



An
Bord
Pleanála

Inspector's Report ABP-310414-21

Development	An estate manager's log cabin, mechanical sewage treatment system and soil polishing filter to EPA standards and a new access.
Location	Carrigeenduff, Lough Dan, Roundwood, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20931
Applicant(s)	Gerald and Vanessa Petrie
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Gerald and Vanessa Petrie
Observer(s)	Geraldine Petrie
Date of Site Inspection	19 th January, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Carrigeenduff, Co. Wicklow, approximately 4.2km west of the village of Roundwood, where it occupies an elevated and remote hillside position on the lower eastern edge of Kanturk / Brown Mountain where the prevailing topography falls towards Lough Dan to the east. It is situated off an unsurfaced agricultural track that leads from a narrow private roadway which in turn extends from the public road c. 100m to the southeast (known locally as Carrigeenduff Lane / Shinnagh Lane) before terminating in a cul-de-sac. The surrounding landscape is dominated by the rugged terrain of the Wicklow Mountains National Park to the west / northwest and the undulating rural topography of the Lough Dan Valley to the east. The wider surrounds are of a particularly scenic quality as emphasised by their designation as an 'Area of Outstanding Natural Beauty' in the Wicklow County Development Plan.
- 1.2. The site itself has a stated site area of 0.404 hectares, is irregularly shaped, and forms part of a larger expanse of forestry / woodland. It sits above the private roadway to the south and is characterised by dense vegetative growth. Adjacent lands include planted forestry, woodland, and agricultural fields, while the Kanturk Way walking trail passes to the east of the site a short distance away.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a single-storey, log cabin / timber chalet-type dwelling house (for occupation by the applicants (i.e. Mr. Gerald Petrie) as manager of the Bracken Lodge Estate) with a stated floor area of 159.6m² and an overall ridge height of 5.35m, the design of which will employ solid Scandinavian pine logs in the external wall construction and a shallow pitched green roof (grass planting set on a growing medium over a gravel blend placed upon a roof membrane).
- 2.2. Vehicular access will be obtained via a right of way over an existing agricultural laneway which in turn extends from a private access roadway with the public road c. 100m further southeast.

2.3. It is also proposed to install a wastewater treatment plant which will discharge to a soil polishing filter while a water supply will be obtained from a new bored well on site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 10th May, 2021 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 3 No. reasons:

- Having regard to:
 - a) The location of the development in a landscape area of Outstanding Natural Beauty;
 - b) The existing listed Prospect No. 26 to Lough Dan Valley and Carrigeenduff Mountain within which the proposed development is located;
 - c) The elevated nature of the lands on which the proposed development is located; and
 - d) The loss of existing trees / hedgerows

It is considered that the proposed development would form an obtrusive feature in this landscape area of outstanding natural beauty, would interfere with prospects which are listed for preservation, and would therefore be contrary to the protection of this fragile landscape, would undermine the expressed objectives of the Council in the County Development Plan 2016 to protect such landscapes and prospects. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

- The proposed development would not represent a necessary dwelling in this landscape designated (Mountain and Lakeshore AONB) contrary to the provisions of Section 4.4 of the County Development Plan 2016-2022. These provisions are required to maintain scenic amenities, recreational utility, existing character, and to preserve views of special amenity value and special

interest and to conserve the attractiveness of the county for the development of tourism and tourist related employment.

The Council's settlement strategy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a bona fide necessity to live in the rural area instead of in existing settlements. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objective HD23 of the County Development Plan. 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 endanger public safety by reason of traffic hazard because of the inadequacy of the road network serving the site in terms of gradient / width / alignment / structural condition.

3.2. Planning Authority Report

3.2.1. Planning Reports

Details the site context, including the relevant policy considerations, and states that Objective HD23 of the Development Plan is applicable in this instance given the site location in a rural area. It proceeds to consider the submitted particulars as regards compliance with the rural housing eligibility criteria and notes that the application has been lodged with a view to providing accommodation for a manager of the Bracken Lodge Estate as opposed to a family residence. It is further noted that the applicants sold their previous dwelling to reside in an existing cottage on the estate in order to manage the wider landholding, although this arrangement has proved problematic due to the shared ownership of the property in question. In assessing compliance with the rural housing policy, the report states that the applicants' housing need has arisen from the sale of their previous property and that the need for a second dwelling on the landholding for security / maintenance purposes is unconvincing (while noting that no business plan was submitted in support of the proposal). Concerns are then raised as regards the substandard nature of the surrounding road network and the adequacy of the sightlines onto the private laneway serving the site. In terms of visual impact, reference is made to the site location on elevated lands in

an Area of Outstanding Natural Beauty and within a listed prospect (Prospect No. 26) in addition to the proposed removal of trees and the implications arising from any future thinning / harvesting activities conducted on adjoining lands. It is also suggested that the proposed wastewater treatment system could potentially result in contamination of a nearby river which flows into the Wicklow Mountains Special Area of Conservation and therefore the need for appropriate assessment cannot be screened out. The report thus concludes by recommending that permission be refused for the reasons stated (although the reason referencing an inability to rule out a significant adverse impact on the Natura 2000 site was excluded on the instruction of senior staff).

3.2.2. *Other Technical Reports*

Environmental Health Officer: No objection, subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. *An Taisce:* States that regard should be had to the following:

- The rural housing and amenity provisions of the Wicklow County Development Plan (noting that the site is in an Area of Outstanding Natural Beauty).
- The previous reasons for the refusal of PA Ref. Nos. 08/619, 15/1039 & 17/186.
- Potential adverse impacts on the Wicklow Mountains SAC (noting that the application requires screening for appropriate assessment and the potential preparation of a Natura Impact Statement).
- National Policy Objective 19 set out in the National Planning Framework, and the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*', requires applicants to establish rural generated housing need and '*ensure that key assets in rural areas such as water quality, the natural and cultural heritage and the quality of the landscape are protected to support quality of life and economic vitality*'. Section 4.5 of the Guidelines relates to the protection of water quality, referring to the protection of Irish water resources as a key national asset and requiring '*new dwellings and un-sewered rural areas is to ensure that new development is to be guided toward sites where*

acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities, for example, sites prone to extremely high water tables and flooding or where ground is particularly vulnerable to contamination’.

- The impact of the proposed effluent treatment system on both surface and ground water in conjunction with other existing, proposed and approved developments in the area to comply with the EU Groundwater Directive (80/86/EEC).
- The contribution of the proposal to dispersed rural settlement in the area, which exacerbates unsustainable dependence on private cars, as the site is not located in close proximity to existing services or public transport links.

3.4. Third Party Observations

- 3.4.1. A single submission was received from Ms. Geraldine Petrie (the applicant’s sister-in-law) which has sought to clarify that while the applicants maintain control over those lands which make up the Bracken Lodge Estate, these should be distinguished from the lands retained by the observer as part of Duff House.

4.0 Planning History

4.1. On Site:

- 4.1.1. PA Ref. No. 17186. Was refused on 2nd October, 2017 refusing Gerald & Vanessa Petrie permission for a bungalow, mechanical sewage treatment system, soil polishing filter, and all associated works.
- Having regard to:
 - a) The location of the development in a landscape area of Outstanding Natural Beauty;
 - b) The existing listed prospect within which the proposed development is located;
 - c) The elevated nature of the lands on which the proposed development is located;

d) The loss of existing trees / hedgerows and lack of assessment of same;
and

e) Lack of visual impact assessment

it is considered that the proposed development would form an obtrusive feature in this landscape area of outstanding natural beauty, would interfere with prospects which are listed for preservation, and would therefore be contrary to the protection of this fragile landscape, would undermine the expressed policy of the Council in the County Development Plan 2016 to protect such landscapes and prospects and therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

- The proposed development would not represent a necessary dwelling in this landscape designated (Mountain and Lakeshore AONB) contrary to the provisions of Section 4.4 of the County Development Plan 2016-2022. These provisions are required to maintain scenic amenities, recreational utility, existing character, and to preserve views of special amenity value and special interest and to conserve the attractiveness of the county for the development of tourism and tourist related employment.

The Council's settlement strategy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a bona fide necessity to live in the rural area instead of in existing settlements. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objective HD23 of the County Development Plan as the applicant's housing need is already being met. 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.

- Inadequate evidence is available that the site is suitable for septic tank effluent percolation and if found to be unsuitable then this development would be prejudicial to public health.
- Having regard to the location of the development within proximity to a stream that flows into the Wicklow Mountains candidate Special Area of

Conservation, and the lack of sufficient evidence with respect to the effluent disposal system, it is not possible for the Planning Authority to rule out significant adverse impacts on the Natura site and, therefore, the proposed development would be contrary to proper planning and sustainable development.

- Having regard to the inadequacy of the road network serving the site in terms of gradient / width / alignment / structural condition, it is considered that the existing road network is only suitable to cater for traffic movements generated by existing permanent native residents who are local to this particular area who are served by the existing route, and therefore to allow this development would endanger public safety by reason of traffic hazard.

4.1.2. PA Ref. No. 151039. Was refused on 5th May, 2016 refusing Gerry & Vanessa Petrie permission for a bungalow, mechanical sewage treatment system, soil polishing filter, and all associated works.

- Having regard to:
 - a) The location of the development in a landscape area of Outstanding Natural Beauty;
 - b) The existing listed prospect within which the proposed development is located;
 - c) The elevated nature of the lands on which the proposed development is located;
 - d) The loss of existing trees / hedgerows and lack of assessment of same; and
 - e) Lack of visual impact assessment

it is considered that the proposed development would form an obtrusive feature in this landscape area of outstanding natural beauty, would interfere with prospects which are listed for preservation, and would therefore be contrary to the protection of this fragile landscape, would undermine the expressed policy of the Council in the County Development Plan 2010 to protect such landscapes and prospects and therefore, the proposed

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

- The proposed development would not represent a necessary dwelling in this landscape designated (Mountain and Lakeshore AONB) contrary to the provisions of Section 6.3.2 of the County Development Plan 2010-2016. These provisions are required to maintain scenic amenities, recreational utility, existing character, and to preserve views of special amenity value and special interest and to conserve the attractiveness of the county for the development of tourism and tourist related employment.

The Council's settlement strategy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a bona fide necessity to live in the rural area instead of in existing settlements. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objective RH14 of the County Development Plan as the applicants' housing need is already met. 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.

- Inadequate evidence is available that the site is suitable for septic tank effluent percolation and if found to be unsuitable then this development would be prejudicial to public health.
- Having regard to the location of the development within proximity to a stream that flows into the Wicklow Mountains candidate Special Area of Conservation, and the lack of sufficient information with respect to the effluent disposal system, it is not possible for the Planning Authority to rule out significant adverse impacts on the Natura site and, therefore, the proposed development would be contrary to proper planning and sustainable development.
- Having regard to the inadequacy of the road network serving the site in terms of gradient / width / alignment / structural condition, it is considered that the existing road network is only suitable to cater for traffic movements generated by existing permanent native residents who are local to this particular area

who are served by the existing route, and therefore to allow this development would endanger public safety by reason of traffic hazard.

4.1.3. PA Ref. No. 08619. Was refused on 5th June, 2008 refusing Gerald & Vanessa Petrie permission for a single storey dwelling, effluent treatment system and percolation area.

- The proposed development would not represent a necessary dwelling in this rural area and would materially contravene the provisions of Sections 4.3, Chapter 3 of the County Development Plan 2004 – 2010. These provisions are required to maintain scenic amenities, recreational utility, existing character, and to preserve views of special amenity value and special interest and to conserve the attractiveness of the County for the development of tourism and tourist related employment.

The Council's settlement strategy policy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a bona fide necessity to live in the rural area instead of in existing settlements. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Policy SS8/SS9 of the County Development Plan. 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 be located in an Area of Outstanding Natural Beauty Landscape Zone as designated in the current Wicklow County Development Plan where it is the policy of the Planning Authority to resist development likely to detract from the open character and appearance of these mountain lowlands and hills, in order to preserve their scenic qualities it is required that any application for permission in such zones be accompanied by a Visual Impact Assessment. Given the lack of such an assessment and adequate proposals to deal with any visual impact, the Planning Authority is not satisfied that the proposed development would not form an unduly intrusive feature of the landscape contrary to the provisions of the County Development Plan and to the proper planning and development of the area.

- The proposed development would endanger public safety by reason of serious traffic hazard because the existing road network is substandard and cannot cater for additional traffic movements.

4.1.4. PA Ref. No. 964893. Was refused on 20th December, 1996 refusing Karin Petrie permission for a dwelling.

5.0 Policy and Context

5.1. National and Regional Policy

5.1.1. The ‘*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*’ promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. The proposed development site is located in an ‘*Area under Strong Urban Influence*’ as indicatively identified by the Guidelines.

5.2. Development Plan

5.2.1. ***Wicklow County Development Plan, 2016-2022:***

Chapter 3: Settlement Strategy:

Level 10: The Rural Area:

Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focused on ensuring that the scenic value, heritage value and / or environmental / ecological / conservation quality of the area is protected.

Chapter 4: Housing:

Section 4.3: Key Housing Principles:

Section 4.3.5: Rural Housing:

As set out in Chapter 3 of this plan, rural housing in County Wicklow requires to be managed, to protect the County’s pristine landscapes and natural resources, to avoid

urban generated rural housing and to ensure the needs of those with a bona fide necessity to live in the rural area are facilitated.

Section 4.4: *Housing Objectives:*

HD1: 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 to those with a housing, social or economic need to live in the open countryside.

HD3: All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards document appended to this plan, which includes a Wicklow Single Rural Houses Design Guide.

HD16: Temporary residential structures (e.g. mobile homes, caravans, cabins, portacabins etc) form a haphazard and substandard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of an area. Therefore, permission will generally not be granted for such structures.

HD20: 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 (see objective HD19).

HD23: Residential development will be considered in the open countryside only when it is for those with a definable social or economic need to live in the open countryside.

Residential development will be considered in the countryside in the following circumstances:

1. A permanent native resident seeking to build a house for his / her own family and not as speculation. A permanent native resident shall be a person who has resided in a rural area in County Wicklow for at least 10 years in total (including permanent native residents of

levels 8 and 9), or resided in the rural area for at least 10 years in total prior to the application for planning permission.

2. A son or daughter, or niece/nephew considered to merit the same position as a son/daughter within the law (i.e. when the uncle/aunt has no children of his/her own), of a permanent native resident of a rural area, who can demonstrate a definable social or economic need to live in the area in which the proposal relates and not as speculation.
3. A son or daughter, or niece/nephew considered to merit the same position as a son/daughter within the law (i.e. when the uncle/aunt has no children of his/her own), of a permanent native resident of a rural area, whose place of employment is outside of the immediate environs of the local rural area to which the application relates and who can demonstrate a definable social or economic need to live in the area to which the proposal relates and not as speculation.
4. Replacing a farm dwelling for the needs of a farming family, not as speculation. If suitable the old dwelling may be let for short term tourist letting and this shall be tied to the existing owner of the new farm dwelling where it is considered appropriate and subject to the proper planning and development of the area.
5. A person whose principal occupation is in agriculture and can demonstrate that the nature of the agricultural employment is sufficient to support full time or significant part time occupation.
6. An immediate family member (i.e. son or daughter) of a person described in 5, who is occupied in agriculture and can demonstrate that the nature of the agricultural employment is sufficient to support full time or significant part time occupation.
7. A person whose principal occupation is in a rural resource-based activity (i.e. agriculture, forestry, mariculture, agri-tourism etc.) can demonstrate a need to live in a rural area in order to carry out their 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.

8. A close relative who has inherited, either as a gift or on death, an agricultural holding or site for his/her own purposes and not for speculation and who can demonstrate a definable social and / or economic need to live in the area to which the proposal relates.
9. 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 as at 11th October 2004 for at least 10 years prior to the application for planning permission and not as speculation.
10. An emigrant who qualifies as a permanent native resident, returning to a rural area in County Wicklow, seeking to build a house for his/her own use not as speculation.
11. Persons whose work is intrinsically linked to the rural area and who can prove a definable social or economic need to live in the rural area.
12. A permanent native resident that previously owned a home and is no longer in possession of that home (for example their previous home having been disposed of following legal separation / divorce / repossession, the transfer of a home attached to a farm to a family member or the past sale of a home following emigration) and can demonstrate a social or economic need for a new home in the rural area.
13. Permanent native residents of moderate and small growth towns, seeking to build a house in their native town or village within the 60kph / 40mph speed limit on the non-national radial roads, for their own use and not as speculation as of 11th October 2004.
14. A person whose business requires them to reside in the rural area and who can demonstrate the adequacy of the business proposals and the capacity of the business to support them full time.

15. Permanent native residents of the rural area who require 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.
16. 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.

In the event of conflict of any other settlement strategy objective / Landscape Zones and categories, a person who qualifies under policy HD23 their needs shall be supreme, except where the proposed development would be a likely traffic hazard or public health hazard.

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

HD24: Where permission is granted for a single rural house, the applicant will be required to lodge with the Land Registry a burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling for a period of 7 years to the applicant, or to those persons who fulfil the criteria set out in Objective HD23 or to other such persons as the Planning Authority may agree to in writing.

Chapter 10: Heritage:

Section 10.3: Natural Heritage and Landscape:

Section 10.3.9: Wicklow's Landscape:

1. The Mountain and Lakeshore Area of Outstanding Natural Beauty:

1(a) - The Mountain Uplands:

The central mountain upland area extends from the Dublin border in the north of the County at Kippure towards Aughrim in the south and from east of the Glen of Imaal as far as west of Roundwood Village. A key characteristic of this area is mountainous topography with U-shaped valleys, lakes and glacial topography. This area generally relates to lands immediately surrounding and above the 300m+ contour line.

NH49: 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 this plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

NH50: 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.

NH51: 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.

Section 10.3.10: *Views and Prospects:*

NH52: To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

Schedule 10.15: Prospects of Special Amenity Value or Special Interest:

No. 26 - Lough Dan Road (L10591): Prospect to Lough Dan Valley and Carrigeenshinnagh Mountain

Appendix 1: Development and Design Standards:

Section 11: Heritage: Natural Heritage: AONB and other sensitive landscapes:

Development proposals in Areas of Outstanding Natural Beauty and other sensitive landscapes shall require a Landscape Impact Assessment to assess the visual impact of the development (including any ancillary works) on the landscape and to outline mitigation measures to reduce the impact of the development. At the discretion of the Planning Authority, smaller scale works that would be unlikely to impact on the landscape, such as dwelling extensions, will not be subject to this requirement.

Appendix 2: Wicklow County Council: Single Rural Houses: Design Guidelines for New Homes in Rural Wicklow

Appendix 5: Landscape Assessment:

Section 4.5: Wicklow's Landscape Areas:

Section 4.5.1: The Mountain and Lakeshore Area of Outstanding Natural Beauty:

(a) - The Mountain Uplands:

The central mountain upland area extends from the Dublin border in the north of the County at Kippure towards Aughrim in the south and from east of the Glen of Imaal as far as west of Roundwood Village. A key characteristic of this area is mountainous topography with U-shaped valleys, lakes and glacial topography. This area generally relates to lands immediately surrounding and above the 300+ contour line.

Section 5: *Policy Provision:*

Section 5.3.1: *General Development Considerations (GDC)*

Section 5.3.2: *The Mountain Uplands KDC (see Appendix 4 Map 10.13(b)):*

1. All developments within the Mountain Uplands AONB landscape area shall be accompanied by a detailed justification of the need for the proposed development at this location.
2. Where development is to be permitted within the Mountain Uplands AONB landscape area a very high standard of siting, design and landscaping will be required in order to ensure that the proposed development will be assimilated into the existing landscape.
3. To ensure that developments on steep slopes (i.e. 10%) will not be conspicuous or have a disproportionate or dominating visual impact on the surrounding environment as seen from relevant scenic routes and settlements.
4. To maintain the favourable conservation status of existing natural habitats including Natura 2000 sites (SACs and SPAs) and Annex I-Habitats and Annex II-Animal and Plant species within this Mt. Uplands AONB landscape area.
5. To support and facilitate in co-operation with relevant bodies, the provision of amenity routes within and adjoining the Mountain Uplands AONB landscape area in a manner which does not detract from the scenic nature of the area.

The proposed development site is located within '*The Mountain Uplands AONB*' landscape category as detailed in Figure 4.11: '*The Landscape Category Map*' and Map 10.13(b) of the Landscape Assessment.

5.3. **Natural Heritage Designations**

- 5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:
- The Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 180m east of the site.

- The Wicklow Mountain Special Protection Area (Site Code: 004040), approximately 380m northwest & south of the site.
- The Vartry Reservoir Proposed Natural Heritage Area (Site Code: 001771), approximately 4.4km east of the site.
- The Carriggower Bog Special Area of Conservation (Site Code: 000716), approximately 8.0km northeast of the site.
- The Carriggower Bog Proposed Natural Heritage Area (Site Code: 000716), approximately 8.0km northeast of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and small scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- By way of background, the Bracken Lodge Estate has been owned by the Petrie family since 1959 while the adjacent lands of Duff House are owned and occupied by Mr. Gerald Petrie's elderly sister-in-law, Ms. Geraldine Petrie. Both the estate and Bracken Lodge itself (a small pre-famine, two-bedroomed cottage) are co-owned by Mr. Petrie and his five siblings with the applicants residing in the cottage when permitted by Mr. Petrie's siblings (who have equal rights to its occupation).

In recent years, insurance companies have refused to cover the estate in the absence of a permanent security presence. Moreover, recreational activities and incidences of trespass, especially during the summer season, have given

rise to a need for a permanent presence on site in order to manage the lands. Therefore, Mr. Gerald Petrie has been tasked with the responsibility of managing the family estate and thus the applicants have occupied Bracken Lodge on a semi-permanent basis for the last five years, although the situation is unsatisfactory as they have had to vacate the cottage regularly to allow its use by other family members.

- The applicants sold their house in Ballynahinch, Ashford, Co. Wicklow, in 2015 because they needed to live on the Bracken Lodge Estate in order to manage it (as agreed with the wider Petrie family) and to finance the construction of proposed estate manager's house. It was not considered possible to continue to live in Ballynahinch while managing the estate.
- The applicants do not own any other property or houses.
- Mr. Petrie has been managing the estate since 2005, however, he can only occupy Bracken Lodge when other family members do not wish to stay there as he has no right to sole occupation.
- It is acknowledged that the proposed log cabin will function as an estate manager's house and that its occupation will be limited to the manager of the Bracken Lodge Estate only.

Objective HD 23 of the Wicklow County Development Plan states that new residential development will be considered in the open countryside when it is for those with a definable social or economic need to live in the open countryside. In this regard, it is submitted that the applicants have a demonstratable economic need to live at Lough Dan given that the management of the Bracken Lodge Estate amounts to a rural resource-based activity which is specifically provided for under the qualifying criteria set out in items 7, 11 & 14 of Objective HD23.

- The Planning Authority has failed to consider the inherent function and use of the proposed development (when compared to previous planning proposals on site) as distinct from that of a conventional domestic dwelling.

- The management and maintenance of the Bracken Lodge Estate is of national importance given its substantial lakeshore with Lough Dan, the availability of mountain access, and its location in an Area of Outstanding Natural Beauty.
- Management of the estate includes the maintenance of pathways, forestry roads, and periodic thinning of coniferous woodland. Furthermore, due to frequent trespass, it is essential for an estate manager to be present to prevent forest fires and damage to forestry.
- In association with the County Wicklow Partnership, the Estate provides access by way of a designated walking route (known as the Kanturk Walk which forms an extension of the Wicklow Way) to Kanturk Mountain and Lough Dan. This agreement with the County Wicklow Partnership requires the active management of all such walking routes to ensure public health and safety which in turn forms part of the applicant's duties as estate manager.
- Due to increased recreational use in recent years, it has become necessary to actively police the family lands and those other parts of Lough Dan which are accessible to the public. This work involves the prevention of unauthorised camping and the clearing of rubbish & litter etc. from the beaches at the Lough's western end.
- The Bracken Lodge Estate is listed by the Wicklow Film Commission as a premium filming location and has been frequently used as such in various productions. This activity can only occur if it is facilitated by rural landowners who are available on site to deal with the multitude of issues that arise. The applicant (Mr. Petrie) has for many years been the necessary 'go-between' for various production companies and a local presence is increasingly necessary especially in relation to health and safety requirements.
- By way of precedent the Board is referred to its determination of ABP Ref. No. PL27.245764 (at Ballinastoe Wood, Roundwood, Co. Wicklow) wherein it granted permission for a dwelling house on the basis of the demand arising from a rurally based tourist business. There are many similarities between that application and the subject proposal, including the need to live in a rural area and the site location in a commercial forest.

- The Wicklow County Development Plan is proactive in terms of supporting the development of the county's rural resources, tourism, and economy, in accordance with national and regional policy. Regrettably, none of these provisions appear to have been considered in the Planning Authority's assessment.
- The proposed development is in harmony with Government policy in relation to rural areas as set out in '*Our Rural Future, 2021-2024*' (with particular reference to '*Outdoor Activity Tourism*' and the '*Creative Industries*').
- Notwithstanding that the proposed development is not a 'rural house' as such, the applicants are prepared to enter into a Section 47 agreement restricting its occupancy to estate managers or such other persons as the Planning Authority may agree in writing.
- The proposed cabin will not be visually obtrusive and will be well-screened given its location in an area of semi-mature coniferous woodland. A 15m deep buffer of conifers is to be retained between the site and the Kanturk Walk with additional evergreen hedging to be planted, if required. Similarly, a 20m buffer of conifers is to be retained between the proposed house and the private road.
- Prospect No. 26 of the Development Plan is from the end of the local road (L1059) c. 30m northeast of the application site with views towards Lough Dan and Carrigeenduff Mountain i.e. away from the site.
- The results of the drone survey submitted in support of the application demonstrate the following:
 - Cross-section 'A' comprises Local Road No. L1059. The proposed house will not be visible from any vantage point along this road.
 - Cross-section 'B' comprises views from Oldbridge and the southern extreme of Lough Dan. The proposed house will not be visible from any vantage point on this section.
 - Cross-section 'C' comprises the route to the site from Lough Dan and the lakeshore east of the site. The proposed house will not be visible from any vantage point on this section.

- It is clear from the visual impact assessment and drone footage that the proposed development will have no visual impact from any public vantage point.
- With respect to the loss of tree cover, the site comprises immature coniferous forest and the construction of the log cabin will require the removal of c. 50 No. conifers of 1.5m - 1.6m in height. All other trees on site will be retained.
- Due to the system-built nature of the cabin, which will involve the use of prefabricated panels, there will be relatively little excavation or interference with the root systems of existing trees on site. Therefore, it will be possible to construct the cabin without impacting on the remaining conifers thereby retaining their screening and biodiversity value.
- The application site is accessed via an unsurfaced laneway that opens onto a recently surfaced private road (which was improved by the Council two years ago under a Local Improvement Scheme with contributions by the local landowners).
- The private roadway is surfaced to a better quality and is wider in many places than the adjacent public road. There is also an existing surface water drain on the western side of the public road which is culverted to ensure that runoff from the roadway and the new site access will not occur.
- There is no report from the Roads Engineer on file.
- The planning report does not accurately describe the existing road condition, nor does it have regard to the fact that the applicants are already living in the area.
- The private road is satisfactorily surfaced and maintained. It is lightly trafficked and the applicants are already living in the area and managing the Bracken Lodge Estate along with the adjacent Petrie lands. There will be no increase in traffic on the local road network consequent on the proposed development and it will not constitute a traffic hazard.
- The proposed wastewater treatment system complies with the EPA Code of Practice and accords with Wicklow County Council's policies and public health standards.

- Although the case planner thought that a Natura Impact Statement may be required, both the Senior Planner and the Director of Services disagreed and excluded that reason for refusal. Therefore, it is clear that the Council's considered decision was that full appropriate assessment was not required. Given the small scale of the works involved, there is no likelihood of the proposed development impacting on any Natura 2000 site (including the Wicklow Mountains SAC / SPA). By way of further comment, the Board is advised as follows:
 - There are no wetland habitats within the Wicklow Mountains SAC / SPA in the vicinity of the application site.
 - There will only be a partial clearing of some recently planted Sika Spruce, which is not a protected habitat.
 - It is well known that conifer plantations have little impact on birds. In any event, the applicants hold a General Felling Licence which includes proposals for additional planting of conifers within the Bracken Lodge Estate.
 - There is little possible impact from the discharge of surface and ground water within the SAC. This is not considered possible due to the 150m separation distance between the proposed polishing filter and the stream that enters the Special Area of Conservation. In addition, there is excellent drainage in the forestry which serves to separate the site from the SAC.
 - No works are proposed within 200m of qualifying interests in the Wicklow Mountains SAC.

6.2. Planning Authority Response

None.

6.3. Observations

6.3.1. *Geraldine Petrie (a sister-in-law of the co-applicant, Mr. Gerald Petrie):*

- The observer is fully in favour of permission being granted and supports the statement in the grounds of appeal that the manager of the lands held in

common needs to reside on the property separate from Bracken Lodge which is used by members of the extended family when they visit the property.

- The Board's attention is drawn to an error in the application with respect to the identification of '*land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the planning application shall be outlined in blue*'. The area outlined in blue on the map submitted with the application is described as '*land owned & farmed by the Petrie family*', however, while this description is correct insofar as the lands in question are owned and farmed by the Petrie family, not all of the land is under the control of the applicants. The land associated with Duff House belongs to the observer and is not under the control of the applicants. The applicants only control those lands associated with Bracken Lodge and only own the 0.4 hectares marked in red i.e. the proposed development site.

This issue has been clarified in the grounds of appeal with the lands labelled 'Bracken Lodge' under the control of the applicants while the lands identified as 'G. Petrie' are in the ownership of the observer i.e. Geraldine Petrie.

- The walking route known as the 'Kanturk Walkway' passes through the observer's lands and she is happy that this access should continue.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Traffic implications
- Wastewater treatment and disposal

- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development / Rural Housing Policy:

- 7.2.1. In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy, it is of relevance in the first instance to note that the proposed development site is located in an '*Area under Strong Urban Influence*' as indicatively identified by the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' and that there is no further identification of rural area types at a county level contained in the Wicklow County Development Plan, 2016. The Guidelines also state that these areas will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Wicklow Town) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing same (e.g. the M11 / N11 corridor). Notably, within these '*areas under urban influence*', the National Planning Framework ('Project Ireland 2040: Building Ireland's Future') states that it will be necessary for applicants to demonstrate '*a functional economic or social requirement for housing need*' (with National Policy Objective No. 19 stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements) while the Guidelines further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.
- 7.2.2. While the Wicklow County Development Plan, 2016 does not provide any further detailed identification of rural area types at a county level in accordance with the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*', and although this omission is regrettable and is perhaps related to the specific circumstances of the county given its proximity to Dublin City and the M7 & M11 Corridors, having conducted a site inspection, I am satisfied that the proposed development site could be construed as being within an '*Area under Strong Urban Influence*' given the site

location relative to the urban centres of Wicklow Town & Greystones, the Greater Dublin Area, and the M11 / N11 Corridor.

7.2.3. Section 4.3.5: '*Rural Housing*' of the County Development Plan emphasises the need to avoid urban-generated rural housing and to facilitate those who have a 'bona fide' need to live in a rural area. In this respect I would refer the Board to Objective HD23 which states that residential development will only be considered in the open countryside when it is intended for use by persons with a '*definable social or economic need*' by reference to one of 16 No. qualifying criteria.

7.2.4. From a review of the available information, including the planning history of the site, it is apparent that the applicants have sought to establish their eligibility and need for a new dwelling house at the location proposed by placing a considerable reliance on the appointment / employment of Mr. Petrie as manager of the Bracken Lodge Estate and its associated lands. Moreover, in an effort to further distinguish the subject proposal from a conventional planning application for a dwelling house in the open countryside, it has been emphasised that the need for the estate manager's cabin is locationally specific and intrinsically linked to the functioning and management of the wider family landholding / estate (with the future occupation of the cabin to be restricted to the manager of the Bracken Lodge Estate). By way of explanation, it has been submitted that not only does the estate require the ongoing management of its forestry / woodland (with periodic thinning & harvesting activities) as well as the maintenance of its pathways & forestry roads, but that it has become necessary to actively manage the lands and those other parts of Lough Dan accessible to the general public (noting that the estate provides access to Kanturk Mountain and Lough Dan via a designated walking route known as the Kanturk Walk) due to increased levels of recreational use in recent years and instances of trespass, unauthorised camping, illegal dumping, littering, and the potential for forest fires. In addition, reference has been made to the use of the Bracken Lodge Estate as a premium filming location (listed with the Wicklow Film Commission) which has been used in various productions, including several major film and TV features, commercials, music videos, and fashion shoots, with the case being put forward that these activities can only occur if they are facilitated by landowners who are available on site to deal with the multitude of issues that arise (with Mr. Petrie having been the necessary 'go-between' for various production companies for many years).

7.2.5. In further support of the proposal, the applicants have indicated that they sold their previous dwelling house at Ballinahinch, Ashford, Co. Wicklow, in 2015 in order to live on the Bracken Lodge Estate and to finance the construction of the estate manager's cabin (although earlier applications have referred to that house being sold in 2008). Notably, despite Mr. Petrie having assumed responsibility for the management of the Bracken Lodge Estate in 2005, the decision was only made in 2015 (or 2008) that it was not possible for the applicants to reside in Ballinahinch while managing the estate and thus they sold their home with a view to relocating to the subject site. Without wishing to speculate on the precise circumstances that may have contributed to the applicants' decision to sell their home, it is regrettable that no further explanation has been given as to why the estate could not have continued to have been successfully managed from the applicants' former residence given its location a comparatively short distance (c. 8km) away (although this could possibly be explained by increased demand for the use of the estate as a filming location). By extension, the broader question arises as to whether it would be feasible to manage the lands from any other 'off-site' location.

7.2.6. At present, the applicants reside in 'Bracken Lodge', a two / three-bedroomed cottage on the estate a short distance from the application site, however, this property (along with the wider Bracken Lodge Estate) is in the shared ownership of Mr. Petrie and his siblings with the result that the applicants living arrangements have proved problematic / unsustainable given that they are obliged to vacate the property on occasion in order to accommodate Mr. Petrie's siblings (who have equal rights to its occupation). Therefore, while the applicants retain part ownership of their current place of residence, it has been submitted that they nevertheless have a housing need for all practical purposes.

7.2.7. In assessing the merits of the subject proposal and whether the applicants could be held to satisfy the relevant eligibility criteria in terms of having a definable economic or social housing need to reside at the location proposed, I would suggest that two key factors require consideration i.e. 'housing need' and any 'specific locational need' to reside on the lands in question. With respect to the issue of housing need, it is apparent that while the applicants are co-owners of their current place of residence, they were seemingly the sole beneficial owners of their previous dwelling at Ballinahinch. It was the decision to sell that property in 2015 in advance of having

secured more permanent and suitable accommodation which gave rise to the applicants' current housing circumstances (while the conflicting details provided as regards the disposal of the house in Ballinahinch raises questions as to the length of time the applicants have resided at Bracken Lodge). In my opinion, it would be unsustainable to accept that the simple disposal of a property and the consequent generation of a 'housing need' could be held to amount to the establishment of an economic or social need to live in a rural area. Such a scenario would undermine key principles of the county settlement strategy and the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' (a key aspect of the latter being to facilitate persons who are an intrinsic part of the rural community and are building their 'first homes'). I am also cognisant that the applicants are already residing in a property on the estate and that Mr. Petrie shares ownership of that dwelling with his siblings / extended family. While I would acknowledge the difficulties that may arise from any shared ownership arrangement, it must be noted that the applicants are currently resident on the Bracken Lodge Estate, retain part ownership of their current dwelling, and sold their previous place of residence a comparatively short distance away.

- 7.2.8. In relation to the assertion that the applicants have a specific locational need to reside at the subject site as a result of Mr. Petrie's responsibilities in managing the Bracken Lodge Estate (and noting that he would also appear to have an involvement in the management / maintenance of the adjacent landholding in the separate ownership of his sister-in-law, Ms. Geraldine Petrie), I would reiterate my earlier concerns that despite Mr. Petrie having been responsible for the management of the estate since 2005 when he was resident at Ballinahinch, no rationale has been provided as to why the estate could not continue to be managed via a similar 'off site' arrangement and why it is now necessary to develop an entirely new dwelling for an estate manager. The need for the proposed development is further undermined by the presence of an existing dwelling on the estate. Notwithstanding that both Bracken Lodge and the wider estate are in shared ownership, and although the existing cottage is used both as a place of residence by the applicants and occasionally as a second / holiday home by other family members, the fact remains that there is an existing dwelling house on the Bracken Lodge Estate which could potentially satisfy any management needs. While I would acknowledge the demands

arising from the management of the wider estate (and the adjoining landholding of Ms. Petrie), including its farmlands and forestry, and its use as a filming location, I am unconvinced that the provision of an additional dwelling is merited in this instance, particularly in light of the presence of the existing house on the property.

- 7.2.9. It is also of relevance to note that the proposed development site is not actually located on the Bracken Lodge Estate but instead forms part of the lands associated with Duff House. In addition, although the applicants have indicated on the application form that they own the subject site, the accompanying correspondence provided by Ms. Geraldine Petrie (in which she has consented to the lodgement of the application) would imply that she is in fact the owner of the site (as supported by a review of the planning history of the site).
- 7.2.10. A further consideration is the site location within the visually vulnerable '*Mountain and Lakeshore Area of Outstanding Natural Beauty*' (1(a) - *The Mountain Uplands*) and the potential for the construction of unnecessary housing etc. to add to the proliferation of development threatening to degrade the local landscape thereby eroding its rural character and scenic qualities contrary to the '*Sustainable Rural Housing, Guidelines for Planning Authorities*' (notwithstanding the provision in the Development Plan which states that the needs of a person who qualifies under Objective HD23 are to be held 'supreme' in the event of any conflict with a landscape conservation objective). Indeed, it is a 'Key Development Consideration' of the Landscape Assessment included as part of the Development Plan that all developments within the Mountain Uplands AONB be accompanied by a detailed justification of the need for the development at the location proposed.
- 7.2.11. Having considered the foregoing, it is my opinion that the need for an additional dwelling house in this highly scenic and visually sensitive location, which is also within an '*area under strong urban influence*', has not been adequately justified and thus the development would be contrary to Objective 19 of the NPF and the guidance set out in the Sustainable Rural Housing Guidelines. In this regard, I am not satisfied that the applicants' circumstances warrant the provision of a new dwelling in this sensitive rural area in light of the fact that their 'housing need' derives from the decision to sell their previous home a comparatively short distance away and as they already retain shared ownership of their current place of residence within the confines of the Bracken Lodge Estate (which could potentially be used to

accommodate any management needs arising). The provision of an additional dwelling house within this visually vulnerable 'Area of Outstanding Natural Beauty' which has not been shown to derive from an essential rural housing need would add to the proliferation of development and threaten to degrade the local landscape thereby eroding its rural character and scenic quality contrary to the 'Sustainable Rural Housing, Guidelines for Planning Authorities'. I am also unconvinced that the applicants' needs could not be satisfactorily accommodated elsewhere such as within any of the designated settlements in the surrounding area having regard to the need to support the viability of smaller towns and settlements as per Objective 19 of the NPF. Additional concerns arise as regards the undesirable precedent which could be set for further housing in the area and the potential cumulative impacts arising.

7.3. Overall Design / Visual Impact:

- 7.3.1. In terms of assessing the visual impact of the proposed development, it is of relevance in the first instance to note that the subject site is located within the *'Mountain and Lakeshore Area of Outstanding Natural Beauty: (1(a) - The Mountain Uplands'* landscape category as detailed in Figure 4.11: *'The Landscape Category Map'* and Map 10.13(b) of the Landscape Assessment contained in the Wicklow County Development Plan, 2016. Within this area it is the policy of the Planning Authority (as set out in Section 4.5.1: *'The Mountain and Lakeshore Area of Outstanding Natural Beauty'* of the Landscape Assessment included at Appendix 5 of the Development Plan) to require all development proposals to be accompanied by a detailed justification of the need for the development at the location proposed; to require a very high standard of siting, design and landscaping to ensure that development is assimilated into the existing landscape; to ensure that developments on steep slopes (i.e. 10%) are not conspicuous and do not have a disproportionate or dominating visual impact on the surrounding environment as seen from relevant scenic routes and settlements; to maintain the favourable conservation status of existing natural habitats including Natura 2000 sites and Annex I - Habitats and Annex II - Animal and Plant species within the Mountain Uplands AONB; and to support and facilitate in co-operation with relevant bodies, the provision of amenity routes within and adjoining the Mountain Uplands AONB in a manner which does not detract from the scenic nature of the area. The sensitivity of this landscape is further

reiterated by the inclusion of Objective No. NH50 in the Plan which requires all planning applications in the AONB that could potentially have a significant adverse impact to be accompanied by a detailed 'Landscape / Visual Impact Assessment' demonstrating that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.

7.3.2. In addition to the foregoing, I would draw the Board's attention to the site location relative to 'Prospect No. 26' (*Lough Dan Road (L10591): Prospect to Lough Dan Valley and Carrigeenshinnagh Mountain*) as identified in Schedule 10.15: 'Prospects of Special Amenity Value or Special Interest' and Map 10.15 of the Development Plan. In this regard, there would seem to be some level of disagreement between the Planning Authority and the applicant as to the actual location / alignment and orientation of the prospect in question. While the report of the case planner has stated that Prospect No. 26 passes alongside the western extent of the development site, the applicant has asserted in the grounds of appeal that the prospect is actually from the end of the public road (Local Road L1059) c. 30m northeast of the site with the view orientated east towards Lough Dan i.e. away from the development site.

7.3.3. From a review of the available information, I am inclined to suggest that the differing interpretations as to the location of Prospect No. 26 are likely attributable to an inconsistency between the description of the 'origin' of the view contained in Schedule 10.15 of the Plan and the mapping of that origin shown on Map No. 10.15. Within Schedule 10.15 it is stated that Prospect 26 'originates' from Lough Dan Road (Local Road No. L10951) thereby indicating that the prospect is from the public road which terminates c. 100m to the southeast of the site, however, Map No. 10.15 shows the prospect continuing north-westwards past the site and ending at a point proximate to the northern edge of Lough Dan. Depending on interpretation, it would appear that Prospect No. 26 either ends at the public road to the southeast or continues northwest along the private road to the south of the site before turning northwards and passing alongside (or in the immediate vicinity of) the western site boundary. Although the written statement takes precedence over the mapping contained in the Development Plan, it may be that the error relates to the identification of the public road itself with the mapping having been prepared on the understanding that the public road included that section of roadway which is in fact in private ownership (and which was recently improved by the Local Authority with

contributions from local landowners). If the mapping is accepted as accurate then Prospect No. 26 would seem to pass adjacent to the western site boundary.

- 7.3.4. A second point of contention is the applicant's suggestion that Prospect No. 26 faces east towards Lough Dan i.e. away from the development site. In my opinion, this is not an accurate description of the prospect as set out in Schedule No. 10.15 which refers to it as being over the Lough Dan Valley and Carrigeenshinnagh Mountain. Although the Lough Dan Valley is situated to the east of the site, the extent of Carrigeenshinnagh Mountain is less clear as no mountain of that name is identified in the OSi (Discovery Series) mapping. However, the townland of Carrigeenshinnagh encompasses much of Scarr and Kanturk / Brown Mountain to the west of Prospect No. 26 and it appears that 'Carrigeenshinnagh Mountain' is likely being used to refer to those features which in turn form part of the Wicklow Mountains National Park. Therefore, on the balance of probability, it is my opinion that Prospect No. 26 includes those views westwards over Scarr and Kanturk Mountains. By extension, and notwithstanding whether the mapping of the prospect continues past the site, it can be concluded that the protected views from Prospect No. 26 include those available westwards which encompass the site location.
- 7.3.5. In a local context, the proposed development site forms part of a larger expanse of forestry / woodland which occupies an elevated and remote hillside position on the lower eastern edge of Kanturk / Brown Mountain where the surrounding landscape is dominated by the rugged terrain of the Wicklow Mountains National Park to the west / northwest and the undulating rural topography of the Lough Dan Valley to the east. It sits above the private roadway to the south and while the prevailing topography falls south / south-eastwards towards the public road and the Lough Dan Valley, the site itself is comparatively well screened to the east / southeast by existing forestry & woodland. Although not within the confines of the Wicklow Mountains National Park, the site is nevertheless in an area popular with visitors and tourists alike given its location relative to the park and the wider Lough Dan Valley, and I note that the Kanturk Way walking trail passes alongside the site approximately 15m away to the southeast.
- 7.3.6. In relation to the actual design of the proposed dwelling house, regard should be had to the provisions of the '*Single Rural Houses: Design Guidelines for New Homes in Rural Wicklow*' as set out in Appendix 2 of the County Development Plan. In this

respect, I am unconvinced that the proposed Scandinavian-styled, single-storey log cabin adheres to the basic design principles set out in the aforementioned guidance. The overall nature of the construction with its pine logs, pergolas, and the use of features such as a particularly shallow roof pitch with a multiplicity of projections, incursions, and expansive overhanging eaves, is at odds with the traditional vernacular, and while such designs may be suited to alpine locations, this is not such a location. The siting of the proposal will also necessitate considerable site clearance and excavation works, including the removal of c. 50 No. conifer trees (up to 1.6m in height), with the dwelling occupying a 'platform' overlooking the roadway to the south and accessed via a winding driveway cut into the hillside forward of the house itself.

7.3.7. In support of the proposal, and in response to the requirements of Objective No. NH50, the application has been accompanied by a 'Visual Impact Assessment' which includes a series of still photographs taken from a drone survey that involved 3 No. transects / flightpaths towards the site from vantage points to the east & southeast. That survey involved the erection of a green tarpaulin sheet to the 'exact' location and dimensions of the proposed cabin with the case being made that its limited visibility within the drone footage serves to demonstrate that the proposed construction will not be overly visible from the most vulnerable vantage points within a 5km distance of the application site. In this regard, while I would acknowledge the merits of such surveys in the assessment of visual impact, I am cognisant that they are not without their limitations. In this instance, I am not convinced that the tarpaulin sheet provides for a comparative representation of the likely visual impact of the development as a whole. No account has been taken of the wider site clearance and excavation works, including the removal of trees, that will be required to facilitate the construction while there is also a need to consider the visual impact arising from the access driveway and those ancillary works distinct from the footprint of the cabin itself. The Planning Authority has also raised concerns as regards the potential loss of screening resulting from future thinning / harvesting of trees both within the site and on adjacent lands.

7.3.8. Having considered the foregoing, it is apparent that the proposed development site occupies an elevated and remote hillside position on the lower eastern edge of Kanturk / Brown Mountain in a particularly scenic and visually sensitive area which has been designated as an 'Area of Outstanding Natural Beauty' (the most sensitive

and visually vulnerable designation within the hierarchy of landscape classifications set out in the Development Plan). The wider landscape is comparatively unspoilt (as evidenced by its use as a premium filming location) and is dominated by the rugged terrain of the Wicklow Mountains National Park to the west / northwest and the Lough Dan Valley to the east which in turn has led to the area establishing itself as a popular destination for tourists and other visitors. In this regard, I would have serious reservations at the outset as regards the wider visual impact and the gradual erosion of rural character attributable to the development of one-off piecemeal housing in this landscape and the developmental pressures arising from the proximity of urban centres such as Wicklow town and the M11 Corridor.

7.3.9. With respect to the specifics of the local site context and the development proposed, while I would acknowledge that the site itself is relatively well screened at present, it is my opinion that the elevated hillside position of the proposal, when combined with the substantial site clearance & excavation works required to accommodate the proposed, in addition to any future forestry thinning / harvesting activities conducted either within the site and / or on adjacent lands (as referenced in the applicants' Woodland Management Plan), will serve to increase the overall prominence and visibility of the site given the prevailing topography, particularly when viewed from vantage points to the southeast, including from the nearby Kanturk Way walking trail and Prospect No. 26 which is listed for protection in the Development Plan. This in turn heightens my concerns as regards the introduction of a house type which is out of keeping with the established vernacular and which, in my opinion, fails to adhere to the design principles set out in the *'Single Rural Houses: Design Guidelines for New Homes in Rural Wicklow'* appended to the County Development Plan.

7.3.10. Therefore, having regard to the visually sensitive nature of the site in question, I am not satisfied that the proposed development would not detract from the visual amenity and high scenic quality of the surrounding landscape.

7.4. Traffic Implications:

7.4.1. The proposed development will be accessed via an existing (presently unsurfaced) agricultural track which leads from a private roadway that in turn extends from the public road (known locally as Carrigeenduff Lane / Shinnagh Lane), c. 100m to the southeast. In this respect, I would suggest that the pertinent issue requiring

consideration is the overall condition and capacity of the surrounding road network serving this remote rural area to accommodate the additional traffic movements consequent on the proposed development. The entirety of Carrigeenduff Lane / Shinnagh Lane between the application site and its junction at Oldbridge is characterised by a narrow, substandard and poorly aligned stretch of roadway with limited opportunities for two vehicles to pass side-by side. There are also repeated instances of warning signage having been erected along the carriageway to inform visitors to the area of the 'narrow road' and the limitations on access & car parking etc. beyond certain points e.g. signage erected to the north of the entrance to the Lough Dan Scouting Centre advises that this is the last turning point along the roadway. Although sections of the carriageway would appear to have been improved in recent years, I would have considerable reservations as regards the capacity of this roadway to accommodate any further unwarranted development and, therefore, it is my opinion that as the road network serving the subject site remains substandard in terms of width and alignment, the proposed development would contribute to the generation of a traffic hazard at this location and the obstruction of existing road users.

7.4.2. With respect to the suggestion that the proposed dwelling / cabin will not result in any additional traffic movements along Carrigeenduff Lane / Shinnagh Lane by virtue of the fact that the applicants' are already resident along the roadway through their occupation of Bracken Lodge, I am unconvinced by the merits of any such argument. The proposed development involves the construction of an entirely new and self-contained residence separate from Bracken Lodge (albeit intended for use as an estate manager's cabin) and it is entirely reasonable to conclude that it will give rise increased traffic generation through its occupation and demand for services etc.

7.5. **Wastewater Treatment and Disposal:**

7.5.1. It is proposed to install a packaged wastewater treatment system which will pump discharge to a soil polishing filter on site and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the proposed disposal of treated effluent to ground. In this respect, I would refer the Board to the Site Characterisation Form submitted with the application, although it should be noted that this is also informed by the results of the trial hole investigation undertaken as part of an earlier application lodged on site under PA Ref. No. 08/619.

It be ascertained from PA Ref. No. 08/619 that the trial hole encountered 300mm of LOAM overlying 600mm of sandy SILT followed by 600mm of sandy SILT / CLAY with some shale & cobbles with a further 700mm layer of sandy SILT with shale & cobbles to the depth of the excavation at 2.2m below ground level. No bedrock or water ingress were recorded. With regard to the percolation characteristics of the soil, a 'T'-value of 15.39 minutes / 25mm and a 'P'-value of 12.31 minutes / 25mm were recorded which would both constitute a pass in accordance with the EPA Code of Practice.

- 7.5.2. On the basis of the details provided, and noting that the Environmental Health Officer has raised no objection to the proposal, it would appear that the subject site is suitable for the installation of the wastewater treatment system proposed, subject to conditions.

7.6. Appropriate Assessment:

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the adequacy of the wastewater treatment and disposal arrangements proposed, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to:

- The location of the site within a rural area under strong urban influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in April, 2005,

- National Policy Objective 19 of the National Planning Framework (February 2018) which for rural areas under urban influence seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements,
- The provisions of Objective HD23 of the Wicklow County Development Plan, 2016-2022 which provides for consideration to be given to residential development in the open countryside only when it is for those with a definable social or economic need to live in the open countryside,
- The location of the site in the 'Mountain and Lakeshore Area of Outstanding Natural Beauty' (1(a) - The Mountain Uplands) landscape designation wherein it is a Key Development Consideration that proposals be accompanied by a detailed justification of the need for the development at the location proposed in accordance with Section 5.3.2 of the Landscape Assessment included at Appendix 5: 'Landscape Assessment' of the Wicklow County Development Plan, 2016-2022, and
- The documentation on the file, including the applicants' links to the area and their current & previous housing circumstances,

The Board is not satisfied on the basis of the information on the file that the applicants come within the scope of either the economic or social housing need criteria as set out in the overarching National Guidelines.

The proposed development, in the absence of any identified locally based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved rural area, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the elevated and remote site location in a visually sensitive landscape which has been designated as an 'Area of Outstanding Natural Beauty' in the current Wicklow County Development Plan, 2016-2022, and its positioning relative to a prospect of special amenity value / special interest (Prospect No. 26: Lough Dan Road (L10591): Prospect to Lough Dan Valley and Carrigeenshinnagh Mountain) that has been listed for protection in the same Plan, it is considered that the proposed development, by reason of its prominent position and the nature and extent of the works concerned, including the tree felling required to facilitate the development, would be detrimental to the high scenic amenity value of the area and would be unduly visually obtrusive thereby interfering with the character of the surrounding rural landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users due to the additional traffic movements that would be generated onto the minor local road serving the site which is seriously substandard in terms of width and alignment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector
4th February, 2022