



An
Bord
Pleanála

Inspector's Report ABP-314730-22

Development

Retention of the change of use from a tennis court and car parking to an area for the parking of vehicles where food is served from mobile vehicles. Retention permission is also sought for an outdoor wooden bar area and all landscaping, boundary treatment and all ancillary works.

Location

Blessington Lakeshore, Burgage, Blessington, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

22/792.

Applicant

Good Pasture Production (t/a The Avon).

Type of Application

Retention Permission.

Planning Authority Decision

Refusal of Retention Permission.

Type of Appeal

First Party v Refusal of Permission

Appellant	Good Pasture Production (t/a The Avon).
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 Avon, which is an established development comprising tourism accommodation and an array of tourism related activities. The Avon is located c. 1km to the south of Blessington town centre and is accessed via an avenue which connects to the L-8858 to the west of the site. The appeal site is located within the south-eastern corner of The Avon complex and comprised a former tennis courts, a car parking area and a landscaped garden area further to the east. The appeal site has a stated area of c. 0.1882ha.

- 1.2. The appeal site is located to the immediate west of the Poulaphouca Reservoir, along which the Blessington Greenway is located. The site is bound to the south by a car parking area, to the west by a number of holiday homes and to the north by the existing hotel building which includes a café, bar and restaurant facilities.

2.0 Proposed Development

- 2.1. Retention permission is sought for the change of use of a tennis court and car parking area to an area where food is served from mobile vehicles in order to operate as an outdoor food court. Retention permission is also sought for an outdoor wooden bar and seating area with all landscaping, boundary treatment and ancillary works.

- 2.2. The Applicant notes that as the vehicles are mobile and not structures in strict planning terms, the application does not include plans or elevations. However, an indicate layout and elevations of the structures have been included on the submitted drawings. No details have been included within the application with respect to the intended hours of operation.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council refused planning permission for the following 2 no. reasons:

1. Having regard to
 - a. the location of development to the outskirts of Blessington, on lands identified for tourist based activity,

- b. the size and scale of the food facility,
- c. the provisions of the County Development Plan 2016-2022 as set out in Objective RT1 which seek to ensure the continued vibrancy and life of centres, to direct new development and investment into towns and villages, in the first instance and to particularly prioritise actions that enhance business, retail, leisure, entertainment and cultural user, as well as making town and villages an attractive place to live,
- d. The provisions of the Blessington Local Area Plan which seeks 'To support and facilitate activities and developments that will improve the vitality, connectivity and vibrancy of the town centre areas'.

It is considered that the scale of the development is such that it could not be considered ancillary to the existing tourism facility on site, would be excessive in scale to service the Blessington lake walking route, and would undermine the role of the town centre as the primary area for such facilities, would be contrary to the Core Strategy of the County Development Plan 2016-2022 which seeks to ensure the vibrancy/vitality of the town centre area, and to allow same would set a precedent for further haphazard development, and would be contrary to proper planning and sustainable development.

- 2. The proposed development would endanger public safety by reason of serious traffic hazard because haphazard parking is likely to be created as insufficient information has been provided to show there is adequate parking provision available to serve this development.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Report form the basis of the decision. The report provides a description of the site and the subject proposal, it sets out the history of the approvals on the site and an overview of the policy at local level that is relevant to the development proposal.

In terms of their assessment of the application, the Planning Authority formed the opinion that the food court is not a tourist based activity or is ancillary to the tourist

facility already on site. It was considered by the Planning Authority that the proposal was excessive to serve the walking route facility and it would undermine the role of the town centre as the primary area for such facilities. The proposal to create an outdoor food court in this area would detract from the Town Centre and would create an unsustainable form of development. In terms of car parking, it was considered that a considerable quantity of additional parking would be required to serve the proposal. Given the lack of information provided on the parking arrangement there were concerns that haphazard parking could result in a traffic hazard. A refusal of permission was therefore recommended for 2 no. reasons.

3.2.2. Other Technical Reports

Municipal District Engineer: Report on file stating no objection subject to appropriate measures including the provision of appropriate parking within the site.

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

3.2.3. Prescribed Bodies

Irish Water. Report received stating no objection subject to compliance with conditions.

DCC: Report received stating no objection subject to compliance with conditions. The report states that adequate measures must be taken to safeguard the existing lake & streams in the vicinity during the construction/set up stage and following completion and during usage of the final scheme.

3.2.4. Third Party Observations

None.

4.0 Planning History

4.1. Appeal Site and 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 runs through the appeal site and links the site to the town of Blessington.

21/967: Planning permission granted by the Planning Authority in November 2021 for an outdoor activity area comprising a zipline and climbing wall (with associated steel structure that includes toilets, storage areas and terraces), archery area, general activity space, 2 no steel storage units, and all associated activity areas, landscaping boundary treatment and ancillary works.

20/119: Planning permission refused by the Planning Authority for an outdoor activity area comprising a zipline and climbing wall (with associated steel structure that includes toilets, storage areas and terraces), archery area, general activity space, 2 no steel storage units, and all associated activity areas, landscaping, boundary treatment and ancillary works

13/8011: Planning permission granted by the Planning Authority in July 2013 for a single storey side and rear extension to the tourism complex comprising of (1) marquee function room of circa 250 sqm (2) extension to existing ground floor kitchen (3) ancillary alterations to the side and rear elevations (4) surface water to existing surface water sewers (5) independent external male and female toilets with foul water storage capacity (6) associated landscaping (7) all associated site works

09/1042: Planning permission granted by the Planning Authority in February 2010 112.6 sqm first floor restaurant/bar extension located over an existing ground floor store, total height 8.4 m to match existing building plus a front elevation nameplate sign 6.5 sqm.

03/8483: Retention permission granted by the Planning Authority in November 2003 for alterations to Ref 97/6849, to site layout, omission of central carparking area and redistribution of carparking throughout the site and adjacent to houses, retention of

consequent changes to open space layout, retention of changes to gravel finishes by provision of cobble in lieu of pebbles and retention of office/laundry/reception building as erected.

02/6968: Planning permission granted by the Planning Authority in May 2004 for an extension to existing leisure centre and no. 39 holiday houses - proposed new site layout to granted outline permission 00/3607.

00/3325: Planning permission granted by the Planning Authority in March 2001 for additional outdoor facilities to hotel and leisure development.

00/3607: Outline permission granted by the Planning Authority in October 2001 for then demolition of activities building, the construction of 54 holiday homes, sports area & leisure centre.

98/9594: Outline permission granted by the Planning Authority in October 2001 for demolition of activities building, the construction of 54 holiday homes, sports area & leisure centre.

97/6849: Planning permission granted by the Planning Authority in February 1998 for alterations to approved plans and site layout (Reg. Ref. 4427/96) for 27 dormer bungalows & relocation of stables.

96/4427: Planning permission granted by the Planning Authority in May 1997 for holiday village comprising 27 no. dormer bungalows and relocation of stables.

90/6432: Planning permission granted by the Planning Authority in February 1991 for a leisure pursuits centre including stable, changing area, cafe, shop, store, tennis courts & lakeside amenity facilities.

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 refuse planning permission. The appeal site is located within the settlement boundary of Blessington which is designated a self-sustaining growth town (Level 3) under the current CDP. The CDP notes that the N81 national secondary road passes directly through the town centre and it is intended to realign the current route of the N81 to the west of the town. The CDP notes that the development of this route and the completion of the town inner relief road, would contribute significantly to the enhancement of the overall quality of the town centre. With this re-routing of regional traffic out of the Main Street, a significant opportunity arises to regenerate the historic town centre, create a stronger urban structure, and strengthen the town's identity and sense of place. During the lifetime of this plan, the Council will strive to reclaim and reassert the Main Street as a place for the people rather than as a through route for vehicular traffic and make it more attractive to locals, visitors and investors, to create new employment and wealth generating activities.

To the east and south, Blessington is bounded by the Poulaphouca Reservoir SPA, a man-made lake created in the 1940s by the damming of the River Liffey at Poulaphouca waterfall, and now a designated conservation site. In this regard, the opportunity exists to capitalise on the tourism potential associated with the Blessington Greenway. Phase 1 of the greenway (6.5km) has been completed and links the town of Blessington with Russborough House. The next phase of Blessington Greenway will complete the route around the entirety of Poulaphouca Reservoir. This will be in excess of 35km and will contain car-parks, toilets, and refreshment facilities.

In terms of 'Regeneration & Renewal', objective CPO 5.6 is included as follows:

- 'To seek funding and focus new investment into the core of towns and villages in order to reverse decline, foster resilience and encourage new roles and functions for streets, buildings and sites within towns and villages'.

Regeneration of the town centre to include reclaiming the Market Square as an amenity space and focal point for the town, providing public realm improvements,

addressing dereliction, providing remote working / enterprise hub, repurposing the former HSE building to create a visitor centre for the Blessington e-Greenway and significantly improving permeability and sustainable mobility. The regeneration proposals will strive to include measures to increase economic opportunities within the town to reduce the need for commuting. The delivery of the inner relief road is a key element in realising the revitalisation of the town as it will remove the excessive traffic volumes travelling through the town centre.

Other objectives of the Plan which are relevant to the consideration of this appeal include:

- **CPO 11.36** Support and facilitate the delivery of the Blessington Greenway and the South Wicklow Greenway Arklow to Shillelagh including facilities ancillary to these routes (such as sign posting, car parks) and the development of linkages between these trails and other local routes.
- **CPO 11.37** To support and promote the development of tourism infrastructure, services and accommodation so located so as to service and support users of the Blessington Greenway and future extensions thereto, in particular (but not limited to) those located in the following settlements – Blessington, Ballyknockan, Lackan and Valleymount – with particular support for developments that include the renovation of existing building stock, especially historic / vernacular buildings’.
- **CPO 11.46** To support the development of the following outdoor recreation hubs/clusters – Glendalough, Rathdrum, Blessington-Baltinglass, Tinahely-Shillelagh and East Coast Maritime.

Chapter 11 of the current CDP relates to ‘Tourism & Recreation’ and polices 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 11.4** 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 11.51** 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.

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.

Relevant Appendices

- Appendix 1: Development and Design Standards.

5.2. Blessington Local Area Plan, 2013-2019.

The appeal site is located on lands zoned 'T' (Tourism), the objective of which seeks 'To facilitate the provision of tourist based activities'.

The tourism strategy of the plan is based around the following goals:

- Encouraging the development of tourism at appropriate locations in the town, as set out in the land use framework and matrix associated with this plan.
- Ensuring that new tourism developments meet the highest standards of location, layout and design through the implementation of the tourism design standards as set out in the County Development Plan.
- Ensuring that new / expanded tourism development respect the natural and built environment so that they do not damage the feature that has attracted the visitor to the area in the first instance.
- Facilitating a number of specific developments that may add to the tourism product and / or increase accessibility to attractions / facilities as follows:
 - o The development of new / improved amenity routes around the reservoir
 - o The development of new / improved connections between the town and reservoir / lakeshore clubs including the development of a new link road between Blessington Bridge and the N81 through Doran's Pit
 - o The development of new amenity routes from the town centre to Glen Ding from both the inner relief road and through lands designated for low density employment / recreational use at the Roadstone quarry.

Tourism Objectives relevant to the development proposal include:

- **T1:** To promote and facilitate improvements to tourism and recreation infrastructure in the Blessington area.
- **T2:** To improve, as funding allows, the principle access routes and junctions linking Blessington town centre to surrounding tourist attractions such as the lakeshore and its associated villages, the Wicklow Mountains, Russborough House and Glen Ding.
- **T3:** To support and facilitate in co-operation with relevant bodies, the provision of amenity routes around the Poulaphouca reservoir in an environmentally

sustainable manner.

5.3. Natural Heritage Designations

The nearest designated site is the Poulaphouca Reservoir Special Protection Area (SPA) (Site Code: 004063), located c. 80m to the east of the appeal site. The Proposed Natural Heritage Area: Poulaphouca Reservoir is also located c. 80m to the east of the site.

5.4. EIA Screening

Having regard to the nature and scale the development to be retained, which comprises the retention of a change of use of the lands to an area where food is served from mobile vehicles, the provision of outdoor wooden bar area and all associated site works, there is no real likelihood of significant effects on the environment arising from the development to be retained. 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

A First Party appeal has been prepared and submitted on behalf of the Applicant. The appeal submission provides a description of the appeal site, an outline of the existing tourism facilities provided at 'The Avon', a general overview of the number of employees within the existing development and the larger tourism facility and description of the development to be retained. In terms of the rationale for the development, it is stated that since the Covid-19 pandemic, there has been a further significant increase in casual outdoor dining, particularly at popular outdoor visitor attractions. It is stated that the Applicant and various traders responded to this demand for an alternative form of dining and the location of this proposed development is ideal as it can cater to day trippers, walkers and residents of the holiday homes. It is stated that the outdoor food court concept provides a wide range of food and beverage offerings to cater for different food tastes of a variety of users. It is contended that the outdoor food court area and the outdoor bar complements the wider tourism activities

in the vicinity of the Blessington Lakes. Critically, the location of the development also accords with the proper planning and development given that The Avon complex is zoned for tourism. The appeal submission also provides an overview of the planning policy which is considered to be relevant to the development proposal and the submission sets out how the proposal complies with same. The grounds of appeal can be summarised as follows:

- Reason No. 1 of the Planning Authority's decision is unreasonable having regard to the zoning of the site for tourism, the nature and size of the tourism facility and to the integrated nature of the proposed development as part of the overall experience at The Avon. It is stated that the development is undoubtedly a tourist based activity, and is difficult to describe it as anything other than that. The development is for a tourist related development in that it provides for an attractive outdoor picnic area and a casual dining space for guests of the tourist facility who are involved in the various water sport activities or in the team-based leisure activities on the site. It is highlighted that a restaurant is a use which is identified as being permitted in principle in a tourism zone and therefore, there should be no issue with the location of the proposed development which is located within an established tourism facility.
- The size and scale of the proposed development is not major and is comparable to the size and scale of the existing tourism operations on the site. It is stated that it is inaccurate and unreasonable of the Planning Authority to suggest that the proposed development is large in scale. The proposed development comprises a 15sq.m. bar area, a wooden hut, 2 no. double decker buses, 2 no. horse boxes, 3 no. small caravans and a chip van. The seating area is c. 17 picnic benches, and it is contended that this element of the proposal would normally constitute exempted development. In the context of the existing restaurant and dining space at the Avon, the development to be retained is extremely small and could not be regarded as being significant in scale. Having regard to the floor area of these mobile units and to their function relative to the existing tourism facilities on site and the existing hotel and holiday homes, it is contended that the scale of the development is appropriate for this location.
- It was highlighted that the proposed development will not affect the vitality and

vibrancy of the town center areas an. It is stated that this is the only site in the town that is designated as a tourism zone. A tourism zone by its nature is intended to attract visitors and guests to the site and to the town itself. The provision of refreshments to tourists at this location and the indirect spinoffs from such facilities including the provision of local employment to suppliers is an important consideration in this regard. It is stated that the appeal site is ideally located at a stopping point on the greenway which will eventually connect to the town centre when completed. It is highlighted that two of the units in this food court area also run hospitality businesses in the town center contrary to the suggestion in the decision that the proposed development affects the viability and vitality of the town centre. Likewise, another operator has an ice cream shop in the town and the staff are shared between the two venues. Rather than impacting on the vitality of the town center, it is stated the proposed development constitutes an expansion of existing town operations as two businesses from the town have now opened up small sub-units at The Avon.

- Refusal reason No. 1 one suggests that the scale of the development is such that it could not be considered ancillary to the existing tourism facility on site and would be excessive in scale to service the Greenway and would undermine the role of the town centre as the primary centre for such facilities. It is noted that the development is small in scale and is equivalent of a small scale outdoor restaurant. A comparative examination of the food trucks and food court area relative to the existing dining function rooms within the hotel will show that the proposed development is unquestionably ancillary in scale. The development caters for people staying in the holiday homes, and for people doing water sports and team building activities in addition to catering for the users of the Greenway. The suggestion that the proposed development would attract people from the town centre is unreasonable as the proposed development is not a retail facility and a restaurant is permitted in principle in the tourist zone. It is completely unreasonable that the Planning Authority have zoned the site for tourism, have sought to develop tourism facilities on site, have sought to develop refreshment facilities on the walking route but are now seeking to refuse permission for development on the basis that it would detract from the

town centre.

- Reason No. 2 of the Planning Authority's decision is unreasonable and does not acknowledge the ancillary nature of the proposed development relative to the existing tourism facilities on site and the existing car parking spaces on site. It is stated that there are 123 no. existing car parking spaces within The Avon complex. It is stated that the proposed development generates very little traffic as the vast majority of traffic is already generated by the existing tours and uses on site. Many of the local customers walk to the facility and many of the corporate visitors are transported by bus to the venue. It is noted that the Greenway which was developed by the Planning Authority was developed without any parking facilities to cater for visitors and The Avon and Russborough House which is also owned by the Applicant have been left to cope with the traffic and parking generated by the Greenway at its either end. In addition, it is noted that The Avon provides toilet facilities to the Greenway users, security, parking stewards and undertake responsibility for rubbish collection and maintenance of the Greenway.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

The main issues are those raised in the Applicant's grounds of appeal, and 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

- Transportation & Car Parking
- Appropriate Assessment

7.1. Principle of Development & Use

- 7.1.1. The proposal seeks retention permission for the change of use of the tennis courts and car parking area to an area for the parking of vehicles where food is served from mobile vehicles. In essence, the appeal site operates as an outdoor food court and the proposal also seeks permission to retain an outdoor wooden bar and seating area with all landscaping, boundary treatment and ancillary works. The appeal site is located within The Avon, an existing tourism related development comprising an array of tourism related activities, facilities and tourism accommodation. The Avon is located c. 1km to the south of Blessington town centre and is accessed via an avenue which connects to the L-8858 to the west of the site. Within their assessment of the application, the Planning Authority noted that there is an existing restaurant/café and bar facility within The Avon which is ancillary to the permitted tourism facility on the site. The Planner's Report on file noted that the proposal is excessive in scale to serve the walking route facility and it would undermine the role of the town centre as the primary area for such facilities. It was stated that the proposal to create an outdoor food court in this area was not considered to be in an appropriate location as this type of development can be located within and would be more viable with the nearby settlement of Blessington Town. Therefore, it was contended that to allow a food outlet of this scale would detract from the town and would create an unsustainable form of development.
- 7.1.2. As per the Blessington LAP, the appeal site is located on lands zoned 'T' (Tourism), the objective of which seeks 'To facilitate the provision of tourist based activities'. It is noteworthy that the 'T' zoning of the LAP only relates to lands within the control of The Avon. The proposal can be described as comprising two distinct uses, namely the serving of food within the food court area (i.e. a restaurant) and also the serving of alcohol within the wooden bar. As per the 'Blessington Zoning Matrix' (Table 10.2), a 'restaurant' is identified as a permitted in principle use. By its nature, the existing bar would fall within the definition of a 'public house' which is identified as being 'not

normally permitted' on 'T' zoned lands. The LAP highlights that 'Not Normally Permitted' means a use is not acceptable in principle and will only be permitted in special cases where the Council is satisfied that the use would not conflict with the general objective for the zone and could be permitted without undesirable consequences for the permitted uses and which can be allowed subject to compliance with pertinent control criteria consistent with the proper planning and development of the area, having regard to the Local Area Plan.

- 7.1.3. As outlined in Section 5 of this report, the CDP notes that the N81 national secondary road passes directly through the town centre and it is the intention of the current CDP to realign the current route to the west of the town which could contribute significantly to the enhancement of the overall quality of the town centre. The policy notes that a significant opportunity arises to regenerate the historic town centre, create a stronger urban structure, and strengthen the town's identity and sense of place by the re-routing of regional traffic out of the Main Street. The Plan also notes that the regeneration of the town centre will include reclaiming the Market Square as an amenity space and focal point for the town, providing public realm improvements, addressing dereliction and repurposing the former HSE building to create a visitor centre for the Blessington e-Greenway. The appeal site is located along the Blessington Greenway, where the current route originates at The Avon and is linked to Russborough House, located a number of kilometres to the south of the appeal site. I undertook my inspection of the appeal site on a summer bank holiday weekend, and it was evident that the existing walkway is a significant attraction for the area, where I observed large numbers of visitors utilising the greenway. I also note that the existing food court area attracted a significant number of patrons, where people were congregated within the food court area itself and within the seating area to its east. Policy CPO 11.3 of the current CDP seeks '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...'. Further to this, CPO 11.37 of the Plan seeks 'To support and promote the development of tourism infrastructure, services and accommodation so located so as to service and support users of the Blessington Greenway and future extensions thereto...'. The appeal site itself is located on zoned

land (Tourism) within the settlement boundary of the Blessington LAP. Although there are existing permitted bar/restaurant facilities within The Avon, I note that the proposal is a unique offering, and its overall scale is relatively modest. Restaurants are identified as a permitted in principle use within this zone and given its size, it is evident that the existing bar for which retention permission is sought is ancillary and complimentary to the food court. Notwithstanding the commentary of the Planning Authority, it was evident from my observations on site that the existing facility is a viable operation at this location, particularly during the summer months. By its nature, vehicles could be removed from the area during the winter months when the area is less frequented. Further to this, I am satisfied that the proposal is a valuable resource and supports users of the Blessington Greenway and is therefore in accordance with CPO 11.37 of the Plan. Notwithstanding this, I acknowledge the concerns of the Planning Authority in terms of the potential impact of the proposal on the vitality of town centre and the aims for Blessington Main Street (i.e. realignment of the N81) as outlined in the current CDP. Currently, I would have doubts that a development of this ilk could be accommodated within the town. However, this may change over time, particularly if the N81 is realigned and the objectives of the CDP are achieved. Therefore, I consider it reasonable in this instance to recommend a grant of permission on a temporary basis, for a period of 3 years only. Upon expiry of this period, the use shall cease unless authorised by a further grant of permission. This will allow for the situation to be monitored in the interim period. Subject to compliance with this condition, I am satisfied that the proposal accords with the pertinent policy of both the current CDP and the Blessington LAP and is therefore in accordance with the proper planning and sustainable development of the area.

7.2. Transportation & Car Parking

- 7.2.1. The Planning Authority's second reason for refusal reason indicated that the proposal would constitute a traffic hazard, as haphazard parking is likely to be created given that insufficient information has been provided to show an adequacy of parking provision to serve the development. Within their assessment of the application, the Planning Authority noted that parking is an issue in this area in summer months and a parking barrier had been installed at the entry into The Avon complex which requires

patrons to pay for parking. As no parking analysis of the entire facility had been provided and given its scale and its location in isolation relative to the town, it was considered that a considerable quantity of additional parking would be required to serve the proposal.

7.2.2. Within their grounds of appeal, it is noted that The Avon provides a total of 123 no. car parking spaces within the overall complex. However, the location of these spaces has not been clearly identified on the submitted plans, nor is the breakdown of these spaces documented. As noted earlier in this report, the appeal site was inspected on a bank holiday weekend during a period of warm weather. Consequently, there was a large number of visitors utilising the Greenway and the food court on the day in question. In terms of access to the site and the car parking areas, I note that there was a significant number of dedicated employees responsible for directing traffic through the site and to the available car parking spaces. It was evident from my observations that the operations were well managed. On the day of the inspection, 2 no. overspill car parking areas were provided within an area to the west and to the south of the appeal site. The area to the west of the site was the subject of a grant of planning permission (Ref. 21/967) in November 2021 for an outdoor activity area comprising a zipline and climbing wall and there is no evidence of dedicated car parking permitted within this portion of the site. The additional area of car parking to the south of the site is located within a field which is currently under grass. I note that these lands are located within the 'Reservoir c. 100mtr buffer/Conservation zone' of the Blessington LAP and there is also no evidence of planning permission for car parking within this area of The Avon complex. Although car parking within the complex is well managed, it would appear that the 2 no. overspill car parking areas may be unauthorised and therefore may require regularisation. Notwithstanding this, enforcement is the role of the Planning Authority, and the Board has no role in this particular matter.

7.2.3. The appeal submission notes that the Greenway was developed by Wicklow County Council without any designated car parking facilities to cater for visitors and it is stated that the Applicant has been left to cope with traffic parking generated by the Greenway. Whilst I observed many patrons utilising the food court, bar and seating areas for which

retention permission is sought, in my view, the Greenway itself which commences at The Avon is what attracts people to visit this location and utilise the car parking associated with the facility. As noted earlier in this report, I am satisfied that a proposal of this nature is consistent with the zoning objective that applies to the lands and is a use which can support the Greenway in its functioning, providing an amenity for its users. In this regard, I find it unreasonable for the application to be refused on these grounds, particularly from what I observed on site and the management practices currently in place. Whilst it would appear that some car parking within wider site requires regularisation, this matter goes beyond the scope of this appeal. As noted, I have recommended that planning permission be granted for a temporary period only, which will allow for the situation to be monitored in the interim period.

7.3. Appropriate Assessment

- 7.3.1. The nearest designated site is the Poulaphouca Reservoir Special Protection Area (SPA) (Site Code: 004063), located c. 80m to the east of the appeal site. Taking into consideration the modest nature, extent and scope of the development to be retained, the nature of the receiving environment, an portion of an established tourism related development, with no direct hydrological or ecological pathway to the European site, that no appropriate assessment issues arise and that the development to be retained 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 retention permission is recommended.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the development to be retained, the policies and objectives of the Wicklow County Development Plan, 2022-2028 and the Blessington Local Area Plan, 2013-2019, the specific characteristics of the site and the pattern of development in the surrounds, including the site's location along the Blessington Greenway route, it is considered that, subject to compliance with the

conditions set out below, the development to be retained would not undermine the role of the town centre as the primary area for such facilities, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not represent a traffic hazard and would constitute an acceptable form of development at this location. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained in its entirety in accordance with the plans and particulars lodged with the application submitted, 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>This permission shall be for a period of 3 years from the date of the grant of permission. The development shall be removed and the use shall cease on the expiration of this period and the site reinstated, unless, prior to the end of the period, permission for its retention shall have been granted by the Planning Authority or An Bord Pleanála on appeal.</p> <p>Reason: In the interests of proper planning and development of the area.</p>
3.	<p>The Applicant shall ascertain and comply with the requirements of Irish Water. If necessary, the Applicant shall enter into water and wastewater 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>
4.	<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>

5.	<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>
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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

19/07/2023