



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319113-24**

### Development

Permission for new dwelling, bored well, effluent disposal system to EPA Guidelines, forming new vehicular entrance on to public road and associated site works.

### Location

Barnamire, Enniskerry, Co. Wicklow.

### Planning Authority

Wicklow County Council.

### Planning Authority Reg. Ref.

2360226

### Applicant(s)

Mary King.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party.

### Appellant(s)

Mary King.

### Observer(s)

Senator Pat Casey.

### Date of Site Inspection

31<sup>st</sup> January 2025.

### Inspector

Aiden O'Neill



## Contents

|  |    |
|--|----|
| 1.0 Site Location and Description.....   | 5  |
| 2.0 Proposed Development.....  | 5  |
| 3.0 Planning Authority Decision .....  | 8  |
| 3.1. Decision.....   | 8  |
| 3.2. Planning Authority Reports.....   | 9  |
| 3.3. Prescribed Bodies .....   | 11 |
| 3.4. Third Party Observations.....   | 11 |
| 4.0 Planning History .....   | 11 |
| 5.0 Policy Context .....   | 14 |
| 5.1. Development Plan .....  | 14 |
| 5.2. Relevant National or Regional Policy / Ministerial Guidelines (where<br>relevant) ..... | 16 |
| 5.3. Natural Heritage Designations.....  | 17 |
| 5.4. EIA Screening .....   | 17 |
| 6.0 The Appeal.....  | 17 |
| 6.1. Grounds of Appeal .....   | 17 |
| 6.2. Applicant Response .....  | 18 |
| 6.3. Planning Authority Response .....   | 18 |
| 6.4. Observations .....  | 18 |
| 6.5. Further Responses.....  | 19 |
| 7.0 Assessment.....  | 19 |
| 8.0 AA Screening .....   | 22 |
| 9.0 Recommendation .....   | 23 |
| 10.0 Reasons and Considerations .....  | 23 |

|      |                 |    |
|------|-----------------|----|
| 11.0 | Conditions..... | 24 |
|------|-----------------|----|

**Appendix 1 – Form 1: EIA Pre-Screening**

**Appendix 2 – Form 2: EIA Preliminary Examination**

**Appendix 3 - AA Screening Determination**

## **1.0 Site Location and Description**

- 1.1. The proposed development site, c. 1.03ha in area, is greenfield and is located in a scenic, rural area of Barnamire, c. 4.8km to the west of Enniskerry and c. 315m from the L1011 and the nearest cluster of rural dwellings. It is located to the west of the L5041 which is at a higher level. The site slopes to the west from the public road by c. 20m and looks out over the Glencree River Valley and surrounding mountains.
- 1.2. There is single metal container located to the north-east of the site, and a wooden pole structure representing the outline and roof profile of a dwellinghouse located to the north-west of the site. Mature tree cover, rubble stone walls and hedgerows characterise the boundaries of the site, with a ditch, rubble stone wall and timber post fence and gate to the eastern boundary with the L5401. There is an area of tree planting in the site, close to the public road, as well as gorse to the south and west. The L5401 forms part of the Wicklow Way walking trail. There are 4no. dwellings located further south along the L5401. Forestry plantations are located to the north and west of the site. The applicant is stated to be the owner of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of a new dwelling, bored well, effluent disposal system to EPA guidelines, forming new vehicular entrance on to public road and associated site works.
- 2.2. The proposed dwelling is 3-bed, single-storey, with a FFL of 244.50mOD, c. 4.9m to ridge height, and is of a simple, rural design and materials, and is generally located parallel to, and at a distance of c. 36.8m from, the public road. It is c. 96m<sup>2</sup> in area. The site section drawing illustrates that there is no significant reprofiling of the site to accommodate the proposed development. A new entrance, c. 17m from the existing gate, with sightlines of 75m in each direction, is proposed. The boundary with the public road will consist of a timber post and rail gate with wing walls, and native planting. The existing gate is to be removed and infilled with a random rubble stone wall. The car parking area, accessed by a gravel drive, to serve the dwelling is located inside the new entrance, with a relatively long, straight gravel path to the dwelling house. Additional conifer planting is proposed to the west and north-west of the site. The existing container is to be removed.
- 2.3. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which states that by nestling the dwelling in to the existing slope of the site, as dictated by the natural

contours, while remaining consistent with a sensitive approach in maintaining the natural profiles and gradients of the site, it is possible to limit the visual burden to a minimal value which is further mitigated by the associated landscape tree planting and minimal interruption to existing vegetation.

- 2.4 The application is also accompanied by a Traffic Report which states that clear unobstructed sightlines of 75m are available in both directions from the proposed entrance. The traffic survey indicates very low traffic speeds, equivalent to a road design speed of under 52kmph. It is also stated that traffic movements are very low and the proposed development, being a single residence, will not add to these in any significant way. It is concluded that a safe entrance can be provided to the site and recommend that the existing proposed entrance location be retained.
- 2.5 The proposed dwelling is to be served by a new well, and a septic tank and polishing filter, and a soakpit.
- 2.6 The applicant has included a letter containing personal information and evidence of local need in support of her application. It is stated that the applicant has lived in the Annacrivey area all her life and attended the local school in Curtlestown, as, it is stated, do her children. Annacrivey is to the north of Curtlestown and is stated to be c. 1.73km from the proposed development site. It is further stated that the applicant and her family lives in her parents' house (in Glaskenny to the south of Curtlestown), occupying 2no. bedrooms.
- 2.7 The application is also accompanied by a cover letter which states the following:
- that the applicant has demonstrated previously beyond doubt her qualification as local to build in this area.
  - while there is a new CDP, the objectives governing rural housing have not altered in the new development plan. The applicant's entitlement to build in a rural area supersedes any other objectives in the CDP with regard to preservation of views.
  - the tree planting on the site has matured considerably since last application, and that the ridge height of the proposed house has now been reduced to 4.9m from 5.3m.
  - The applicant having been refused previously solely on visual grounds was given permission to take over a planning grant in roundwood that was not utilised by that applicant. Having purchased an alternative site 10 miles away from her family land, the applicant commenced building only to discover it could not be built on.
  - The applicant has spent 16 years trying to secure planning on her family land.

- The applicant her husband and 3 children are living in their parents' house. The applicant is left with no choice but to look again to build on the family land.
- The design has been revised in accordance with the provisions of the Wicklow Rural Housing Design Guide.
- The proposed development cannot be seen from the listed views and assimilates in to the local landscape and does not form a strident feature on the listed views.
- Access and servicing of the site has previously been accepted.
- The applicant is one of only two siblings. Her brother has had to move to live in South Wicklow away from his place of work as he could not get a grant of planning on the family land.
- Reference is made to a precedent application (planning reference 11-4610 PL.27 240229). It is stated that the applicant's family have also lived in the area for centuries and the applicant is now the last sibling to seek planning on the family holding. The planning authority is requested to adopt a consistent approach and apply the same criteria to the assessment of this application as was applied by both the planning authority and An Bord Pleanála to the planning applications in planning reference 11-4610 PL.27 240229.
- The applicant has taken all possible steps to address the one outstanding issue of assimilation into the local landscape. The revised house design and its siting addresses the concerns of both the Council and An Bord Pleanála. This has been proved definitively by the erection of profiles on site and photographing the site from the listed views. The proposed house is completely screened. The County Development Plan 2022 to 2028 includes an objective that in the event of conflict of any other settlement strategy objective / Landscape Zones and categories, a person who qualifies under policy HD23 their needs shall be supreme, except where the proposed development would be a likely traffic hazard or public health hazard.
- With regard to the preservation of views and prospects, the protection and conservation of views and prospects should not give rise to the prohibition of development, but development should be designed and located to minimise impact.
- The granting of planning permission on this site under the current proposal would be entirely consistent with the objectives of the current County Development Plan and would not give rise to further development as the applicant is the last (indeed the only) family who will be seeking planning on these lands.

2.8 Unsolicited Further Information Unsolicited Further Information was received on 24<sup>th</sup> November, 2023, which noted the following:

- The applicant cannot build in her parent's garden.

- An alternative site in Roundwood which the applicant was progressing is a contaminated landfill.
- The applicant was previously deemed to qualify as a local.
- Applications for rural housing are granted in areas of strong urban influence.
- Tree planting on site has matured and the site is no longer exposed.
- The Development Plan policy prioritises local housing need over concerns about views.
- The precedent established in PL27. 240299, wherein that applicant was the last of the landholder's family to require a house at Barnamire, is also referenced.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refused planning permission on 26<sup>th</sup> January, 2024 for the following 2no. reasons:

1. The site of the proposed development is located within an "Area Under Strong Urban Influence" as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005, Furthermore, the subject site is located in an area, that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to 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, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the subject application and having regard to the previous decisions of the Board to not qualify the applicant based on their social and employment situation, the applicant has not demonstrated an economic or social need to live at this site within this rural area, and it is not shown that their housing need could not be met within a town or settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location and that the proposed development would, therefore, be contrary to the Ministerial Guidelines and the over-arching national policy, and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to:



- (a) the location of the development within a landscape designated as an Area of Outstanding Natural Beauty;
- (b) the siting of the development in a prominent position at a visually remote and isolated location within the designated landscape;
- (c) the location of the site within views and prospects of special amenity along the Glencree Valley;
- (d) the openness and visibility of the site in the surrounding landscape;

It is considered that the proposed development would form a visually incongruous and intrusive feature and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The report of the Executive Planner dated 27<sup>th</sup> September, 2023 states that this is a repeat application. There is a considerable planning history of refusals and recommendations for refusal for a dwelling on this house from the planning authority and ABP. The last application 23/60 was withdrawn, recommended refusal for two reasons pertaining to qualification and visual impact. The application before that 20/1177 was refused by ABP for two reasons pertaining to no housing need/ contrary to national policy and adverse visual impact. The application before that 19/630 was withdrawn, recommended for refusal for two reasons – visual impact and traffic safety.
- Under 20/1177, ABP refused permission under qualification grounds. The Board did not consider that the applicant qualified for a rural house under national policy and cited non-compliance with National Policy Objective 19 of the National Planning Framework. The Inspector did not consider that the applicant's employment as homemaker necessitated a specific requirement to live at this site within this rural area. A new CDP 2022 has been adopted. CPO6.41 states "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." This objective stems directly from national policy including NPO19 and the Sustainable Rural Housing Guidelines for Planning Authorities, 2005. From the documentation

now submitted, there is no information provided to indicate any significant change in the applicant's circumstances so as to address the issues raised by ABP in 20/1177 and notwithstanding that WCC qualified the applicant under the 20/1177 application, it is recommended that refusal reason be attached on qualification grounds. This is as per recommended under 23/60.

- A visual impact assessment is submitted. This is a highly sensitive, unspoilt, elevated, scenic and attractive AONB which contains listed prospects and views. The site is located at some distance from other clusters of houses and is relatively isolated within this landscape. Having regard to its visually remote and isolated location within this highly protected and scenic landscape, it is considered that a dwelling would be visually intrusive and incongruous and have an adverse impact on the visual amenities of the area and scenic nature of the landscape.
- The applicant has submitted a letter including examples of other permitted houses in the area with similar issues. It is suggested that a precedent exists for granting permissions in visually sensitive areas with landscaping to mitigate visual impacts. In this regard, each application is considered on their merits. There is a considerable planning history of refusals on the ground of visual impact. It is not considered that the circumstances around this issue have changed since the last application was assessed.
- The dwelling is single storey, simple traditional design, ground to ridge height of 4.9m high, finished in render and slate/tile. House design is in accordance with WCC rural house design guidelines.
- Access is from L5041, a narrow poorly aligned road. This road experiences low levels of traffic. Under 16/815, a proposal for the construction of a new entrance c 17m south west of the existing gate was considered acceptable by the MD Engineer (subject to conditions) and ABP. In this application it is proposed to construct a new entrance at the same location as that proposed in 16/815. The drawings indicate sightlines of 75m achievable. The access arrangements are satisfactory.
- Proposed water supply – private well; proposed wastewater management / treatment – septic tank; proposed surface water disposal – soakpit. The EHO has submitted report indicating that the trial holes should be opened. This could be addressed via Further Information, although it is noted that the EHO has previously indicated in the adjudication of 20/1177 that the proposals are satisfactory.

- The Wicklow Mountains SPA is located c 1.5km north and 2.5km southwest of the site. The Wicklow Mountains SAC is located approximately 1.2km north and the Knocksink Wood SAC is located 3km east of the site. Having regard to the nature and scale of the proposed development and the location of the subject site which is not located within or directly adjoining a designated Natura 2000 site or hydrological or other linkage, it is considered that the proposed development would not likely have a significant adverse effect on a Natura 2000 site in combination with other plans or projects.
- The Executive Planner recommended refusal.
- A request to extend the time for a decision on the application was made on 28<sup>th</sup> September, 2023 for 4no. months to 28<sup>th</sup> January, 2024. The applicant submitted a letter containing references to the subject application and to other applications and to the decisions of ABP, as well as details of her local connections to the area. In the response in the Executive Planner's report dated 17<sup>th</sup> January, 2024, it is stated that each application is considered on its merits, and there was no additional information in the letter that addresses the substantial issues in the recommended refusal reasons.

The Executive Planner's report is the basis for the Planning Authority's decision to refuse planning permission.

### 3.2.2. Other Technical Reports

The report of the Environmental Health Officer dated 4<sup>th</sup> September, 2023 recommended Further Information that the site characterisation report submitted with the application is dated 28/5/2016. As seven years have passed since the original tests, trial holes should be re-opened for examination.

### 3.3. Prescribed Bodies

None on file.

### 3.4. Third Party Observations

A representation was received from Cllr John Snell.

## 4.0 Planning History

The proposed development site has had an extensive planning history as follows:

23/60 – Mary King – withdrawn - new dwelling, bored well, effluent disposal system to EPA guidelines, forming new vehicular entrance on to existing driveway and associated site works. Refusal was recommended on grounds of compliance with rural housing policy and impact on visual amenities.

20/1177 (ABP 309487-21) – Mary King – permission for dwelling, connection to existing well, effluent disposal system to EPA guidelines 2009 forming new vehicular entrance onto existing driveway and associated site works. Refused for the following 2no. reasons:

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, Furthermore, the subject site is located in an area, that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to 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, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal including information on the applicant’s employment situation, the Board is not satisfied that the applicant has a demonstratable economic or social need to live at this site within this rural area, or that the applicant’s housing need could not be met within a town or settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location and that the proposed development would, therefore, be contrary to the Ministerial Guidelines and the over-arching national policy, and would be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located in an area which is designated as an “Area of Outstanding Natural Beauty” in the current Wicklow County Development Plan. Furthermore, the site is located within views and prospects of special amenity along the Glencree Valley. The proposed development, by reason of its siting in a prominent position on a north-west facing and elevated slope at a visually remote and isolated location within the designated landscape, would form a visually incongruous and intrusive feature and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

19/630 – Mary King – withdrawn – permission for dwelling connection to existing well, on site effluent disposal system to EPA guidelines 2009 forming new vehicular entrance onto existing public road and associated site works.

16/815 (PL27.247982) – Mary King – refused – permission for 1 no. single storey dwelling, with part attic accommodation, new vehicular access & driveway & wastewater treatment plant for 2no. reasons in respect of rural housing policy and impact on residential amenities.

14/1962 – Patrick King – withdrawn – permission for new entrance to lands in lieu of existing entrance

14/1227 – Mary King – refused – permission for single storey dwelling, waste water treatment system, garage and site ancillary works including revised site entrance

13/8724 – Martin King – withdrawn – permission for single storey dwelling, waste water treatment system, revised entrance and all ancillary site works

12/6328 – Mary King – refused – permission for dwelling, waste water treatment system and site ancillary works

11/4110 – Martin King – refused – permission for single storey dwelling, wastewater treatment system and revised entrance

10/2577 – Martin King – withdrawn – permission for single storey dwelling, revised entrance & waste water treatment system

09/204 – Martin King – withdrawn – permission for single storey dwelling and wastewater treatment system

07/1095 (27.226804) – Mary King – refused – permission for dwelling and waste water treatment system

06/5787 – Mary King – withdrawn – permission for dwelling and waste water treatment system

05/2632 (ABP27.214776) – Mary King – refused – permission for Erection of a single storey house and mechanical aeration effluent treatment system

03/8281(ABP) – Mary King – refused – permission for Single storey house and mechanical aeration effluent treatment system

## 5.0 Policy Context

### 5.1. Development Plan

The applicable Plan is the Wicklow County Development Plan 2022-2028.

Section 6.3.8 of Chapter 6 of the Wicklow County Development Plan 2022 states that the Planning Authority will continue to avoid urban generated rural housing and ensure the needs of those with a bona fide necessity to live in the rural area are facilitated.

It is also stated that 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 6.1 states that 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.

CPO 6.4 states that all new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

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

CPO 6.41 seeks to facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3. Table 6.3 Rural Housing Policy Housing Need / Necessary Dwelling defines those who can demonstrate a clear need for new housing.

It is also stated that in the event of conflict of any other settlement strategy objective / Landscape Zones and categories, a person who qualifies under policy CPO 6.41 their needs shall be supreme, except where the proposed development would be a likely traffic hazard or public health hazard.

CPO 6.42 states that where permission is granted for a single rural house in the open countryside, the applicant will be required to lodge with the Land Registry a burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling for a period of 7 years.

With regard to the preservation of views and prospects, it is stated that the protection and conservation of views and prospects should not give rise to the prohibition of development, but development should be designed and located to minimise impact.

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

Section 17.3 of the Plan in relation to Landscape identifies a hierarchy of 6no. landscape categories, of which the Mountain and Lakeshore Area of Outstanding Natural Beauty is the first in the hierarchy. This landscape category includes 4no. types. By reference to Map 17.09B in Volume 1 of the Plan, the proposed development site is located in 1(d) - The North Eastern Valley/Glencree.

CPO 17.35 states that all development proposals shall have regard to the County landscape classification hierarchy.

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 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 seeks to resist development that would significantly or unnecessarily alter the natural landscape and topography, unless it can be demonstrated that the development would enhance the landscape and / or not give rise to adverse impacts.

CPO 17.38 seeks 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.

Map 17.11 and Schedule 17.11 of the Plan identifies the Views of Special Amenity Value or Special Interest. No. 2 is the L1011 at Curtlestown, Glencree Drive View of Bray head, Sugarloaf mountain and Djouce Mountain.

Schedule 17.12 identifies the L1011, L1015 & L5014, Glencree Prospect of mountain area around Glencree Drive, Prince the William Seat, Glencree River and Sugarloaf Mountain as the no. 1 Prospect of Special Amenity Value or Special Interest.

Appendix 2 of the Plan sets out the Design Guidelines for Single Rural Dwellings. This states that all new developments will be required to be sited in such a way that allows them to blend into the landscape and not form an overly visible or strident feature on the landscape.

Furthermore, it is stated that new houses shall be suitably positioned on site to make maximum use of screening available either from the land form itself or from existing tree cover. It is also stated that on sloping sites, houses will normally be required to be built into the slope of the site, so that the finished floor level of the house is not more than 0.15m above the existing ground level to the front of the house.

## **5.2. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

### **5.2.1 Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. A number of rural area types are identified including rural areas under strong urban influence which are defined as those in proximity to the immediate environs or close commuting catchment of large cities and towns. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs. Examples of rural generated housing need outline 'persons who are an intrinsic part of the rural community' to include people who have lived most of their lives in rural areas and are building their first homes, and 'persons working full-time or part-time in rural areas'.

### **5.2.2 National Planning Framework (NPF) (2018)**

National Policy Objective 15 seeks to support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth



or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 19 makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social housing need to live at the location, 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. Natural Heritage Designations**

The Wicklow Mountains SAC (Site Code: 002122) is located c. 1.26km to the north. The Wicklow Mountains SPA (Site Code: 004040) is located c. 1.54km to the north. Powerscourt Woodland pNHA (Site Code: 001768) is located to c. 2.1km to the east. Knocksink Wood SAC (Site Code: 000725) is located c. 3.68km to the north-east.

### **5.4. EIA Screening**

- 5.4.1. See Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The applicant is a long-standing member of the community and resident of the area, and has not relocated.
- She is the last of three siblings still living in the area.
- The applicant meets the criteria for economic and social need for a house.
- The applicant resides in two bedrooms at the applicant's parents' home, which is inadequate for a growing family of five.
- The applicant qualifies under CPO 6.41, and agrees to CPO 6.42.

- The applicant has gone to great lengths to address visual impact, including a comprehensive visual impact report which clearly demonstrates that the proposed dwelling will not be visible from any significant viewpoints. The profiles of the house erected on site confirm that the structure will be discreetly positioned and will not disrupt the aesthetic harmony of the surrounding landscape.
- The applicant refers to application register reference 2360424 which is considerably more exposed than the applicant's proposal.
- There have been 15 applications granted in the vicinity, each with a greater visual impact, and their housing need does not surpass that of the applicant.
- The applicant's current living situation is far from adequate. The applicant's children all share one room and the eldest daughter will require her own space soon for privacy and development.
- The land on which the proposed dwelling is to be located is the only land available to the applicant, and the only opportunity to a stable and permanent home in an area that has been our home for generations. There are no other options to purchase land or property in the area. House prices make it impossible to afford a suitable home.
- The appeal includes a table of other granted applications in the area, including commentary on same.
- A grant of permission is requested.

## **6.2. Applicant Response**

- N/A

## **6.3. Planning Authority Response**

- None on file.

## **6.4. Observations**

- A submission was received from a Senator Pat Casey supporting the applicant's right to construct her family home on her ancestral land, situated within her own community.

- The submissions sets out the policy context, and states that the applicant's rural housing need is based on a social need, and the applicant's intrinsic connection to the rural area. She has been born and raised in the rural community in which she seeks to reside.
- This is the sole piece of land owned by the family.

## 6.5. Further Responses

- None on file.

## 7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issues which require consideration in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

7.2. The main issues are as follows:

- Compliance with rural housing policy
- Landscape and visual impact

7.3. Compliance with rural housing policy

7.3.1 As noted above, the Planning Authority decided to refused planning permission on 26<sup>th</sup> January, 2024 for 2no. reasons, of which the first reason was that the applicant did not come within the scope of the housing need criteria as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005, and in National Policy Objective 19 of the National Planning Framework 2018, for a house at this location, and that the proposed development would, therefore, be contrary to the Ministerial Guidelines and the overarching national policy, and would be contrary to the proper planning and sustainable development of the area.

7.3.2 The report of the Executive Planner dated 27<sup>th</sup> September, 2023 states that the application now before the Board on appeal is a repeat application, with an extensive planning history, most notably recent application register reference ABP 309487-21 (201177). It is also state that there is no information provided to indicate any significant change in the applicant's circumstances so as to address the issues raised by ABP in 20/1177. The Executive Planner therefore recommended that a refusal reason be attached on qualification grounds.

- 7.3.3 Since the previous refusal under case reference ABP 309487-21 (201177), a new Wicklow County Development Plan has been adopted.
- 7.3.4 Policy Objective CPO6.41 seeks to facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3. Table 6.3 defines those who can demonstrate a clear need for new housing.
- 7.3.5 The Planning Authority also recognises the rural housing need of persons whose livelihood is intrinsically linked to rural areas subject to it being demonstrated that a home in the open countryside is essential to the making of that livelihood and that livelihood could not be maintained while living in a nearby settlement.
- 7.3.6 Furthermore, the Planning Authority also recognises the need of persons intrinsically linked to rural areas that are not engaged in significant agricultural or rural based occupations to live in rural areas. In this regard, persons intrinsically linked to a rural area may include local applicants who are intrinsically linked to their local area and, while not exclusively involved in agricultural or rural employment, have access to an affordable local site. It also includes other such persons as may have a definable strong social need to live in that particular rural area, which can be demonstrated by way of evidence of strong social or familial connections, connection to the local community / local organisations etc as may arise on a case-by-case basis. This is aligned with National Policy Objective 19 of the National Planning Framework, which seeks to 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, having regard to the viability of smaller towns and rural settlements.
- 7.3.7 In the context of CPO6.41 and Table 6.3 of the Wicklow County Development Plan 2022, I note that the applicant has provided evidence of her social and familial links to the local area in which she currently resides and her and her family's connections to the local community/local organisations. I also note her current living arrangements in her parents' house in the local area, following an aborted alternative dwelling proposal in Roundwood that, it is stated, could not be progressed on contamination grounds. I have no information before me to determine if the site is affordable, other than what would generally be construed by its location and characteristics. I also note that the applicant owns the site. I further note the proximity of the proposed development site to the area in which the applicant currently resides, and that this would be considered to be local.

7.3.8 I note that the applicant has not provided any specific detail as to her economic status, however, on the basis of the information submitted in this particular case, it would appear that the applicant has demonstrated a social need to live in the area, and as such meets the requirements of policy objective CPO6.41 and Table 6.3 of the Wicklow County Development Plan 2022.

#### 7.4 Landscape and Visual Impact

7.4.1 The visual sensitivities of the area in which the proposed development site is located are well documented.

7.4.2 Having regard to Section 17.3 of the Plan, the proposed development site is located in landscape category 1(d) - The North Eastern Valley/Glencree of the Mountain and Lakeshore Area of Outstanding Natural Beauty.

7.4.3 In addition, Map 17.11 and Schedule 17.11 of the Plan identifies Views of Special Amenity Value or Special Interest, including the L1011 at Curtlestown, Glencree Drive View of Bray head, Sugarloaf mountain and Djouce Mountain. In addition, schedule 17.12 identifies the L1011, L1015 & L5014, Glencree Prospect of the mountain area around Glencree Drive, Prince the William Seat, Glencree River and Sugarloaf Mountain as the no. 1 Prospect of Special Amenity Value or Special Interest.

7.4.4 Policy objective CPO 17.35 states that all development proposals shall have regard to the County landscape classification hierarchy. In accordance with policy objective CPO 17.36 the accompanied by a Landscape / Visual Impact Assessment. This has demonstrated that the proposed development would enhance the landscape and / or not give rise to adverse impacts.

7.4.5 As noted in the Executive Planner's report, the proposed dwelling, which is single storey, simple traditional design, with a ground to ridge height of 4.9m high – lower than the previously refused dwelling (5.3m - ABP 309487-21 (201177)), finished in render and slate/tile, is in accordance with the Wicklow Rural Housing Design Guide.

7.4.6 The views of the wooden pole structure representing the outline and roof profile of the proposed dwellinghouse located to the north-west of the site in context confirms that the proposed development is positioned on this sloping site to allow it to blend into the landscape such that it will not form an overly visible or strident feature on the landscape. In this context, it will not result in a significant visual impact; would not form a visually incongruous or an intrusive feature; and would not seriously injure the visual amenities of the area. The proposed development site benefits from existing screening, to be further augmented by the proposed

additional landscaping along the south-west and western boundaries. In the event that the Board decides to grant planning permission, it is recommended that a condition requiring a landscape plan is submitted to the Planning Authority prior to the commencement of development.

7.4.7 I acknowledge that the site is c. 315m from the L1011 and the nearest cluster of rural dwellings, however the L5041 from which the site is accessed also serves 4no. rural dwellings further to the south. These are sufficiently distant so as not to give rise to concerns over ribbon development.

7.4.8 I also acknowledge that the site is sloping. In this context, it is noted in the Plan that, on sloping sites, houses will normally be required to be built into the slope of the site, so that the finished floor level of the house is not more than 0.15m above the existing ground level to the front of the house. The proposed development is built into the slope with no significant excavation required.

7.4.9 I have also had regard to policy objective CPO 6.41 in the Wicklow County Development Plan 2022 which states that in the event of conflict of any other settlement strategy objective / Landscape Zones and categories, a person who qualifies under policy CPO 6.41 their needs shall be supreme, except where the proposed development would be a likely traffic hazard or public health hazard.

7.4.10 In this context, I note that suitable sight lines are achieved, and the proposed access arrangements were previously accepted by the Council's Engineer.

7.4.11 I note the provision of a private wastewater system, borehole and soakpit, the details of which were previously accepted by the Planning Authority.

## **8.0 AA Screening**

8.1 I have considered the permission for a new dwelling, bored well, effluent disposal system to EPA Guidelines, forming new vehicular entrance on to public road and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The Wicklow Mountains SAC (Site Code: 002122) is located c. 1.26km to the north. The Wicklow Mountains SPA (Site Code: 004040) is located c. 1.54km to the north. Knocksink Wood SAC (Site Code: 000725) is located c. 3.68km to the north-east.

In addition, Powerscourt Woodland pNHA (Site Code: 001768) is located to c. 2.1km to the east.

The proposed development consists of a new dwelling, bored well, effluent disposal system to EPA Guidelines, forming new vehicular entrance on to public road and associated site works on a site at Barnamire, Enniskerry, Co. Wicklow.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location and distance from nearest European site and lack of connections
- Taking into account the Screening Report and Determination by Wicklow County Council.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

- 9.1. I recommend that permission for the development be granted for the following reasons and considerations.

## **10.0 Reasons and Considerations**

Having regard to policy objective CPO6.41 and Table 6.3 of the Wicklow County Development Plan 2022-2028, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development will not seriously injure the character of the area, or the visual amenities of the area, would be acceptable in terms of traffic safety and convenience. It is considered that the proposed development is in the interests of the proper planning and sustainable development of the area.

## 11.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 16<sup>th</sup> August, 2023 and on 24<sup>th</sup> November, 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>  |
| 2. | <p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or her heirs, and shall remain so occupied for a period of at least seven years thereafter (unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant). Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 4 7 of the Planning and Development Act, 2000 (as amended) to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgage in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.</p> |



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| 3. | <p>The existing container on site is to be removed prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of orderly development.</p>  |
| 4. | <p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent pollution.</p>  |
| 5. | <p>(a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 16<sup>th</sup> August, 2023 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to</p> |

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|    | <p>above.</p> <p><b>Reason:</b> In the interest of public health and to prevent water pollution.</p>  |
| 6. | <p>The construction of the site entrance, including: the setting back of the existing roadside site boundary; the provision of a new roadside boundary; provision of adequate sight lines in both directions from the entrance; the treatment of the area between the new boundary and edge of the roadway; the tie-in to the public road, and surface water drainage proposals for the site frontage, shall comply with the requirements of the planning authority for such works. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, detailed design proposals to comply with this condition.</p> <p><b>Reason:</b> In the interest of traffic safety and visual amenity.</p>  |
| 7. | <p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>   |
| 8. | <p>The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of a hedgerow along all side and rear boundaries of the site, and planting of trees along the boundaries of the site.</p> <p>Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p> |
| 9. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>  |

area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

## **Relevant Policies**

### **Wicklow County Development Plan 2022-2028**

Section 6.3.8 of Chapter 6 of the Wicklow County Development Plan 2022 states that the Planning Authority will continue to carefully manage demand for housing in the countryside in order to protect natural resources, continue to cater for a variety of land uses, protect the environment and rural landscape, to avoid urban generated rural housing and ensure the needs of those with a bona fide necessity to live in the rural area are facilitated. It is also important that the scale of rural housing permitted does not undermine the role of small towns and villages and threaten their viability.

It is also stated that 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). In rural areas under urban influence it is necessary to demonstrate a functional economic or social requirement for housing need. This is also subject to siting and design considerations.

Rural areas are more sensitive to development and therefore require a quality design response to help assimilate development into the landscape. All new rural housing is required to apply the design principles set out in the Wicklow Rural Housing Design Guide which is included in the appendices.

CPO 6.1 states that 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.

CPO 6.4 states that all new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

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

In relation to Housing in the Open Countryside, policy objective CPO 6.41 seeks to:

Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3.

**Table 6.3 Rural Housing Policy Housing Need / Necessary Dwelling**

This is defined as those who can demonstrate a clear need for new housing, for example:

- first time home owners; - someone that previously owned a home and is no longer in possession of that home as it had to be disposed of following legal separation / divorce / repossession by a lending institution, the transfer of a home attached to a farm to a family member or the past sale of a home following emigration;
- someone that already owns / owned a home who requires a new purpose built specially adapted house due to a verified medical condition and who can show that their existing home cannot be adapted to meet their particular needs; and other such circumstances that clearly demonstrate a bona fide need for a new dwelling in the open countryside notwithstanding previous / current ownership of a home as may be considered acceptable to the Planning Authority.

**Economic Need**

The Planning Authority recognises the rural housing need of persons whose livelihood is intrinsically linked to rural areas subject to it being demonstrated that a home in the open countryside is essential to the making of that livelihood and that livelihood could not be maintained while living in a nearby settlement.

In this regard, persons whose livelihood is intrinsically linked to rural areas may include:

- a. Those involved in agriculture: The Planning Authority will positively consider applications from those who are engaged in a significant agricultural enterprise and require a dwelling on the agricultural holding that they work. In such cases, it will be necessary for the applicant to satisfy the Planning Authority with supporting documents that due to the nature of the agricultural employment, a dwelling on the holding is essential for the ongoing successful operation and maintenance of the farm. In this regard, the Planning Authority will consider whether there is already a dwelling / dwellings on the farm holding when determining if a new dwelling can be justified.
- b. Those involved in non-agricultural rural enterprise / employment. The Planning Authority will support applications from those whose business / full time employment is intrinsically linked to the rural area that can demonstrate a need to live in the vicinity of their employment in order to carry

out their full time occupation. The Planning Authority will strictly require any applicant to show that there is a particular aspect or characteristic of their employment that requires them to live in that rural area, as opposed to a local settlement. Where an applicant's case for a new dwelling on the basis of economic need is based on establishing a new or alternative agricultural / non-agricultural rural enterprise and they have no previous experience in agriculture / rural enterprise, the Planning Authority shall not consider the above requirements met until the applicant can show that the new agricultural / non-agricultural rural enterprise has been legally and continuously ongoing for at least 5 years prior to the making of the application for a dwelling, and is the applicant's primary occupation and source of income. Applicants whose proposed business is not location-dependent will not be considered.

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 Planning Authority recognises the need of persons intrinsically linked to rural areas that are not engaged in significant agricultural or rural based occupations to live in rural areas. In this regard, persons intrinsically linked to a rural area may include:

- Permanent native residents of that rural area (including Level 8 and 9 settlements) i.e. a person who was born and reared in the same rural area as the proposed development site and permanently resides there;
- A former permanent native of the area (including Level 8 and 9 settlements) who has not resided in that rural area for many years (for example having moved into a town or due to emigration), but was born and reared in the same rural area as the proposed development site, has strong social ties to that area, and now wishes to return to their local area;
- A close relative who has inherited, either as a gift or on death, an agricultural holding or site for his/her own purposes and can demonstrate a social need to live in that particular rural area,
- The son or daughter of a landowner who has inherited a site for the purpose of building a one off rural house and where the land has been in family ownership for at least 10 years prior to the application for planning permission and can demonstrate a social need to live in that particular rural area,

- Persons who were permanent native residents of a rural area but due to the expansion of an adjacent town / village, the family home place is now located within the development boundary of the town / village;

- Local applicants who are intrinsically linked to their local area and, while not exclusively involved in agricultural or rural employment, have access to an affordable local site; Local applicants who provide care services to family members and those working in healthcare provision locally; and Other such persons as may have a definable strong social need to live in that particular rural area, which can be demonstrated by way of evidence of strong social or familial connections, connection to the local community / local organisations etc as may arise on a case-by-case basis.

It is also stated that in the event of conflict of any other settlement strategy objective / Landscape Zones and categories, a person who qualifies under policy CPO 6.41 their needs shall be supreme, except where the proposed development would be a likely traffic hazard or public health hazard.

CPO 6.42 states that where permission is granted for a single rural house in the open countryside, the applicant will be required to lodge with the Land Registry a burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling for a period of 7 years.

With regard to the preservation of views and prospects, due consideration shall be given to those listed within the area of the National Park; and with respect to all other areas, to generally regard the amenity matters, but not to the exclusion of social and economic matters. The protection and conservation of views and prospects should not give rise to the prohibition of development, but development should be designed and located to minimise impact.

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

Section 17.3 of the Plan in relation to Landscape identifies a hierarchy of 6no. landscape categories, of which the Mountain and Lakeshore Area of Outstanding Natural Beauty is the first in the hierarchy. This landscape category is further detailed as follows:

1(a) - The Mountain Uplands The central mountain upland area extends from the Dublin border in the north of the County at Kippure towards Aughrim in the south and from east of the Glen of Imaal as far as west of Roundwood Village. A key characteristic of this area is mountainous

topography with U-shaped valleys, lakes and glacial topography. This area generally relates to lands immediately surrounding and above the 300m+ contour line.

1(b) - The Blessington Lakes Area This category generally relates to the area around Blessington known locally as the 'Blessington Lakes' and extends into Sorrell Hill. The lakes area is dominated by the lake, views onto and from the lake. To the east and south, land is more mountainous with attractive views and vegetation.

1(c) - The Bray Mountains Group/Northern hills The area of land covering the Great and Little Sugarloaf including Bray Head comprising of the mountainous region surrounding the town of Bray. These areas are important locations for recreation amenity both locally and for visiting tourists, with Bray Head having a Special Area Amenity Order designation.

1(d) - The North Eastern Valley/Glencree 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.

By reference to Map 17.09B in Volume 1 of the Plan, the proposed development site is located in 1(c).

CPO 17.35 states that all development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (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 seeks to resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling / reclamation projects or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape and / or not give rise to adverse impacts.

CPO 17.38 seeks 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.

Map 17.11 and Schedule 17.11 of the Plan identifies the Views of Special Amenity Value or Special Interest. No. 2 is the L1011 at Curtlestown, Glencree Drive View of Bray head, Sugarloaf mountain and Djouce Mountain.

Schedule 17.12 identifies the L1011, L1015 & L5014, Glencree Prospect of mountain area around Glencree Drive, Prince the William Seat, Glencree River and Sugarloaf Mountain as the no. 1 Prospect of Special Amenity Value or Special Interest.

Appendix 2 of the Plan sets out the Design Guidelines for Single Rural Dwellings. This states that all new developments will be required to be sited in such a way that allows them to blend into the landscape and not form an overly visible or strident feature on the landscape. Applications in an Area of Outstanding Natural Beauty will be required to be accompanied by a Visual Impact Assessment.

Furthermore, it is stated that new houses shall be suitably positioned on site to make maximum use of screening available either from the land form itself or from existing tree cover. Positioning in a sheltered location not only aids visual integration in the landscape, but also provides benefits to the house in terms of protection from the elements and improved privacy.

It is also stated that on sloping sites, houses will normally be required to be built into the slope of the site, so that the finished floor level of the house is not more than 0.15m above the existing ground level to the front of the house. However, deep excavations should also be avoided as these in themselves can cause a scar on the landscape. Where steeply sloping sites cannot be avoided, design solutions must be considered to minimise the impact, including for example the use of stepped or split level housing.

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.



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Aiden O'Neill  
Planning Inspector

7<sup>th</sup> February, 2025

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

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| <b>An Bord Pleanála<br/>Case Reference</b>   | ABP-319113-24   |  |  |
| <b>Proposed Development<br/>Summary</b>  | A new dwelling, bored well, effluent disposal system to EPA Guidelines, forming new vehicular entrance on to public road and associated site works. |  |  |
| <b>Development Address</b>   | Barnamire, Enniskerry, Co. Wicklow.   |  |  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) | <b>Yes</b><br>√   | Tick if relevant and proceed to Q2.  |  |
|  | <b>No</b>   | Tick if relevant. No further action required   |  |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>  |   |  |  |
| <b>Yes</b><br>√  | Tick/or leave blank   | Class 10(b)(i) of Part 2 of Schedule 5   | Proceed to Q3.                               |
| <b>No</b>  | Tick or leave blank   |  | Tick if relevant. No further action required |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>  |   |  |  |
| <b>Yes</b>   | Tick/or leave blank   | State the relevant threshold here for the Class of development.  | EIA Mandatory EIAR required                  |
| <b>No</b><br>√   | Tick/or leave blank   | Class 10(b)(i) of Part 2 of Schedule 5. Threshold is 500 dwelling units.   | Proceed to Q4                                |
| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>   |   |  |  |
| <b>Yes</b>   | Tick/or leave blank   | State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold. | Preliminary examination required (Form 2)    |

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| 5. Has Schedule 7A information been submitted? |                     |  |
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| <b>No</b> √                                    | Tick/or leave blank | <b>Screening determination remains as above<br/>(Q1 to Q4)</b> |
| <b>Yes</b>                                     | Tick/or leave blank | <b>Screening Determination required</b>                        |

Inspector:

*Ad onull*

7<sup>th</sup> February, 2025

Date: \_\_\_\_\_

## Appendix 1 - Form 2

### EIA Preliminary Examination

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| <b>An Bord Pleanála Case Reference Number</b>   | <b>ABP-319113-24</b>   |
| <b>Proposed Development Summary</b>   | Permission for new dwelling, bored well, effluent disposal system to EPA Guidelines, forming new vehicular entrance on to public road and associated site works.   |
| <b>Development Address</b>  | Barnamire, Enniskerry, Co. Wicklow   |
| <p><b>The Board carried 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |  |
| <p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>  | <p>The proposed development is for 1no. new dwelling house in a rural area, and is of modest scale and design.</p> <p>The nature of the proposed development is not exceptional in the context of the existing environment.</p> <p>The proposed development does not require the use of substantial natural resources.</p> <p>The proposed development would result in some soil excavation.</p> <p>However, this and other works are not considered to result in the production of significant waste,</p> |

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|  | <p>emissions or pollutants or nuisance.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p> <p>It presents no risks to human health.</p> |
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| <p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The development is situated in a rural area on improved agricultural land which is abundant in the area.</p> <p>The Wicklow Mountains SAC (Site Code: 002122) is located c. 1.26km to the north. The Wicklow Mountains SPA (Site Code: 004040) is located c. 1.54km to the north. Knocksink Wood SAC (Site Code: 000725) is located c. 3.68km to the north-east.</p> <p>In addition, Powerscourt Woodland pNHA (Site Code: 001768) is located to c. 2.1km to the east.</p> <p>Having regard to the nature and scale</p> |
|--|--|

|  |  |
|--|--|
|  | of the proposed development, it does not have the potential to significantly affect other significant environmental sensitivities in the area. |
|--|--|

|   |  |                  |
|---|--|------------------|
| <p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p> <p>There are no significant cumulative considerations having regard to other existing and/or permitted projects.</p> |                  |
| <b>Conclusion</b>   |  |                  |
| <b>Likelihood of Significant Effects</b>  | <b>Conclusion in respect of EIA</b>  | <b>Yes or No</b> |
| There is no real likelihood of significant effects on the environment.  | EIA is not required.   | No               |



|  |   |    |
|--|---|----|
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. | No |
| There is a real likelihood of significant effects on the environment.  | EIAR required.  | No |

Inspector: Aden O'Neill 7<sup>th</sup> February, 2025  
 \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 - AA Screening Determination

### Test for likely significant effects

AA Screening where no screening report was submitted, and no significant AA issues arise.

| Screening for Appropriate Assessment<br>Test for likely significant effects                      |  |                                    |  |   |
|--|--|------------------------------------|--|---|
| <b>Step 1: Description of the project and local site characteristics</b>                         |  |                                    |  |   |
| <b>Case file: ABP-319113-24</b>  |  |                                    |  |   |
| <b>Brief description of project</b>  | Normal Planning appeal<br>Dwelling, Barnamire, Enniskerry, Co. Wicklow<br>See section 2.0 of inspectors Report   |                                    |  |   |
| <b>Brief description of development site characteristics and potential impact mechanisms</b>     | The proposed development site is located in an unspoilt, scenic, rural location at Barnamire, c. 4.8km to the west of Enniskerry and c. 315m from the L1011. There is a ditch along the eastern boundary of the site. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. |                                    |  |   |
| <b>Screening report</b>  | No<br>Wicklow County Council screened out the need for AA.   |                                    |  |   |
| <b>Natura Impact Statement</b>   | No   |                                    |  |   |
| <b>Relevant submissions</b>  | None   |                                    |  |   |
| <b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b> |  |                                    |  |   |
| European Site (code)   | Qualifying interests <sup>1</sup><br>Link to conservation objectives (NPWS, date)  | Distance from proposed development | Ecological connections <sup>2</sup>        | Consider further in screening <sup>3</sup><br>Y/N |
| Wicklow Mountains SAC (Site Code: 002122)  | Lakes, Heaths, Grasslands (12 x habitats)<br>Otter (1 x species)<br><br><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002122.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002122.pdf</a><br>NPWS, 2017  | 1.26km                             | No direct connection,<br>Possible indirect | Y   |
| Wicklow Mountains SPA (Site Code: 004040)  | Birds (2 x species)<br><br><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004040.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004040.pdf</a><br>NPWS, 2024   | 1.54km                             | No direct connection,<br>Possible indirect | Y   |
| Knocksink Wood SAC (Site Code: 000725)   | Springs, wood, forest (3 x habitats)<br><br><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000725.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000725.pdf</a><br>NPWS, 2021  | 3.68km                             | No direct connection,<br>Possible indirect | Y   |

<sup>1</sup> summary description / **cross reference to npws website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

#### Further Commentary / discussion

Due to the location of the development site and the presence of a significant buffer area (green) between the site and the Glenree River, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

#### AA Screening matrix

| Site name   | Possibility of significant effects (alone) in view of the conservation objectives of the site*  |   |
|---|---|---|
|   | Impacts   | Effects   |
| <p><b>Site</b><br/> <b>Wicklow Mountains SAC (Site Code: 002122)</b></p> <p>[3110] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)</p> <p>[3160] Natural dystrophic lakes and ponds</p> <p>[4010] Northern Atlantic wet heaths with Erica tetralix</p> <p>[4030] European dry heaths</p> <p>[4060] Alpine and Boreal heaths</p> <p>[6130] Calaminarian grasslands of the Violetalia calaminariae</p> <p>[6230] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>[7130] Blanket bogs (* if active bog)</p> <p>[8110] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)</p> <p>[8210] Calcareous rocky slopes with chasmophytic vegetation</p> <p>[8220] Siliceous rocky slopes with chasmophytic vegetation</p> | <p>Direct: none</p> <p>Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction</p> | <p>The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed.</p> <p>Conservation objectives would not be undermined.</p> |

|   |  |   |
|---|--|---|
| <p>[91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>[1355] Lutra lutra (Otter)</p> <p>* Priority Habitats</p>  |  |   |
| <p><b>Site</b><br/><b>Wicklow Mountains SPA (Site Code: 004040)</b></p> <p>[A098]Merlin (Falco columbarius)<br/>[A103]Peregrine (Falco peregrinus)</p>  | <p>Direct: none<br/>Indirect:<br/>localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction</p> | <p>The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed.</p> <p>Conservation objectives would not be undermined.</p> |
| <p><b>Site</b><br/><b>Knocksink Wood SAC (Site Code: 000725)</b></p> <p>Petrifying Springs* [7220]<br/>Old Oak Woodlands [91A0]<br/>Alluvial Forests* [91E0]</p> <p>* Priority Habitats</p>   | <p>Direct: none<br/>Indirect:<br/>localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction</p> | <p>The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed.</p> <p>Conservation objectives would not be undermined.</p> |
|   | Likelihood of significant effects from proposed development (alone): <b>No</b>   |   |
|   | If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>   |   |
|   | Likelihood of significant effects from proposed development (alone): <b>No</b>   |   |
|   | If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>   |   |
| <p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p> <p>I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site.</p> <p>No mitigation measures are required to come to these conclusions. .</p> |  |   |
| <p><b>Screening Determination</b></p> <p><b>Finding of no likely significant effects</b></p>  |  |   |

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Wicklow Mountains SAC, Wicklow Mountains SPA and the Knocksink Wood SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites

7<sup>th</sup> February, 2025

*Ad. O'Sullivan*

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_