



An
Bord
Pleanála

Board Order
ABP-318636-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/303

Appeal by David Menzies of Sycamores, Ballinastoe, Roundwood, Bray, County Wicklow against the decision made on the 13th day of November, 2023 by Wicklow County Council to grant permission subject to conditions to Coillte CGA care of Spentide Limited of Unit 2, The Mart, Coolbawn, Broderick Street, Midleton, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new single-storey national mountain bike trail head building consisting of a café, bike hire facility, toilets, ancillary spaces and all associated site works, new wastewater treatment system, new car park area, bore well, bike wash area and all associated site works, alterations to public road side landscaping to replace the existing road side carparking with new boundary fence and soft landscaping, all at Ballinastoe Trails, Roundwood, County Wicklow.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the tourism and recreational objectives and considerations as set out in the Wicklow County Council Development Plan, 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th day of October 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external lighting shall be to the car park only, as indicated in drawing number 18234 - 4-306 received by the planning authority on the 27th day of March 2023, and no other lighting shall be erected without a prior grant of planning permission, whether or not such works would be exempted development under the Planning and Development Act, 2000 and associated regulations. The lights should have an automatic switch off, such that they would only be on during the periods:

- (a) 0800 to 2130 hours from the 1st day of May until the 30th day of September.
- (b) 0800 to 1830 hours from the 1st day of October until the 30th day of April.

The lights shall be designed to accord with the Wicklow County Council's Public Lighting Guidelines and in particular it's dark sky objective therein.

Reason: In the interests of residential and visual amenity.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority:
- (a) A survey and test of the available groundwater to serve the proposed well.
 - (b) Test the quality of the groundwater and submit proposals to ensure that it is fit for human consumption such as the installation of a UV system with a validated UV system for example NSF ANSI Standard 55 Disinfection Class A performance or equivalent and pretreatment if required.

- (c) Submit the details of the findings of this testing to the planning authority, including details of the expected yield of the proposed well and calculations of the expected water consumption to serve the proposed development.

The development shall accord with the written agreements.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

- 4. (a) Prior to the operation of the bike trail head building, the existing temporary structures comprising of the temporary café, bike and repair services facility and toilets shall be removed in their entirety.
- (b) Upon completion of the proposed wastewater treatment system, the existing temporary wastewater treatment system shall be removed or backfilled with inert material.

Reason: To prevent groundwater contamination and in the interest of proper planning and sustainable development of the area.

- 5. The hard and soft landscaping shall be carried out in accordance with the landscaping plan and details submitted to the planning authority on the 27th day of March, 2023. The landscaping and tree planting shall be carried out before or during the first planting season or part thereof occurring after the commencement of development. Any plants which become seriously damaged shall be replaced by others of similar size and species.

Reason: In order to assimilate developments on this site into the surrounding area, in the interests of visual amenity and proper planning and sustainable development.

6. The hours of operation of the bike trail head building, the subject of this application shall be as follows:

- (a) 0800 to 2100 hours from the 1st day of May until the 30th day of September.
- (b) 0800 to 1800 hours from the 1st day of October until the 30th day of April.

Reason: In the interest of residential amenity, traffic/pedestrian safety and proper planning and sustainable development.

7. The mountain trail head building shall not be open to the public until a permanent ESB connection is in place.

Reason: In the interest of the proper planning and sustainable development of the area.

8. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of orderly development.

9. Surface water from the site shall not be permitted to drain onto the adjoining public road. All uncontaminated roof and surface water drainage from roofs, entrances, parking areas shall be collected and disposed of within the site as detailed in the proposed drainage layout received by the planning authority on the 18th day of October 2023 and associated reports. In particular, no such surface water runoff shall be

allowed to flow onto the public roadway nor to discharge to the effluent disposal system.

Reason: To ensure satisfactory stormwater drainage, in the interest of proper planning and sustainable development.

10. The requirements of the Transportation Office of the planning authority shall be adhered to, in particular, the developer shall ensure the following measures:

Installation of large stones and timber bollards (all less than one metre high) along the road edge margins to prevent haphazard and illegal parking at the site entrance and along the public road and to ensure sightlines are achieved and maintained.

Reason: In the interests of traffic safety and orderly development.

11. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. All service cables associated with the proposed development (such as electrical, television and telephone) shall be run underground within the site.

Reason: In the interest of the visual amenities of the area.

13. During construction, the developer shall provide adequate off carriageway parking facilities, for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

Reason: In the interest of traffic safety.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

15. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

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



Liam Bergin

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 28th day of Dec 2024.