



An
Coimisiún
Pleanála

Inspector's Report ACP-322912-25

Development	The reinstatement of an abandoned building back to residential use and all associated site works.
Location	Woodlands, Glen of the Downs, Delgany, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560295
Applicant(s)	Terry Kelleher
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Terry Kelleher
Observer(s)	Vanessa Davis
Date of Site Inspection	29/09/2025
Inspector	Gillian Kane

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History	7
5.0 Policy Context	7
5.1. National Planning Framework Policy	7
5.2. Wicklow County Development Plan 2022 – 2028	8
5.3. Natural Heritage Designations	12
5.4. EIA Screening	12
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Planning Authority Response	14
6.3. Observations	14
7.0 Assessment	15
7.2. Principle of Development	15
7.3. Rural Housing Policy	17
7.4. Access	18
7.5. Impact on Designated Sites	19
7.6. Site Services	19

8.0 AA Screening.....	20
9.0 Water Framework Directive	25
10.0 Recommendation	25
11.0 Reasons and Considerations.....	25
12.0 Appendix 1 - EIA Pre-Screening.....	27
13.0 Appendix 2 - EIA Preliminary Examination	28
14.0 Appendix 3 – AA Screening Determination	29
15.0 Appendix 4 Water Framework Directive	33

1.0 Site Location and Description

- 1.1.1. The subject site is located on the eastern side of a private unsurfaced narrow laneway. Access to the private laneway is via a narrow country lane known as the Old Downs Road, which itself runs north off the L5401. The private laneway serves two houses.
- 1.1.2. The site is bound to the east by the Glen of the Downs SAC, to the east of which is the N11. The subject site is overgrown, with areas of cleared ground close to the access gate. Along the north-eastern boundary, the site is heavily overgrown with a steep bank. The stone remains of the structure on site were heavily overgrown, barely visible and largely inaccessible.

2.0 Proposed Development

- 2.1. On the 18th April 2025, permission was sought for a development comprising the reinstatement of an abandoned building back to residential use (26.03sq.m.), the provision of a new vehicular access road and the provision of a new slate roof.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 9th June 2025, the Planning Authority issued a notification of their intention to REFUSE permission for the following reasons:
 1. The Council's settlement strategy is to require new housing to locate on designated housing land within the boundaries of settlements, and to restrict rural housing to those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3 of the Wicklow County Development Plan 2022 -2028. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objective CPO 6.41 of the Wicklow County Development Plan 2022 -2028 as they have not demonstrated a bona fide need for a new dwelling in the open countryside in accordance with the requirements set out in Table 6.3. The proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value. The proposed

development would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to:

- a) The failure of the applicant to demonstrate that sufficient sightlines can be achieved at the vehicular entrance onto the laneway and;
- b) The substandard nature of the access laneway in terms of width and structural condition,

The proposed development would endanger public safety by reason of serious traffic hazard due to the additional traffic turning movements generated by the proposed development and the precedent such a grant of permission would set for further similar type development on this laneway. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to Objectives of the County Development Plan 2022-2028, the Department of Environment “Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities”, 2009, and the qualifying interest of Glen of the Downs SAC, it is considered that insufficient information has been submitted to screen the development to confirm that there will be no impacts on the Glen of the Downs SAC. As such it is not possible to ascertain that the proposed development will not adversely affect the integrity of the Natura 2000 site. To determine the application in the absence of the adequate information would be contrary to the conservation objectives of the Natura 2000 sites, the Appropriate Assessment Guidelines, the policies of the County Development Plan and to proper planning and sustainable development of the area.
4. No evidence is available that the site is served by existing public water/ public sewer or that the site is suitable for septic tank effluent percolation, in the absence of such information the development would be prejudicial to public health

3.2. Planning Authority Reports

- 3.2.1. **Transportation & Infrastructure Delivery**, Executive Engineer: No observations.

- 3.2.2. **Municipal District Engineer:** 1. The applicant has not made it clear as to how foul water would be treated, i.e. there are no public foul, sewers in the vicinity and the application does not include for the provision of onsite treatment.
2. Whilst the applicant has shown that surface water runoff from the dwelling will be managed onsite by way of a soak pit to BRE 365 no infiltration tests or sizing calculations have been submitted. Results of infiltration tests and detailed sizing and design of the soak pit should be conditioned to be submitted prior to any commencement of development.
3. The applicant has not described the finish to the surface of the proposed access road nor how surface water runoff from it shall be dealt with on site.
4. The development site is close to the start of an open water course which ultimately leads to the Three Trout Stream and so items 2 and 3 above are of particular concern in this regard.
- 3.2.3. **National Road Network Office:** the development is outside the site boundary of both the N11/M11 BPIS and the N11/M11 Junction 4 – Junction 14 Improvement Scheme preferred corridors and thus not considered to have an impact.
- 3.2.4. **Planning Report:** structure on site does not appear to be 50% intact as stated in engineering report, structure is in ruins. Proposed development is not consistent with Objective 6.43 and must be assessed as a new dwelling under 6.41. No evidence of housing need submitted. Proposed 23.06sq.m. dwelling does not meet requirements of the Quality Housing for Sustainable Communities whereby at least 44sqm is required for 1 bedroomed single storey house or 37sq.m. studio. Poor location to rear of agricultural fields, 250m from the vehicular entrance off the local laneway at the bottom of a steep embankment bordering the Glen of the Downs SAC. Proposed driveway across field is excessive, no details of sightlines or setting back of entrance. Development bounds the SAC, would require removal of existing mature trees. Site does not have access to public mains or sewer. There may be drainage ditches to the south of the site which may create a hydrological connection to the SAC and further information would be required to determine this. No details were received regarding the WWTS which would be required for the proposed development. Furthermore, any development works may have an impact on the qualifying interests including Old Oak Woodlands. Therefore, it cannot be concluded

that the proposed development would not have a negative impact on this Natura 2000 site. Refusal recommended on four grounds.

3.3. Prescribed Bodies

3.3.1. **TII:** The Authority will rely on the planning authority to abide by official policy in relation to development on/ affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). In particular, the Planning Authority should ensure the following:

- protect the substantial investment being made by Government in upgrading national roads,
- maintain the intended transport function, traffic carrying capacity and efficiency of the network of national roads,
- ensure that traffic hazards for road users are not created and thereby maintain the safety of the network of national roads,
- extend the service life of the national road network, thereby deferring to the longer term the need to reinvest in further road improvements and the construction of new roads which would have implications for landowners, local communities, the environment and public expenditure,
- protect the routes of future roads, including road upgrades, from development.

3.4. Third Party Observations

3.4.1. One objection to the proposed development stated that the structure on site is a ruin, that the access road is unsuitable, that there were inaccuracies / omissions in the development form and that the development did not comply with planning policy.

4.0 Planning History

4.1.1. None on the subject site.

5.0 Policy Context

5.1. National Planning Framework Policy

5.1.1. Objective 19: 'Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter

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

5.2. Wicklow County Development Plan 2022 – 2028

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

5.2.2. **Section 6.3.8** provides details on the County Development Plans policies on rural housing. This section of the plan refers to NPO19 and states 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*”.

5.2.3. **National Policy Objective 19** Ensure in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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

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

- 5.2.4. **CPO 4.10** To support the sustainable development of rural areas by encouraging growth while managing the growth of areas that are under strong urban influence to avoid over-development.
- 5.2.5. **CPO 6.36** Urban generated housing shall not be permitted in the rural areas of the County, other than in rural settlements that have been deemed suitable to absorb an element of urban generated development as set out in the Settlement Strategy.
- 5.2.6. **Objective CPO 6.41** aims to facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3.

Table 6.3 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.

5.2.7. **CPO 17.35** All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

- 5.2.8. **CPO 13.16** Permission will be considered for private wastewater treatment plants for single rural houses where: - the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area; - the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003); - the proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals"; and - in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

5.3. **Natural Heritage Designations**

- 5.3.1. The subject site lies adjacent to the boundary of The Glen of the Downs SAC (000719). Other designated sites within 15km are:

- Carriggower Bog SAC (000716)
- The Murrough SPA (004186)
- Bray Head SAC (000714)
- The Murrough Wetlands SAC (002249)
- Wicklow Mountains SAC (002122)
- Wicklow Mountains SPA (004040)
- Ballyman Glen SAC (000713)
- Knocksink Wood SAC (000725)
- Rockabill to Dalkey Island SAC (003000)

5.4. **EIA Screening**

- 5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this

report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:

- Disagrees with the Planning Authority decision that the proposed development is new housing – it is clearly a renovation of a derelict house.
- CPO6.43 supports the conversion or reinstatement of abandoned residential buildings where the original walls are substantially intact, the building is of local, visual architectural or historical interest and the building must be capable of undergoing rebuilding with the original appearance substantially retained.
- The application was for the reinstatement and re-roofing of a cottage in its original footprint and local need restrictions do not apply.
- A commitment was given to reinstate the building in a sensitive manner.
- The age of the building and its appearance on historical maps shows historical and local interest.
- The development plan, in accordance with the Planning and Development Act 2000, as amended, states that reinstatement will rather than may be supported so the refusal is unwarranted and should be overturned.
- The property has significant frontage on the access road and sufficient sightlines can be accommodated by way of condition.
- Section 5.51-2 of the Guidance on Appropriate Assessment for Planning Authorities states that applications for permission where the nature of the development clearly indicates that an AA is not required, irrespective of

whether the site is located within or outside a Natura 2000 site. Given that the application concerns the rebuilding of domestic residence, which will not result in increased water loading or other significant environmental impacts, it is clear that neither AA or NIS is required.

- In common with other houses in the area, it is accepted that water and sewerage need to be accommodated. The AA guidelines allow for the reinstatement of a residential building where no increased waste water and water loading area required.
- The Coimisiún is requested to overturn the decision of the Council.
- The appeal is accompanied by a copy of the cover letter, a copy of the structural engineering report, and a Certificate of Compliance with Building Regulations, all as submitted to the Planning Authority at application stage.

6.2. Planning Authority Response

6.2.1. None on file.

6.3. Observations

6.3.1. Vanessa Davis, of The Downs has submitted an observation on the first party appeal, which can be summarised as follows:

- Surprised that the applicant has appealed the decision of the Planning Authority.
- No adherence to the County Development Plan, particularly CPO 6.43.
- Clear that the existing structure is ruinous, no fully intact walls or roof and cannot be considered an abandoned residential building.
- Small number of wall stumps does not constitute a building and cannot be considered under CPO6.43.
- The application should have been invalidated as the application form incorrectly stated that there was mains sewer and an existing water supply. No evidence that the site is suitable for foul drainage.
- Applicant is not native to the area and does not comply with Objective CPO6.41. Planning Authority first reason for refusal is correct.

- No sightlines available. Lengthy access will create a scar on the landscape in a highly visible Glen of the Downs SAC. Planning Authority reason no. 2 is clear.
- Granting permission would create a dangerous precedent for future similar developments and would contradict the development plan.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the appellants and the planning authority. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Access
- Site Services
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The Planning Authority's first reason for refusal referred to their housing strategy, Objective 6.41 of the development plan, and that the applicant has not demonstrated a bona fide need for a new dwelling in the open countryside. The appellant states that the proposed development is the reinstatement / renovation of an existing dwelling and that this form of development is supported by Objective 6.43. The appellant submits that local need restrictions do not apply.

7.2.2. The application was accompanied by a Structural Survey Report and a Certificate of Compliance with Building Regulations, both dated April 2025. The structural survey does not include photographs. I note that the certificate of compliance states that "*I confirm that the reinstatement work has been carried out in substantial compliance with the relevant Building Regulations and Planning Permissions...*" The Coimisiún will note that no reinstatement works have been carried out, so I am unclear with what the certificate demonstrates compliance.

- 7.2.3. The structural survey report states that the rear wall of the structure “*is complete and structurally sound*”, that the front and side walls “*have suffered varying degrees of damage but remain partially intact*” and that as greater than 50% of the original walls remain, the structure meets the definition of “substantially intact”.
- 7.2.4. I refer to the Coimisiún to the site photographs on the Planning Authority file (both from the applicant and those taken by the planning officer) and those taken on my site visit. The photo submitted by the applicant as part of the cover letter is not dated and shows part of three low stone walls. The Planning Authority photographs taken at some point before June 2025 show one low stone wall, and three stone mounds. My photographs from a site visit in late September 2025 show a completely overgrown plot, with no access to the stated location of the structure. There was no evidence of a complete and structurally sound rear wall or partially intact front / side walls as stated in the structural report. I am satisfied that, as per the Planning Authority assessment, the structure on site is in ruinous condition.
- 7.2.5. There is no evidence on file that the structure on site was a residential structure. Google map imagery from 2008 to date shows no evidence of habitation on the subject site.
- 7.2.6. Objective 6.43 of the development plan provides for the conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets certain criteria. The four criteria are that the original walls must be substantially intact, that the rebuilding of structures of a ruinous nature will not be considered. I do not consider the subject structure to meet this criteria; the walls are not substantially intact and the structure is clearly in a ruinous condition. The second criteria is that buildings must be of local, visual, architectural or historical interest. The appellant submits that the age of the structure and its appearance on historical maps demonstrate that it is of significant historical and local interest. I do not accept this reasoning. The age of a structure is not what determines its historical or local interest. No evidence of the former use of the structure, its role in the surrounding local area or its provenance has been submitted. There is no evidence that the structure has any historical or local interest. The third criteria is that the buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained. The very small extent of the structure remaining (if any) is such that conversion is

simply not possible. The term 'conversion' implies a change from one use to another, not an entire and complete rebuilding. The rebuilding of the structure to the point that the original appearance is substantially retained, is also not possible, given that there is no evidence or remnant of the original appearance. The final criteria in Objective 6.43 is that proposed works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications. The appellant indicated their willingness to comply with this requirement.

7.2.7. I am not satisfied that the structure on site constitutes an existing dwelling or that there is evidence that it ever was a residential property and is now abandoned. I am not satisfied that the subject structure on site complies with the requirements of Objective 6.43. I am not satisfied that the structure on site is substantially intact, is capable of rebuilding, is of any local or historical interest and I cannot definitively state that the structure is an abandoned residential building. I concur with the assessment of the Planning Authority that the proposed development represents a new dwelling in the open countryside and must be assessed as such. The appellants grounds of appeal under reasons no. 2 and 3 (that the development is reinstatement of an existing dwelling) therefore fall away.

7.2.8. I note that at 26sq.m. the proposed development would not comply with the Quality Housing for Sustainable Communities, which requires a minimum of 44sqm for 1 bedroomed single storey house or 37sq.m. studio.

7.3. Rural Housing Policy

7.3.1. As noted above, I consider the proposed development to be a new dwelling in the open countryside. The application must therefore be assessed against the rural housing policy of Wicklow County Council. The Planning Authority's rural housing policy is set out in section 6.3.8 of the 2022 plan. This section of the plan notes that the policy is consistent with NPO 19 which seeks to ensure that a distinction is made between areas under urban influence and elsewhere. In rural areas under urban influence, single housing in the countryside is based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria. All of Wicklow's rural areas are considered to be areas under urban influence (section 6.3.8 refers).

- 7.3.2. Objective 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. This is followed up by policy CPO 6.41 which 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.
- 7.3.3. The applicant has provided no evidence of a demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3. Given the acknowledged need of the development plan to protect the open countryside from inappropriate development, and the objective of the development plan to locate new housing development on suitable zoned or designated land, it is considered the need for new one-off house in the open countryside must be robustly demonstrated. The applicant has provided no evidence of compliance with the policy.

7.4. Access

- 7.4.1. The Planning Authority's second reason for refusal refers to traffic hazard, lack of sufficient sightlines and the substandard nature of the access laneway in terms of width and structural condition.
- 7.4.2. The appellant states that with a large road frontage, sufficient sightlines can be achieved by way of condition. I note that the appellant did not take the opportunity to demonstrate that this was achievable. Nor did the appellant address the width or the structural condition of the laneway. The private laneway serving the subject site and the adjoining residential property is unsurfaced, narrow and has poor vertical and horizontal alignment. It has not been demonstrated that the laneway could safely accommodate the traffic that would be generated by an additional residential property. I concur with the assessment of the Planning Authority that the proposed development would create a traffic hazard and would create an undesirable precedent.

7.5. Impact on Designated Sites

- 7.5.1. The Planning Authority's third reason for refusal refers to the impact of the proposed development on the adjoining Glen of the Downs SAC. The reason states that as insufficient information has been submitted to screen the development, it is not possible to ascertain that the proposed development would not adversely affect the integrity of the Natura 2000 site.
- 7.5.2. In response, the appellant states that as the development concerns the rebuilding of a domestic residence and will not result in increased waste water loading or other significant environmental impacts, that neither an AA or an NIS is required. As stated above, the proposed development does not comprise the rebuilding of a domestic residence, there is no waste water currently or recently generated on site and no current water demand. Therefore, any development on site *would* create an increase in water loading and waste water disposal. The proximity of the subject site to the adjoining Glen of the Downs SAC is addressed in greater detail in section 8.0 and Appendix 3 below.

7.6. Site Services

- 7.6.1. The Planning Authority's final reason for refusal states that it has not been demonstrated that the site is served by existing public water / public sewer or that the site is suitable for septic tank effluent percolation. The appellant states that "water and sewerage will need to be accommodated" and states that no increased wastewater and water loading are required.
- 7.6.2. The appellant has not indicated how the water and sewerage will be accommodated. Simply stating that they will be accommodated is not sufficient. Further, given that the existing structure is not an existing dwelling in habitable use, there *would* be an increase in waste water and water loading. Therefore, documentary evidence that same can be achieved is required.
- 7.6.3. I note the report of the Municipal Engineer of the County Council that no infiltration tests or sizing calculations have been submitted, and that the site is close to the start of an open water course which ultimately leads to the Three Trout Stream and so the treatment of foul and surface water is of utmost importance. This is addressed in greater detail in section 9.0 below.

- 7.6.4. I share the concerns of the Planning Authority that the proposed development if permitted would be prejudicial to public health. I note Objective CPO 13.16 of the development plan which states that permission will be considered for private wastewater treatment plants for single rural houses where the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area, where the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003), where the proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals" and where the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents. The proposed development does not comply with Objective CPO13.16.

8.0 AA Screening

- 8.1.1. The subject site directly adjoins the boundary of the Glen of the Downs SAC. The proposed development has no potential source pathway receptor connections to any other European Sites.
- 8.1.2. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of: • Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites; • Distance and nature of pathways (dilution and dispersion;

intervening ‘buffer’ lands, roads etc.); and • Sensitivity and location of ecological features 8.4.3. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

European Site Site Code	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
The Glen of the Downs SAC (000719)	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	Adjoining	Yes. Hydrologically connected via stream	Yes
Carriggower Bog SAC (000716)	Transition mires and quaking bogs [7140]	c. 5km south west	No	No
The Murrough SPA (004186)	Red-throated Diver (<i>Gavia stellata</i>) [A001] Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Herring Gull (<i>Larus argentatus</i>) [A184] Little Tern (<i>Sterna albifrons</i>) [A195] Wetland and Waterbirds [A999]	c. 5km east	No	No

Bray Head SAC (000714)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	c. 5.2km north east	No	No
The Murrough Wetlands SAC (002249)	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Alkaline fens [7230]	c. 6km south west	No	No
Wicklow Mountains SAC (002122)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130]	c. 7km west	No	No

	Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] <i>Lutra lutra</i> (Otter) [1355]			
Wicklow Mountains SPA (004040)	Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]	c. 7km south west	No	No
Ballyman Glen SAC (000713)	Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] Alkaline fens [7230]	c. 9km north	No	No
Knocksink Wood SAC (000725)	Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]	c. 9km north west	No	No

	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]			
Rockabill to Dalkey Island SAC (003000)	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	c. 13 north east	No	No

- 8.1.3. I am satisfied that the potential for likely significant effects on the qualifying interests of 9 no. sites (Carriggower Bog SAC, The Murrough SPA, Bray Head SAC, The Murrough Wetlands SAC, Wicklow Mountains SAC, Wicklow Mountains SPA, Ballyman Glen SAC, Knocksink Wood SAC and Rockabill to Dalkey Island SAC) can be screened out from further assessment due to the nature of the qualifying interests of sites and the intervening distances which are considered sufficient to negate any potential for significant disturbance / displacement impacts.
- 8.1.4. The Planning Authority noted that the site is close to the start of an open water course which ultimately leads to the Three Trout Stream. Due to the hydrological connection between the appeal site and the Glen of Downs SAC a more detailed Screening Assessment is required. No information has been presented with the application regarding foul or surface water disposal, nor has the proximity of the subject site to the SAC been considered by the application. This is addressed in Appendix 3 below.
- 8.1.5. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site.
- 8.1.6. In such circumstances the Board is precluded from granting approval/permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

9.0 Water Framework Directive

- 9.1.1. The site is close to the start of an open water course which ultimately leads to the Three Trout Stream (Three Trouts Stream_010). This is addressed in Appendix 4 below.
- 9.1.2. As no information, details, or proposals have been provided regarding the proposed surface water and foul water disposal or water supply, I cannot conclude, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently could be excluded from further assessment.
- 9.1.3. Given the substantive reasons for refusal raised above however, I do not recommend this issue form a reason for refusal, should the Coimisiún decide to refuse permission.

10.0 Recommendation

- 10.1.1. I recommend permission be REFUSED for the following reasons and considerations:

11.0 Reasons and Considerations

- 1 The site of the proposed development is located within an area that is designated as Level 10, (the Rural Area) settlement, within the Wicklow County Developed Plan 2022-2028 and 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, objective CPO 6.41 of the Wicklow County Development Plan 2022-2028 facilitates residential development in the open countryside for those with a housing need in line with National policy Objective 19 of the National Planning Framework. Having regard to the documentation submitted with the planning application and the appeal, the Coimisiún is not satisfied that the applicant has demonstrated Economic or social need to live in this world area or that the housing need of the applicant could not be met in a smaller town or rural settlement. As set out in the development plan for the area guidelines and national policy of a house at this

location. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria. The proposed development would therefore be contrary to Objective 6.41 of the Wicklow County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

- 2 The proposed development is located along an unsurfaced private laneway which is inadequate in width, alignment and structural conditions and would, therefore, endanger public safety by reason of traffic hazard
- 3 On the basis of the lack of information provided with the application and appeal regarding proposed means of surface and foul water disposal, and having regard to the proximity of the site to a open water body that ultimately discharges to the Three Trouts Stream, and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Glen of the Downs SAC (site code 000719) in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).'

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.



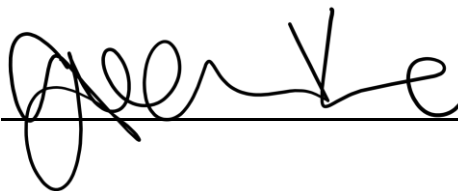
Gillian Kane
Senior Planning Inspector

03 October 2025

12.0 Appendix 1 - EIA Pre-Screening

Case Reference	ACP-322912-25
Proposed Development Summary	The reinstatement of an abandoned building back to residential use and all associated site works
Development Address	Woodlands, Glen of the Downs, Delgany, Co. Wicklow
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	10 (b)(i): Construction of more than 500 dwelling units
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector:



Date: 03/10/2025

13.0 Appendix 2 - EIA Preliminary Examination

Case Reference	ACP-322912-25
Proposed Development Summary	The reinstatement of an abandoned building back to residential use and all associated site works
Development Address	Woodlands, Glen of the Downs, Delgany, Co. Wicklow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	the development has a modest footprint, in an agricultural area, comes forward as a standalone project, does not require any demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health
Location of development	Adjacent to Glen of the Downs SAC, Glen of the Downs pNHA, AONB, Landscape Category CORRIDOR AREA Landscape Area EASTERN CORRIDOR Small development in the north-eastern section of the site, not visible
Types and characteristics of potential impacts	No potential for significant effects
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector:  Date: 03/10/2025

14.0 Appendix 3 – AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Case file: ABP-322912-25				
Brief description of project	The reinstatement of an abandoned building back to residential use and all associated site works			
Brief description of development site characteristics and potential impact mechanisms	A detailed description of the development location is provided at section 1.0 of the Inspector's Report. Potential impact mechanisms include: construction and operational phase activities.			
Screening report	no			
Natura Impact Statement	No			
Relevant submissions	Planning authority raised issues with many aspects of the development in the context of the wider environment, Inspector's Report refers.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
One European site was identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. There is no ecological justification for a wider consideration of sites, and I have only included that site with any possible ecological connection or pathway in this screening determination.				
European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
The Glen of the Downs SAC (000719)	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]		There is a direct hydrological pathway from the subject site to this SAC via	Y. Mitigation measures are required to protect

			surface water drainage	the qualifying interests of this SAC due to the direct hydrological pathway via surface water drainage. Stage 2 AA (NIS) is Required

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

The proposed development will not result in any direct effects on either the SAC or SPA. Sources of impact and likely significant effects are detailed in the Table below.

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Glen of the Downs SAC (00719)	• Habitat degradation • Dust deposition • Pollution • Silt ingress from site runoff • Downstream effects	Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run-off of pollutants during the construction phase of the proposed development.

		A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.
	Likelihood of significant effects from proposed development (alone): Yes	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species. The potential for impact is considered whereby the development would result in a significant detrimental change in surface water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface water during construction. The effect would have to be considered in terms of changes in water quality which would affect the habitats or species for which the Glen of the Downs SAC (00719) is designated.

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Glen of the Downs SAC (00719) from effects associated with the proposed development. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Screening Determination

Finding of likely significant effects

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 it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on X European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required. This determination is based on the lack of information on proposed surface and foul water disposal on site

15.0 Appendix 4 Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING						
Step 1: Nature of the Project, the Site and Locality						
An Bord Pleanála ref. no.	ACP-322912-25	Townland, address	Woodlands, Glen of the Downs, Delgany, Co. Wicklow			
Description of project		Reinstatement of abandoned building back to residential use				
Brief site description, relevant to WFD Screening,		Site is located on an elevated site, located in a very rural area. Watercourse to the east, Three Trouts Stream to the north,				
Proposed surface water details		Application states proposed development will be connected to public mains and sewer, no details provided				
Proposed water supply source & available capacity		Application states proposed development will be connected to public mains and sewer, no details provided				
Proposed wastewater treatment system & available capacity, other issues		no details provided				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

Waterbody		0.16km	Three Trouts Stream_010 IE_EA_10TO30580	Good	Not at risk	Not at risk	Possible hydrological connection to watercourse.
Groundwater Waterbody		Underlying site	IE_EA_G_076 Wicklow	Good	Not at risk	No pressures	Unknown
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION AND OPERATIONAL PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Three Trouts Stream_010 IE_EA_10TO30580	Existing watercourse	Siltation, pH (Concrete), hydrocarbon spillages	No details provided	Unknown	Uncertain
2.	Ground	IE_EA_G_076 Wicklow	Unknown	spillages	No details provided	unknown	uncertain
OPERATIONAL PHASE							
3.	Surface	Three Trouts Stream_010 IE_EA_10TO30580	Existing watercourse	Hydrocarbon spillage	SUDs features	Unknown	Uncertain

4.	Ground	IE_EA_G_076 Wicklow	unknown	Spillages	SUDs features	unknown	uncertain
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Surface Water							
Development/Activity	Objective 1:Surface Water	Objective 2:Surface Water	Objective 3:Surface Water	Objective 4: Surface Water	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)		
Reinstatement of residential building	Prevent deterioration of the status of all bodies of surface water	Protect, enhance and restore all bodies of surface water with aim of achieving good status	Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances			
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:			
Construction works	Site specific construction mitigation methods described in the CEMP e.g. silt fences, site-specific design of settlement ponds, etc	Site specific construction mitigation methods described in the CEMP e.g. silt fences, site-specific	NA	NA	YES, if proposed		

	Would be required. No details provided in application	design of settlement ponds, etc Would be required, No details provided in application			
Stormwater drainage	Adequately designed SUDs features, permeable paving etc	Adequately designed SUDs features, permeable paving etc Would be required No details provided in application	NA	NA	YES, if proposed