



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-322926-25

<b>Development</b>	Construction of a bungalow and all associated site works
<b>Location</b>	Athdown , Manor Kilbride , Blessington, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	2560300
<b>Applicant(s)</b>	Alan Jones
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Renate Roche
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29/09/2025
<b>Inspector</b>	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 .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History .....	5
5.0 Policy Context .....	5
5.1. National Planning Framework Policy .....	5
5.2. Wicklow County Development Plan 2022 – 2028 .....	6
5.3. Natural Heritage Designations .....	10
5.4. EIA Screening .....	10
6.0 The Appeal .....	10
6.1. Grounds of Appeal .....	10
6.2. Applicant Response .....	15
6.3. Planning Authority Response .....	18
6.4. Observations .....	18
6.5. Further Responses .....	19
7.0 Assessment .....	19
7.2. Rural Housing Policy .....	19
7.3. Visual Impact .....	21
7.4. Impact on Residential Amenity .....	23

7.5. Site Services .....	24
7.6. Impact on Designated Sites .....	25
8.0 Water Framework Directive .....	26
9.0 AA Screening.....	26
10.0 Recommendation .....	27
11.0 Form 1 - EIA Pre-Screening .....	29
11.1. Form 2 - EIA Preliminary Examination.....	30

## 1.0 Site Location and Description

- 1.1. The subject site is located in an open rural area of Central Wicklow, in the townland of Athdown. The site is located on the southern side of the narrow L-8380-28 local road, which leads into the R759 to the south.
- 1.2. The subject site is an open agricultural field, with extensive commercial planting to the east and west. There are two detached one-off houses to the immediate north of the site and three one-off dwellings to the south-west of the site. The site is elevated, with expansive views to the south and east.

## 2.0 Proposed Development

- 2.1.1. On the 22<sup>nd</sup> April 2025, planning permission was sought for a development comprising the construction of a single storey bungalow (184sq.m.) with on-site treatment plant, soil polishing filter and bored well on a site of 0.400ha.
- 2.1.2. The application was accompanied by a Site Characterisation Report, a letter of consent from the landowner, Visual Impact Assessment and addendum report, and documentation to support local need.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 13<sup>th</sup> June 2025, the Planning Authority issued a notification of their intention to GRANT permission subject to 14 no. standard conditions.

### 3.2. Planning Authority Reports

- 3.2.1. **EHO:** recommend approval subject to condition.
- 3.2.2. **Senior Executive Engineer: Roads:** Sightlines can be achieved in accordance with design speed required at proposed entrance with minor alterations to roadside boundary. Roadside boundary on be set back as detailed on attached site plan to achieve sightlines in accordance with current TII standards. Applicant should to be conditioned to provide a dwell area with maximum vertical gradient of 2.5% for a length of 5m at junction of private access lane and public road. **Surface water Drainage:** The development shall not compromise roadside drainage of public road in this area. Applicant to submit proposals for access lane, to prevent blockage of existing open drain.

- 3.2.3. **Planning Report:** Notes planning history on site that were refused for reasons not reacted to local need. Notes the AONB designation and that permission was refused previously on these grounds. Proposed dwelling is moved 85m north, alongside an existing residential dwelling. Visual impact mitigated to an acceptable degree. No overlooking concerns. Concern raised by engineer regarding access sightlines can be addressed by way of condition. Recommendation to grant subject to conditions.

### 3.3. **Prescribed Bodies**

- 3.3.1. None on file.

### 3.4. **Third Party Observations**

- 3.4.1. The adjoining landowner to the north of the subject site submits that the proposed development will result in a loss of residential amenity, negative impact on an AONB, insufficient separation distance between property and WWTS, impact on public water supply, impact on designated sites, no justification for development on this site, visual impact, light pollution.

## 4.0 **Planning History**

- 4.1.1. Planning Authority reg. ref. **22/1124**: Withdrawn following a recommendation for refusal in grounds of location within an AONB, prejudicial to public health, AA, and lack of housing need.
- 4.1.2. Planning Authority reg. ref. **23/60026**: Withdrawn following a recommendation for refusal in grounds of location within an AONB, prejudicial to public health and AA.
- 4.1.3. Planning Authority reg. ref. **24/60116**: Withdrawn following a recommendation for refusal in grounds of location within an AONB and being prejudicial to public health
- 4.1.4. Planning Authority reg. ref. **24/60665**: Withdrawn following a recommendation for refusal in grounds of location within an AONB, and prejudicial to public health.

## 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 subject site is located in a Level 10 rural area (open countryside). 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 6.41** Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3.

**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.

5.2.5. **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.

5.2.6. **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**

- Wicklow Mountains SAC: 500m to the North East
- Wicklow Mountains SPA: 1.5km to the south and east
- Poulaphouca Reservoir SPA 5 km to the west.

### **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 neighbouring property to the immediate north of the subject site has appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:
- The applicant has made nine separate planning applications to construct a dwelling on the subject site between 2022 and 2025.
  - All complete applications resulted in a planning report recommending a refusal of permission. (Full details submitted).
  - Proposed dwelling is 17m from appellants home, 5m from boundary wall. Clear line of sight into private residential rooms. Photos submitted.

- Proposed development would result in a significant loss of privacy, with trees providing screening only six months of the year.
- The proposed development would block the appellants view looking south and block morning sun.
- The proposed development would change the isolated rural nature of the area. Disrupting bird song, residential amenity and privacy. This was dismissed by the Planning Authority planning report.
- No site visit to the appellants property was undertaken by the Planning Authority planner and therefore the 'no concerns' conclusion is questioned.
- The Planning Authority planner's assertion regarding the building line is untrue, the proposed development will overlook the appellants front and rear gardens, vegetable garden, shomera, patio and living room.
- The google image used by the Planning Authority shows the proposed dwelling 10m closer to the road. This was the location for the earlier application in 2024 (24-60116). It is submitted that the planner failed to understand the impact of the proposed development on the appellant.
- The average distance between houses in Athdown is 68m. The planner's assertion that the proposed 17m is acceptable is entirely subjective.
- The appellant notes the report of Fergal Keogh at the end of the planning report regarding the impact on rural isolation and states that this important criteria is just as important as the overall amenities of the area.
- There is no mitigation provided by the proposed separation distance, as suggested by the Planning Authority planner. No amount of landscaping will reduce the noise from a house 4m from the appellants boundary.
- Substantial landscaping would result in a serious loss of view and light.
- The planners report failed to assess the proposed development against Appendix 2 Single Rural Houses Design Guidelines of the WCC development plan 2022-2028.
- CPO6.45 of the development plan states that rural development should not unduly detract from the residential amenity of existing properties.

- The 17m between the appellants and proposed house is out of character with the area. Details submitted of distances between houses in the area, shows proposed dwelling would be 30% closer than any other two houses, 2.5 times close than the average and 3.5 times closer than existing.
- The proposed development would detract from the visual amenity of the AONB, contrary to CPO6.45 and CPO6.46.
- It is submitted that it was not the intention of WCC to create a rural cluster at such a high elevation in an AONB, which can be seen from a protected prospect (R579) and as far away as the L6050 Glenmore Road, 11.59km from the site.
- The planning report erred when referring to the development as a cluster. A cluster is three or more houses, visibly and functionally related and perceived as a cohesive grouping.
- Previous planning reports highlighted the detrimental impact on the highly sensitive landscape of outstanding natural beauty. In the current application, this primary reason for refusal is not mentioned, despite the fact that the applications are identical and that the reports are all written by the same WCC planner. It is difficult to understand how this reason for refusal was omitted from the planning history of the subject application.
- The statement that the proposed development is “an improvement on previous proposals’ is misleading as it is identical.
- As the design, finish and location proposed are the same as those previously recommended for refusal, the assessment that the development is acceptable is incomprehensible.
- The landscape plan submitted with the current application is identical to the previous applications, and not a ‘new’ plan as claimed by the planner.
- The proposed development involves substantial ground works and driveway intrusion in an AONB with high vulnerability. No VIA was submitted, despite a change of over 85m from the previous VIA. The proposed development does not meet the ‘very high standard of siting and landscaping in AONB’ required by section 17.3 of the development plan.

- The subject site is visible from the R759, a designated protected prospect in the development plan. The site is currently obstructed by a large Coillte plantation, but will be visible when the forest is felled. This was noted in previous planning assessments.
- The site is visible from the Old Stone Road, with a clear view for 1.2km.
- The site can be seen from the Blessington Bridge, 7.5km as the crow flies.
- The site can be seen from the L6050 Glenmore Road, 11.59km as the crow flies.
- The proposed development would have a significant visual impact on views of the Wicklow Mountains National Park, with lights detracting from the dark silhouette.
- Many of the large mature trees on the appellants property are suffering from ash-dieback and will need to be felled.
- The proposed WWTS and polishing filter are 4m from the appellants boundary, 6m from her shomera and 8m from her vegetable garden. This undermines the EPA Code of Practice.
- The site characterisation report is dated January 2022 and was submitted with the first planning application. The WWTS has been moved 30m from the original trial hole location. A new site characterisation was not submitted and is in breach of section 6.3.4 of the EPA CoP.
- The minimum distance between buildings is 7m, yet the proposed WWTS is 6m from the appellants shomera.
- The risk of odour, pollution is relevant as the proposed polishing filter is up-hill and cross gradient. The EPA recommends greater distances in such instances.
- In 2003 a spring appeared at the location of the proposed dwelling, flowing down to the appellants shomera. The uncle of the applicant had full knowledge of a hole, trench and the laying of a 100m pipe to divert the water away from the shomera.
- A proper assessment would have shown the spring. Natural springs must be treated as a water source and appropriate distances applied.

- Given the springs emerge seasonally and are possibly hydrologically connected to a nearby stream or SPA catchment (Poulaphouca reservoir), the precautionary principle for AA and EPA must apply.
- A hydrological assessment must be undertaken to determine if there is a spring within 30m of the proposed polishing filter.
- Surface water flow from the public road to a drain along the appellants drive and into the field directly uphill of the proposed WWTS. During heavy rain, water will flow directly down on the proposed WWTS.
- The proposed WWTS polishing filter is not 10m from a surface water feature and therefore is not compliant with the EPA CoP.
- The site is within the Liffey Catchment and less than 100m from a stream feeding into the Poulaphouca Reservoir, a major drinking source. The Planning Authority planner stated the site is more than 100m from the reservoir in the subject application but in previous applications stated 95m. AA screening was not carried out and the precautionary principle has not been met.
- A preliminary survey showed soprano and common pipistrelle on the appellants property. Any potential for disturbance must be assessed and mitigated.
- Noise, vibration, light spill, dust / air quality, habitat fragmentation and direct disturbance during works can disturb the protected species.
- An ecological survey, a preliminary roost assessment (PRA), emergence / re-entry surveys, impact assessment, mitigation measures, timing of works, exclusion zones, sensitive lighting plans, noise reduction measures, alternative roosts, habitat enhancement and a derogation licence are typically required. A construction site within 10m poses a significant disturbance risk.
- The proposed development contravenes CPO17.4 and 17.9 of the development plan and the EPA guidance on Ecological Constraints. Permission should be refused.
- The Planning Authority planning report failed to assess whether the appellants septic tank could impact the applicants well or vice versa.

- There is an inconsistency in planning decisions for the subject site. It is submitted that WCC's assessment of the proposed development is flawed and permission should be refused.
- It is queried if WCC were involved in negotiations with the applicant, as suggested by the applicant. The objectivity of the Planning Authority is questioned.
- The housing need of the applicant is questioned. A more suitable site beside the family home should be considered. This area has less visual impact, has existing screening, has no issue with residential amenity or privacy as all neighbours are family, has proven history of suitability for WWTS, would represent a rural cluster and could utilise an existing entrance.
- In conclusion the Coimisiún is requested to refuse permission.
- The appeal is accompanied by ten appendices.

## 6.2. **Applicant Response**

6.2.1. An agent for the applicant has responded to the third party appeal. The submission provides details of the site location, the previous planning history, the proposed development, details of the decision of WCC.

6.2.2. The response can be summarised as follows:

- The VIA was prepared for a previous application but the scale and nature of the development remain materially the same. The dwelling has been repositioned and now benefits from improved integration with the landscape, resulting in a reduced visual impact. The proposed development is appropriate for an AONB.
- The Planning Authority accepted the applicant's housing need and compliance with CPO6.41.
- The proposed modest dwelling complies with CPO6.44 and CPO6.4 with regard to design in a rural area.
- The Planning Authority accepted the revised design as being in compliance with CPO6.45.

- The proposed dwelling is 17m from the adjoining dwelling and will not detract from its residential amenity.
- The applicant will enter into a section 47 agreement in accordance with CPO 6.42.
- The proposed development complies with Appendix 2 of the development plan as it avoids any ridge lines, visually exposed locations and is screened.
- The applicant will comply with the conditions of the Planning Authority decision regarding FFL, design and finishes.
- The proposed development was found by the Planning Authority to be an appropriate form of rural development in accordance with the development plan.
- The subject site is located within a Rural Area Type 10. The proposed modest dwelling on family lands is for an applicant with strong ties to the area.
- The subjective sense of isolation held by one resident does not determine the appropriateness of a development, rather the overall impact on the rural area.
- The Planning Authority assessment states that the proposed development is considered an improvement on previous applications.
- The proposed development is not suburban, but a typical dispersed rural settlement pattern permitted under the development plan.
- The average separation distances noted by the appellant are not planning policy. The 17m separation distance between the appellant and applicant site, combined with landscaping, screening and single storey form is appropriate.
- The development plan relies on context-sensitive parameters, landscape setting and design mitigation.
- The landscape plan provides for a northern boundary of two rows of new hedgerow planting.
- Given that no planning permission has been found for the shomera, it cannot be given material consideration.
- No technical evidence has been used to support the appellants claim of noise and light disturbances. Rural dwellings do not typically introduce intense levels of



activity or light disturbance. The proposed dwelling has been designed and sited to reduce impacts.

- The relocation of the proposed dwelling 85m to the north, away from the most exposed section of sloping field and closer to existing dwellings, improved boundary planting and landscape integration are the reason the development was not considered an injury to the AONB, as in previous applications.
- The submitted VIA includes an appendix noting the dwelling has been relocated and the resultant positive effect on visual impact. The VIA provides a comprehensive and representative evaluation of the site's visibility in the landscape. The proposed development is in line with CPO17.36.
- The submitted VIA demonstrates the minimal visual impact of the proposed dwelling. The Planning Authority accepted that the proposed dwelling would not unduly impact the adjoining property, the AONB or a Natura site.
- The site characterisation report is still valid as the proposed system has been located in an area of similar slope, soil profile and distance from key receptors.
- The proposed WWTS and soil polishing filter were approved by the Planning Authority EHO.
- The site lies within the Liffey Catchment but outside the critical 100m threshold from a contribution stream. The appellants claim of impact on the Poulaphouca Reservoir is not supported by technical hydrological data, site surveys or verified drainage assessments.
- No active or seasonal stream is recorded within or adjacent to the application site in the site characterisation report, EPA hydrological maps or WCC maps. The nearest stream is 101.254m south of the proposed polishing filter.
- No hydrological connectivity that would trigger an AA has been identified.
- The appellants public health concerns are unsubstantiated.
- No evidence of bats has been submitted. The appellants preliminary survey is not accompanied by survey documents, methodology, independent ecological report. In the absence of a Bat Roost Survey by a licensed bat ecologist, verified

technical assessments, or photographic evidence, the assertions cannot be given material weight.

- The site is not adjoining an SPA or SAC where bats are a qualifying interest.
- Each planning application should be assessed on its own merits. Planning history provides context but does not constrain the Planning Authority.
- The Planning Authority did not ignore previous planning history, the assessment demonstrates how the current proposal has evolved. Previous applications were taken into account.
- In conclusion, the Coimisiún is requested to grant permission.

### **6.3. Planning Authority Response**

- 6.3.1. The appellants assertion that the Planning Authority does not consider the impacts on the residential amenities of neighbouring dwellings. The entire report must be read in context. The Planning Authority cannot consider impacts on residential amenities to the degree that a house owner has a desire to maintain their rural isolation and tranquillity. The Planning Authority did consider the potential impacts on the appellants dwelling. More than one site visit was undertaken. Access to the appellants property was not necessary.
- 6.3.2. The Planning Authority does not negotiate planning applications and the appellants statement is untrue. The Planning Authority was asked by an elected representative to review an application (reg. ref. 24/60665) on which a decision had not yet been made. The applicant asked to extend the time and then submitted unsolicited additional information. A note was added to the planning report. It is considered that the subject development was submitted having regard to this note, rather than the incorrectly suggested 'negotiation'.
- 6.3.3. The Coimisiún is requested to uphold the decision of the Planning Authority to grant permission.

### **6.4. Observations**

- 6.4.1. None on file.

## **6.5. Further Responses**

6.5.1. None on file.

## **7.0 Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site.. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and that these are not new issues. I will address each in turn as follows:

- Rural Housing Policy
- Visual Impact
- Impact on Residential Amenity
- Site Services
- Impact on Designated Sites

## **7.2. Rural Housing Policy**

7.2.1. The appellant submits that the applicant does not comply with the rural housing policy of the WCC development plan. 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).

7.2.2. The 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.

- 7.2.3. 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.
- 7.2.4. The Planning Authority in assessing the housing need of the applicant, noted that permission had been refused on three occasions but that none of the reasons for refusal related to housing need. The Planning Authority planning report states that “it is still considered that the applicant qualifies for a rural dwelling in this location”. The planner notes that a section 47 agreement would be sought by way of condition.
- 7.2.5. Details provided by the applicant in the current application (Part B application form) states that the applicant has lived all his life in the area (currently living with parents), that he is being given the site by his uncle, and that he is working in Hempstown Blessington (14km from the subject site).
- 7.2.6. CPO6.1 requires an applicant to show a demonstrable housing or social need to live in the open countryside. The applicant has not indicated why he requires to live on the subject site rather than in an established residential area, or on residentially zoned lands in the town he works - Blessington. I note policy CPO6.36 which states that urban generated housing will not be permitted in rural areas of the County.
- 7.2.7. Policy 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. Housing need is defined in table 6.3, with three examples of need and a fourth stated to be ‘other such circumstances that clearly demonstrate a bona fide need for a new dwelling in the open countryside’. The applicant has provided no information on his need to live in the open countryside.
- 7.2.8. Economic need is also defined in Table 6.3, as being 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. The applicant, who works in the nearby town of Blessington, has no economic need to live in the open countryside.

- 7.2.9. Social need is defined as persons intrinsically linked to a rural area. The applicant has provided details of his family home and his sisters home on the adjoining site, to the south-west of the site (on the R759). The subject site is owned by the applicants uncle. The applicant has not indicated why he cannot have a dwelling within the existing family cluster, nor demonstrated his need for a new dwelling based on his links to the rural area, other than providing information on the links.
- 7.2.10. 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. I am not satisfied that the applicant has provided sufficient evidence of compliance with the policy.

### **7.3. Visual Impact**

- 7.3.1. The subject site is located in an elevated area, with expansive views to the west and south. The corollary of that is that the site is visible from a wide area.
- 7.3.2. The site is located in an area designated as an Area of Outstanding Natural Beauty (AONB) with a 'very high' vulnerability, as per section 17.3 and Map 17.09A of the development plan. Policy CPO17.36 of the plan states that 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.

- 7.3.3. The applicant submitted a Visual Impact Assessment (VIA) with the subject application. The report is dated 22/08/022 as it appears it was undertaken for one of the previous planning applications on the site. A landscape Design Report is submitted as ‘additional notes to submitted VIA report’ dated 23.2.24. The appellant queries the reliability of the VIA given that the current application proposes a new location for the proposed dwelling. In response, the applicant’s agent states that the VIA is broadly the same, that the new location allows the dwelling to integrate better and that improved boundary planting and landscape integration are the reason the development was not considered an injury to the AONB.
- 7.3.4. The appellant is correct that the site assessed in the submitted VIA is on a different site (85m to the south), but the applicant’s agent is also correct, in my opinion, that the assessment of the VIA, which is by its nature wide-ranging, can be used as an assessment of the proposed development. Where I disagree, is in the conclusion of the applicant and the VIA. Both parties conclude that the modest scale / minimal height, retention of the skyline and distances to the public road are such that the visual impact is ‘moderate and medium term’. I do not agree with this conclusion. I consider the introduction of a further built element on to a largely undisturbed landscape to be significantly injurious and long-term. As can be seen from the views in the VIA, the subject site is conspicuous, being a break in the surrounding commercial planting. This naturally draws your eye to the site. The introduction of a built element, no matter how modest or low in height would be noticeable. The extent of visibility, due to the elevation of the site means that the change from natural landscape to built environment is significant and profound. The extent of visual impact on the lower R759 from the ribbon of one-off dwellings (applicant’s family) is clear from the VIA, particularly view 3. It is considered reasonable to protect the higher and more visible L-8380-28 local road from such a negative visual impact.
- 7.3.5. I note the WCC Design Guidelines for Single Rural Houses. The guidelines recommend “prominent and exposed sites should be avoided as well as those that would impinge on a protected landscape or view”. The guidelines advise creating a ‘cluster’ where possible and this is raised in the planning report and by the appellant. The Coimisiún will note that the Guidelines specifically advise against the creation of ribbon development in an attempt to ‘cluster’ rural development. The proposed development of a third dwelling on the local road, would form ribbon development

and not the more commonly accepted understanding of the word 'cluster' which implies 'gathering together' rather than 'side-by side'. I do not consider that the proposed development achieves the core criteria of the rural design guidelines, namely a dwelling that integrates well into an existing environment without injury to the character of the area.

- 7.3.6. The proposed development involves a significant element of cut and fill (see drawing no. ALA-JON/LMP/002a). This is contrary to the design guidelines, which recommend working 'with' the contours of the site rather than against. Policy CPO17.37 of the development plan also 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". The proposed development is considered to be contrary to policy CPO17.37.
- 7.3.7. To the south-west of the site is the R759. Map 17.11 and schedule 17.12 of the development plan list the R759 'Prospect extending from Sroughmore to Balysmuttan' as a 'prospect of special amenity value or special interest. Policy CPO17.38 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. For the reasons outlined above, it is considered that the proposed development would damage the prospect and therefore be contrary to policy CPO17.8.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The appellant submits that the 17m separation distance from her property to the proposed dwelling is insufficient to prevent injury to her residential amenity. She submits that intrusion on her privacy, impact of noise and light pollution will arise from the proximity of the proposed dwelling.
- 7.4.2. The introduction of a dwelling close to a one-off rural dwelling is undoubtedly going to change the appellants experience of her home. The Planning Authority is correct, however, that her desire to retain a rural idyll does not trump the planning considerations of a planning application on an adjoining site. Maintaining or

preserving one individual's experience of a rural area is not a relevant planning policy.

- 7.4.3. I am satisfied that the relatively small scale of the proposed dwelling, the separation distances involved, the level of screening existing and the landscaping proposed is such that there would not be a significant injury to the appellants residential amenity. Noting that a change to one's residential amenity does not necessarily constitute an injury to that amenity.

#### **7.5. Site Services**

- 7.5.1. The appellant queries the validity of the site characterisation report given that it was undertaken for a development on an adjoining site for a previous planning application. She notes that the polishing filter area is more than 30m from where the original trial holes were dug. The applicants agent states that the report remains valid as the site is in an area of similar slope, soil profile and distance from key receptors.
- 7.5.2. The Site Characterisation Report submitted with the current application is dated 2022, with trial holes dug in June 2022 and examined in July 2022. As noted above, the proposed dwelling is now located approx. 85m to the north, on a site adjoining and existing residential property. The applicant's statement of distance to key receptors is clearly incorrect. Nor is the broad statement of 'similar soil profile, similar slope' acceptable. The extent of time that has elapsed since the site assessment was carried out and the new location of the proposed WWTS and polishing filter, including their increased proximity to residential properties is such that a new site and proposal specific characterisation report is required. Further, it is noted that the appellant states that the existing driveway drainage ditch flows directly into the area of the proposed WWTS. This has not been addressed in the site assessment.
- 7.5.3. The appellant states that a seasonal stream appeared on the subject site, in the approx. location of the proposed dwelling. She states that the stream feeds into the waterbody to the south. No information to substantiate this claim has been provided.
- 7.5.4. 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. Objective CPO.13.16 seeks to retain 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. I am not satisfied that it has been demonstrated that the he proposed development complies with Objective CPO13.16.

## **7.6. Impact on Designated Sites**

- 7.6.1. The appellant states a preliminary survey undertaken on her behalf indicated evidence of two species of bat on her property and that this requires ecological consideration
- 7.6.2. The information submitted by the appellant takes the form of photos of a bat detector and screen shots. The images are not verified and not dated. While it would be unreasonable to expect the appellant to undertake the expensive and time-consuming process of a licensed bat survey, I concur with the applicants agent that they cannot be accepted as proof of the existence of protected species on the appellants site. Give the substantive reasons outlined above, I do not consider this a reason for refusal. However, should the Coimisiún decide otherwise, they may wish to address this further.
- 7.6.3. The appellant states that no AA screening was undertaken. The Coimiuiún will note that the Planning Authority did undertake AA screening. The planning report states that subject to the correct installation of the proposed WWTS and given the overall distance of the proposed site c.5km east of the Poulaphuca Reservoir, it is not considered that the proposed development would give rise to any adverse impacts on the qualifying interests and conservation objectives of any Natura Site and therefore the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.
- 7.6.4. The appellant states that the seasonal spring on site was ignored and that it could act as a pollution conduit and therefore the precautionary principle has not been met. The applicants agent states that the site characterisation report found no evidence of an active or a seasonal stream. As noted above however, the site characterisation

assessment was undertaken at a location 85m to the south of the proposed development now. The report cannot be taken as evidence that no stream exists at the location alleged by the appellant. The applicant has not provided any evidence of the stream, other than indicating that it appeared recently. I note that the EPA mapping shows no evidence of a stream on the subject site, only the existing stream to the south (Liffey\_030).

## **8.0 Water Framework Directive**

- 8.1.1. While the issue of impact on existing waterbodies was raised in the appeal, no water deterioration concerns were raised in the planning application or appeal. I have assessed the proposed development, on a greenfield site and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.
- 8.2. I conclude that 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 can be excluded from further assessment.

## **9.0 AA Screening**

- 9.1.1. Having regard to the nature and scale of the proposed development, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## 10.0 Recommendation

I recommend permission be REFUSED for the following 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 site is located in an area which is designated in the current Wicklow County Development Plan 2022-2028 as an Area of Outstanding Natural Beauty in relation to which it is a policy of the planning authority to control development in order to maintain the scenic values, recreational utility and existing character of the area. This designation and policy are considered reasonable. The proposed development would detract to an undue degree from the rural character and scenic amenities of the area. It is considered, therefore, that the proposed development would contravene this policy and be contrary to the proper planning and sustainable development of the area.

- 3 It is considered that the proposed development by reason of its prominent position would interfere with a prospect of special amenity value which it is necessary to preserve, as provide for in policy CPO17.38 of the Wicklow County Development Plan 2022-2028.

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 November 2025

## 11.0 Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-322926-25
<b>Proposed Development Summary</b>	Construction of a bungalow and all associated site works
<b>Development Address</b>	Athdown, Manor Kilbride, Blessington, Co. Wicklow
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>	<b>State the Class and state the relevant threshold</b>
<b>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)?</b>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_ **Date:** 03 November 2025

### 11.1. Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-322926-25
<b>Proposed Development Summary</b>	Construction of a bungalow and all associated site works
<b>Development Address</b>	Athdown, Manor Kilbride, Blessington. Co. Wicklow
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	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
<b>Location of development</b>  (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).	Rural area of outstanding natural beauty. Existing watercourse to the south, no environmental sensitivities.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	No potential for significant effects
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>

There is no real likelihood of significant effects on the environment.	EIA is not required.
--	----------------------

Inspector: \_\_\_\_\_ Date: 03 November 2025