



An
Bord
Pleanála

Inspector's Report ABP-318380-23

Development

Construction of a single storey farmhouse and installation of a proprietary wastewater treatment system and all associated site works. A NIS accompanies this planning application.

Location

Barrack Road, Glencullen, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D23A/0553

Applicant

Olga Muzychuk

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Date of Site Inspection

5th July 2024

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The appeal site is located at the western side of Barrack Road approximately 0.57 kms (as the crow flies) to the south of Glencullen village in south Co. Dublin and approximately 5 kms from Enniskerry in Co. Wicklow. The site is located on the northern slopes of the Glencullen River valley. The surrounding area comprises agricultural uplands with scattered housing and village settlements. Adjoining the site to the north is Glencullen Allotments which occupies an area similar in size to the appeal site.
- 1.2. The site comprises an area of approximately 2.3 hectares and is broadly rectangular in configuration. There is an existing gravel lane commencing at an agricultural access on the road frontage and extending up-gradient, abutting the southern boundary of the site. This carriageway leads to an existing agricultural enterprise comprising fruit trees, a large polytunnel where fruit, vegetables and herbs are grown, several shed structures (predominantly used for storage), and fenced-off areas. At the site inspection I observed fowl including several hens and geese, and approximately 15 sheep.
- 1.3. The site of the proposed dwelling within the overall landholding is located immediately south of an existing mound / bank approximately 55 m from the public road, at a lower level than and south-east of the existing polytunnel on the site. The front / southern façade of the proposed dwelling would face the southern boundary of the site which comprises mature trees and hedging.
- 1.4. Building and other materials are stored around the main yard area. The site has its own water and electricity supply. There are mature trees and hedgerow along all boundaries. A tributary of the Glencullen River flows approximately 140 m to the north of the site boundary.
- 1.5. Given the elevated nature of the site and the screening along all site boundaries the existing shed structures are not visible from the public road. There are expansive views to the surrounding countryside from the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;

- Construction of a single storey, three-bedroom, detached dwelling:
 - stated floor area of approximately 152.5 sqm.
 - Maximum roof ridge height approximately 4.5 m.
 - external material finishes to the proposed house comprise local rubble granite for walls, timber windows and doors, tiled roof with option to change to a grass roof or revise any material finish so as not to detract from the visual amenity of the area.
 - positioned approximately 55 m from the public road.
- The installation of a wastewater treatment system and a tertiary stage soil polishing filter.
- Native shrub, small tree and larger tree planting

2.2 In addition to plans, drawings and maps the planning application was accompanied by the following documentation (not exhaustive):

- Planning Report
- Architectural Visualisations / Visual Impact Assessment
- Ecological Impact Statement
- Screening Report for Appropriate Assessment
- Natura Impact Statement
- Site Characterisation and Assessment Report
- Site Layout Drawing showing wastewater treatment plant and percolation area
- Planting Schedule
- Support letters / References
- Farm Business Overview
- Correspondence from applicant's accountant including financial statements
- A copy of a Horticultural Food Registration Certificate in the applicant's name issued by the Department of Agriculture, Food and the Marine dated December 2018
- Reference from Korets City Council in Ukraine confirming the applicant and her father own a bee farm in Ukraine and that she is a third generation bee keeper

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 16th October 2023 for 2 no. reasons which can be summarised as follows;

1. The proposed development located on an exposed ridgeline would detract from the visual amenity of the area to which views and prospects are protected. It has not been demonstrated that the location and scale of the building has had appropriate regard to the receiving environment. The proposed development would be contrary to Policy Objective GIB6 (Views and Prospects), Section 12.7.3 (Sensitive Landscapes and Site Features), Section 12.7.4 (High Amenity Landscapes, Views and Prospects), Section 12.3.10.1 (Suitable Sites), Section 12.3.10.1 (Design) and Section 12.3.12 (Rural – Non-Residential Development) of the Development Plan.
2. The site of the proposed development is located in an area zoned Objective G 'To protect and improve high amenity areas,' in the current Development Plan. From the documentation provided the applicant has not clearly demonstrated by reference to sufficient evidence and in relation to the farm scale, a genuine requirement for housing in the area based on the applicant's 'principal employment' being in agriculture. As such the proposed development would contribute to a pattern of urban sprawl and would set an undesirable precedent for similar development in the area. The development would contravene the policy objectives for rural housing in 'High Amenity' lands as outlined under Policy PHP23 of the Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the area planner reflects the planning authority's decision to refuse permission for the proposal for the reasons set out at section 3.1 above. It notes the site's planning history, the policy context and reports received in respect of the planning application. The report notes that one-off housing may be permitted provided the planning authority is satisfied that the development accords with Policy PHP23 as

it relates to high amenity zones and that it would comply with overall policies and objectives for the zone.

The area planner's report notes that the site has transformed from a single field in 2005 to include outbuildings, large polytunnel and defined fields to accommodate livestock and it accepts that the applicant has partially demonstrated a need to live on the site due to the operation of the farm. However, concern is expressed in relation to inconsistencies within the submitted income documentation including the unexplained change in income between two halves of the year. It notes that the planning authority is not prepared to rely on business projections that may or may not come to fruition. In this regard, it considers that the applicant would need to provide more documentary evidence relating to the operation of the farm as a business and to show that all of the income is from commercial farming sources, so that the planning authority could be satisfied the applicant's principal employment is in agriculture. It notes that there may be other uses on site having regard to other buildings including a shipping container and storage of building materials.

The report notes a discrepancy in the size of the proposed house along with the absence of a drawing showing its northern elevation, although it is considered the proposed dwelling is an improved lower scale version compared to the previous proposal. Concern is expressed on the basis that the house is on a ridgeline and would potentially be visually prominent in the landscape. The report expresses concern in relation to Views 2 and 5 of the Architectural Visualisations and notes that the site contours as presented imply a berm to the south, which does not exist. There is concern that not all potential viewpoints of potential concern are sufficiently represented and there are concerns in relation to views from specific locations.

The report notes that the site falls within the Glencullen LAP 2008 (as amended) and that the current Development Plan identifies that any development within its boundary should take account of the 2007/2018 LAP until such time that a new plan is adopted.

The report also agrees with the findings of the NIS that the proposed development would not adversely affect the integrity of the Knocksink Wood SAC in view of the conservation objectives of the site; the mitigation measures contained therein can be secured through condition if permission is granted.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions relating to surface water drainage measures

Transportation Planning: Further Information recommended; revised / additional drawings needed to show that the existing vehicular access complies with the relevant TII visibility standard.

EHO: Application is acceptable. The named wastewater treatment system and polishing filter to be laid out as proposed and constructed to the specifications of the EPA Waste Water Treatment Manual 2021. Evidence of annual maintenance contract to be provided to the planning authority each year.

3.3. Prescribed Bodies

The Board invited The Heritage Council, the Department of Housing, Heritage and Local Government and An Taisce to comment on the proposed development and appeal. No subsequent submissions were received from these prescribed bodies.

3.4. Third Party Observations

None received.

4.0 Planning History

Appeal Site

Planning Authority Ref. D22A/0304 – Permission refused in June 2022 for a detached single storey 3 bedroom farm house (c 117sqm), an agricultural barn (c 82 sqm) and new waste water treatment system, percolation area and associated works.

Refusal reasons summarised below:

1. It is not clearly demonstrated that there is a genuine requirement for housing in the area based on the applicant's 'principal employment' being in agriculture. The proposed development would therefore be contrary to the objective to protect the rural

character of the countryside and to foster sustainable development, in that it would contribute to a pattern of urban sprawl, lead to demands for the uneconomic provision of public services and community facilities and would set an undesirable precedent for similar development in the area. The development would contravene Development Plan Policy PHP23 and would be contrary to the proper planning and sustainable development of the area.

2. The siting of the proposed development located on an exposed ridgeline would detract from the visual amenity of the area, to which the views and prospects are protected. The Applicant has not submitted a landscape proposal nor a visual impact assessment to clearly demonstrate the proposed development would avoid significant impacts on the sensitive landscape. The proposed development would be contrary to a number of Development Plan policies including Policy Objective GIB6 (Views and Prospects), and Section 12.7.4 (High Amenity Landscapes, Views and Prospects), and would be contrary to the proper planning and sustainable development of the area.

Planning Authority Ref. D13A/0046 – Retention permission granted in March 2013 for new vehicular access, entrance gate and stoning of access laneway.

Relevant condition:

2. This entrance to be retained shall provide access to the lands adjoining it for agricultural purposes only.

Reason: In the interest of regulating the uses to which the proposed entrance, and the lands to which it gives access can be put in the interest of the proper planning and sustainable development of the area.

An Bord Pleanála Ref. PL06D.243270 / Planning Authority Ref. D14A/0036 – Permission refused in August 2014 for construction of 2 no. hay barns, 2 no. external covered stores and related storage and plant areas and associated water treatment system for agricultural purposes. Refusal reason as follows:

‘The Board considered that, notwithstanding the siting of the proposed structure and the quality of its design which seeks to minimise impact on the visual amenity of the area in accordance with policy DEV 5 of the Glencullen Local Area Plan 2008, it nevertheless reads in the landscape more as a residential structure than an agricultural building. The proposed development would, therefore, interfere with the

character of the landscape of this high amenity rural area and would, therefore, be contrary to the proper planning and sustainable development of the area.'

5.0 Policy Context

5.1 Development Plan

5.1.1. The proposed development was considered by the Planning Authority under the Dun Laoghaire Rathdown County Development Plan 2022-2028. The site falls within the boundary of lands for which a Local Area Plan will be prepared. In this regard the current Development Plan states the following (page 87):

'A new Local Area Plan (LAP) will be prepared for Glencullen Village and its environs during the lifetime of this Plan. The 2007 and 2013 update to the LAP set out criteria and a framework for development within this very sensitive landscape, much of which remains robust and relevant. In this regard, any development within the Glencullen LAP should take account of the 2007/2013 LAP until such time that a new Plan is adopted. In evaluating development applications in other rural parts of the County regard should be had to the guiding principles set out in the Glencullen Design Guide.'

5.1.2. The appeal site is subject to zoning objective G which seeks 'To protect and improve high amenity areas.' There is an objective to preserve views east and west of the public road at the front of the site.

5.1.3. The wider area including the appeal site is subject to Strategic Local Objective (SLO) 151 which relates to provision of a number of holiday caravan/camping facilities within a 1km radius of the cross roads at Glencullen subject to several criteria including, inter alia, that proposals do not have a negative impact on the source protection area or sensitive watercourses as identified in the Glencullen Local Area Plan and that the development (including any resultant increases in visitor numbers and/or behaviour) does not affect the integrity of the Knocksink Wood Special Area of Conservation.

5.1.4. The provisions of the Development Plan relevant to this assessment are as follows:

- Section 4.3.1.6 Policy Objective PHP23: Management of One-off Housing: It is a Policy Objective to restrict the spread of one-off housing into the rural countryside and to accommodate local growth into identified small villages subject to the availability of necessary services. One-off housing will only be

acceptable where it is clearly shown that it is not urban-generated, will not place excessive strain on services and infrastructure, or have a serious negative impact on the landscape and where there is a genuine local need to reside in a rural area due to locationally-specific employment or local social needs (subject to compliance with the specific zoning objectives). (Consistent with NPO 19 of the NPF and RPO 4.80 of the RSES)

- High Amenity Zone Objective 'G': Within areas designated with zoning Objective 'G' ("to protect and improve high amenity areas") dwellings will only be permitted on suitable sites where the applicant can demonstrate to the satisfaction of the Planning Authority that: - There is genuine requirement for housing in the area because their principal employment is in agriculture, hill farming or a local enterprise directly related to the area's amenity potential. The proposed development will have no potential negative impacts for the area in such terms as visual prominence or impacts on views and prospects, or the natural or built heritage.

- Section 8.4.3 Policy Objective GIB4: High Amenity Zones: It is Policy Objective to conserve and enhance existing High Amenity Zones and to seek to manage these and other areas to absorb further recreational uses and activity without damaging their unique character.
- Section 8.4.5 Policy Objective GIB6: Views and Prospects: It is a Policy Objective to preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests, and to prevent development, which would block or otherwise interfere with Views and/or Prospects.
- Section 12.3.10: One-Off Housing in the Countryside

The Council's policy position in respect of the management of 'one-off' housing in the rural and green belt areas of the County is clearly set out under Policy Objectives PHP23 and PHP24.

The Council generally seeks to protect the rural and open character of the countryside and foster sustainable development. In pursuance of these objectives the Council's position in relation to 'one-off' houses is essentially restrictive and precautionary.

In addition to the specific requirements set out in Policy Objective PHP23 in response to the varying degrees of protection afforded to the different rural zonings, applications received for one-off dwellings in lands zoned objective 'B' or 'G' will be assessed having regard to:

- The applicant's full-time employment or their commitment to operate a full-time business from their proposed home in a rural area (to discourage commuting to towns and cities).
- How their existing or proposed business contributes to and enhance the rural community.
- The nature of an applicant's employment or business being compatible with rural areas (in order to discourage applicants whose business is not location dependant e.g., telesales or telemarketing).

The Planning Authority has had regard to circular PL2/2017 in formulating the Policy Objective contained in PHP23 and the requirements set out above.

In all cases, the applicant shall submit the following details with Planning Applications for residential development within a rural area:

- A map showing all existing family owned property and lands.
- A rationale as to why a particular site has been chosen for development.
- A strong justification in relation to the need for an additional dwelling in the rural area.
- A rationale clearly detailing why a family flat is not a suitable alternative.
- Documentary evidence to show how the applicant complies with rural housing policy.
- A site suitability report in relation to waste water treatment

5.1.5. In terms of Landscape Character Type, the appeal site is located within Landscape Area 7, the Glencullen Valley (see Appendix 8 of the Development Plan), which is introduced as follows: 'The enclosure of the Glencullen Valley is possibly the most tranquil, unspoilt, high amenity area in the County which is further enhanced by the presence of the village of Glencullen at the crossroads in the valley.'

In terms of its sensitivity, the following is stated: 'This is a highly sensitive landscape in which any development must be handled with care. Linear elongation of the existing Glencullen village shall be avoided. Instead consolidation shall be encouraged.'

5.1.6. Table 8.1 of the Development Plan provides a listing of 'Prospects to be Preserved.' Glencullen Mountain and Valley from the Ballybrack Road is included in the listing.

5.2 Glencullen Local Area Plan

- The Glencullen LAP was first adopted by the Council in March 2008. The lifetime of the Plan extended for a further five years from January 2013. The Development Plan states that any development within the Glencullen LAP should take account of the 2007/2013 LAP until such time that a new Plan is adopted.
- The appeal site is within the Landscape Protection Area as set out in the LAP map; it falls outside of the Glencullen River Protection Areas as indicated on the map.
- Glencullen River is a pristine / unpolluted river. It is designated as Salmonid waters and it is similarly designated as being associated with a candidate Special Area of Conservation (Knocksink Wood). The river is therefore a valuable wildlife resource for freshwater invertebrates, fish, birds, mammals etc. In addition to this the river is also the sole source of drinking water for Enniskerry Village and its environs (Co. Wicklow).
- Recommends that waste water treatment systems, catering for single houses and small developments be sited no less than 200 metres from any part of the Glencullen River (including Brockey Tributary) and no less than 100 metres from any part of the other tributaries, located upstream of the referred intake locations.
- Section 6 of the LAP includes a Design Guide for development in the LAP area.

5.3. National Planning Framework (NPF) – Project Ireland 2040 (2018)

National Policy Objective 19 states that '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.'

5.3.1. Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.3.2. Ministerial Guidance

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within a rural area under strong urban pressure. The Guidelines state that these areas 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.

5.4 Natural Heritage Designations

- Knocksink Wood SAC and pNHA (Site Code: 000725), approximately 0.53 km to the south-east
- Ballyman Glen SAC and pNHA (Site Code: 000713), approximately 3.5 km to the south-east
- Wicklow Mountains SAC (Site Code: 002122), approximately 1.7 km to the south-west
- Wicklow Mountains SPA (Site Code: 004040, approximately 1.7 km to the south-west
- Ballybetagh Bog pNHA (Site Code:001202), approximately 1.6 km to the north-east

5.5 EIA Screening

See Forms 1 and 2 below. Having regard to the limited nature and scale of the proposed development 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. I consider that any issues arising from the

proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

6.0 The Appeal

This is a first-party appeal against the planning authority's decision to refuse permission made by RML Planning on behalf of the applicant.

6.1 Grounds of Appeal

Visual Impact

- Proposed location of the house on the site does not detract from the visual amenity of the area or interfere in a negative manner from views and prospects to be protected.
- Location of the proposed site is not on an exposed ridgeline. The development area within the site is located on approximately a 263 m contour.
- Proposed modest house is located on the lower slopes of the site south of an existing berm / bank which itself lies on an east-west axis across the site. Boundaries are heavily planted. Having regard to this, the visual amenity of the area is protected.
- Locating the proposed house north or north-west of the polytunnel or nearer the public road would likely give rise to greater visibility of the structure.
- Proposed indigenous planting along all boundaries further screens the proposed house. Its southern / front elevation would face existing mature planting.
- The photomontages submitted with the planning application are viewsheds and compliant with the appropriate guidelines. Five views were established corresponding to areas highlighted in the planning authority's report relating to the previous application and they correlate with protected views and prospects.
- The proposed development cannot reasonably be considered to have a negative visual impact.

- Acknowledge that the stated size of the house at approximately 118 sqm in the application form is an error. The length and depth are 20 m and 8.2 m respectively as detailed in the plans; centrally there is an open courtyard (approximately 15.5 sqm) reducing the net floor area.

Rural housing policy

- The applicant has a genuine rural housing need to live on the farm which is her principal employment and sole income. The applicant complies with the rural housing need as set out in the Development Plan.
 - Additional supporting documentation is provided as set out below.
 - All uses on the appeal site relate to the farm. The applicant's organic farm is her principal employment and only source of income.
 - The applicant has not worked outside the farm in 2022 and 2023.
 - There are no limitations in the Development Plan in terms of the scale, size and output of the business.
 - Proposal complies with Section 12.3.10 of the Development Plan
 - Proposed development would not lead to urban sprawl as this proposal is for location-specific employment in an area with strict restrictions on one-off housing unrelated to farming.
 - Proposal would not lead to a demand for uneconomic provision of services. The site already has access to a-water and electricity.
 - Proposal complies with Development Plan policy PHP23.

Other

- Table 2.13 detailing One-Off housing applications in rural amenity and high amenity zones shows that 100% of applications were refused in 2018 and 2019. It is submitted that the planning authority has taken a view that such houses will not be permitted, which is contrary to the Development Plan and national policy. This proposal relates to a genuine need for a rural house on a viable and working farm that is screened within the site.
- It is unclear as to why reference is made in the refusal decision to non-compliance with specific site suitability criteria for one-off housing and criteria

for rural non-residential development. A site suitability assessment in accordance with the EPA Code of Practice was provided and the planning assessment and EHO report raises no concerns in this regard. Furthermore, no non-residential development is proposed in this application

The following documents are submitted with the appeal:

- A copy of the planning authority's decision on the planning application
- Acknowledgement of applicant's 2022 income tax return from the Revenue Commissioners addressed to the applicant's accountant
- 2022 Financial Statement
- Updated 2023 financial record and projections for November, December 2023 and for 2024 and 2025.
- Updated letter from applicant's accountant
- Drawing No. BR 103 Rev E: includes access detail
- Drawing No. BR 104 Rev E: includes proposed northern elevation and annotates internal courtyard
- Affidavit of applicant confirming, inter alia, her full-time and only occupation is that of an organic farmer on her land at Barrack Road, Glencullen

6.2 Planning Authority Response

The planning authority considers that the appeal grounds do not raise any new matter which would justify a change of attitude to the proposed development.

6.3 Observations

None received.

7.0 Assessment

- 7.1 Having examined the application details and all other documentation on file, including the appeal and all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Rural Housing Policy
- Design/Siting and Impact on Visual Amenity
- Wastewater Treatment
- Other issue
- Appropriate Assessment

7.2 Rural Housing Policy

7.2.1 The appeal site is identified in the Dun Laoghaire County Development Plan 2022 – 2028 as being a high amenity area subject to Zoning Objective ‘G’ which seeks ‘To protect and improve high amenity areas.’ I note that the appeal lands were similarly zoned in the last two county development plans. I would consider the rural area around Glencullen to be under strong urban influence. In accordance with National Policy Objective 19 of the National Planning Framework (NPF) the provision of single housing in such cases is based on the core consideration of demonstrable economic or social need to live in a rural area, and siting and design criteria. Within areas zoned Objective ‘G’ dwellings will only be permitted on suitable sites where the applicant can demonstrate to the satisfaction of the planning authority that:

- There is a genuine requirement for housing in the area because their principal employment is in agriculture, hill farming or a local enterprise directly related to the area’s amenity potential.
- The proposed development will have no potential negative impacts for the area in such terms as visual prominence on views and prospects, or the natural or built heritage.

7.2.2 As articulated in Policy Objective PHP23: Management of One-off Housing, it is policy to restrict the spread of one-off housing into the rural countryside and to accommodate local growth into identified small villages subject to the availability of necessary services. There is therefore a strong presumption against rural housing on ‘G’ zoned lands unless the applicant can demonstrate clearly that there is a genuine local need

to reside there due to locationally-specific employment or local social needs. In my view this strong stance is justified having regard to the very high level of amenity in the area and its location proximate to Dublin.

7.2.3 The applicant contends that she has a genuine rural housing need to live on her organic farm which is stated to be her principal employment from 2021 onwards and the source of her sole income. Further supporting information is provided with the appeal, as referenced in section 6.1 of this report. This includes a tax assessment from the Revenue Commissioners on foot of a self-assessed income for 2022, correspondence from the applicant's accountant detailing profits for 2021, 2022, along with projected profits for 2023 to 2025 inclusive. Financial statements are also provided for 2023 to 2025 inclusive, however these are projected accounts other than for the period January to October 2023. In my view the additional supporting information provided with the appeal has not sufficiently addressed the shortcomings identified by the planning authority in its examination of the information provided with the application. Other than the correspondence from the Revenue Commissioners in respect of a single year (2022) and the applicant's affidavit in respect of the landholding from the applicant attesting to her work as a farmer, much of the information provided relates to potential projected profits in the future. Reliance on future potential business projections would not be appropriate, given that they may or may not be realised. In my opinion there is limited evidentiary information provided which demonstrates the sale and supply of produce from the landholding to the public and other establishments and that all income is from commercial farming sources. In my view the submitted documentation fails to adequately demonstrate that the applicant's principal employment is in agriculture.

7.2.4 Based on the information provided in the application and the appeal and given the nature of the farming enterprise which includes, inter alia, bee keeping, keeping of fowl and growing fruits and vegetables, I am not satisfied that there is a requirement for it to be located in a high amenity area. The farm could operate from an alternative location which is less sensitive. I note that submitted documentation states that the primary source of income is the sale and supply of organic vegetable boxes with produce 'predominantly' grown on the farm and also the intention to expand to include '3rd party products' from 2023. This suggests that products made or produced

elsewhere are for sale along with produce from the farm. Having regard to the foregoing, I consider that the applicant does not have a genuine local need to reside in this high amenity rural area due to locationally specific rural employment as required by Policy Objective PHP23.

- 7.2.5 To conclude, I consider that the applicant has not demonstrated compliance with the rural housing policy for high amenity lands as set out under Policy Objective PHP23 of the Dun Laoghaire Rathdown County Development Plan 2022 – 2028. In my view the applicant could reside in Glencullen village or Enniskerry and tend to the landholding from these nearby locations.

7.3 Design/Siting and Impact on Visual Amenity

- 7.3.1 The first refusal reason cited by the planning authority concerns the location and scale of the proposed dwelling, and its integration into the sensitive rural landscape and therefore that the proposal does not comply with several Development Plan policies, objectives and provisions. The site is located on the northern slopes of the Glencullen River valley and it slopes upwards from the public road. The further one travels into the site, the higher its gradient and as such the more potential there is for impacts on the visual amenity of the area arising from new development. There is no doubt that the appeal site is located within a highly sensitive landscape and as referred to above, it is located within Landscape Area 7 as detailed in Appendix 8 of the Development Plan which notes the importance of Glencullen Valley as possibly the most unspoilt high amenity area in the County and as such any development must be handled with care. In this context also, Glencullen Mountain and Valley from the Ballybrack Road which runs approximately 0.5 km north of the appeal site through Glencullen Village is a 'prospect to be preserved' as set out in the Development Plan. There are also objectives to preserve views east and west of the public road which adjoins the site to the east.
- 7.3.2 In my opinion the proposed dwelling of single storey design, reduced in scale and with a lower roof height compared to the previous proposal, responds to the sensitivities of the site. It is to be positioned immediately south of an existing mound / bank approximately 55 m from the public road, at a lower level than and south-east of the existing polytunnel on the site. The front / southern façade of the proposed dwelling

would face the southern boundary of the site which comprises mature trees and hedging. Given the proposed design and position of the dwelling on the appeal site as described above, I consider that it can be successfully integrated into the receiving landscape without impacting on surrounding views and therefore without adversely affecting the visual amenity of the area. The height of the proposed dwelling has also been kept low, protecting the skyline when viewed from the south.

7.3.3 As part of the planning application a Visual Impact Assessment (VIA) is provided along with verified photomontages from five vantage points located north, south and north-west of the appeal site. These provide views to the site before and after the proposed development and in my opinion are views taken from appropriate locations in the immediate and wider area which generally correlate with protected views as set out in the Development Plan map for the area. I note that the VIA is prepared using a methodology compliant with the Landscape Institute / IEMA Guidelines for Landscape and Visual Impact Assessment. In my view the VIA findings are valid in terms of the impact the proposed development would have on the visual amenity of the area.

7.3.4 View 1 is taken from Ballybrack Road at the Stars of Erin GAA Club, north-west of the appeal site and it finds the visual impact magnitude as negligible and the significance of the visual impact to be imperceptible. View 2 is taken from Barrack Road, north-east of the site and it finds the visual impact magnitude as low and of slight significance. View 3 is taken from the junction of Barrack Road and Bridge Road to the south-east of the site and it finds the visual impact magnitude as negligible and of imperceptible significance. View 4 is taken further south from Brockey Lane, again finding the visual impact magnitude as negligible and of imperceptible significance. View 5 is taken from the Bridge Road Hill looking north-west across the Glencullen River Valley finding the visual impact magnitude as low and of slight significance.

7.3.5 I concur with the findings of the VIA as set out above. The proposed dwelling would not be visible from the north given its position adjoining a mound which lies on an east-west axis across part of the site. A planting scheme comprising native trees and shrubs is also proposed which should enhance the character and rural amenities of the site. Given the elevated nature of the site relative to the Barrack Road which runs below to the east, the proposed dwelling would not be overtly visible from the carriageway.

- 7.3.6 Having regard to the foregoing I conclude that the proposed development would not block or otherwise interfere with views and / or prospects and would not be injurious to the visual amenities of the area. Therefore, I do not agree with the planning authority that the proposal would be contrary to the following Development Plan objectives / policies and provisions: Policy Objective GIB6 – Views and Prospects, Section 12.7.3 Sensitive Landscapes and Site Features, Section 12.7.4 High Amenity Landscapes, Views and Prospects, and Section 12.3.10.1 (Suitable Sites).
- 7.3.7 While reference is made in the first refusal reason to design issues as set out under Section 12.3.10 of the Development Plan, I note that the planner's report considers the simple form, pitched roof and external finishes of the proposed dwelling to be acceptable and considers regard has been taken from the Glencullen Design Guide. It is apparent from the report that the planning authority is concerned with the siting of the proposed dwelling on the land, which is addressed above, rather than the design of the proposed house.
- 7.3.8 Reference is also made in the first refusal reason that the proposed development would be contrary to Section 12.3.12 (Rural – Non-residential Development) of the Plan. I note that the proposed development does not include non-residential development and as such this part of the refusal reason is not relevant to the proposed development.

7.4 Wastewater Treatment

- 7.4.1 The Site Characterisation Report submitted with the application identifies that the appeal site is located in an area with a Poor Aquifer where the bedrock vulnerability is High. A groundwater protection response of R1 is noted. I note the suitability of the site for a treatment system subject to normal good practice (i.e., system selection, construction, operation and maintenance in accordance with the EPA Code of Practice: Domestic Waste Water Treatment Systems 2021).
- 7.4.2 The trial hole depth referenced in the Site Characterisation Report was 2.6 metres. Neither bedrock nor the water table were encountered in the trial hole. The soil conditions found in the trial hole are described as comprising sandy topsoil and sandy clay and cobbles below. Percolation test holes were dug and pre-soaked. A T

value/sub-surface value of 26 was recorded. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a number of treatment system types, namely a septic tank and percolation area, or a secondary treatment system and soil polishing filter, or a tertiary treatment system and infiltration area. The trial hole was open at the time of my site inspection and the conditions in the trial hole generally correspond with the information contained in the Site Characterisation Report.

- 7.4.3 The Site Characterisation Report submitted with the application concludes that the site is suitable for the treatment of wastewater. I am satisfied that the proposal complies with the required separation distances set out in Table 6.2 of the CoP 2021. It is proposed to install a certified secondary wastewater treatment system which will discharge to a tertiary stage soil polishing filter and a soil polishing filter. Based on the information submitted, it is considered that soil conditions are favourable for treatment of wastewater as proposed.

7.5 Other issue

- 7.5.1. An Ecological Impact Statement (EclA) is submitted with the application. In terms of flora there are no habitats which comprise those listed in Annex I of the Habitats Directive and there is no evidence that species listed in Annex II are present. The EclA notes two potential impacts arising from the operational stage of the proposed development in the absence of mitigation as set out below.
- 7.5.2. Wastewater is proposed to be treated by way of an on-site treatment system with percolation area, however the groundwater in this location is particularly sensitive as it falls within the catchment of the Knocksink Wood SAC where priority habitat petrifying springs are located; these are a Qualifying Interest (QI) of the SAC. As such a packaged wastewater treatment system is proposed with a tertiary soil polishing filter. The EclA includes a note from a consultancy with expertise in environmental matters and wastewater engineering which considers that the groundwater would be suitably protected by the soil overburden and that the groundwater quality at Knocksink Woods SAC is not likely to be impacted by the proposed treatment plant given the separation distance to the SAC, the high treatment capacity and the low density of treatment plants in the vicinity. This matter will be fully assessed in the sections below.

7.5.3. The second impact highlighted in the EclA is the potential impact on bats arising from artificial light. The EclA notes that there are no structures on the wider landholding which are suitable for roosting bats. There are areas of uncultivated vegetation which provide foraging opportunities for bats. The EclA recommends that no external artificial lighting be installed and also that bat boxes be erected at the site. Should the Board decide to grant permission for the proposed development this matter can be the subject of a planning condition.

7.6 Appropriate Assessment

7.6.1 Stage 1 Screening

7.6.2 Description of the project

I have considered the proposed development located at Barrack Road, Glencullen, Co. Dublin in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The nearest European Site relative to the subject site is Knocksink Wood, located approximately 0.53 kilometres to the south-east. Other European Sites located in the wider area are detailed in section 5.4 of this report. I note that the screening assessment provided with the application examines all sites within a 15 km radius of the subject site.

The proposed development comprises the construction of a detached single storey three bedroom farm house and a wastewater treatment system on the subject site which is located on the northern slopes of the Glencullen River Valley. There are no watercourses on the site. The main channel of the Glencullen River flows south of the site proximate to the county boundary with Co. Wicklow. A tributary of the Glencullen River flows approximately 140 m north of the subject site.

7.6.3 Potential impact mechanisms from the project

There is no direct terrestrial or hydrological pathway between the development site and any European Site. However, the subject site lies within the groundwater catchment of the Knocksink Wood SAC and as such there is an indirect hydrological pathway to this European Site via groundwater flows.

During the operational phase it is proposed that wastewater from the proposed development would be treated by way of an on-site wastewater treatment system.

Groundwater pollution / alteration of flows would have effects on groundwater dependent habitats. The petrifying springs habitat within the Knocksink SAC is sensitive to changes in groundwater quality.

During the construction phase earth works will result in the exposure of soil however there are no watercourses in the vicinity of the construction area that might act as pathways to the Glencullen River.

The proposed development is not located within or adjacent to any European Site. As such there is no potential for loss or direct disturbance of habitats or species within any European Site arising from the proposal.

Noise and artificial light arising from the proposed development will marginally increase in the local area. The nearest European Site at Knocksink Wood is located in excess of 0.5 km from the subject site and therefore there is no potential for such impacts to affect the qualifying interests for that SAC or any other European Site having regard to the separation distances involved.

The lands are not suitable for wintering birds; I note the AA Screening confirms that site visits were undertaken during the wintering bird season and that no wintering / wetland birds were recorded. It is considered there is no potential for ex-situ impacts on the Qualifying Interests of any European Site.

7.6.4 European Sites at risk

The subject site is not located within or adjacent to any European Site. At the operational stage of the proposed development there is potential for significant effects to the Knocksink SAC from groundwater pollution arising from wastewater treatment. There is no groundwater, terrestrial, hydrological or hydrogeological pathway between the development site any other SACs or SPAs.

Table 1: European Sites at risk from the proposed project

Effect Mechanism	Impact pathway / Zone of Influence	European Site	Qualifying interest features at risk
Groundwater pollution / alteration of flows – effects on groundwater dependent habitats	Subject site located approximately 0.53 km north-east of the European Site. Indirect hydrological pathway (groundwater)	Knocksink Wood SAC (Site Code: 000725)	Petrifying Springs (7220 – priority habitat)

Knocksink Wood SAC – Site Code: 000725

Knocksink Wood is situated in the valley of the Glencullen River, just north-west of Enniskerry in Co. Wicklow. The fast flowing Glencullen River winds its way over granite boulders along the valley floor. The steep sides of the valley are mostly covered with calcareous drift, and support extensive areas of woodland. A notable feature of the wooded slopes are the frequent and extensive springs and seepage areas, and there is tufa formation in several places. Qualifying Interests are as follows:

Table 2: Knocksink Wood SAC (Site Code: 000725) - Qualifying Interests

Code	Habitats / Species
7220	Petrifying springs with tufa formation (Priority habitat)
91E0	Alluvial forests (Priority habitat)
91A0	Old sessile oak woods

7.6.5 Likely significant effects in the European Site ‘alone’

There is potential for significant effects to the Knocksink Wood SAC from groundwater pollution arising from the treatment of wastewater. As such, there is a risk that the conservation objectives of the Knocksink Wood SAC might be undermined from this project.

Table 3: Could the project undermine the conservation objectives ‘alone’?

European Site and Qualifying Feature	Conservation objective (summary)	Could the Conservation objectives be undermined (Y/N)
Knocksink Wood SAC (Site Code: 000725)	Restore favourable conservation condition of petrifying springs	Y
	Restore favourable conservation condition of Old sessle oak woods	N
	Maintain favourable conservation condition of Alluvial forests	N

Screening Determination

I conclude that the proposed development could have a likely significant effect ‘alone’ on the Qualifying Feature of Petrifying springs with tufa formation of Knocksink Wood SAC from effects associated with groundwater pollution / alteration of flows. An appropriate assessment is required on the basis of the effects of the project ‘alone’. Further assessment in-combination with other plans and projects is not required at this time. **Proceed to AA.**

7.6.6 Stage 2 – Appropriate Assessment

7.6.7 Article 6(3). The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act, 2000, as amended are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for Appropriate Assessment

- The Natura Impact Statement
- Appropriate assessment of implications of the proposed development on the integrity of Knocksink Wood SAC

7.6.8 Compliance with Article 6(3) of the EU Habitats Directive. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.6.9 Screening the need for Appropriate Assessment.

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development, individually or in-combination with other plans or projects will have a significant effect on the following European site:

- Knocksink Wood SAC (Site Code: 000725)

The possibility of significant effects on other European sites has been excluded on the basis of objective information and noting that there is no possible ecological connection or pathway between the appeal site and other Natura 2000 sites surrounding the proposed development. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.6.10 The Natura Impact Statement

7.6.11 A NIS prepared by Openfield Ecological Services examines and assesses the potential adverse effect of the proposed development on Knocksink Wood SAC. The NIS identifies the main potential impact from the proposed development on Knocksink Wood SAC as the possibility for pollution to groundwater from the wastewater treatment plant serving the proposed dwelling and entering the SAC by way of indirect

hydrological pathways between the subject site and the SAC. On page 7 of the NIS under the heading 'Are there other projects or plans that together with the project or plan being assessed could affect the site?', it is noted that it can be assumed that diffuse pollution from this development can enter groundwater in combination with other systems, and that the potential for impacts to arise from the proposed development to groundwater could result in significant effects to the Knocksink Wood SAC when assessed in combination with other plans and projects. The works as proposed have been detailed in the NIS and it has been concluded that on adhering to mitigation, the project, alone or in combination with other plans and projects, will not adversely affect any European Site.

7.6.12 Step 4 of the NIS refers to a note provided with the application from Hydrocare Environmental Ltd. in relation to mitigation measures which will be adhered to. The note states the following:

The proposed wastewater treatment plant is an EN-12566-3 certified secondary mechanical aeration system, which will discharge to a tertiary stage soil polishing filter. The proposed wastewater treatment plant and polishing filter complies with the EPA Code of Practice 2021 and its groundwater risk response of R1. The R1 protection response requires 0.9m depth of unsaturated soil between the polishing filter gravel and the water table or bedrock. The trial hole was originally excavated and inspected in a winter period and there was no evidence of groundwater or bedrock recorded to a depth of 2.9m BGL. As a result, it can be estimated that there will be in excess of 2.3m of unsaturated soil separating any potential groundwater or bedrock to the polishing filter gravel offering a very high level of protection to the groundwater, beyond the requirement of higher protection responses. The project site is separated from the SAC by a distance of 500m. It is considered that the groundwater is suitably protected by the soil overburden. The groundwater quality at the Knocksink Woods SAC is not likely to be impacted by the wastewater treatment plant and polishing filter due to the separation distance to the SAC Natura 2000 site, the soil overburden, the high treatment capacity and the low density of wastewater treatment plants in the nearby vicinity.

7.6.13 The NIS concludes that;

- Pathways exist between the development site and the Knocksink Woods SAC.

- Mitigation measures are proposed to avoid the potential for significant effects to occur to Knocksink Woods SAC.
- Based on best scientific knowledge, the project, alone or in combination with other plans and projects, will not adversely affect the integrity of the Knocksink Woods SAC, in light of its specific conservation objectives.

7.6.14 Having reviewed the documents, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the Knocksink Woods SAC alone, or in combination with other plans and projects.

The applicant's NIS is prepared in line with current best practice guidance and provides an assessment of the potential impacts on Knocksink Woods SAC.

7.6.15 Appropriate Assessment of implications of the proposed development

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the Knocksink Wood SAC (Site Code: 000725) using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.6.16 Knocksink Wood SAC (Site Code: 000725) is subject to Appropriate Assessment. A description of the site and its Conservation and Qualifying Interests/Special Conservation Interests are set out in Section 7.6.4 and Tables 2 and 3 of this report. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for this site available through the NPWS website (www.npws.ie).

7.6.17 The main aspect of the proposed development that could adversely affect the conservation objectives of the European site are the impacts on groundwater quality from wastewater during the operational phase of the proposed development, affecting the Qualifying Feature of Petrifying springs with tufa formation (Priority habitat). Under the Attribute of Ecosystem function: water quality – nitrate level, the Target is to maintain the nitrate level at less than 10mg/l. Under the Attribute of Ecosystem function: water quality - phosphate level, the Target is to restore phosphate level to less than 15µg/l

7.6.18 Assessment of proposed Mitigation Measures

The NIS outlines the nature of the mitigation measures in relation to wastewater treatment. These measures are intended to avoid the release of pollutants from the wastewater treatment plant to groundwater. I am satisfied that the measures are sufficient to address potential impacts from pollution during operation, disturbance to QI associated with European sites, and that the potential for deterioration of habitats and species identified within the European Sites is not likely. In this context I am satisfied that the 'maintain' and 'restore' objectives for the petrifying springs with tufa formation would not be affected by the proposed development.

7.6.19 Integrity test.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Knocksink Wood SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.6.20 Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of Sections [177U and 177V] of the Planning and Development Act, 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Knocksink Wood SAC (Site Code: 000725). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Knocksink Wood SAC (Site Code 000725), in view of the site's Conservation Objectives. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Knocksink Wood SAC.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Knocksink Wood SAC.

8.0 Recommendation

- 8.1. Having regard to the above it is recommended that planning permission be refused for the proposed development based on the following reason and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located on high amenity lands outside the village of Glencullen, within an area which is under significant urban pressure for rural housing and zoned Objective 'G' in the Dun Laoghaire Rathdown County Development Plan 2022 – 2028. Based on the information submitted with the application and the appeal, the Board is not satisfied that a genuine local need to reside in a rural area due to locationally-specific employment has been demonstrated, as required by Policy Objective PHP23 of the operative Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

John Duffy
Planning Inspector

22nd July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318380-23		
Proposed Development Summary	Construction of a single storey farmhouse and installation of a proprietary wastewater treatment system and all associated works. A NIS is submitted with the application.		
Development Address	Barrack Road, Glencullen, Co. Dublin		
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	X
		No	
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		Class	EIA Mandatory EIAR required
No	X		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)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10 (500 DHS)	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318380-23	
Proposed Development Summary	Construction of a single storey farmhouse and installation of a proprietary wastewater treatment system and all associated works. A NIS is submitted with the application.	
Development Address	Barrack Road, Glencullen, Co. Dublin	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The site is zoned 'G' which seek 'To protect and improve high amenity areas.' There are one-off rural houses in the vicinity and as such the proposed development is not exceptional in the context of existing environment. Construction waste can be managed through standard Waste Management Planning. Localised construction impacts will be temporary.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing	No. The total site area is approximately 2.3 ha No.	No

and/or permitted projects?		
Location of the Development <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The nearest European site is Knocksink Woods SAC located approximately 0.53 km south-east of the appeal site. A NIS has been submitted with the application. Following an Appropriate Assessment it has been found that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Knocksink Wood SAC, in view of the site's Conservation Objectives.</p> <p>No. There are no other locally sensitive environmental sensitivities on the site or in the immediate vicinity of relevance.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)