



An
Bord
Pleanála

Inspector's Report ABP-313396-22

Development

Rewilding / planting of native trees with cleared areas within for the location of 10 no. bell tents for extended use beyond the 30 days permitted under exempt development to allow for seasonal use.

Location

Glendalough, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

2277.

Applicant

Alan Farrelly Architecture.

Type of Application

Permission.

Planning Authority Decision

Refuse permission.

Type of Appeal

First Party v Refusal of Permission

Appellant

Alan Farrelly Architecture.

Observer(s)

None.

Date of Site Inspection

20/12/2022

Inspector

Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Glendalough, Co. Wicklow. The site is located on the southern side of the R757 road, opposite the junction of the R757 road and R756 road. The north-eastern portion of the site is substantially cleared and relatively flat and is accessed from an existing entrance at the eastern end of the site's road frontage. I note that there is a significant slope within the southern and western portions of the site. A hedgerow with mature trees forms the northern boundary of the appeal site with the R757. There are also a number of mature trees along the site's eastern, western and southern site boundaries. The appeal site has a stated area 0.36ha.
- 1.2.** In terms of the site surrounds, the Glendalough Lower Car Park is located to the south and east of the appeal site. A site containing the Glendalough Trinity Church is located to the site's east a number of residential properties are located to the north-east on the opposite side of the R757.

2.0 Proposed Development

- 2.1.** As per the public notices, the proposed development seeks planning permission for what is described as the rewilding/planting of native trees within cleared areas of the site and for the erection of 10 no. bell tents for extended use beyond the 30 days permitted under exempted development to allow for seasonal use from May to October.
- 2.2.** The proposed bell tents are to be located within the southern and western portions of the site. I note the floor area or height of the proposed bell tents have not been dimensioned on the submitted plans and particulars. A new gravelled car park for 12 no. car parking spaces is proposed within the north-eastern portion of the site and is directly accessible from the existing site entrance.
- 2.3.** The proposal includes the erection of 2 no. 40ft shipping containers comprising sanitary facilities which are to be located to the south of the proposed car parking area. The containers have a height of 2.3m and are proposed to be clad in timber.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council refused planning permission for the proposed development for the following 7 no. reasons:

1. Having regard to:
 - a. The vision and objectives of the 'Laragh-Glendalough Settlement and Tourism plan, Wicklow County Development Plan 2016-2022, which aims to develop Laragh as a gateway and hub to provide for the service needs of visitors;
 - b. The location of the proposed development at a distance from Laragh;
 - c. The location of the proposed development within the 'tourist attractions area' where it is an objective of the plan to generally not permit new tourist related developments, except in limited circumstances;

It is considered that the proposed development would materially contravene the vision and objective for the lands set out in the Wicklow County Development Plan 2016-2022. This would be contrary to proper planning and sustainable development.

2. Having regard to:
 - a. The prominent and exposed location of the proposed development within a landscape that is designated Area of Outstanding Natural Beauty, which is to be preserved as per the objective of the Wicklow CDP 2016-2022,
 - b. The nature of the proposed development, the cramped layout and the lack of information to show that the development would be absorbed into this sensitive landscape, it is considered that the proposed development would be an intrusive feature in this highly sensitive landscape which includes protected national monuments, and would seriously injure the landscape and visual amenities of the area and detract from the setting of the protected national monuments in this area. This would be contrary to proper planning and sustainable development.
3. It is considered that the traffic turning movements generated by the proposed development onto the regional road in close proximity of the junction of the R757 and R756 and at a point where the applicant has failed to prove that

adequate sightlines can be achieved, would endanger public safety by reason of traffic hazard.

4. Having regard to the location, nature and extent of the proposed development and its associated ground works within a sensitive archaeological area, and the lack of information provided to assess the potential impact of the proposed development on the archaeological resources of the area, it is considered that that any development of the site in advance of archaeological investigations carried out to the requirements of the appropriate authorities would be premature pending such investigation and would therefore be contrary to the proper planning and sustainable development of the area.
5. The proposal to supply water through tanked water (including rainwater harvesting and filtering) is not acceptable and may result in substandard development because it would require a complex arrangement for treatment and maintenance, could result in malfunction and would be vulnerable to contamination. This would be prejudicial to public health and would be contrary to proper planning and sustainable development.
6. The proposal to treat and manage wastewater with composting toilets is not acceptable and may result in substandard development because the arrangements for the safe storage, treatment and disposal of sludge cannot be guaranteed, the development is likely to result in an unacceptable odour and the development could result in contamination of groundwater from liquid waste. This would be prejudicial to public health and would be contrary to proper planning and sustainable development.
7. Having regard to the location of the site within close proximity of the Wicklow Mountains Special Area of Conservation/Special Protection Area, it is considered that the applicant has failed to demonstrate that the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of this European Natura 2000 site, in view of the site's conservation objectives. The proposed development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Report forms the basis of the decision. The report provides a description of the site and surrounds and outlines a description of the proposed development. The report provides an overview of the policy that is applicable to the development proposal and summaries the observation on file.

In terms of the principle of development, the Planning Authority refer to Laragh-Glendalough settlement and Tourism Plan and it is considered the proposed development of camping facilities at this location is not in line with the vision and objectives of the plan.

The Planning Authority note that the development of 10 camping pods with associated sanitary and parking facilities is likely to be visible in this highly scenic and protected landscape. It is stated that the development is likely to intrude on the wild and unspoilt outlook of this landscape and the setting of the monastic settlement and the Planning Authority is not satisfied that the applicant has shown that it would be absorbed into the landscape.

In addition to the foregoing, concerns are raised with respect to the site access for vehicles, water supply, the treatment of waste water, archaeological impacts and the possible impacts on the integrity of the Wicklow Mountains SAC/SPA. A refusal of planning permission is recommended for 7 no. reasons.

There is a notation included within the Planning Report with respect to the works being described within the statutory notices as being exempted development. The accuracy of this statement is questioned by the Planning Authority.

3.2.2. Other Technical Reports

Roads: Report received recommending additional information.

3.2.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to conditions.

Department of Housing, Local Government and Heritage: Report received recommending a refusal of permission.

3.2.4. Third Party Observations

One (1) no. observation received from Cllr. Tom Fortune in support of the proposed development.

4.0 Planning History

17/228: Outline planning permission refused by the Planning Authority for the erection of 12 no. individual architect and artist designed temporary glamping pods, upgraded entrance, car parking area and all associated works. The application was refused for the following 7 no. reasons:

1. Having regard to:

- the vision and objectives of the 'Laragh-Glendalough Settlement and Tourism Plan', Wicklow County Development Plan 2016-2022, which aims to develop Laragh as a gateway and hub to provide for the service needs of visitors;
- the location of the proposed development at a distance from Laragh;
- the location of the proposed development within the 'tourist attractions area' where it is an objective of the plan to generally not permit new tourist related developments, except in limited circumstances;
- the proposal for 12 glamping pods which would provide for the accommodation needs of the visitors using the facility and which is not necessary to improve the experience of all visitors to Glendalough,

it is considered that the proposed development would materially contravene the vision and objective for the lands set out in the Wicklow County Development Plan 2016-2022. This would be contrary to proper planning and sustainable development.

2. Having regard to:

- the prominent and exposed location of the proposed development within a landscape that is designated Area of Outstanding Natural Beauty,

which is to be preserved as per the objective of the Wicklow CDP2016-2022

- the nature and scale of the proposed development being 12 individually designed glamping pods with parking, pathways and services,

it is considered that the proposed development would be a dominant and intrusive feature in this highly sensitive landscape which includes protected national monuments, and would seriously injure the landscape and visual amenities of the area and detract from the setting of the protected national monuments in this area. This would be contrary to proper planning and sustainable development.

3. It is considered that the traffic turning movements generated by the proposed development onto the regional road in close proximity of the junction of the R757 and R756 and at a point where the applicant has failed to prove that adequate sightlines can be achieved, would endanger public safety by reason of traffic hazard.
4. Having regard to the location, nature and extent of the proposed development and its associated ground works within a sensitive archaeological area, and the lack of information provided to assess the potential impact of the proposed development on the archaeological resources of the area, it is considered that that any development of the site in advance of archaeological investigations carried out to the requirements of the appropriate authorities would be premature pending such investigation and would therefore be contrary to the proper planning and sustainable development of the area.
5. The proposal to supply water through rain water collection and harvesting is not acceptable and may result in substandard development because it would require a complex arrangement for treatment and maintenance, could result in malfunction and would be vulnerable to contamination. This would be prejudicial to public health and would be contrary to proper planning and sustainable development.
6. The proposal to treat and manage wastewater with composting toilets is not acceptable and may result in substandard development because the arrangements for the safe storage, treatment and disposal of sludge cannot be guaranteed, the development is likely to result in an unacceptable odour and

the development could result in contamination of groundwater from liquid waste. This would be prejudicial to public health and would be contrary to proper planning and sustainable development.

7. Having regard to the location of the site within close proximity of the Wicklow Mountains Special Area of Conservation/Special Protection Area, it is considered that the applicant has failed to demonstrate that the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of this European Natura 2000 site, in view of the sites conservation objectives. The proposed development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

09/244: Planning permission refused for landscaping development at site at Glendalough adjacent to existing car park to create a picnic area with natural stepping of landscape with a public performance space and a landscaped area to be used as a play area and maze. The application was refused for the following 4 no. reasons.

1. Having regard to the scale of the proposed development the confined site area, lack of provision of parking space and lack of evidence that parking can be provided it is considered that the proposal would result in congestion on the adjoining car park and the regional road in close proximity of a junction, at a point where the sightlines are seriously restricted and would therefore endanger safety by reason traffic hazard.
2. The proposed development is reliant on an access entrance located outside the red site boundary and no evidence has been submitted to show that applicant has right of way over the laneway and in the absence of such evidence it would result in the development being inaccessible which would be contrary to proper planning of the area.
3. The proposed development would be prejudicial to public health because no provision has been made for the disposal of waste that would be generated by the development.
4. Having regard to the location of the proposed development in the landscape area of special control, designated one of Outstanding Natural Beauty in the Wicklow County Development Plan and adjoining a National Monument 'Trinity

Church' it is considered that insufficient assessment has been carried out to assess the impact of this development on the setting and character of the Monument and on this landscape. Accordingly, the development would materially contravene the County Development Plan Policy to protect such monuments from inappropriate development, would be contrary to the visual amenities of the area and proper planning and sustainable development.

00/3707 (ABP Ref. PL27.131488): Planning permission granted by the Planning Authority and refused by the Board for construction of a 168sq.m. tourist information Office, provision of car parking spaces, connection to existing treatment plant and temporary construction entrance off the R756 together with all ancillary site works.

5.0 Policy and Context

5.1. Wicklow County Development Plan (CDP), 2022-2028.

The Wicklow Dublin County Development Plan (CDP), 2022-2028 came into effect on 23rd October 2022. As per Map No. 08.01, the appeal site is located within an Area of Archaeological Potential or Significance. Archaeological policy objectives of the current CDP that are relevant to the development proposal include:

- CPO 8.1: To secure the preservation of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological interest generally. In the development management process, there will be a presumption of favour of preservation in-situ or, as a minimum, preservation by record. In securing such preservation, the Planning Authority will have regard to the advice and recommendations of the National Monuments Service of the Department of Housing, Local Government and Heritage.
- CPO 8.2: No development in the vicinity of a feature included in the Record of Monuments & Places (RMP) or any other site of archaeological interest will be permitted which seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.
- CPO 8.3: Any development that may, due to its size, location or nature, have implications for archaeological heritage (including both sites and areas of archaeological potential / significance as identified in Schedules 08.01 & 08.02

and Maps 8.01 & 8.02 of this plan) shall be subject to an archaeological assessment.

- CPO 8.4 To require archaeological assessment for all developments with the potential to impact on the archaeological heritage of riverine, intertidal or sub tidal environments.

Chapter 11 of the current CDP relates to 'Tourism & Recreation'. The policies of note include:

- CPO 11.1 To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.
- CPO 11.2 To ensure that all tourism and recreation developments are designed to the highest quality and standards.
- CPO 11.3 To generally require tourism and recreation related developments to locate within existing towns and villages, except where the nature of the activity proposed renders this unfeasible or undesirable. Within existing towns and villages, the Planning Authority will promote and facilitate the development of tourist related uses at appropriate sites. In all cases, the applicant must submit a robust assessment setting out the sustainability of any proposal with respect to economic, environmental and social sustainability, as defined herein.
- CPO 11.10 To facilitate the development of a variety of quality accommodation types, at various locations, throughout the County.
- CPO 11.13 To require new holiday home / self-catering developments to locate within either established settlements or at established tourism / recreation facilities, other than those developments involving the renovation / conversion of existing buildings.
- CPO 11.16 To facilitate modest camping / glamping facilities as part of farm diversification proposal. In such instances the farm should remain as the predominant land use on the landholding and documentary evidence shall be submitted to substantiate the proposed development.
- CPO 11.18 To encourage touring caravan and camping/glamping sites to locate adjacent to or within existing settlements or established tourism facilities (subject to the exclusion set out in Objective CPO 11.6), having due regard to surrounding land uses and proper planning and development of the area.

As per Chapter 17 of the CDP (Map No. 17.09A), the site is identified as being located within the 'Mountain Uplands' Area of Outstanding Natural Beauty. 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.

Policy Objective CPO 17.36 seeks to ensure that 'Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.'

Relevant Appendices

- Appendix 1: Development and Design Standards.

In terms of Overnight accommodation, Section 5.2 notes that the Planning Authority will only permit the development of static caravans / mobile homes, touring caravans and camping sites in areas where the local environment can absorb such development. Sites should have significant existing natural screening. All proposals should be accompanied by comprehensive planting schemes. In particular, the Planning Authority will discourage touring caravans from locating on the actual amenity which attracted them to the area in the first instance in order to protect the interpretation and tourist value of the site in question.

Section 5.4 (Caravan & camping developments) notes that where the principle of static / touring caravans or camp sites has been accepted at a particular location, the layout and design of the development shall accord with the following standards:

- Design and layout should be of a high standard ensuring adequate safety, separation between plots and well located communal areas such as shower blocks and common open spaces;
- A grant of permission for a caravan park will not imply, unless otherwise stated in the permission, a grant of permission for additional facilities such as a shop, café, restaurant or building of other commercial purposes;
- Sites should normally be accessible to existing local services and public utilities, but should not adversely affect them;
- The overall level of development in any one area should not detract from the amenity presently enjoyed by local residents. No such sites should be located immediately adjacent to existing residential properties or be overlooked by the same;
- High quality and extensive landscaping and tree planting will be required around all boundaries and throughout the site. Any new planting should only be necessary to reinforce existing substantial tree cover and not to compensate for a lack of existing cover. New planting should normally comprise indigenous species and a comprehensive and detailed landscaping scheme, prepared by an appropriately qualified professional, should be submitted with any application;
- Public lighting should be on low level posts and of low intensity; Compliance with the Regulations for Caravan and Camping Parks, (Bord Failte 2009).

5.2. Laragh – Glendalough Land Use and Tourism Plan.

Under the Laragh – Glendalough Land Use and Tourism Plan (Map No. 1a), the site is located outside the Laragh settlement boundary, within ‘The Tourist Attractions Zone – Glendalough’, the objective of which is ‘To enhance the visitor experience at Monastic City and Wicklow Mountains National Park, whilst also ensuring that the integrity of the heritage of the area is maintained and improved.

Relevant policy objectives for this zone include:

LG33: All lands located within this area are considered to be within the 'rural area', and all planning applications shall be assessed on the basis of the objectives of the CDP that pertain to the 'rural area'.

LG34: To generally improve the visual amenity of the area through the following:

- to promote the gradual decluttering of this area,
- promote the screening of visually unattractive developments,
- introduction of landscaping at certain locations using appropriate species of native provenance, for example in car park areas.

Map 2b of the plan also identifies the appeal site and being located within an area of Archaeological Potential or Significance.

Other policies of note within the Plan include:

- **LG3:** Increase the length and quality of the stay of visitors to the area through promoting the development of new and improved tourist infrastructure (including for example tourist information, tourist accommodation, tourist shops ('tourist retail'), cafes, restaurants, public houses, tourist attractions and public infrastructure), facilities and attractions.
- **LG4:** Promote Laragh village as a tourism hub that is the first stop for visitors to Glendalough and the wider area, and that is the point from which visits to Glendalough and other attractions in the vicinity are organized. In order to ensure that Laragh village becomes the focus for the provision of the service needs of visitors, the planning authority will allow for the development of tourist-related developments on appropriate lands and which are of a high quality and an appropriate scale and design, in accordance with the following (save as otherwise indicated):
 - Within the 'Settlement Boundary', tourist-related developments will generally be permitted.
 - Within the 'Tourism Corridor Area', the planning authority will generally limit the amount and type of tourist related developments in this area to a total amount, scale and design that is commensurate with the overarching objective to protect the integrity of the natural, built and

archaeological environment of the area and the protection of listed prospect No.23.

- Within the 'Tourist Attractions Area', the planning authority will generally not permit the development of new tourist related developments, except in the following cases:
 - where a development involves the redevelopment or reuse of an existing building,
 - where a development involves an extension to an existing tourist related development, or
 - where a development is a strictly necessary addition that improves the visitor experience or that contributes to the better management of traffic and infrastructure in this area. The development of new tourist related developments will only be permitted where it is demonstrated that the integrity of the heritage sites and prospects are not diminished.
- **LG7** Allow for the development of a campsite at a suitable location.
- **LG21** No development will be permitted that adversely affects the integrity of a European Sites. All development proposals shall comply with the following objectives:
 - On lands designated a 'European Site' it is an objective of the Council to preserve and improve the integrity of the European Site and to prohibit development that adversely affects the integrity of the European Site, in light of the site's conservation objectives. Land designated a 'European Site' comprises Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).
 - Any proposed development with potential to impact upon a European Site shall be subject to an Appropriate Assessment in accordance with Article 6(3) of the EU Habitats Directive 1992 and 'Appropriate Assessment of plans and projects in Ireland-Guidance for Planning Authorities' (DoEHLG, 2009).
 - Avoid encroachment on a European Site and implement an appropriate buffer zone on adjacent sites, as required, where feasible or as determined following consultation with NPWS or other relevant body.

- Ensure that recreational use is directed away from sensitive areas within the European Site, in accordance with the Wicklow Mountains National Park Management Plan and in consultation with National Parks and Wildlife Service (NPWS).
- **LG22:** Any development that may, due to its size, location or nature, have implications for the 'Glendalough-Monastic Settlement' area of archaeological potential and significance and the 'Glendalough' major site of archaeological importance shall be subject to an archaeological assessment. No development in the vicinity of a feature included in the Record of Monuments and Places (RMP) will be permitted where it seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.

5.3. Natural Heritage Designations

The nearest designated site is the Wicklow Mountains Special Area of Conservation (SAC) (Site Code: 002122), located c. 120m to the south of the appeal site, on the opposite side of Glen Road. The Wicklow Mountains Special Protection Area (SPA) (Site Code: 004040) is also located c. 400m to the north of the site and c. 550m to the south of the site.

5.4. EIA Screening

Having regard to the nature and scale the development which consists of erection of glamping pods and ancillary facilities in a rural 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

The main points raised in the First Party appeal can be summarised as follows:

- It is contended that Refusal Reason 1 is the principal issue as all other reasons can be addressed and could have been dealt with through a request for additional information. The Appeal highlights that the location of the appeal site, between the main road, the visitor centre carpark and adjacent to the existing

hotel makes it an ideal location for a soft, light touching development such as the glamping tents proposed. It is stated that it could also be classified as an extension of existing tourist related development and that it improves the visitor experience given its location relative to the existing hotel.

- The appellant notes that the very nature of the proposal, i.e. the rewilding of the land and the temporary nature of the proposal surely maintains the integrity of the heritage sites and does not diminish prospects.
- It is noted by the appellant that the proposed development follows consultation with CONSARC who were appointed by Failte Ireland and other Government bodies and that it was upon their recommendation that this application was submitted. Reference is made to the letter of support from CONSARC on the planning file. The Board, who are at liberty to consider factors beyond the development plan, are requested to reconsider this application in light of the masterplan drawn up by CONSARC for this application. Whilst it is acknowledged by the appellant that there may have some deficiencies in terms of the level of information and detail, it is suggested that the expense of providing this detail is needless, if the principle of the development and refusal reason 1 is not overturned by the Board.
- In terms of Refusal Reason 2, it is considered that given the light touching temporary nature of the proposal and with the increased planting of native species of trees and vegetation and the rewilding of the site that the proposal would not seriously injure the landscape and visual amenities of the area or detract from the setting of the protected national monuments in this area. It is stated that the very nature of the application is about sustainability and any demonstration of the visual impact by way of photomontage etc would only show trees and vegetation and no structures, thus negating the logic of such illustrations. The appellant notes that the proposal is for seasonal use and all temporary structures will be removed when vegetation lose their screening outside of the seasonal use. A condition stating that no structure should be erected until full screening is in place could have dealt with this concern. In terms of concerns with regard to the cramped layout of the tents, it is stated that there is additional land in the appellant's ownership, shown in a broken red line, that could be extended into, and the number of tents could be reduced if

necessary. It is contended that this could easily have been addressed by way of further information.

- In terms of Refusal Reason 3, the appellant notes that this is a relatively straight road with good visibility in all directions and in excess of the 70m sightlines required by DMURS. It is stated within the submission that no official report is submitted by the executive road engineer to say otherwise and there is an unsubstantiated comment by the planner in the planner's report. A drawing illustrating the adequate site lines achievable has been enclosed within the appeal submission.
- In response to Refusal Reason 4, the appellant notes that the nature of the development was to avoid any excavation and disturbance of the land. It is normal that in areas of archaeological importance that a strict condition of any grant would be that an archaeological assessment be carried out. The appellant notes that it would have been a needless expense to carry out an assessment given the principle of the development was refused in reason 1.
- In response to Refusal Reason 5, the appellant refers to the report received from Irish Water stating that a fresh water main is located adjacent to the site and that they have no objections to the connection to same. It is stated that this would negate this reason for refusal and could have been dealt with by way of further information or condition.
- In response to Refusal Reason 6, the appellant notes that there are options to provide alternative wastewater management solutions through either (a) an onsite wastewater management solution which there is ample land to provide or (b) connection to the existing treatment plant which they note was permitted and accepted by Wicklow County Council in a previous application on this land under ref. 00/3707. It is noted that this could have been dealt with by way of further information or condition and should not form a reason for refusal.
- In terms of Refusal Reason 7, it is stated that the nature of the application is to add to the integrity of this European Natura 2000 site by rewilding it and to lightly add immersive visitor accommodation in a very sustainable manner. It is stated that further detail could have been sought and demonstrated by way of further information.

- In conclusion, the Board, is requested to overturn the decision of WCC and grant permission for this proposal or in the alternative, overturn Refusal Reason 1 so that they can engage in more detail with WCC in creating a sustainable and needed alternative accommodation for visitors to this wonderful place. The Board is requested to consider that the consultants, who have been appointed to provide the masterplan for the entire area, are in favour of this proposal and the refusal of this proposal makes a mockery of the appointment of consultants to consider a masterplan.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the First Party grounds of appeal, the Planning Report and the consequent reasons for refusal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. On the basis of the foregoing, the items to be addressed within the assessment will be considered under the following headings:

- Principle of Development
- Visual Impact
- Archaeological Heritage
- Vehicular Access
- Water & Waste Water Treatment
- Appropriate Assessment

7.1. Principle of Development

7.1.1. The proposed development seeks planning consent for what is described in the statutory notices as the rewilding/planting of native trees within cleared areas of the site and the erection of 10 no. bell tents for extended use beyond the 30 days permitted under exempted development. This is to allow for seasonal use from May to October on an annual basis. The proposal also includes associated on-site facilities and works to facilitate the proposed development, including on site car parking and sanitary facilities. Within their assessment of the planning application, the Planning Authority refer to the policy of the Laragh – Glendalough Land Use and Tourism Plan and the location of the appeal site within the ‘The Tourist Attractions Zone – Glendalough’. Within this zone, the policy (LG4) notes that the Planning Authority will generally not permit the development of new tourist related developments, except in the following cases:

- where a development involves the redevelopment or reuse of an existing building,
- where a development involves an extension to an existing tourist related development, or
- where a development is a strictly necessary addition that improves the visitor experience or that contributes to the better management of traffic and infrastructure in this area. The development of new tourist related developments will only be permitted where it is demonstrated that the integrity of the heritage sites and prospects are not diminished.

7.1.2. I note that the proposal does not involve the redevelopment or reuse of an existing building. Notwithstanding the claims of the appellant, I am also of the opinion that the proposed development does not involve the extension of an existing tourist related development. Whilst I acknowledge that the use could contribute to the overall tourism offering in the area, it is evident from the documentation submitted that the proposed development is an independent commercial venture which is not directly linked to an existing tourism enterprise. As noted, the proposal seeks to provide a total of 10 no. camping pods and associated sanitary facilities for seasonal use. Given the location of the appeal site (i.e. outside the settlement boundary of Laragh) and the relevant zoning objective of the lands, I am not satisfied on the basis of the information

submitted at application or appeal stage that it has been demonstrated that the proposed development is a strictly necessary addition that would improve the visitor experience of the area.

7.1.3. I note the commentary within the Planning Authority's Planning Report with respect to the receipt of unsolicited information from the Applicant at application stage. This included a letter from CONSARC Design Group, which refers to their involvement in the preparation of a Draft Masterplan for the 'Visitor Experience Development and Management Plan for Glendalough and the Wicklow Mountains National Park'. The Draft Masterplan identifies the lands owned by the Applicant as having the potential to be sensitively developed for visitor accommodation such as camping, glamping huts or pods, provided they can be integrated into the existing environment. Within their grounds of appeal, the Applicant requests the Board to consider that the consultants, who have been appointed to provide the masterplan for the entire area, are in favour of this proposal and the refusal of this proposal makes a mockery of the appointment of consultants to consider a masterplan. I acknowledge the commentary of the Planning Authority, where they note that this document is non-statutory and they are restricted to considering the objectives of the current CDP.

7.1.4. Fáilte Ireland, in partnership with Wicklow County Council, National Parks and Wildlife Service, Office of Public Works, National Monuments Service, and Coillte, have commissioned a Masterplan for Glendalough and Wicklow Mountains National Park and Visitor Orientation Recommendations for County Wicklow. Fáilte Ireland and its partners have also prepared a Strategic Environmental Assessment (SEA) Report, Appropriate Assessment and a Natura Impact Statement on the Draft Masterplan and I note that a period of public consultation is currently underway on the draft plan. I have reviewed the Draft Masterplan and supporting documentation and Section 4.4 of the Draft Masterplan (Principle of Phasing of Development) provides guiding principles for any development within the area. It is stated that these principles are the basis for a phased approach to development based on incremental steps to match demand. They are envisaged as a progression from small scale interventions as soon as possible to relieve existing pressures forward to longer-term, comprehensive and ambitious plans to transform the visitor experience in the valley and are set out in 3

broad phases. In terms of the appeal site, an objective of relevance to the proposal acknowledges the development of 'Potential high quality accommodation pods for visitors on sites between Visitor Centre car park and road if integrated well into landscape'. The identification of the appeal site for this potential use is indicated in Appendix A4 (Analysis and Concept Development) of the Draft Masterplan. However, it is worth highlighting that this objective is included within Phase 3 as per Section 4.4 of the Draft Masterplan, which has a projected timeline of c. 6-7 years.

- 7.1.5. Although I acknowledge that there may be high level support within the Draft Masterplan for a development of this nature within Phase 3, I note that is currently a non-statutory plan which is at draft stage. I would therefore concur with the commentary of the Planning Authority, and I would consider the proposed development to be premature pending its formal adoption. The proposed development is therefore considered to be contrary to Objective LG4 of the Laragh – Glendalough Land Use and Tourism Plan and the provisions of the Wicklow County Development Plan, 2022-2028 and I recommend that planning permission be refused for the proposed development.

7.2. Visual Impact

- 7.2.1. As per the submitted plans and particulars, the proposed bell tents are to be located within the southern and western portions of the site. A new gravelled car park for 12 no. car parking spaces is proposed which will be accessible from the existing site entrance. Directly to the south of the car park will be 2 no. 40ft shipping containers which have heights of 2.3m and are proposed to be clad in timber. I note that sanitary facilities are provided in one of the containers. The use of the additional container has not been specified. A pathway is shown on the submitted site layout plans which provides access to the 10 no. bell tents. The site layout plan demonstrates that there is a significant level difference across the site (c. 6m), whereby the site slopes to the south and west. One site section diagram has been enclosed within the application which demonstrates that some, if not all, of the bell tents are positioned on timber decks with concrete pads.

7.2.2. Within their assessment of the planning application, the Planning Authority have noted that the development of 10 no. camping pods with associated sanitary and parking facilities is likely to be visible in this highly scenic and protected landscape. It is indicated that no detailed assessment of the visual impact of the development has been submitted and the Planning Authority contend that the development is likely to intrude on the wild and unspoilt outlook of this landscape and the setting of the monastic settlement. As per Section 5.2 (Overnight Accommodation) of Appendix 1 of the current CDP, the development of camping sites will only be permitted where the local environment can absorb such development. Sites should have significant existing natural screening and all proposals should be accompanied by comprehensive planting schemes. In addition, the site is identified under the current CDP as being located within the 'Mountain Uplands' Area of Outstanding Natural Beauty (AONB). Policy Objective CPO 17.36 seeks to ensure that 'Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment...'. I also note that the site is located within close proximity of a number of National Monuments. Within their grounds of appeal, the Applicant made reference to what they describe as the 'light touching temporary nature' of the proposal. The Applicant also refers to the proposals for the increased planting of native species of trees and vegetation and the rewilding of the site and therefore they consider that the proposal would not seriously injure the landscape and visual amenities of the area or detract from the setting of the protected national monuments in this area.

7.2.3. Although I acknowledge that structures of this nature can be provided in such a way that they can have a minimal impact on its receiving environment, I note that the application is not supported by an arboricultural assessment or any detailed landscape plan/proposals for the planting of native species of trees and vegetation and the rewilding of the site. The appeal site occupies a prominent elevated position, and a landscape or visual impact assessment has not been submitted as required by Policy Objective CPO 17.36 given its location within an AONB. This is also of particular relevance given the location of the site in the context of National Monuments located to the west and east of the appeal site. It would appear from the submitted plans and particulars that the many of the bell tents are positioned on timber decks with concrete

pads. There is a lack of detail with respect to these structures and it is unclear whether they would be visible from certain vantage points to the south given their elevated position on a sloped site. Although the Applicant contends that these structures are for seasonal use only, the lack of detail in the submitted documentation makes it unclear whether these could be readily removed from site or what the impact on the landscape would be when they are removed. I note the potential visual impact of the proposed development is likely to be more pronounced during the winter months when the existing vegetation is not in leaf. On the basis of the information on file, I am not satisfied that the Applicant has adequately demonstrated that the proposal can be successfully absorbed into the receiving landscape. I therefore recommend that planning permission be refused for the proposed development given the potential impact of the proposal on the landscape and visual amenities of the area and the protected National Monuments within the surrounds of the appeal site.

7.3. Archaeological Heritage

- 7.3.1. I note that the appeal site is located within an area which displays a rich archaeological heritage. Both the current CDP and the Laragh – Glendalough Land Use and Tourism Plan identify the site as being within an 'Area of Archaeological Potential or Significance'. The report on file from the Department of Housing, Local Government and Heritage indicates that there is a high concentration of archaeological monuments (Recorded Monuments W1023-002 to W1023-016) within the vicinity of the site which are subject to statutory protection in the Record of Monuments and Places (RMP). The report notes that the development site is located in proximity of National Monument No. 134 at Glendalough (Cathedral, Round Tower, Churches, Priory (Augustinian)), Crosses, ringfort, hut site & cave (St. Kevin's). The report also notes that there is a possibility that archaeological features may survive within the confines of the appeal site.
- 7.3.2. Within the grounds of appeal, the appellant indicates that the nature of the development is to avoid any excavation and disturbance of the land. Notwithstanding this, the proposal includes, at a minimum, the construction of an access road, car parking area, footpaths and timber decks with concrete pads. I would concur with the commentary of the Department of Housing, Local Government and Heritage that the

potential physical impact of all associated groundworks on the archaeological heritage of the site has not been addressed in the absence of the archaeological appraisal as required by Policy Objective CPO 8.4 of the current CDP and Objective LG22 of the Laragh – Glendalough Land Use and Tourism Plan. As detailed in Section 7.5 of this assessment, the Applicant has indicated there may be scope to provide a waste water treatment system on site to address Refusal Reason No. 6. In the absence of engineering specifications/drawings and an archaeological appraisal for the proposed dwelling within this sensitive archaeological area, and the lack of information provided to assess the potential impact of the proposed development on the archaeological resources of the area, it is considered that that the proposal would be premature pending such investigation and would therefore be contrary to the proper planning and sustainable development of the area.

7.4. Vehicular Access

- 7.4.1. The existing entrance to the appeal site is located in close proximity to the junction of the R757 and the R756. The entrance is also located opposite an entrance to what I observed to be a domestic dwelling. The proposal seeks planning consent to utilise the existing site entrance to serve the proposed development. As noted, a gravelled car parking area measuring c. 19m wide by 14.45m deep is proposed which will accommodate 12 no. car parking spaces. I note the car spaces have not been clearly identified on the submitted site layout plans. As part of their assessment, a request for additional information was recommended by the Planning Authority's Roads Section which required the Applicant to submit drawings showing that adequate sightlines are provided in each direction. Details with respect to the construction make up of the proposed car park area was also requested. The Planning Authority indicated that there would be an intensification of traffic movements at this location resulting from the development and a refusal of planning permission was recommended.
- 7.4.2. In response to the reason for refusal, the Applicant in their grounds of appeal has indicated that the road is relatively straight with good visibility and sightlines in excess of 70m in each direction. Although sightlines have now been identified on the revised site layout plan which forms part of the appeal submission, I note that it is unclear whether it is necessary to remove any existing boundary vegetation on either side of

the entrance to achieve these sightlines. Although there is reference within the application documents to the appeal site being used in the past as a car park, there is no permitted commercial use on site, and I note that the proposed development will potentially result in a significant intensification of traffic movements at this location. This impact will be pronounced during peak seasonal periods. In this regard, Policy Objective CPO 12.48 (Regional Road Objectives) is relevant to the consideration of the application which stipulates that new means of access onto regional roads will be strictly controlled and may only be considered in certain circumstances. One such circumstance is where it is demonstrated, through the submission of a site access engineering report prepared by a competent engineer, that the proposed entrance will not interfere with the free flow and safety of traffic on the regional road. In addition, Section 2.1.9 (Entrances & sight lines) of Appendix 1 of the current CDP notes that when locating new entrances and proposing increases in traffic movements at existing entrances, it must be shown that vehicles turning right into the entrance do not obstruct or cause a hazard to other road users. I note that the existing entrance is located opposite an existing domestic entrance and in close proximity to the junction of the R757 and the R756. On the basis of the information submitted at application and appeal stage and the lack of a site engineering report, I am not satisfied that it has been adequately demonstrated that the proposal would not endanger public safety by reason of a traffic hazard. In this regard, I recommend that planning permission be refused for the proposed development.

7.5. Water & Waste Water Treatment

- 7.5.1. In terms of water supply for the proposed development, the application form indicates that the proposal will be reliant on a tanked water supply. A report is on file from Irish Water which indicates that there is mains water available at the entrance to the site and a new water connection is required. I note that Irish Water have raised no objection to the proposed development subject to compliance with conditions. The Planning Authority note that the current proposals are unacceptable because they would require a complex arrangement for treatment and management and could result in malfunction and be vulnerable to contamination. I would share the concerns of the Planning Authority given the lack of detail with respect to the current proposals and I would recommend the consideration of an alternative supply, should a future application be

forthcoming for the lands. Notwithstanding this, given the potential alternative arrangements that may be available to the Applicant, I do not consider the inclusion of this refusal reason to be warranted in this instance.

- 7.5.2. In terms of the disposal and treatment of waste water, the Applicant is proposing to utilise composting toilets which are to be located in one of the proposed shipping containers. Concerns with respect to this arrangement are raised by the Planning Authority because the proposals for safe storage, treatment and disposal of sludge cannot be guaranteed, in addition to odour and possible contamination of ground water from liquid waste. Within their grounds of appeal, the Applicant has indicated that there are options to provide alternative waste water management solutions through either an onsite waste water treatment system or connection to the existing treatment plan. Whilst I acknowledge that there may alternative solutions, it is not possible to ascertain whether they are either feasible or practical in this instance, particularly given the sensitivities of the appeal site as discussed throughout this report. The application and appeal lack sufficient detail with respect to the proposals for the disposal and treatment of waste water and I therefore consider the proposal to be prejudicial to public health. In this regard, I recommend that planning permission be refused for the proposed development.

7.6. Appropriate Assessment

The nearest designated sites are the Wicklow Mountains Special Area of Conservation (SAC) (Site Code: 002122), located c. 120m to the south of the appeal site and the Wicklow Mountains Special Protection Area (SPA) (Site Code: 004040) located c. 400m to the north of the site and c. 550m to the south of the site. Given the location of the appeal site relative to these designated sites, the Planning Authority considered that the applicant had failed to demonstrate that the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of this European Natura 2000 site, in view of the site's conservation objectives. As part of the development management process, it is necessary to determine whether the proposed development would be likely to have significant effects on those Natura 2000 sites, and therefore, whether an appropriate assessment is required.

7.6.1. The conservation objectives of the relevant sites are as follows:

European Site	Qualifying Interest	Conservation Objectives
Wicklow Mountains SAC (002122)	<p>1355 Otter <i>Lutra lutra</i></p> <p>3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i></p> <p>3160 Natural dystrophic lakes and ponds</p> <p>4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>7130 Blanket bogs (* if active bog) 8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p>91A0 Old sessile oak woods with <i>liex</i> and <i>Blechnum</i> in the British Isles</p>	<p>1355 To maintain the favourable conservation condition of Otter in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>3110 To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>3160 To maintain the favourable conservation condition of Natural dystrophic lakes and ponds in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>4010 To restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>4030 To restore the favourable conservation condition of European dry heaths in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>4060 To restore the favourable conservation condition of Alpine and Boreal heaths in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>6130 To maintain the favourable conservation condition of Calaminarian grasslands of the <i>Violetalia calaminariae</i> in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p>

		<p>6230 To restore the favourable conservation condition of Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>7130 To restore the favourable conservation condition of Blanket bogs (* if active bog) in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>8210 To restore the favourable conservation condition of Calcareous rocky slopes with chasmophytic vegetation in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>8220 To restore the favourable conservation condition of Siliceous rocky slopes with chasmophytic vegetation in Wicklow Mountains SAC, which is defined by the following list of attributes and targets.</p> <p>91A0 To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Wicklow Mountains SAC, which is defined by the following list of attributes and targets</p>
Wicklow Mountains SPA (004040)	<p>A098 Merlin <i>Falco columbarius</i></p> <p>A103 Peregrine <i>Falco peregrinus</i></p>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

7.6.2. Although the site is not directly connected to a designated site, the site is located in the vicinity and uphill of the Wicklow Mountains SAC and SPA. I note that there is a lack of detail submitted with the application and appeal with respect to the disposal of waste water treatment, potential ground works on site to facilitate the proposed development and details with respect to the operation of the proposed development (for e.g. lighting to facilitate the operations of the camping facility, etc.). In the absence

of this information, it is not possible to conclusively determine that no appropriate assessment issues arise. Therefore, on the basis of the information provided with the application and appeal and in the absence of this information or a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Wicklow Mountains SAC (Site Code: 002122) or the Wicklow Mountains SPA (Site Code: 004040) in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the appeal site outside the settlement boundary of Laragh and within 'The Tourist Attractions Zone – Glendalough', where it is an objective of the plan to generally not permit new tourist related developments, except in limited circumstances, it is considered that the proposed development is contrary to Policy Objective LG4 of the Laragh – Glendalough Land Use and Tourism Plan and Policy Objective CPO 11.3 of the Wicklow County Development Plan, 2022-2028. The proposed development would therefore be contrary to proper planning and sustainable development of the area.
2. Having regard to the location of the appeal site within the 'Mountain Uplands' Area of Outstanding Natural Beauty and the lack of information to show how the development would be absorbed into this sensitive landscape, it is considered that the proposed development would be an intrusive feature in this highly sensitive landscape which includes protected National Monuments, and would negatively impact the landscape and visual amenities of the area and detract from the setting of the protected National Monuments in this area. The proposed development would therefore be contrary to proper planning and sustainable development of the area.

3. Having regard to the location of the existing entrance opposite a domestic entrance and in close proximity to the junction of the R757 and the R756, it has not been adequately demonstrated that the intensification of the existing vehicular entrance to facilitate the proposed development would not endanger public safety by reason of a traffic hazard. The proposed development would therefore be contrary to proper planning and sustainable development of the area.
4. Having regard to the location, nature and extent of the proposed development, the potential ground works associated with the development within a sensitive archaeological area, and the lack of information provided to assess the potential impact of the proposed development on the archaeological heritage of the area, it is considered that the proposed development fails to accord with Policy Objective CPO 8.4 of the Wicklow County Development Plan (CDP), 2022-2028 and Objective LG22 of the Laragh – Glendalough Land Use and Tourism Plan. The proposed development would therefore be contrary to proper planning and sustainable development of the area.
5. Given the lack of detail with respect to the proposals for the disposal and treatment of waste water on site and the insufficient information as to whether alternative solutions are feasible on the site, the proposed development would be prejudicial to public health and would therefore be contrary to proper planning and sustainable development of the area.
6. Having regard to the location of the site in the vicinity and uphill of the Wicklow Mountains SAC and SPA and the lack of detail submitted with the application and appeal with respect to the disposal of waste water treatment, potential ground works on site to facilitate the proposed development and details with respect to the operation of the proposed development (for e.g. lighting to facilitate the operations of the camping facility, etc.), it is not possible to conclusively determine that no appropriate assessment issues arise. Therefore, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Wicklow Mountains SAC (Site Code: 002122) or the Wicklow Mountains SPA (Site Code: 004040) in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Enda Duignan

Planning Inspector

21/12/2022