

An
Coimisiún
Pleanála

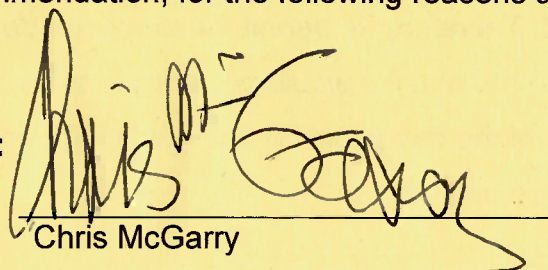
Direction
CD-021502-25
ABP-321463-24

The submissions on this file and the Inspector's report were considered at a meeting held on 19/11/2025.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:


Chris McGarry

Date: 05/12/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Insufficient information has been submitted in relation to surface water disposal and water supply. Therefore, it cannot be confirmed that the development would accord with the policies and Objectives of the development plan, and with current guidance in respect of surface water disposal it would cause serious pollution and undermine the protection of Biodiversity and would materially contravene the provisions of the development plan. Furthermore, in the absence of a functioning second well on site the proposed development and development proposed to be retained would be prejudicial to public health

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

2. Having regard to the location of the development in proximity to the Wicklow Mountains Special Area of Conservation and the hydraulic connection to the Poulaphouca Reservoir Special Protection Area, the qualifying interests of these Natura 2000 sites and their conservation objectives, the direct/indirect pathways to these Natura 2000 sites, the absence of any ecological assessment, the nature and scale of the works and absence of surface water drainage details, the Commission cannot be satisfied beyond reasonable scientific doubt, that the proposed development and development proposed to be retained would not have significant effects on these Natura 2000 sites, and therefore the development for which retention is sought would have required Appropriate Assessment. Therefore, to permit the proposed development and development proposed to be retained would be contrary to the Habitats Directive, the Objectives of the development plan and the proper planning and sustainable development of the area.

3. Having regard to
 - i. the location of the development within an Area of Outstanding Natural Beauty: Wicklow Uplands
 - ii. The lack of a comprehensive justification for the design and scale of the structures for future tourism usage.
 - iii. Objectives CPO 11.1, CPO 11.2, CPO 11.3, CPO 11.14 of the County Development Plan 2022-2028 in respect of Tourism development
 - iv. the settlement strategy as set out in the County Development Plan 2022-2028

It is considered that the development for retention would not ensure economic, environmental and social sustainability, would result in a significant expansion of tourist development outside of any settlement, remote from services, with no public transport provision and without any clear supportable justification provided. The development would therefore be contrary to the Tourism Objectives and Settlement Strategy of the County Development Plan

2022-2028, would set a precedent for further unsustainable development, and would result in a deterioration of the landscape quality of this Area of Outstanding Natural Beauty. The development would therefore be contrary to proper planning and sustainable development.

Note 1:

The Commission noted recommended reason number 1 for refusal by the inspector which related to EIA thresholds. On this issue the Commission did not consider that the nature of the bedroom units part of this application would fall within the meaning of holiday homes and on that narrow point, did not consider that a mandatory threshold had been reached. However, the Commission noted the context of the development, including a land ownership area greater than the red line of the actual application and the practical circumstance of a wider operational curtilage for the tourism facility which may have a relevance to the 20 hectare threshold for hotel complexes. In this regard the Commission considered that further assessment and potentially further information on this issue might ordinarily be warranted before reaching a determination on whether an EIA obligation would apply in this case. However, having regard to the substantive reasons for refusal set out above it was decided not to pursue this matter in the context of the current appeal.

Note 2:

The Commission noted and shared the opinion of the planning authority that the development for which retention permission is sought and the proposed development is ultimately related to a tourism use and that having regard to the specific and current development plan policies in respect of tourism, the applicant had not provided a justification for a significant expansion in the scale and form of the tourism resource at these overall lands. That is not to say that no such justification may exist, but that no presented argument is contained in the planning application documentation. The Commission did not share the opinion of the inspector that the tourism use would be appropriate, rather it considered that further assessment and potentially further information on this issue might ordinarily be warranted. However, given the substantive reasons for refusal set out above it was decided not to pursue this matter in the context of the current appeal.