the appellant's house to the north and the proposed garage is c 17.9 m from the boundary of that property.
- 2.2. An excavated tiered bank is proposed by indicative lines on the site layout plan, to the west of the proposed house. No details are provided in relation to any proposed cut and fill. The existing agricultural access is proposed to be closed on the northern part of the site and a new vehicular access located on the southern end. The existing natural roadside boundary is proposed to be removed and new set-back sod and stone banking with native planting is proposed between the new access and existing agricultural access, behind the proposed sightlines. No planting is proposed in the location of the proposed closed access. The remaining boundaries are proposed to be planted with native planting.
- 2.3. The site layout plan does not provide the levels/contours of the land and the proposed structures relative to Ordnance Survey datum but rather provides a temporary benchmark at the road of +100m. It may be noted that the contour line at the roadside in the vicinity of the subject site is just below the 170m contour line. The FFL is stated as 102.3m but is c 70 m higher.
- 2.4. Revised drawings were submitted as part of a further information (FI) request, illustrating a ridge height of 5.162m. The roof pitch was reduced to 27 degrees and the fenestration was altered in accordance with the FI request.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted subject to 8 conditions which may be described for the most part as standard. Of note:

Condition 2: Occupancy restriction.

Condition 3: Contribution.

Condition 4: Set back roadside boundary.

Condition 8: Finishes to be agreed.

3.2. Planning Authority Reports

3.2.1. Planning Report 31/3/23

The planning authority (PA) report referred to the settlement strategy and the requirements for housing need. The landscape category is area of outstanding natural beauty (AONB). The applicant is considered to fulfil the County Development Plans (CDP) requirements for housing need as a self-employed farmer.

The objection (by the appellant) was noted which related mainly to:

- Applicants need.
- Zoning.
- Visual impact.
- Traffic.
- Environmental impact.
- Privacy.
- House design.

FI was sought in relation to House design.

3.2.2. Planning Report 22/6/23

The submitted further information was considered satisfactory. Permission recommended to be granted subject to conditions.

3.2.3. Other Technical Reports

- The Planning report refers to a DOHLGH report which requested a screening in relation to the proximity Knocksink SAC. The Board sought a copy of this report and WCC indicated there is no report on file. Given the distance from Knocksink, it would appear the reference to the DOHLGH report may be an error.

- EHO report- No objection.

4.0 Planning History

4.1. There is no planning history on the application site.

4.2. The relevant planning history in the vicinity:

- PA Ref: 965046 Permission granted to Brian Sutton for retention of deviations from approved plans for bungalow.
- PA Ref: 08653 Permission granted to Briam Sutton for short term dog kennels and wastewater treatment system. (It may be noted that application on a site to the east and down slope of the local road was subject to a FI request seeking photomontages and a full visual impact assessment as the PA were concerned about the visual impact in an area of AONB. Flagpoles were erected on site to assist the assessment).
- PA Ref: 21745. Permission refused to G Toal and J Prosser for a dwelling house in Glaskenny, inter alia, on grounds of rural housing policy.

5.0 Policy and Context

5.1. National Planning Framework

5.1.1. National Policy Objective 19

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

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

guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Guidelines 2005

- 5.2.1. The guidelines require that planning authorities on drawing up County Development Plans make a distinction between urban generated and rural generated housing needs.

5.3. Development Plan

- 5.3.1. The Wicklow County Development Plan 2022-2028 applies (CDP). 6.3.8 Rural Housing states that Wicklow's rural areas are considered to be 'areas under urban influence' due to their location/

- 5.3.2. Table 17.09A, Wicklow Landscape categories, identifies the subject site as follows.

- North Eastern Valley/Glencree Area of Outstanding Natural Beauty (Area 4).

This area is situated along the northern extremities of the County and is based around the drainage pattern of the Glencree and Dargle Rivers and the surrounding road network. This area is very scenic, with attractive views and number of tourist attractions such as Powerscourt House and Demesne, Charleville Demesne and Glencree Drive. This landscape provides for extensive forested areas made up of both coniferous and deciduous woodlands.

- 5.3.3. Schedule 17.12 Prospects of Special Amenity Value or Special Interest, identify the following prospects in the wider area.

- Prospect 1: Origin L1011, L1015 & L5014: Feature, Glencree Prospect of mountain area around Glencree Drive, Prince William Seat, Glencree River and Sugarloaf Mountain.
- Prospect 2: Origin L1013: Feature, Glencree Drive South Prospect of Tonduff mountain and Glencree river valley. View to east of Sugarloaf Mountain.
- Prospect 3: Origin L1013 & L1017, Balinagee, Glencree Drive. Feature, Prospect of Glencree Valley and Sugarloaf.

- 5.3.4. Landscape, Views & Prospects

- 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 17.36 Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.
- CPO 17.37 To resist development that would significantly or unnecessarily alter the natural landscape and topography, ...
- CPO 17.38 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

5.3.5. Wicklow Way

- CPO 18.12 To protect and facilitate The Wicklow Way and St. Kevin's Way as permissive waymarked routes in the County. The Council shall work in partnership with relevant stakeholders in relation to management of these routes, and will protect them from inappropriate development, which would negatively infringe upon their use.

5.3.6. The subject site is located in Level 10: The rural area (open countryside). The Core Strategy provides for a growth in rural population (including villages and the open countryside) of approximately 9% between 2016 and Q2 2028.

- CPO 6.1 New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.
- Role and Function – summary of Level 10: The rural area applies to all lands outside of the designated settlement boundaries. The CDP facilitates appropriate development, while protecting the natural environment within which these activities are undertaken, protects the maintenance and protection of ecological biodiversity and landscape quality. The CPD also indicates it is necessary to support and protect the rural area and ensure the appropriate management of rural uses and development 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.

5.3.7. The settlement strategy will be given effect by a set of objectives CPO that include the following relevant policies:

- 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. Section 6.3.8 Rural Housing 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 in addition to Gorey (Co. Wexford) and Naas (Co. Kildare).
- CPO 6.41 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 13.16 Permission will be considered for private wastewater treatment plants for single rural houses subject to listed criteria.

- CPO 13.17 Private wastewater treatment plants for multi-house developments will not be permitted.

5.3.8. In relation to housing in the open countryside the CDP includes the objective (CPO 6.41) 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.

5.3.9. Table 6.3, Rural Housing Policy, sets out a number of criteria that may fulfil rural housing policy standards and these include in summary.

- **Housing Need / Necessary Dwelling** - demonstrate a clear need for new housing, for example: - first time home owners; - someone is no longer in possession of previously home, transfer of a home attached to a farm, someone who requires a new purpose built specially adapted house due to a verified medical condition, other such circumstances that clearly demonstrate a bona fide need for a new dwelling.
- **Economic Need** -persons whose livelihood is intrinsically linked to rural areas
 - a. Those involved in agriculture
 - b. Those involved in non-agricultural rural enterprise / employment
 - c. Other such persons as may have definable economic need to reside in the open countryside, as may arise on a case by case basis
- **Social Need** - 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. Several listed circumstances apply.

5.3.10. The Appendices of the CDP relate to development plan standards and single rural house designs. Appendix 1, Section 3.3.9 on Rural Clusters, states these are 'unstructured' settlements considered suitable for very limited new rural development, with the main purpose of the designation being to direct rural generated housing into nodes rather than the open countryside. There shall be an availability of adequate sight lines and safe road access for anticipated levels of traffic to be generated by the proposed development. Flat gradients (i.e. no more than 1:40 / 2.5%) will be generally required at new junctions / entrances for the first

6m from the public road carriageway edge. Appendix 2 refers to the possibility of clustering new development with other houses or manmade structures; however, care needs to be taken to avoid over-development in any location or 'ribbon development'.

5.4. Natural Heritage Designations

5.4.1. The site is not located on or adjacent to a European site. The closest sites are as follows:

- c 2 km east of the Wicklow Mountains SAC [002122]
- c 2 km east Wicklow Mountains SPA [004040]
- c 2.9 km southeast of Knocksink Wood SAC [000725]
- c 550 m southwest of Powerscourt Woodland pNHA [001768]
- c 500 m north of Glencree Valley pNHA [001755]

5.5. EIA Screening

5.5.1. Having regard to the nature and modest scale of the proposed development, and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal may be summarised as follows:

- **Applicant housing need and zoning.** The applicant has had diverse business interests including directorships in international companies. The applicant runs an equine business and permission for that should be demonstrated. An enforcement case was closed owing to the time period. The applicant had a previous permission for a house Ref. 965046.

- **Location in an area of Outstanding Natural Beauty.** No visual impact was submitted. The site is highly visible along a listed protected prospect and visible across the Glencree valley. The subject site does not adjoin the majority of the applicant's 43 acres on which the horse stables business is located. The subject site is approximately 120 metres from a listed National Monument. No site sections have been provided.
- **Traffic.** The public road is an important tourism route adjacent to the Wicklow Way and is a main thoroughfare for hikers and a high level of pedestrians. The proposed development would add five plus cars to the road. Permission was refused for a development Ref. 21745. A safe entrance cannot be achieved as a large section required is not owned by the applicant. A Traffic Safety report should have been carried out.
- **Environment.** The site is a year round habitat an animal migratory route for protected wildlife. The appellants manage an area of threatened pond life. The removal of all existing hedgerows for 70 metres will have a detrimental impact on biodiversity and ecology.
- **Privacy.** The proposed development would seriously injure residential amenities of the appellant's property by reason of loss of privacy and security.
- **Design.** The house does not comply with the CDP and a separate garage building is not common. The house is inconsistent with a single rural houses design guideline.

6.2. Applicant Response

6.2.1. The response may be summarised as follows:

- The land is not zoned as it is rural area.
- The applicant qualifies under objective CPO 6.41 for a rural house. Extensive supporting documentation was provided to the PA. The appeal appears vexatious as the PA assessed and granted the development on its merits. The applicant is a farmer who works a family farm which he inherited from his father, who in turn inherited it from his father. The applicant operates an extensive sheep farm and horse business on the farm and attends the farm

on a daily basis. The applicant's sole income is from sheep farming and horses on Glaskenny farm. The farm diversified to livery.

- Planning reference 96/5046 and the house called 'Woodview' and Glaskenny farm were inherited by the applicant in trust owing to his young age. Woodview was gifted to the applicant's mother by the applicant and that house was subsequently sold. The applicant's previously owned home, Glaskenny House was the original farmhouse and was sold due to a divorce.
- The appellants have planted trees at their entrance creating an issue with their sightlines that not that had not arisen before. The applicants sightlines have not been compromised.
- The environment is held in very high regard by the applicant who is a farmer. There is a tree planting and replanting of the roadside hedgerow which will be a natural and native species unlike the evergreen hybrid species adjacent.
- The proposed dwelling is 33 m away from the appellant's home and will not interfere with their residential amenity, The proposed house design is similar two other houses in the vicinity.
- The appellant purchased their home and have no connection to a farm. The appellants who have moved to the area are objecting to a third generation farmer who wishes to build a home on his farm.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. The main issues in this appeal may be addressed under the following headings.

- Principle of development and rural housing strategy
- Visual impact
- Traffic
- Other
- Appropriate assessment

7.2. Principle of development and rural housing strategy

- 7.2.1. The applicable rural housing policies as provided in the CDP have been outlined above. The appellant has raised an issue about the employment of the applicant and non-agricultural related employment. The response to the appeal states the applicant's sole income is from sheep farming and horses on lands at Glaskenny. The application documents outline the applicants overall ownership of extensive lands which includes lands on both sides of the local road and the structures at Glaskenny Farm also known as Enniskerry Stables. I consider the applicant has demonstrated adequately that he is involved in agriculture, is long connected to the area, and also note there is no requirement for livelihoods intrinsically linked to the rural area to be the sole source of income.
- 7.2.2. The applicant has disposed of two houses, Glaskenny House owing to a divorce and 'Woodfield' which he transferred to his mother which was subsequently sold. Prima facie, owing to his occupation, the applicant meets the criteria of requiring a rural house.
- 7.2.3. In assessing whether applicant satisfies the relevant eligibility criteria, I consider that the applicant has demonstrated that he is a person whose livelihood is intrinsically linked to the rural area, that he is involved in agriculture and complies with the criteria of rural housing need criteria as set out in Table 6.3 in the CDP.
- 7.2.4. The appellants raise the issue around the planning processes at Enniskerry Stables (outside the red line of the application but within the control of the applicant). There is no role in this assessment in relation to enforcement. This also applies to the

applicant's submission regarding roadside planting by the appellants causing a traffic issue.

- 7.2.5. While the applicant meets the criteria in the CDP in relation to meeting rural housing policy, this is subject to a suite of criteria in the CDP including site suitability, visual impact, traffic, and residential amenity.

7.3. Visual impact

- 7.3.1. I consider that visual impact is the principal issue in this appeal owing to the prominent and elevated position of the proposed development in a designated area of outstanding natural beauty (AONB), and visible from Prospects No. 1 and No.3 to be preserved in the CDP. The site is located within the Glencree/Glencullen Area of AONB, described as based around the drainage pattern of the Glencree and Dargle Rivers and the surrounding road network. The surrounding area is therefore highly scenic and visual impact is a key consideration in the assessment of the proposal.
- 7.3.2. The WCC planning assessment considers the FFL at 102m above the road at 100m not to have a significant impact, that the house forms part of cluster, and a house on the southern side of the road would also have a visual impact. The views of the first and third party are outlined above.
- 7.3.3. The proposed development which is a bungalow with a ridge height of c 5.162 m is above the 170 m contour line. The extensive high planting along the roadside is to be removed entirely to achieve vision lines and a setback sod and stone bank with native planting is proposed to be established along a shorter central section of the site than presently exists., I note no planting is proposed at the existing access which is to be closed.
- 7.3.4. I consider that the subject site is in an area where the visual impact of the proposed development has the potential to impact directly on Prospect No.1 on which it is located and from Prospect No.3, a distance of nearly 2 km to the south from the Ballinagee townland. While Knockree is lower than Prince William's Seat to the north and Tonduff and Djouce to the south/southeast, it is an important visual backdrop to the Glencree valley and requires a high degree of protection.
- 7.3.5. The CDP policy CPO 17.36 requires any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area "shall" be accompanied by a Landscape / Visual Impact Assessment. I consider that

this is a mandatory requirement as there is clearly potential to significantly adversely impact the AONB. A Landscape / Visual Impact Assessment shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points and an evaluation of impacts on any listed views / prospects.

- 7.3.6. The actual height of the site and proposal as opposed to the temporary benchmark provided has been raised by the appellants. The applicant stated in the unsolicited information submission, on foot of the observation to the PA, this (TBM) is a normal process. Art 23(1)(c) of the Planning and Development regulations 2001 as amended, provides that the site layout plan and other plans shall show the level or contours, where applicable, of the land and the proposed structures relative to Ordnance Survey datum or a temporary local benchmark, “whichever is more appropriate”.
- 7.3.7. This is an elevated, visible site in an AONB where the applicant has not submitted a landscape/visual impact assessment including from the wider area, has not included a site section illustrating the banking proposed to the west as illustrated on the site plan, has not provided details of any cut that may be required and has used a TBM. It may be noted that the submitted site layout plan BS-23-01, illustrate contour lines linked to the TBM, stepping upwards to the north which do not appear to correspond with the site which inclines upwards to the west towards Knockree and as illustrated in the 1:50,000 Discovery Series OS Map.
- 7.3.8. The proposed house is located providing uninterrupted panoramic views across Glencree Valley. The significant set back from the neighbouring property to the north and previously owned house of the applicant to the northeast does not in my opinion contribute to a cluster but rather creates an extension or ribbon of development along this elevated and highly scenic area. The proposed hard surface area in the form of a new access road on the southern end of the site and a driveway to a garage on the northern side of the site will potentially contribute to visual scarring of a site on the elevated AONB. In the absence of a full landscape and visual impact assessment on this highly sensitive site and the lack of detail in the application, I consider the application as submitted is inadequate to demonstrate that it can

satisfactorily integrate with its surroundings and that it would not have a significant adverse visual impact on the landscape.

7.3.9. The submitted overall landholding map scale is small, but it is clear, that there are considerable lands to the east of the local road, in the vicinity of the stables, that could be considered for development, and which could be considered a part of an existing cluster of buildings at a lower level, rather than the proposed location.

7.3.10. In summary, having regard to the location of the site within a rural location in an Area of Outstanding Natural Beauty, I am not satisfied that the proposed development would satisfactorily integrate with its surroundings or that it would not have a significant adverse impact on the landscape.

7.4. Traffic

7.4.1. The L5014-0 is a link road to the Enniskerry- Glencree section of the L1011 and part of the road forms part of the Wicklow Way. It also provides access to the Youth Hostel (presently closed) and Glaskenny Farm/Enniskerry Stables. The road is used by walkers.

7.4.2. No roads report is available on the file. The PA assessment states that 80m vision line is required on this local road. The submitted drawings illustrate 70m in both directions and the PA consider this acceptable having regard to the rural area. The applicant makes the point that as he is working in the area, he is already travelling on this road. While I accept the applicant's employment means he already traverses the road, it is the case that a new house in the countryside is likely to provide for more than one vehicle.

7.4.3. The vision line to the south can be achieved having regard to the blue line including other lands within the applicants ownership. The applicant has raised an issue that the appellant has recently created planting on their roadside which is a potential hazard, and this does not impact on the vision line. I consider the planting outside the application site as a matter for other forums. Notwithstanding the timing of when the adjacent roadside planting took place, the current situation is that roadside planting is present on adjacent land to which the applicant has no control. To the north, the vision line can be achieved c 50m to the boundary of the neighbouring property and I cannot ascertain with any certainty that a vision line of 70 m is

available to the north. Accordingly, I consider the proposed development would endanger public safety by reason of traffic hazard.

7.5. Privacy

- 7.5.1. Given the distance between the proposed development and the home of the appellant, I do not consider there is any issue of loss of privacy or security issue arising.

7.6. Other issues

- 7.6.1. I consider the distance from a national monument outside the ownership of the applicant of c 200 m as satisfactory but consider any development would require an archaeological condition.
- 7.6.2. The appellant raises the issue of protection of wildlife. It is the case that the proposed removal of c 55 m of existing planting along the roadside which can provide a refuge and biodiversity corridor would have an ecological impact, but I consider that significant and conditioned high quality replacement planting would be satisfactory in a rural area with significant forestry on Knockree Hill. Should the Board disagree with this assessment, I consider that the existing access proposed to be closed should also be planted. An ecological assessment would be recommended for development where such extensive removal of hedgerow is proposed. In relation to wildlife and animals using the subject site, which is located within a wider site, I do not consider that there is an issue arising, as animals will relocate to the available extensive unoccupied lands.
- 7.6.3. In relation to house design, I consider the proposed development is broadly consistent with the Wicklow design guide for rural housing.

7.7. Wastewater treatment – NEW ISSUE

- 7.7.1. As this application is considered de novo by the Board, an issue that has not been raised in the appeal or the response to the appeal relates to the observed site conditions and the proposed Domestic Wastewater Treatment System (DWWTS). The subject site was generally firm underfoot and as a sloping site would appear on a desk study to present with adequate percolation. The groundwater vulnerability is high, and the aquifer category is Local Important representing a Groundwater Protection Response of R1. Table 6.2 of the EPA Code of Practice – Domestic

Wastewater Treatment Systems 2021 sets out the minimum separation distances required from the entire DWWTS. The minimum distance from a domestic well to the DWWTS is stated as 25m and 15m if the domestic well is up-gradient. The proposed well is c 46m up gradient and meets the criteria. The minimum distance from a watercourse or stream to 10m and the minimum distance from a road is 4m. I note that the DWWTS would be located 5m from the road to the west and again meets the criteria. Regarding the proximity of watercourses as detailed on the site characterisation form, I note that there are none within 250m.

7.7.2. The trial hole depth is indicated as 2m. The EHO reported that the application was satisfactory subject to a standard condition. The site characterisation report also indicates the site is suitable for a Corcran type secondary system with a polishing filter surface area of 50 sqm for a PE capacity of 6 persons. No water table is indicated as observed. On inspection on a dry morning, following rain the preceding day, the trial holes were saturated to the top, which does not correspond with the submission.

7.7.3. The Board may wish to invite further submission on this point but having regard to the substantive issues above, it may be appropriate to include this as a note for any future consideration for the applicant.

7.8. Appropriate Assessment Screening

7.8.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 Recommendation

8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

1. Having regard to the location of the proposed development in an area designated as an 'Area of Outstanding Natural Beauty' in the Wicklow County Development Plan 2022-2028, visible from listed Prospects of Special

Amenity Value or Special Interest, the absence of a landscape visual impact assessment, and the lack of justification for a structure at this location within a larger landholding, it is considered by reason of its siting in an elevated and prominent visual location, the proposed development would negatively impact on the visual amenity of the of the area, and would be contrary to Objectives CPO 17.36, and CPO 17.38 of the Wicklow County Development Plan 2022-2028.

2. Having regard to the existing roadside planting to the north of the site, on a narrow rural road, and the absence of any assessment in support of reduced vision lines, the Board is not satisfied on the basis of the submissions in the application and response to the appeal, that the proposed development would achieve adequate vision lines in both directions. It is considered that the location of the entrance to the development would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.

Note

Notwithstanding the submitted site characterisation report and proposed use of a wastewater treatment system, having regard to the quantum of water present in the trial holes on the site, the Board is not satisfied that effluent from the development can be satisfactorily treated and disposed of on site, and the proposal would not therefore be prejudicial to public health.

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.

Rosemarie McLaughlin
Planning Inspector

30th September 2023