



An
Bord
Pleanála

Inspector's Report ABP309989-21

Development

- 1) Storage shed (20.4sq.m. for existing park,
- 2) Extension of park to include 13 new caravan/mobile spaces, an office (28.5sq.m.), new access roads, fencing and ancillary works.

Entire park to be served by an existing permitted secondary treatment system with percolation area.

Location

Millrace Holiday Park, Brittas Bay,
County Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

201010

Applicant(s)

Anna and Michael Higgins.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party -v- Refusal.

Appellant(s)

Anna and Michael Higgins.

Date of Site Inspection

2nd September, 2021.

Inspector

Suzanne Kehely

1.0 Site Location and Description

- 1.1. The proposed site is 613 sq.m. and is part of an overall holding of 2.8 ha on which there is a small mobile home park with 25 mobile homes and an open field. The subject development site is alongside the existing mobile home park and further inland from the coastal road - R750. A gated entrance off the tertiary road off the R750 provides access. The overall site slopes (steeply in parts) downwards generally from the west in the direction of the coast but the development area is in a relatively low-lying location. It is close to the coastal road off which there are a number of holiday parks, dispersed housing and recreational facilities. The coastal area is a popular recreational facility and tourist area with Brittas Bay being the main attraction and where public facilities are provided.
- 1.2. The environs inland from the coast road are otherwise mainly agricultural in nature and the landscape is defined by a patchwork of fields, hedgerows and trees. At present there are two clusters of mobile homes one by the entrance and one deeper into the site. The site is served by a Biocell 160PE secondary wastewater treatment system with 3 tertiary treatment pods flowing to a 330 sq.m. soil polishing filter. The park appears in good order with well-maintained lawns around and to the front of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for an extension of the family run park to include 13 new caravan/mobile spaces, an office (28.5sq.m.), new access roads, fencing and ancillary works in addition to a storage shed (20.4sq.m). for existing park. It is stated that the entire park is to be served by the existing permitted secondary treatment system with percolation area.
- 2.2. The application is accompanied by:
 - A cover letter which sets out the circumstances for the extension to the park and refers to the financial investment, regularisation of planning status and keeping up with competition. Facilities are to include a dog run and play area. A

Landscape report is appended and refers to planting of 955 plants of various indigenous species to provide a belt of trees and dense hedgerow.

- Assimilative Capacity Study for the discharge of treated effluent to Groundwater – dated 25/9/20
- Abacus Transportation Survey

2.3. Unsolicited Further information Submitted

- 2.3.1. An extension of time was sought in writing by the applicants on 1st December 2020.
- 2.3.2. A letter dated 3rd March 2021 makes the point that the addition of 13 caravans is modest. Consideration of the history of the site is queried. Attachments include details of the waste treatment system and a Screening Statement.
- 2.3.3. Further correspondence on 5th March 2021 makes the case for the modest development in light of improvements on site and tourism and recreation development plan policies and the market for staycations. A compromise of 7 additional mobile home sites is proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wicklow County Council issued notification of decision to refuse planning permission for the following reason:

Having regard to the planning history of the site which includes a recent extension of the park from 16 to 25 and the scale of the proposed development which seeks to further increase the number of existing caravans/mobile homes on site from 25 to 32, it is considered that the proposed development would not represent a modest scale expansion and therefore the proposed development would be contrary to objectives T6 and CZ9(8) of the County Development Plan which state that the development of any new static or touring caravan parks shall be prohibited : expansion of existing facilities will be considered subject [to] the suitability of the site, a

modest scale and high quality design. The proposed development would therefore be contrary to proper planning and development.

3.2. Planning Report 30/11/20

- 3.2.1. The planner's report of 30/11/20 sets out the planning history and the provisions of the development plan in respect of tourism and recreation, heritage and landscape/coastal zone objectives, development standards and then describes the proposed development. The provisions for the prohibition of new caravan parks in CZ9 is highlighted.
- 3.2.2. The origins of the caravan park dating back to the 1960s are noted as are the permissions for retention and modest expansion. Reference is made to the circumstances of a previous permission where it was concluded to be acceptable but that due to the proliferation of caravan parks in the vicinity of the site, future proposals to extend the subject park should be carefully considered.
- 3.2.3. The proposal would increase the original mobile home park from 16 to 38 more than doubling its size and does not represent a modest scale. Being smaller is not sufficient justification and is therefore contrary to the objective CZ9.
- 3.2.4. There is concern about the visual impact and absence of supporting information in this regard.
- 3.2.5. The report highlights some procedural issues with the application – such as works outside the site outlined in red but within the applicants holding. The works relating to ancillary services are acceptable in principle and the procedural issues are not considered a basis for refusal of permission given the ownership and circumstances.
- 3.2.6. The existing wastewater treatment system can accommodate the additional loading arising from the proposed development however a review of the wastewater discharge license to permit larger wastewater discharge would be required. There is sufficient water supply. The existing entrance can accommodate the additional traffic generated by the proposed development.
- 3.2.7. An EIAR is not required.
- 3.2.8. Technical Reports from Roads, Water and Environmental Services and EHO are noted to raise no objections.

3.3. **Planning Report 9/3/21**

- 3.3.1. Following receipt of unsolicited information the proposed development remains unsatisfactory in a subsequent report. It is stated that to permit the expansion of caravan parks on a regular basis (every few years) even at a modest scale would add to the proliferation of caravan/mobile home parks in the Brittas Bay area. Therefore to grant an extension even for a reduced number would be contrary to CZ9(8). However the reduction in spaces is considered to address the visual impact and so this reason for refusal as originally recommended is removed.

3.4. **Objections**

- 3.4.1. None

4.0 **Planning History**

PA ref 190020 - permission for minor alterations to Millrace park.

PA ref 18/555 permission for extension to Millrace park with a cluster of 16 caravan sites near the entrance and a cluster of 9 deeper into the site. New sewage treatment plant , landscaping, play area, boundary revisions new access road.

5.0 **Policy Context**

5.1. **National Planning Framework Project Ireland 2040**

- 5.1.1. Ireland's coastline is recognised as a remarkable but fragile resource that needs to be managed carefully to sustain its character and attributes in physical, environmental quality and biodiversity terms.
- 5.1.2. NPO 41a: Ensure that Ireland's coastal resource is managed to sustain its physical character and environmental quality.

5.2. **Development Plan**

5.2.1. The site is governed by the policies and provisions contained in the Wicklow Development Plan 2016 – 2022. The site is located in a rural area in unzoned lands.

5.2.2. **Chapter 11 sets out the strategy for Coastal Zone Management. Brittas Bay is Cell 9 of the coastal zone.** The Buckroney-Brittas Dunes and Fen is designated a cSAC and pNHA in this area. **Objective CZ9** is relevant and includes arrange of components:

1. To facilitate the enhancement of recreational amenities and facilities in the cell to cater for day visitors and long stay holiday makers to the extent that it is consistent with maintaining the capacity of the cell (including its beach and bathing water quality, sand dunes, car parks and road network) and in a manner that does not diminish its unique rural, scenic and recreational amenities.

2. No development will be permitted that has an adverse impact on the environmental and ecological quality of the pNHA, cSAC or Vulnerable Aquifer designations in the area. The Planning Authority will have particular regard to the impact that all developments have on the integrity of a cSAC, including development that is within a cSAC and development that is not within a designated area, but which is likely to have an effect thereon. Applicants will be required to demonstrate beyond all reasonable doubt that a proposed development does not, beyond all reasonable doubt, adversely impact on the integrity of a designated area.

3. To protect, conserve and encourage the recovery of the beach-dune system at Brittas Bay. Development that results in the erosion of the beach-dune system will not be permitted. In this respect, the Council will particularly ensure protection against erosion caused by amenity and recreational use of the dunes. Regard will be paid to the 'Wicklow County Council Brittas Bay Monitoring Project 2004'.

4. Development that is detrimental to the quality or amenity of heritage features will not be permitted, including views and prospects, archaeological features, protected trees/structures.

5. To strictly control the further proliferation of sea outfalls for effluent discharge and in particular to prohibit short sea outfalls. All effluent discharges should be in compliance with the EU Bathing Water Directive. Any development that compromises the Blue Flag status of the beach will not be permitted.

6. To facilitate the development of appropriate outdoor and indoor recreation in the cell by permitting the use of its rural hinterland for environmentally sensitive and sustainable recreational purposes, where buildings and structures have only a minor impact on the landscape and where the completion of landscaping schemes would assimilate such developments into the countryside (e.g. golf, pitch and putt, amenity forestry, paint ball games, adventure fun parks).

7. All services and facilities to serve the local community and tourists shall be located within the boundaries of Ballynacarrig Village. Notwithstanding this, one small-scale local service type development shall be considered in proximity to the South Beach car park. The development may comprise a shop/service garage/pub/restaurant/café development. The maximum floor area of the development shall be 200m².

8. To facilitate the development of new tourist accommodation subject to the following controls:

a) New tourist accommodation shall be directed into one of the three identified development clusters of Ballynacarrig Village, Brittas Bridge and Cornagower (as shown on Map 11.02), or to existing developed sites. Only in exceptional circumstances, and where the following criteria are complied with, will accommodation be considered on a greenfield site outside a cluster: (i) the development shall be located in close proximity to the identified clusters and shall have or be provided with direct and high quality connections to the clusters and to the coast; (ii) the development shall be of an exceptionally high quality design.

b) Permission will only be considered for new accommodation where the development forms part of a well developed, integrated tourism and recreation development, which would add to the public amenity and enjoyment of the area and provides a significant public element (e.g. public car parking, playground / indoor playzone, swimming pool open to paying public etc);

c) The development of any new static or touring caravan parks shall be prohibited; **expansion of existing facilities will be considered subject the suitability of the site, a modest scale and high quality design;**

d) The development of any further holiday homes shall be prohibited, other than a small scale element of which may be allowable in an integrated development that provides a range of accommodation types;

e) Automated gates will not be permitted on any development.

9. To limit the size of existing public car parks to the present levels and to support the development of additional car parking on the inland side of the road at Cornagower East.

10. To strictly control the development of new entrances and access driveways on the R750 to those which can be proven to be necessary for either traffic safety reasons or the normal functioning of the landholding.

11. To control and limit the development of permanent rural housing to that shown to be strictly necessary (in accordance with the County settlement and rural development strategies) and to require the highest standards of siting and design for any new dwelling and regard to environmental designations

5.2.3. **Chapter 10** includes policies and objectives regarding the **natural heritage**. Part of the strategy is **to promote an integrated approach to landscape planning and management in order to protect the County's unique landscape character**. Specific objectives seek to implement this and specific reference is made to the guidance and use of criteria in Appendix 5.

5.2.4. **Chapter 7** – set outs policies and objectives for **Tourism and recreation**.

- **Objective T6** To ensure that tourism and recreation related developments are appropriately located in the County. Subject to the following exceptions, all tourist and recreation related developments are 'open for consideration' (Uses that are 'open for consideration' are uses that will only be permitted in cases where the Planning Authority is satisfied that the use would not conflict with the general objectives for that landscape area and permitted or existing uses, as well as being consistent with the proper planning and sustainable development of the area and the strategies / objectives of this plan) in all landscape areas:

- The following tourist uses will **not** be permitted within the Area of Outstanding Natural Beauty (both the Mountain Uplands Area and the Coastal Area): Static caravans and mobile homes (This refers to the development of any new static caravan and mobile home parks; expansion of existing facilities will be considered subject the suitability of the site, a modest scale and high quality design) ;

- Holiday homes will not be permitted in any landscape category other than urban zones except where they comply with objectives T13, T14 and T15

5.2.5. **Appendix 5 of CDP – Landscape assessment** : Section 4.5.2 describes the features of Coastal Areas which are categorised as Area of Outstanding Natural Beauty. The site is in the Southern Coastline as distinct from the Northern Coastline. This area is described as comprising of ‘lands south of Wicklow Town beginning at the Glen Turn, encompassing Wicklow Head and extending as far as south of Arklow Rock. This area comprises of the main sandy beaches of Brittas and Clogga and provides for a continuous prospect and numerous views from the coast road out to sea. Sand dunes are dominant in sections of the area forming a number of important environmental designations such as Maherabeg Dunes and Buckroneys Brittas Dunes and Fen (NHA and SAC) and Arklow Rock/Askintinny NHA. These areas are important not just from a landscape or habitat perspective, but also are increasingly important for recreational activities, the development and promotion of which must be managed appropriately. Development proposals within this landscape area should be evaluated to ensure natural heritage, views, prospects are adequately protected in accordance with relevant requirements of statutory authorities.’ **Key Development Considerations** are contained in section 5.3.7 (Appendix 4 Map 10.13(b))

1. To promote the opening up of views from the coast road to the sea and to restrict development on the sea-ward side of the road where it would be injurious to the beach setting or injurious to tourism or where it would be visible between the road and the sea except where settlements already exist. Particular protection will be afforded to the coastal areas of Maherabeg, Brittas Bay, Ennereilly and Clogga Beach.
2. To facilitate the enhancement of recreational amenities and facilities in this area to the extent that it is consistent with maintaining the capacity of the area (including its beach and bathing water quality, sand dunes) and in a manner that does not diminish its unique rural, scenic and recreational amenities.

General Development Considerations (GDC) include:

1. Applications for permission within open or highly scenic areas may be required to be accompanied by a Visual Impact Assessment. A Visual Impact Assessment (VIA) should include the following:

- An evaluation of the visibility and the prominence of the proposed development in its immediate environs and in the wider landscape; this assessment should include the erection of profiles of the house and / or the production of photomontages of the proposed 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).
2. Listed views and prospects will be protected from developments that would either obstruct the views / 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.

5.3. Natural Heritage Designations

- 5.4. The site is not located within or adjacent to a designated Natura 2000 site. Buckroney-Brittis Dunes And Fen SAC Site Code 000729 is the nearest site. The site entrance is 400m from the SAC boundary, whereas the vicinity of the water course in the vicinity of the treatment plant is about 1.4km upstream of a tributary to the designated site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal is against the decision to refuse permission on the following grounds:
- The proposal is modest and is not contrary to the development plan. This point is made by reference to a number of policies supporting the development and that the development plan has conflicting objectives.
 - It is submitted to be a high-class development that can be incorporated into the landscape without a detrimental impact as has been done to date.

- The existing park is a positive development in the area
- It is family run business that has been invested in and developed in a manner consistent with the policies and objectives of the development plan.
- The applicant seeks costs for their appeal.

6.2. Planning Authority Response

6.2.1. The planning authority has no further comments to make with regard to the appeal.

6.3. Observations

none

7.0 EIAR Screening

7.1. An Environmental Impact Assessment Screening report was not submitted with the application.

7.2. Class (12)(c) and (d) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.,
- Permanent camp sites and caravan sites where the number of pitches would be greater than 100.

7.3. It is proposed to add up to 13 mobile homes to a mobile home park where there are 25 existing mobile homes. Ancillary buildings, landscaping and amenities are also

proposed. The maximum number of homes would be 38. If considered as caravan this would be considerably below the threshold of 100 in Class 12(d) .

- 7.4. While mobile homes by their nature are technically mobile and transitory as a type of use they are more fixed than caravans which are more readily towed and smaller in scale. I am inclined to consider the mobile home park has many characteristics of the holiday village category in that the layout is more permanent and they are directly serviced by sewage disposal and treatment facilities. The relevant threshold in Class 12 is 100 holiday homes and there is also reference to accommodation exceeding 300 bedrooms. In this case there are no internal layouts for the mobile homes but even at 3 bedrooms each the scale of the development would I consider be well below the threshold in this regard.
- 7.5. In this case, the scheme will involve modest construction and landscaping works. The development area is not by itself conflicting with any site specific landscape objective, and this nevertheless has been addressed by reducing the additional mobile units to 7, although the wider issue of cumulative impact in this coastal zone is addressed in this report within the framework of Development Plan objective CZ9.
- 7.6. The proposed scheme will operate within the capacity of the existing wastewater treatment plant serving the site. The submitted documentation includes an assessment of the capacity of engineering infrastructure, the road network servicing the development and waste management details. Nor is it considered that the proposed development is likely to have a significant effect on any European Site (as discussed below).
- 7.7. In my opinion, the proposed development is not of a scale that would warrant a full environmental impact report in addition to the information that has already been provided.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 12 – Tourism and Leisure of the Planning and Development Regulations 2001 (as amended),

- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

8.0 **Assessment**

8.1. **Issues**

- 8.1.1. This appeal is against a decision to refuse permission for a further extension to a mobile home park within the Coastal Zone of Wicklow and outside a settlement centre. Having regard to the submissions on file and the site and its environs as inspected, I consider the key issue relates to the principle of development having particular regard to Objectives T6 and CZ9(8). Secondary issues relate to visual impact and infrastructure although these have been substantially addressed by and to the satisfaction of the planning authority and I do not consider a detailed appraisal is required. Appropriate Assessment must also be addressed.

8.2. **Principle**

- 8.2.1. The proposal is for the expansion of a tourism and recreation facility by way of increasing the number of pitches by up to 13 (but proposed to be reduced to 7 by the applicant) and outdoor facilities of a private mobile home park. This is an established gated mobile home park that has been recently extended by way of permissions, as

varied in 2018 and 2019. Those permissions also provided for an upgraded treatment plant and ancillary works. As were the circumstances of those previous cases, the development site falls within Cell 9 of the coastal zone for which there are very clear and specific policies aimed at controlling development in a balanced manner in order to protect the wider unique landscape and fragile environment. Specifically, objective CZ9(8) seeks to direct new tourist accommodation into clusters such as Ballynacarrig Village, Brittas Bridge (which lies to the east of the site) and Cornagower on Map 11.02 or to existing development sites. The plan also favours open and accessible development with wider community benefits. In this context, gated communities are not permitted.

- 8.2.2. There is however provision for existing caravan parks to upgrade and expand subject to site suitability, modest scale and design quality.
- 8.2.3. Although the subject development area is a green field site, the site is an extension of an existing development site and is close to but outside Brittas Bridge – a designated cluster. It is also on lower lying terrain and served by existing infrastructure and could be argued to be a suitable site. However, in this case the applicant has already recently had the benefit of increasing the capacity of the site from 16 to 25 pitches in the 2018 and 2019 applications. This expansion has been completed within the lifetime of the current development plan which still pertains. In an effort to compromise, the applicant proposes to reduce the extension to 7 homes which would result in a total of 32 homes. While this is argued, inter alia, to be necessary for financial reasons this cannot be a reason to permit development contrary to the development plan. The planning authority has considered this and remains of the view that 7 mobile homes is not a modest expansion in the context of the original size. While I accept that 7 units is a small scale of development, I consider that in light of the recent permissions it is appropriate to have regard to the cumulative scale. In my judgement, to allow an effective doubling of the park, is not modest and would set an undesirable precedent.
- 8.2.4. Whilst I accept that the tourism and recreation policies in the current Development Plan facilitate new tourist accommodation, new caravan parks are notably prohibited and expansion of an existing one has to be modest among other criteria and this I consider, is entirely reasonable to allow for the protection of the landscape resource while balancing the needs of the tourism and recreation sectors, in the interests of

proper planning and sustainable development. This is in accordance with the National Planning Framework strategic objectives for coastal management.

- 8.2.5. While I note the efforts of the applicant to upgrade and maintain the site to a high standard, the upgrading of the treatment plan and compliance with the extant permissions is not a justification for further expansion. I consider the nature of the development does not meet with the criteria in CZ9(8) and is of a nature that is fundamentally in conflict with the objectives of the development plan in protecting and improving the amenities of the Coastal Zone area .

8.3. **Visual Impact**

The planning authority raised concerns about the visual impact of the proposal and the absence of a visual impact assessment. In response, in unsolicited additional information the applicant has suggested a compromise of 7 pitches and this is considered to address this issue. In terms of visual impact I accept that the said tourist accommodation is very modest in scale and that its visual impact when viewed from the coast road would be limited. I concur in that having regard to the extent of planting , sloped terrain and siting on lower ground coupled with the relationship with existing development that such a scale would not result in an unduly visually obtrusive scheme by itself. There is however the issue of the cumulative impact and precedent for an extended form of development in a coastal zone area that is classed as an Area of Outstanding Natural Beauty. This is however addressed in the coastal zone management strategy as set out above and which seeks to manage a gradual assimilation of such development in a balanced manner.

8.4. **Other Issues**

- 8.4.1. There is no provision for the recoupment of appeal costs in this case.

9.0 **Appropriate Assessment**

- 9.1. The site is not located within or adjacent to a designated Natura 2000 site. Buckroney-Brittis Dunes And Fen SAC Site Code 000729 is the nearest site. It is connected hydrologically via Potters River to which the outfall of the treatment plan discharges. The site entrance is 400m from the SAC boundary, whereas the vicinity

of the water course in the vicinity of the treatment plant is about 1.4km upstream of a tributary to the designated site.

- 9.2. I note the content of the screening report for the existing approved and constructed development which includes a wastewater treatment system. Water quality sampling was carried out as part of that screening process for appropriate assessment, and it is stated that ‘ as the biological water quality results indicate that the existing septic tank is not negatively impacting the biological water quality of the Potters River neither will the improved waste water treatment system. With no impacts on the river there will be no impacts on downstream habitats.’ I also note the capacity of the treatment system for the existing and proposed development and the technical reports of the planning authority which are satisfied with this aspect.
- 9.3. Having regard to the nature and scale of the proposed development in terms of construction works and land disturbance during the construction phase together with the separation distance and absence of any material change in effluent output I do not consider that appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Recommendation

- 10.1.1. In view of the foregoing assessment, I consider the decision of the planning authority should be upheld. I recommend that permission be refused for the proposed development based on the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to the planning history of the site which includes a recent extension of the mobile home park from 16 to 25 pitches and the scale of the proposed development which seeks to further increase the number of existing caravans/mobile homes on site from 25 to 32, it is considered that the proposed development would not represent a modest scale expansion. The proposed development would therefore be contrary to objectives T6 and CZ9(8) of the County Development Plan

which state that the development of any new static or touring caravan parks shall be prohibited and that expansion of existing facilities will be considered subject to the suitability of the site, a modest scale and high quality design. Furthermore having regard to the location of the site in a sensitive Coastal Zone where there is pressure for similar development these objectives are considered reasonable. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Suzanne Kehely
Senior Planning Inspector.

19th November, 2021.