



An
Bord
Pleanála

Inspector's Report ABP-314622-22

Development

Greenway Tourism Glamping Centre incorporating 5 Detached Accommodation Pods, Management Centre incorporating shared kitchen, guest bathroom, public accessible WC, 3 Camper Van serviced bays, entrance, access road, car parking and associated site development works.

Location

Burgage Moyle, Blessington, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

22/212.

Applicant

Pat and Theresa Phibbs.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party v Grant of Permission

Appellant

1. Paul and Aisling Jervis.

2. Gavin and Leona Buggy

Observer(s)	None.
Date of Site Inspection	1 st May 2023
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1. The appeal site is located within the rural townland of Burgage Moyle, c. 1.7km to the south of Blessington town centre. The site is located on the southern side of a rural laneway, located c. 140m to the east of the existing junction with the N81. The laneway serving the appeal site forms part of the proposed Blessington Greenway route and I observed a number of people walking this route at the time of my site inspection. The existing laneway has generally a single lane width and was in a fair condition.
- 1.2. The appeal has an irregular shape with a stated area of c. 1.4ha. The site forms part of a larger agricultural field which is currently under grass and has generally a flat topography which is consistent with that of the surrounding area. The site has a northern abuttal with the existing laneway, with this boundary comprising fencing, a raised embankment and sections of a mature hedgerow which is interspersed with a number of mature trees. The site has an eastern boundary with a dense wooded area and there are currently no formal southern or western boundaries.
- 1.3. In terms of the site surrounds, there are a number of detached dwellings located to the west of the appeal site, on the southern side of the existing laneway. There is also an additional dwelling located to the north-west of the site, adjacent to the junction with the N81. A double storey dwelling is located further to the south-west which is accessed from the N81 and the remainder of the lands within the surrounding area are predominantly in agricultural use.

2.0 Proposed Development

- 2.1. The proposed development seeks planning consent for the development of what is described as a Greenway Tourism Glamping Centre. The proposal seeks to provide a new vehicular entrance to the site at the western end of its northern boundary, with a driveway leading to a central management building and associated staff and visitor car parking. The management centre comprises a single storey structure with a reception area, information office, kitchen area, bathroom facilities, laundry and a publicly accessible WC. The structure has a maximum height of c. 3.75m and materials and finishes comprise timber sheeting for the principal elevations with a folded metal

cladding roof.

- 2.2. A gravel path is proposed to the east of the central management area leading to a total of 5 no. detached glamping pods. Each glamping pod comprises a sleeping area, bathroom, kitchen and living area. The pods have a curved roof with a maximum height of c. 2.5m and the roof and elevations are clad in timber.
- 2.3. To the south of the central management area, it is proposed to provide 3 no. serviced motorhome bays which are to be accessed via a shared gravel driveway. An onsite wastewater treatment system is proposed between the central management area and the proposed serviced bays. The existing northern and eastern boundaries are proposed to be strengthened where required with indigenous planting and a new 1.5m high treated timber post and rail fence will form the western and southern site boundaries. Landscaping is also proposed across the appeal site.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council granted planning permission for the development subject to compliance with a total of 14 no. standard conditions.

Condition No. 3 requires the development to be held in single ownership and restricts the use to short term letting for a maximum duration of 4 weeks.

Condition No. 10 requires the establishment of a single management company to be agreed with the Planning Authority prior to the commencement of development.

Condition No. 13 restricts noise levels on the site at noise sensitive locations.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Reports form the basis of the decision. The First Report provides a description of the site and the subject proposal, it sets out the

planning history of the site, notes that pre-planning consultation was facilitated and provides an overview of the policy at local level that is relevant to the development proposal. The report also summaries the 4 no. observations on the planning file.

Within their assessment of the application, the Planning Authority refer to the location of the appeal site along the proposed Greenway route and the proposal was deemed to be acceptable subject to the Greenway being permitted. It was also considered that the development was laid out in a suitable manner with appropriate landscaping. Further information was requested with respect to the following matters:

- An engineer's report including the following information:
 - o Revised site layout plan demonstrating adequate sightlines at the entrance to the site and also at the junction of the laneway (L83632-1) with the N81.
 - o Impact of the proposal and increased traffic on the junction with the N81 during the construction and operational phase.
 - o Impact of the proposal and increased traffic on the existing local road (L83632-1) during the construction and operational phase.
 - o Details of how emergency service vehicles will access the site.
 - o Drainage plan and details of drainage network which includes design calculations in accordance with BRE 365 for the proposed surface water soakaways.
- Revised details with respect to the proposed wastewater treatment system.
- Proposals for a grease removal system for the management centers shared kitchen.
- Details as to how the facility is to be managed and operated as the Applicant does not reside on the site. This should include details of staff hours and how the facility will be managed outside of office hours. Clarification was required to demonstrate how the residential amenity of the area will be safeguarded.

Following the submission of additional information, the proposed development was deemed to be acceptable, and the Planning Authority recommended a grant of planning permission subject to compliance with 14 no. conditions.

3.2.2. Other Technical Reports

Municipal District Engineer: Initial report received recommending additional information. Second report on file stating no objection subject to compliance conditions.

EHO: Report received recommending additional information. Second report on file confirming the additional information response has been considered by the Environment Section.

Roads: Report received recommending additional information.

Environment: Report received recommending additional information. Further report on the planning file stating no objection to the proposed development subject to compliance with conditions.

Chief Fire Officer. Reports on file stating no objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

Irish Water. An initial report received stating no objection subject to compliance with conditions. A second report is on the planning file recommending additional information with respect to the proposed wastewater treatment system. The Applicant was requested to provide evidence that there is no pathway for pollutants and/or contaminates, between the site and Poulaphouca Reservoir. In addition, the applicant shall provide clarity on proposed cumulative wastewater population's equivalent (PE) loading arising from the proposal, to include average daily loadings, peak loadings, and seasonal fluctuations and flood/storm events.

National Roads Office: Report received recommending additional information with respect to.

DCC: Report received stating no objection.

TII: Report received stating that they have no observations.

3.2.4. Third Party Observations

A total of four (4) no. observations were received from the following Third Parties:

- Sean Boland;
- Paul and Aisling Jarvis;
- Caroline Hayden; and,
- Gavin and Leona Buggy.

The issues raised within the observations can be summarised as follows:

- Concerns raised with respect to the potential for noise pollution, antisocial behavior and an increase in litter in the area as a result of the proposed development. Concerns are also highlighted with respect to the type of visitors that would use the facilities, which may include hen and stag parties.
- Concerns are highlighted with respect to the management of the operations, given the owners reside at a location removed from the site.
- Concerns are highlighted with respect to the lack of a pedestrian route to the town of Blessington which will be dangerous to pedestrians and motorists in the absence of street lighting in the area.
- Concerns that the proposed development will have a negative impact on wildlife and bird species due to potential noise and light pollution.
- Concerns that the proposed development would set a poor precedent for similar development in the surrounding area.
- It is contended that the application is invalid as the existing entrance to the agricultural field was constructed without the benefit of planning permission.
- Concerns with respect to the impact of the proposal on drinking water given the site's location relative to the Poulaphouca Reservoir and the reliance on an onsite wastewater treatment system.
- The existing lane serving the development site is substandard and not sufficient to cater for construction traffic.

- The existing laneway lacks infrastructure and is inadequate to cater to a development of this nature.
- The proposal represents a traffic hazard, particularly at the junction with the N81.
- The proposed development is premature pending an upgrade to the N81.
- Concerns are highlighted with respect to the potential for forest fires from barbecues or campfires within the development site.
- It is stated that the conclusions of the Appropriate Assessment screening are not robust and do not provide certainty that there will be no adverse impact on the SPA.
- It is stated that the site is not suitable for a development of this nature as it is not identified as a service hub for the Blessington Greenway. It is also highlighted that a development of this nature is not required at this location as there are an abundance of hotels and B&B's in the area.
- Concerns are highlighted with respect to the potential visual impact of the proposed development which will be exacerbated in winter months when trees are bare.

Two (2) no. representations are also on the planning file from Cllr. Gerry O'Neill and Cllr. Patsy Glennon.

Two (2) no. further submissions were received from Third Parties (Caroline Hayden and Gavin and Leona Buggy) following the submission of the Applicant's additional information. The submissions raised further similar concerns with respect to the subject proposal.

4.0 Planning History

4.1. Appeal Site

065986: Planning permission refused by the Planning Authority for the construction of a single storey dormer dwelling, an on-site effluent treatment system with percolation area, new entrance onto existing laneway and all ancillary works. The application was refused for 3 no. reasons relating to:

- The proposal not representing a necessary dwelling in an area of outstanding natural beauty.
- The proposal constituted a traffic hazard.
- The design of the dwelling was not in keeping with the rural character of the area.

4.2. Surrounds

ABP-312479-22: Application currently being assessed by the Board for the Blessington Greenway consisting of approximately 33 kilometres of walking and cycling paths that travel around Poulaphouca Reservoir/Blessington Lake. The proposed Blessington Greenway adjoins the entire length of the northern site boundary.

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 and after the decision of the Planning Authority to grant planning permission. The appeal site is located within a Level 10 Rural Area (i.e. All the rural area outside of the designated settlements). The CDP notes that the key development parameter in the rural area is to facilitate appropriate and necessary activities and development, but to protect the natural environment within which these activities are undertaken. Protecting the natural environment is essential for the maintenance and protection of ecological biodiversity and landscape quality, as well as meeting climate change and green infrastructure aspirations. In order to safeguard the future viability of rural activities and to ensure that the rural area flourishes, it is essential that the development of the rural area is managed in a sustainable manner into the future. It is necessary to support and protect the rural area and ensure the appropriate management of rural uses including rural housing, key rural services, agricultural activities, use of aggregate resources, green and alternative businesses, rural transport, rural tourism and rural entrepreneurship.

Chapter 11 of the current CDP relates to 'Tourism & Recreation' and is relevant to the

development proposal. 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 11.3 To only permit the development of a tourism or recreational facility in a rural area in cases where the product or activity is dependent on its location in a rural situation and where it can be demonstrated that the proposed development does not adversely affect the character, environmental quality and amenity of the rural area or the vitality of any settlement and the provision of infrastructure therein. The natural resource / tourist product / tourist attraction that is essential to the activity shall be located at the site or in close proximity to the site, of the proposed development. The need to locate in a particular area must be balanced against the environmental impact of the development and benefits to the local community.
- CPO 11.6 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' in all landscape areas:
 - o 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,
 - o Holiday homes will not be permitted in any landscape category other than urban zones except where they comply with objectives CPO 11.13, CPO 11.14, CPO 11.15 and CPO 11.16.

- 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 11.17 To facilitate the development of hostels and alternative accommodation offerings along established walking / hiking routes and adjacent to existing tourism / recreation facilities.
- 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.
- CPO 11.51 Ensure the potential environmental effects of a likely increase in tourists/tourism-related traffic volumes in particular locations/along particular routes shall be considered and mitigated as appropriate. Such a consideration should include potential impacts on existing infrastructure (including drinking water, wastewater, waste and transport) resulting from tourism proposals.

Given the nature of the proposal and the site's rural location, CPO 13.16 of the Plan is considered to be relevant to the development proposal. Although it specifically relates to single rural houses, it states that permission will be considered for private wastewater treatment plants where:

- The specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- The system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow

Groundwater Protection Scheme (2003);

- The proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

As per Chapter 17 of the CDP (Map No. 17.09A), the site is identified as being located within the 'The Blessington Lakes Area' Area of Outstanding Natural Beauty. This category generally relates to the area around Blessington known locally as the 'Blessington Lakes' and extends into Sorrell Hill. The lakes area is dominated by the lake, views onto and from the lake. To the east and south, land is more mountainous with attractive views and vegetation.

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.'

As per Map No. 17.11 of the current CDP, there is also a prospect (21 i.e. Prospect of Russborough House, Russeltown park and towards Poulaphuca Reservoir) which

runs along the R758 and is located to the south of the appeal site.

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. Natural Heritage Designations

The nearest designated site is the Poulaphouca Reservoir Special Protection Area (SPA) (Site Code: 004063), located c. 130m to the north and c. 200m to the east of the appeal site. The Proposed Natural Heritage Area: Poulaphouca Reservoir is also located c. 130m to the north and c. 200m to the east of the appeal site.

5.3. EIA Screening

Having regard to the nature and scale the proposed development which consists of the development of a Greenway Tourism Glamping Centre comprising 5 no. glamping pods, a reception centre and 3 no. serviced campervan bays, 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

Two (2) no. Third Party appeals have been submitted by:

- Paul and Aisling Jervis, Burgage Moyle, Blessington, Co. Wicklow; and,
- Gavin and Leona Buggy, Burgage Moyle, Blessington, Co. Wicklow.

Gavin and Leona Buggy

The main grounds of appeal can be summarised as follows:

- The appellant notes that the proposal is inconsistent with the policies of the current County Development Plan and National policy and highlights that the

existing open countryside should be preserved and protected by inappropriate development. It is also stated that the site is not located within an established settlement, and it is not the correct location for a development of this nature. The appeal site is designated agricultural land and should therefore be refused planning permission as it would set an undesirable precedent for similarly located projects.

- The appellant refers to a planning application in County Kerry (Reg. Ref. 21/528) that was similar to the development proposal and it was refused planning permission as it would set a precedent for further commercial type development on site, including facilities buildings.
- This development should be refused and the area should be protected against any future development on the basis of it being a Special Protection Area and a Special Area of Conservation. An updated Appropriate Assessment/Natura Impact Assessment for the proposed site and the surrounding area should be undertaken for this site and surrounding area.
- It is stated that if this development goes ahead, it sets a precedent which causes much concern as the entire larger landholding could be given over to further development of same. The appellants note that their family home is the original farmhouse for this farm and their home sits in the middle of the field where the development is due to take place. When the farmland was sold, the owners confirmed that the lands would be continued to be leased and farmed as it is designated agricultural land. The appellant has raised significant concerns that they may be surrounded by this development in the future and their privacy and security will be severely compromised. The appellant refers to the business plan that accompanies the planning application which clearly states that there is an intention to expand the business offering and potentially provide 10 pods and five camper van bays on the appeal site.
- The proposed development will have an adverse impact on the local community and the existing infrastructure cannot cope with traffic, pedestrians, and cyclists. It is stated that the visual amenities of the area will be destroyed and will have an adverse impact on the character and environmental quality of this area.
- The Greenway is used by pedestrians, cyclists, dog walkers and the green

space has a unique character. It is stated that it is an amazing amenity to connect with nature and if this development goes ahead, it will have a detrimental impact on the character and unique identity of this landscape. It will also compromise the biodiversity of this area as it will force the animals, birds and insects from their natural habitat.

- The appellant notes that the site is located within a Poulaphouca Reservoir Special Protection Area and it is their understanding that the proposed development site is in fact one of the proposed Natural Heritage Areas as it is one that is listed as a site of significance for wildlife and habitats. Processes are underway to resurvey and formally designate some proposed Natural Heritage Areas and this development should not be approved until this process has been completed at the site.
- If this development goes ahead, there will be a serious health and safety issue as the infrastructure is not in place nor is it possible for it to be adapted as it's too narrow for two way traffic of pedestrians and cyclists. The appellant refers to the planning history of this site and they deem the proposal to be a traffic hazard given the additional traffic generated by the development at the junction with the N81.
- It is stated that there are multiple housing developments both underway and planned for Blessington, to provide much needed housing for the community. As a result, the green spaces in the town are rapidly diminishing. The greenway walk from the Avon to Russborough House provides this green area free of development for local and visitors to walk, cycle, spend time in nature, listen to birds sing and appreciate the unspoiled landscape. Concerns are also highlighted that the proposal will negatively impact the existing trees along the site frontage.
- It is stated that there is a very real possibility of fire hazards, as the site borders woodland on ESB land. If a campfire or barbecue got out of control, the woodland could be destroyed and it would not be easy for fire services to access the site as the laneway is too narrow.
- It is stated that there are currently a broad range of accommodation offerings in Blessington and the need for additional accommodation is questioned, particularly at this location.

- There are safety concerns associated with the proposed development as it is likely to include transient clientele which puts their home at risk of potential nuisance.
- Concerns are highlighted with respect to noise pollution. Given off-site ownership, it is questioned how the facility is to be managed. It is stated that generally, the owner of a glamping site lives on site or next door and runs the glamping business from their home, where they live with their families. The appellant states that they feel strongly that a precedent may be set here if this development goes ahead. A precedent that allows and facilitates the purchase of agricultural lands for commercial development.
- The applicant notes that they spent some time researching, seeking information to learn more about glamping sites and the potential impacts they can have on those residing near them. Throughout this task, the appellant confirms that they spoke with many owners of glamping sites and talked through scenarios with them as they are so concerned about noise, antisocial behavior and lack of privacy. It is noted that every proprietor they spoke to lives either on site or next door to their glamping site and they believe that it's imperative to facilitate the smooth running of their business.
- Concerns are highlighted regarding the illegal entrance that was opened to the farmland in 2021, without permission. The appellant believes that this was done to create an access from the field to the Greenway. The appellant questions how can there be no consequence for this and how is there no repercussion or penalty imposed here. If there is no penalty, then there is no deterrent for this to be done.
- Included within the appeal are photographs of the appeal site and surrounds including the existing local road serving the site.

Paul and Aisling Jervis

The main grounds of appeal can be summarised as follows:

- The applicant's Appropriate Assessment screening report was inadequate in terms of identifying any potential pathways and the Irish Water report identified the need to establish if there was a pathway to the nearby reservoir. This

information was critical to any adequate Appropriate Assessment. The Planning Authority also did not have regard to the appropriate test and there was no further Appropriate Assessment in their final and second report following the submission of the further information with respect to wastewater treatment.

- The Planning Authority's decision failed to adequately consider the policy of its own development plan in regard to Areas of Outstanding Natural Beauty and the protection of Natural Heritage. The planning report merely recited the Development Plan policy and suggested it was acceptable given its location relative to the proposed Greenway route. There is no justification of this contention when the entirety of the Development Plan policy is to prevent camper style development within Areas of Outstanding Natural Beauty.
- It is stated that there was no consideration of the integration or cumulation of the impacts of tree and hedgerow removals on protected species of bats and birds who use hedgerows in the vicinity as biodiversity routes in accordance with the nearby Special Protection Area.
- The local road is inadequate to provide suitable access to the proposed development and the imposition of planning conditions on lands outside the red line application side boundary, which the applicant may or may not own, is ultra vires. The applicant has also no legal right to undertake works on the public road without a prior letter of consent from the rightful landowner and the Planning Authority.
- It is contended that the application is invalid as it is reliant on factually incorrect documentation and is fatally flawed. The existing entrance to the lane was made illegally without the benefit of planning permission with the purpose of facilitating commercial development as a glamping and camper van site.
- The lane which provides access to the proposed site is 3m in width and is generally unsurfaced and can only accommodate a single vehicle at a time, nor does it allow for the passing of vehicles. It does not have the ability to sustain heavy construction traffic or heavy camper van traffic and is therefore inadequate in width to accommodate tourism traffic generated by the proposed use. It is also inadequate to provide for the necessary emergency vehicle service access warranted by such a tourism use, as a fire tender is a minimum of 3.5m in width. Concerns are also highlighted that the proposed development

could give rise to the risk of forest fires arising from the glamping site given its location in the context of an existing forested area.

- The proposed development would comprise an inappropriate transient use bounding existing residences and concerns are raised with respect to the potential for noise and antisocial behavior from glamping activities and campervan use which are frequently used for stag and hen parties. It is also stated that the site is outside the development boundary for Blessington and is not identified as a service hub for the Greenway linking Blessington to Russborough House.
- The location of the proposed development within a much larger overall site begs the question as to the future development of the overall lands and the potential scale of future glamping and campervan development.
- Concerns are highlighted with respect to the development description of the proposal as a 'Greenway Tourism Glamping Center'. It is stated that this is misleading, as the proposal is completely independent of the development plan objective for a Greenway and is separate from the Council's proposal for a Greenway currently the subject of a strategic infrastructure development application to the Board. It is stated that the Planning Authority's report is in error when it suggests that the proposed Greenway provides a rural justification for the site as the Development Plan envisages that the necessary infrastructure will be located in more urban centres and hubs.
- The appellant notes that the proposed development is in breach of the Planning and Development Regulations. It is stated that the errors of fact by the Applicant on the application form are significant and substantial and mean that the application form details cannot be relied upon. It is requested that the Board dismiss the application as breaching the Planning and Development Regulations, 2001 as amended.
- The appellant refers to the planning history of the appeal site and they contend that the planning precedent establishes a history of refusal of permission on the site. It is stated that there is no evidence that the Applicant has the necessary legal consent to undertake works for the improvement of sightlines at the junction of the local road with the N81.
- The proposed glamping pods and service building would be of a log cabin style

finish set within an ad hoc linear layout are unrelated to the rural character and injurious to the amenity of the surrounds.

- It is stated that the policy of the County Development Plan is to only allow tourism development in a rural area where it is dependent on the location in a rural area and where it can be demonstrated that it does not adversely affect rural character or environmental quality. In the case of the subject site, there is inadequate infrastructure to serve the proposed development in that the access lane is inadequate in width and has poor alignment. It is also stated that the absence of public foul sewers and the need for a private treatment plant generates a significant potential pollution risk to public water supply for the Dublin region.
- While tourism uses are open for consideration in a rural zone, static caravans and mobile homes are not permissible in an Area of Outstanding Natural Beauty. The proposed development is therefore considered to be contrary to the policies of the County Development Plan. While glamping pods and camper vans are not static caravans or mobile homes, they are similar products in terms of environmental impact. Together with the limitations of the road infrastructure and the lack of services, the destruction of hedgerows and the removal of trees, it is considered that a grant of permission is precluded in this case.
- The existing lane access junction with the N81 has poor sight lines and is contained within the preferred route corridor for the N81. It is stated that the intensification of use of a substandard local road junction and of greenfield lands is premature pending the reservation of a defined route alignment and junction access. The proposal would also contribute to a traffic hazard because of poor sightlines and would contribute to a conflict with existing pedestrian and cyclist use of the existing Greenway. The applicant's suggestion of widening the roadway and providing pass bays is outside the scope of the application red line boundary and there is no evidence of sufficient legal interest to carry out such works.
- In terms of Appropriate Assessment, it is stated that the soils beneath Blessington function as aquifers, containing groundwater. Pollution or contamination of these soils would be likely to impact upon groundwater which is connected through aquifers to the nearby reservoir, the main water supply

for the greater Dublin region. With regard to the area's groundwater, a significant amount of the waters are classified as being either of high or extreme vulnerability. A 100m buffer zone has been provided along the eastern boundary of the Blessington plan area aimed at preserving the scenic and ecological value of this area. It is stated that the subject site is located 126m from the Special Protection Area and there is insufficient evidence to demonstrate that the groundwater and reservoir will not be adversely impacted as there is no hydrogeological report or assessment.

- It stated that the location of the wastewater treatment plant introduces a significant risk to the public water supply in the event of any failure or mismanagement of the private treatment plant. There are inadequate details of the operation and management of the proposed treatment plant and the suitability of the site to accommodate such a treatment plant.
- It is noted that the Appropriate Assessment screening conclusions which have no supporting hydrology report are not robust. There may be a pathway to the Special Protection Area via underground water channels and via the nearby stream. The question of impact on protected bird, bat or fauna species, which are protected irrespective of whether they are in the Special Protection Area was not adequately addressed. No account was taken in the Appropriate Assessment screening of the potential impact of the development as constructed and whether bird flight activity and bat activity could be impacted as a result of lighting and loss of foraging and connectivity. As impacts to the Special Protection Area cannot be definitively ruled out, a Natura Impact Statement is required.

6.2. Planning Authority Response

None.

6.3. First Party Response

A First Party response was received dated 13th October 2022. The submission was prepared on behalf of the Applicant in response to the 2 no. Third Party appeals. The response to the appeals is summarised as follows:

Paul and Aisling Jarvis

- Planning Authority's Decision
 - In terms of the adequacy of the existing road, it is stated that the Applicant is fully entitled to undertake the proposed works on lands within the ownership as long as they consent to same. It is stated that the Council have granted permission, including the works on their land.
- Key Arguments
 - In terms of the existing agricultural entrance and the validity of the application, it is highlighted that enforcement is a matter for the Local Authority and the Board has no role in this regard.
 - In terms of concerns regarding wastewater treatment, it is stated that the provision of on-site treatment systems are arguably subjected to more scrutiny at this location given its location relative to the reservoir. It is noted that modern on-site treatment systems are of a notably high specification and the Planning Authority has raised no concerns with the proposals.
 - In terms of the principle of development, it is contended that a small-scale, low impact, tourist accommodation of the nature proposed has a requirement to be located in a rural area in order to cater to the type of tourist that will be using the greenway.
- Site Context
 - In terms of concerns regarding boundary treatments, the Applicant is happy to incorporate additional boundary planting as a condition of the permission.
 - In terms of the road improvement works and the provision of laybys, the fact that the proposal has been granted by the Planning Authority for these laybys is clear evidence that they consent to these works on the lands in their ownership.
- The Nature of the Proposed Development
 - In terms of describing the development as a 'Greenway Tourism Glamping Centre', it is stated that the proposal is situated adjacent to the

existing Greenway route and therefore it is not considered to be misleading.

- In terms of the proposal's justification, the CDP is clear that tourism related developments can be facilitated in rural landscapes where the tourist product or attraction is located in such an area provided there is no adverse impact on the receiving landscape.
- Development Plan Policy
 - It is submitted that the nature of the development is such that it has to be located in a rural area and would not be suitable in an urban area. Reference is made to the Teagasc Rural Development Factsheet on Glamping which highlights the location dependency of glamping, and the Applicant notes that this type of accommodation is being formally recognised by Failte Ireland.
 - In terms of traffic and pedestrian safety, it is stated that the campervan traffic would likely to be very low given the small number of bays proposed. Vehicles are also likely to travel at low speeds given the narrow nature of the lane.
 - The Applicant also highlights that there are no plans at present to improve the N81 between Tallaght and Hollywood Cross. Irrespective of same, the junction with the N81 currently exists and would have to be upgraded in any event if the N81 was to be upgraded. It is noteworthy that Transport Infrastructure Ireland had no observation to make on the application.
 - In relation to the alleged destruction of hedgerows, it is noted that the loss of such hedgerows is notably low (entrance width only) and the proposed development includes significant replacement planting to compensate for same. It is also confirmed that no trees are proposed to be felled.
- Appropriate Assessment Screening
 - It is noted that there is no requirement for the submission of a hydrogeological report for a development of this scale and nature. An ecological appraisal of the site forms part of the Appropriate Assessment screening which concludes that the site has 'a low level of ecological interest'. It is highlighted that the development is to be located on

greenfield areas with no impact on existing habitats or fauna and lighting within the development will be to a low level.

- The proposed wastewater system has been designed in accordance with the EPA Code of Practice and there is no evidence to the Appellant's claims that there be a pathway to the SPA via underground channels.
- A statement has been enclosed with the appeal response prepared by Roger Goodwillie, ecologist.

Gavin and Leona Buggy

- In terms of concerns regarding the impact of the proposal on the character of the area, it is accepted that the proposal will permanently change the landscape at this location. However, there is a need for the proposal at this location and proposal is notably small in scale and will only have a localised impact in terms of landscape.
- In terms of impacts on the nearby SPA, it is stated that the small scale nature of the proposal means that it is highly unlikely to have any material impact on the feeding grounds of the Greylag Goose and there are ample grasslands in this locality.
- In terms of impacts on the residential amenity of the appellant's property, it is submitted that the proposed development is notably distant from their house and there is unlikely to be any material impact on the appellants.
- In terms of the need for a development of this nature, it is highlighted that the proposal will be unique to this area and will diversify and strengthen the overall tourism base.
- In terms of the operation of the business, it is confirmed that it will be operated by the Applicant and reference is made to the business model submitted at additional information stage. It is confirmed that the general day-to-day management of the site will be family run, involving rostering for one member to be onsite to oversee and run the site during normal business hours. In addition, local out of hours support will be employed on a call out basis.

In support of the response, the Applicant has submitted Traffic Report prepared by

TPS Moran & Associates and a submission by prepared by Roger Goodwillie, ecologist.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

The main issues are those raised in the Third Party's grounds of appeal and the Planning Reports on file. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development & Use
- Visual Impact
- Site Access
- Residential Amenity
- Wastewater Treatment
- Appropriate Assessment

7.1. Principle of Development & Use

- 7.1.1. The proposal seeks planning consent for the development of what is described as a 'Greenway Tourism Glamping Centre', comprising a total of 5 no. detached accommodation pods, a management centre with shared facilities, 3 no. camper van serviced bays, a new vehicular entrance and associated site works. The appeal site is located within a 'Level 10' rural area and outside the settlement boundary of the town of Blessington. As per Objective CPO 11.6 of the current CDP, all tourist and recreation related developments are 'open for consideration' in all landscape areas. The policy notes that that the exception to this is 'static caravans and mobile homes', whereby this particular tourism related use will not be permitted within the Area of Outstanding Natural Beauty (both the Mountain Uplands Area and the Coastal Area).

As per the specific wording of the CDP, it is not entirely clear whether the 'The Blessington Lakes Area (1b)' has been excluded from this prohibition as the policy solely refers to Mountain Uplands Area and the Coastal Area. Notwithstanding this, the Planning Authority have had regard to the policy of the previous Development Plan which similarly precluded 'static caravans and mobile homes' within Areas of Outstanding Natural Beauty. The Planning Authority formed the opinion that the proposed development was not considered to be 'static caravans and mobile homes'. I would agree with the Planning Authority in this regard, and I am satisfied that the proposed development can be considered at this location subject to a carefully considered design response and the incorporation of appropriate landscaping treatments. Although glamping pods are semi-permanent structures, it is my view that there is the potential for this type of accommodation to be designed in such a way as to minimise their visual impact on the receiving landscape.

- 7.1.2. I note that the policy of the current CDP generally requires tourism and recreation related developments to locate within or adjacent to existing towns and villages (Objective CPO 11.3 & 11.18). The Third Party appellants have raised significant concerns with respect to the principle of development at this location, within a rural area of high landscape value and at a removed location from an established settlement. Within their assessment of the planning application, the Planning Authority refer to the site's location on the proposed 'Blessington eGreenway' route which is currently at development stages and a strategic infrastructure development application for its extension is currently being considered by the Board. The proposed development was therefore considered acceptable as it was dependent on this rural location with a particular benefit to the tourism attraction of the area. It is an Objective of the CDP under CPO 11.3 'To only permit the development of a tourism or recreational facility in a rural area in cases where the product or activity is dependent on its location in a rural situation and where it can be demonstrated that the proposed development does not adversely affect the character, environmental quality and amenity of the rural area or the vitality of any settlement and the provision of infrastructure therein. Although the extension of the 'Blessington eGreenway' route is at development stages only, the route is clearly identified in the policy of the current

CDP (Green Infrastructure Map No. 18.07) and I observed the route to be heavily in use when inspecting the appeal site and surrounding area. I note that Objective CPO 11.17 of the CDP also seeks 'To facilitate the development of hostels and alternative accommodation offerings along established walking / hiking routes and adjacent to existing tourism / recreation facilities' which I deem to be directly relevant to the subject proposal. It is evident that the greenway is currently a significant attraction for the area, and I am therefore satisfied that the principle of a development of this nature is aligned with local policy, can support its continued use and can offer an alternative form of accommodation to the public. Notwithstanding this, the suitability of proposals of this nature should ensure that the character, environmental quality and amenity of the rural area is not adversely affected, and I will discuss these matters in further detail in the following sections.

- 7.1.3. Whilst I acknowledge appellant's concerns with respect to future proposals for the expansion of the proposed operations and the precedent a development of this nature would establish, I note that each proposal is considered on its own particular merits and any future plans for the development's expansion does not form part of this assessment and would be the subject of a separate application.

7.2. Visual Impact

- 7.2.1. The appeal site is located within 'The Blessington Lakes Area' Area of Outstanding Natural Beauty. As noted in the foregoing, I am satisfied that the proposed development does not constitute 'static caravans and mobile homes' and is therefore a use that can be considered at this location. The Third Party appellants have raised significant concerns with respect to the potential visual impact of the proposed development which they consider to be at odds with the rural character of the area. Objective CPO 17.36 of the CDP 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. Street view imagery appears to have been included within the Applicant's planning statement

showing images taken in the direction of the appeal site from various vantage points within the site's surrounds, including on the N81 to the west of the site and the R758 to the site's south. I note that in this instance, the proposal is relatively modest in scale, comprising a management centre (height of c. 3.75m), 5 no. detached glamping pods and 3 no. camper van serviced bays. I am therefore satisfied that the requirement to provide a detailed landscape visual impact assessment is not necessary in this instance.

7.2.2. Having inspected the appeal site and surrounding area, I note that the site is largely screened by existing vegetation when viewed from along the N81 to the south-west, west and north-west. However, it is evident that the appeal site will be visible from the R758 to the site's south-west. This section of the R758 is identified as a 'prospect' (Prospect 21) under Map No. 17.11 of the current CDP. Although the glamping pods will largely be masked from view by the existing forested area, the remainder of the development will be visible and exposed from this vantage point. Notwithstanding this, I am satisfied that the scale, design and form of the proposed management centre and the associated works on site will not unduly detract from the rural character of the site and surrounding area and will assimilate with the sylvan character of the site's immediate surrounds. I note that a landscape plan has been prepared for the site which includes tree planting along the site's western and southern site boundaries which will act to filter views of the development once maturity is reached. A new timber post and rail fence will form the new southern and western boundaries of the site and the submitted landscape plan also identifies the incorporation of a native hedgerow planting along these respective boundaries. I also note that the majority of the existing roadside (northern) boundary and hedgerow is proposed to be retained. The exception to this is a small portion of the existing embankment and hedgerow to provide vehicular access to the site and the adjacent passing bay. Overall, I am satisfied that a development of this nature and scale can be successfully absorbed at this location and will not unduly detract from the rural character of the site, the lane and the surrounding area. In this regard, the proposal is considered to be acceptable having regard to the visual amenity of the site and surrounds and is therefore in accordance with the proper planning and sustainable development of the area.

7.3. Site Access

7.3.1. The appellants have highlighted significant concerns with respect to the adequacy of the existing road which serves the site given its restricted width and condition. It is contended that the lane can only accommodate a single vehicle at a time, nor does it allow for the passing of vehicles. It is highlighted that it does not have the ability to sustain heavy construction traffic or heavy camper van traffic and is therefore inadequate in width to accommodate tourism traffic generated by the proposed use. It is also highlighted that it is inadequate to provide for the necessary emergency vehicle service access warranted by such a tourism use, as a fire tender is a minimum of 3.5m in width. Having inspected the appeal site and surrounds, I observed that the laneway currently serves 3 no. existing residential properties and the existing farmland to the north and south of the lane which includes the appeal site. Whilst I acknowledge that the lane is somewhat restricted in terms of its width, the Planning Authority requested the Applicant to submit a revised Site Layout Plan, demonstrating adequate sightlines at the junction of the lane (L83632-1) with the N81 and the entrance to the site with the lane. Further to this, the Applicant was requested to:

- An engineer's report to assess the impact of the proposal and the associated increase in traffic on the existing junction with the N81 and the lane serving the appeal site during both the construction and operational phase of the development.
- Details as to how emergency service vehicles can have unrestricted access to the appeal site.

7.3.2. In response to the issues raised by the Planning Authority, the Applicant confirmed that a total of 3 no. passing bays are proposed to be installed along the L83632-1. One bay is proposed to the immediate west of the proposed entrance, one further to the west at the location of the existing agricultural entrance serving the larger landholding and one proximate to the junction of the L83632-1 and the N81, all of which are on the southern side of the lane and confirmed to be within the control of the Applicant. I note that the location of the proposed bays would appear to align with the Applicant's Blue Line boundary as identified on the Site Location Plan. Further to this, there is a notation included on Drawing No. 4402-06 which indicates that it is proposed to 'replane and

resurface' a section of the L83632-1 along the road side boundary. A Traffic Report has also been submitted by the Applicant in response to the Third Party appeals and sets out the existing road situation and provides an outline of the trips that would be generated by a development of this nature which would be anticipated to be less than 15 trips per day.

7.3.3. In response to the concerns of the Appellant's, the Traffic Report indicates that the Applicant is happy to accept a condition requiring the Applicant to conduct a condition report pre and post construction and undertake any repairs at their expense if deemed necessary. In terms of the proposed passing bays, it is stated that bays are intrusions into the grass verge adjacent to the road carriageway which will allow two-way vehicular passing and their depth will not exceed 1.5m where possible, thereby maintaining the rural character of the L83632-1. In addition to the foregoing, the Traffic Report refers to the swept path diagrams submitted in support of the application which assesses the inbound route of an emergency service vehicle to the site from the junction with the N81 and along a section of the L83632-1. In addition, turning movements have also been identified within the appeal site for emergency service vehicles. In terms of sightlines, 3m x 215m visibility sightlines have been identified on Drawing No. 4402-06 at the junction of the lane with the N81 and it is confirmed within the Traffic Report that the proposal is in compliance with the relevant TII road design standards. I also note that the Applicant in their response to the request for additional information, confirmed that the development is limited in scale with the main services building being similar in size to a typical country dwelling with similar construction methods and traffic requirements.

7.3.4. The appellant has also highlighted that the lane serving the site is located within preferred route corridor for the N81 and that the proposal is premature pending the reservation of a defined route alignment and junction access. Notwithstanding this, I note that the appeal site is located outside this NRDO Indicative N81 Route and Corridor as per the Blessington LAP zoning map and the Kildare's National Roads Office in their report to the Planning Authority have indicated that the proposal would not have an adverse impact on the development of a route with the preferred route

corridor. Having regard to the relatively modest scale of the proposed development (i.e. 5 no pods, 3 no. serviced bays and a service centre), the projected daily trips generated by a development of this nature and the incorporation of passing bays and road improvement works along the L83632-1, I am satisfied that that the proposals are acceptable in this instance and would not endanger public safety by reason of a traffic hazard. However, I recommend the inclusion of a condition which requires the Applicant to submit a front boundary elevation of the proposed development which includes the proposed vehicular entrance (including details of gates, if any) and the adjacent passing bay which is to be agreed in writing with the Planning Authority prior to the commencement of development. Subject to compliance with this condition, I consider the proposal to be in accordance with the proper planning and sustainable development of the area.

7.4. Residential Amenity

- 7.4.1. Although the appeal site is located within a rural area, there are a number of established residences within the surrounds of the appeal site. Concerns have been highlighted by the Third Party appellants with respect to the impact of the proposed development on the residential amenity of their properties, particularly with respect to noise impacts and potential anti-social behaviour associated with a development of this nature. In addition, concerns were highlighted that the Applicants did not intend to reside on site which they note is typically the practice for developments of this nature. I note that the appellants reside within properties located c. 40m to the west and c. 100m to the south-west of the appeal site respectively. Following concerns raised by observers to the application, the Planning Authority requested the Applicant to detail the management/operation of the facility given the fact that the Applicant does not reside on site. In addition, the Applicant was requested to provided details with respect to staff hours and how the facility will be managed outside of office hours.
- 7.4.2. The management plan submitted by the Applicant at additional information stage provides background information about the Applicant, the development's target market, the booking policy and details with respect the site management structure, the installation of CCTV and monitoring equipment and on-call out of hours support. This

management plan supplements the 'Business Plan' which was submitted at application stage. Whilst I acknowledge the concerns of the appellants, I note that the appeal site is located along the proposed Greenway route and is targeted to older couples who would intend to utilise this resource, which I consider to be reasonable given its removed location from the nearest urban settlement. I am also conscious of the limited scale of the proposed development. The Planning Authority have also included a condition with respect to noise monitoring. Whilst a 24-hour, on-site presence may be necessary for developments of a certain scale, I am satisfied that the measures outlined by the Applicant are reasonable in this instance. Further to this, I note that noise related issues/complaints associated with a development of this nature is a matter for An Garda Síochána. In addition, the concerns raised with respect to the forest fires is not a relevant planning consideration in the context of the subject proposal. For the reasons outlined in the foregoing, I am therefore satisfied that the proposed development would not unduly diminish the residential amenity of properties within the vicinity of the appeal site, and I consider the proposal to be in accordance with the proper planning and sustainable development of the area.

7.5. Wastewater Treatment

- 7.5.1. Planning permission is sought for the installation of a wastewater treatment system (WWTS) and percolation area which is to be located to the south west of the management centre and to the north of the proposed serviced bays. The site is in an area with a poor aquifer of moderate and high (east and south portion of site) vulnerability. The Site Characterisation Form notes that groundwater was not encountered in the 2.4m deep trial hole. Bedrock was also not encountered. The soil was silt/sand loam in the upper 400mm, silt/sand to 800mm, sand/gravel to 1.4m, cobbles/gravel/sand to 1.6m and sand/gravel within the remainder of the hole. I note that the Site Characterisation Form identifies a Groundwater Response of R1. As per Table E1 (Response Matrix for DWWTs) of the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021, a Groundwater Response of R1 is 'Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)'.

- 7.5.2. The T-test result was 3.64. A P-test was also carried out which gave a result of 4.81. I consider the results to be generally consistent with the ground conditions observed on site. Section 3.1 of the Site Characterisation Form states the ground condition was firm at the time of inspection and I did not observe there to be any water courses either on or within the immediate surrounds of the appeal site. The site comprises an agricultural field with no indication of, for example, water ponding, outcrops etc. The Third Party appellants have raised concerns that the proposed development will introduce a significant risk to the public water supply in the event of any failure or mismanagement of the private wastewater treatment plant. In addition, it stated that there are inadequate details of the operation and management of the proposed treatment plant and the suitability of the site to accommodate such a treatment plant.
- 7.5.3. I note the Applicant originally proposed to install a 40PE capacity wastewater treatment plant with a coco filter over an 150sq.m. infiltration area. This was to cater to the daily requirements for the glamping pods (10 users max), camper vans (9 users max), staff (2 users max) and walkers (20 users max), However, the Planning Authority noted that the calculations submitted with the application demonstrate that a 23PE wastewater system with a 75sq.m. infiltration area would be sufficient to cater for the proposed development. The Applicant revised the proposals accordingly in line with the recommendations of the Planning Authority. The Planning Authority's Environment Section in their review of the Applicant's additional information response, noted that the provision of 1.2m of unsaturated subsoil under the gravel infiltration layer together with the distance from reservoir would allow for increased attenuation of pollutants in excess of the minimum requirements of both the EPA Wastewater Treatment Manual for Small Community, Business and Leisure Centres, 1999 and the EPA Code of Practice for Domestic Wastewater Treatment Systems, 2021. The Planning Authority's Environment Section noted that the hydraulic loading of 15PE based on Table 3 of EPA manual (1999) estimating 75 litres per person for Static un-serviced camp sites and 50 litres per person for touring sites. The Environment Section also accounted for 2 no. staff, 20 no. visitors from the walking trail as per applicant's original wastewater estimates and for 4 no. persons per glamping pod. Although only a double bed is identified on the submitted plans for each glamping pod, I note the Applicant has

confirmed in the application documents that each pod can accommodate a maximum of 4 no. persons, a point which has also been highlighted by Irish Water. The Environment Section indicate that they have also regard to the commentary of Irish Water in their report at additional information stage given is location relative to the Poulaphouca Reservoir and it was considered that a 1.2m unsaturated subsoil should be maintained under the gravel infiltration pad which should be acceptable in this instance.

7.5.4. Having inspected the appeal site and examined the ground conditions and having regard to the information on file, including the Site Characterisation Report, I am satisfied that the Applicant’s proposals for the disposal and treatment of wastewater to be acceptable in this instance and the proposal will therefore not be prejudicial to public health nor will it pose a risk to an Irish Water Drinking Water Source. In line with the recommendations of the Planning Authority, I recommend the inclusion of a condition which shall require the proposed wastewater treatment system to be installed in accordance with the manufacturer’s instructions and drawings as submitted by way of additional information and the provision of 1.2m of unsaturated subsoil beneath the base of the gravel infiltration pad to be included.

7.6. Appropriate Assessment

7.6.1. The nearest designated site is the Poulaphouca Reservoir Special Protection Area (SPA) (Site Code: 004063), located c. 130m to the north and c. 200m to the east of the appeal site. Additional designated sites within the wider surrounds include the Wicklow Mountains Special Area of Conservation (SAC) (Site Code 002122) (4.1km), the Red Bog SAC (Site Code 00397) (4.6km) and the Wicklow Mountains SPA (Site Code 004040) (5.3km).

European Site	Qualifying Interest	Conservation Objectives
Poulaphouca Reservoir SPA (004063)	Greylag Goose <i>Anser anser</i> (A043)	To maintain or restore the favourable conservation condition of the bird

	Lesser Black-backed Gull <i>Larus fuscus</i> (A183)	species listed as Special Conservation Interests for this SPA.
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7.6.2. In terms of the Poulaphouca Reservoir SPA (004063), the site is an SPA under the E.U. Birds Directive, of special conservation interest for the following species: Greylag Goose and Lesser Black-backed Gull. Poulaphouca Reservoir is of national importance for its Greylag Goose population, which is one of the largest in the country. The site provides the main roost for the birds, with feeding occurring mostly on improved grassland outside of the site. The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

7.6.3. In support of the application, the Applicant has submitted a Biodiversity & Appropriate Assessment Screening (AA) Report. The report notes that the only site at potential risk is the Poulaphouca Reservoir SPA which could be affected through the groundwater or through increased disturbance from visitors. I would agree with the Applicant's statement given the location of the appeal site relative to the SPA. In terms of the existing site, the report indicates that the site has a low level of ecological interest and contains commons species that would be widely found in the area. In addition, it states that the adjacent part of the lakeshore is typically stony sections and would not be used by Greylag Geese or Lesser Black-Backed Gulls, the 2 no. species of significance at Poulaphouca. In terms of the potential effects, the screening report indicates that:

- The development site supports none of the habitats or species that are qualifying interests for the nearby Natura 2000 sites so it is stated that it cannot act as a reserve area in case of loss from these areas.
- Since there is no watercourse on site (or on the roadside), there is very little likelihood of sediment escaping the site during construction.
- The proposed wastewater system is designed to fully treat all on-site effluent so that there will be no enrichment of the groundwater or possible impacts on the reservoir.
- The bird species for which the SPA site is listed do not use the nearby lakeshore and will not be affected.
- Local species are habituated to the public use of the path so an increase in numbers will not be significant to them.

7.6.4. Concerns have been raised by the Appellant's that the applicant's AA screening report was inadequate in terms of identifying any potential pathways. It is stated that the soils beneath Blessington function as aquifers, containing groundwater and pollution or contamination of these soils would be likely to impact upon groundwater, which is connected through aquifers to the nearby reservoir, the main water supply for the greater Dublin region. The appellants question the potential impact of the proposal on protected bird, bat or fauna species, which are protected irrespective of whether they are in the SPA. It is also stated that no account was taken in the AA screening of the potential impact of the development as constructed and whether bird flight activity and bat activity could be impacted as a result of lighting and loss of foraging and connectivity.

7.6.5. I note that the appeal site forms a smaller part of an agricultural field which is currently under grass. The scale of the proposal is relatively modest comprising 5 no. glamping pods, a single storey reception centre and 3 no. serviced bays. Notwithstanding the concerns raised by the appellants, from my inspection of the site and surrounds, I did not observe there to be a direct hydrological or ecological pathway to the nearby European site. I am also satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable in this instance, as set out in Section 7.5 of

this report. The appeal site is positioned along the proposed Blessington Greenway route, which currently attracts significant number of visitors which I confirmed to be case when inspecting the appeal site and the surrounding area. Therefore, I am of the opinion that taking into consideration the modest nature, extent and scope of the proposed development, the nature of the receiving environment, a portion of an agricultural field with no direct hydrological or ecological pathway to the European site and based on best scientific information, including the submitted Site Characterisation Report, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. The requirement for a Stage 2 Appropriate Assessment is therefore not necessary in this instance.

8.0 Recommendation

8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development, the policies and objectives of the Wicklow County Development Plan, 2022-2028, the specific characteristics of the site and the pattern of development in the surrounds, including the site's location along the proposed Blessington Greenway route, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not represent a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The proposed development shall comply with the plans and particulars lodged with the application submitted and as amended by Further
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	<p>Information received on 07/07/2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Before development commences, the applicant shall enter into a legal agreement with the Planning Authority specifying that the entire development, consisting of 5 no. glamping pods, 1 amenity building and 3 serviced bays on the site that this permission refers to, shall be held in single ownership and shall not be subdivided, and the glamping pods shall be available for short term holiday letting only, for maximum duration of 4 weeks. This agreement shall be registered as a burden against this site in the Land Registry within three months of the date of first occupation of the proposed development.</p> <p>Reason: In the interests of proper planning and development of the area.</p>
3.	<p>A single management company shall be established with the entire responsibility for the operation/management and maintenance and repair of all facilities and infrastructural services necessary for the development including the management of car-parking areas and maintenance and repair of common areas. Details of such a legal body, which shall be incorporated before any development commences shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of proper planning and development of the area.</p>
4.	<p>The proposed wastewater treatment system shall be installed in accordance with the manufacturer's instructions and drawings submitted on 07/07/2022. The provision of 1.2m of unsaturated subsoil beneath the base of the gravel infiltration pad shall be included. The installation shall be supervised and certified by the competent person with professional indemnity insurance and the certificate with photographic record of installation shall be submitted for the written approval of the Planning Authority within 6 months of the</p>

	<p>completion of the development. Records of maintenance and sludge removal shall be maintained for inspection by the Planning Authority at all times.</p> <p>Reason: In the interests of proper planning and development of the area.</p>
5.	<p>Prior to commencement of development, the Applicant shall enter into water and waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The proposed grease separation trap shall be installed in accordance with the manufacturer's instructions and drawings submitted and shall be designed to have regard to the type of processing taking place at site. Full details of the trap to be installed shall be submitted for written approval of the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>A storage area, which is visually screened from public areas, shall be erected and be of sufficient size to store waste materials generated from this development to the requirements of the Waste Management Act (Packaging Regulations). The details and location of which are to be submitted to the Planning Authority for written agreement, prior to the commencement of development.</p> <p>Reason: In the interests of waste management and visual amenity.</p>
9.	<p>Prior to the commencement of development, the Applicant shall submit the following details for the written agreement of the Planning Authority:</p> <ol style="list-style-type: none"> a. Elevation of the proposed vehicular entrance which includes the adjacent passing bay and the modified northern boundary at this location.

	<p>b. Structural details and proposed finish of the proposed road widening and passing bays;</p> <p>c. Proposals to prevent blockage of the drainage systems of the passing bays;</p> <p>d. Final signage details including location details of all signs proposed.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
10.	<p>Any external lighting of the proposed development shall be cowled and directed internally within the site, away from the public road to the north and the lands to the south, west and east.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
11.	<p>a. The noise level arising from the development shall not exceed 55 dB(A) Leq (1 hour) with a maximum peak of 65 dB(A) between 0800 to 1800 hours, Monday to Sunday inclusive, when measured at the nearest residential dwelling. At all other times the noise level shall not exceed 45 dB(A) Leq (1 hour) measured at the same locations. No pure tones should be audible at any time.</p> <p>b. As and when required by the Planning Authority, a survey of noise levels at monitoring stations on adjacent properties (to be agreed with the Planning Authority) shall be undertaken by an agreed professional (at the expense of the developer) and the results submitted to the Planning Authority within one month of such a request. The results of such surveys shall include, inter alia:</p> <ul style="list-style-type: none"> i. Type of monitoring, equipment used, sensitivity or calibration evidence, and the methodology of the survey. ii. Prevailing climatic conditions at the time of the survey. iii. The time interval over which the survey was conducted. iv. What machinery was operating at the time of the survey. <p>The results should be submitted to the Planning Authority within 2 weeks of the survey date in each case. If the noise survey has not been carried out, or the results not submitted to the Planning Authority within one month, the Planning Authority shall arrange to have such a survey carried out and the cost of the survey shall be recouped from the</p>

	<p>developer.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<p>Existing shrub and tree vegetation on the site shall be retained, except those strictly required to be removed to carry out the development. Where any tree fails it may be removed, subject to the written agreement of the Planning Authority, and shall be replaced with a tree of similar species.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan

Planning Inspector

08/06/2023