



An
Bord
Pleanála

Inspector's Report ABP-318636-23

Development	Single storey national mountain bike trail head building consisting of a café, bike hire facility, new car park area and all associated site works.
Location	Ballinastoe Trails, Ballinastoe, Roundwood, Co. Wicklow, A98 PP49.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23303
Applicant(s)	Coillte CGA (Applicant)
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	David Menzies.
Observer(s)	None.
Date of Site Inspection	05.02.2024.
Inspector	Fiona Fair

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1.0 Site Location and Description

- 1.1. The application site is located at Ballinstoe Woods, approx. 4 kilometers to the northwest of Roundwood. The Woodlands, in the ownership of Coillte, comprise mainly of evergreen forest, it forms part of a large conifer wood that extends westward and northwards. It is planted commercial woodland made up of Scots Pine, Larch and Sitka Spruce. The appeal site is at the base of the forest with levels rising from the front of the site towards the rear and forestry lands rising significantly behind the site.
- 1.2. The subject lands have been used for mountain biking for a number of years (known as Ballinastoe Mountain Bike Trail). Mountain bike trails have been created within the forestry and extend to the west.
- 1.3. The site is located approximately 2.5km from Carriggower Bog SAC and approx. 800m from Wicklow Mountains SPA and Wicklow Mountains SAC there are a significant amount of scattered one-off rural dwellings to the east of the site, beyond which is Ballinstoe Golf Club.
- 1.4. Temporary planning permission was previously granted (most recently extended for a further 5 years on foot of Reg. Ref 14/1563) for a temporary bike hire and repair service facility and toilets. The applicant is now seeking to permanently formalize this setup with a permanent building housing a small café, bike repair / hire shop, showers and toilets.
- 1.5. Access to the site is along a series of local and regional roads, to the west of the R755 and west of local road L5036.
- 1.6. Parking currently takes place along the public road, along the eastern boundary of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for:
 - A single story national mountain bike trailhead building consisting of:
 - A café, bike hire facility, toilets, ancillary spaces, new wastewater treatment system, new car park area, bore well, bike wash area,

alterations to public road, side landscaping to replace the existing road side car parking with new boundary fence and soft landscaping and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Subsequent to a Further Information Request for 10 points of FI, Permission was Granted by the PA subject to 12 number planning conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- **Planning report:** The details of the revised submitted screening report have been assessed and considered by the planning authority. The existing usage of the facility is noted as is the existing usage of the Wicklow Way by walkers and road bikes which is completely separate to the Ballinastoe bike trail facility site.

It is further noted that Ballinastoe is a dedicated mountain bike trail facility which is currently controlled and maintained by its operator. The operator will continue to control and retain this facility in the same way with the addition of the new trailhead building.

Noting the separation distance between the dedicated bike trails and the boundary of the Coillte Lands, it is highlighted that these trails are managed and that the people using this facility are coming with the purpose of using the dedicated mountain bike trails, which are extensive, and suited to various levels. It is considered the increased use of the existing mountain bike trails as a result of the proposed development would be unlikely to give rise to any significant adverse impacts on the qualifying interests or conservation objectives of any nature site and therefore the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitat's Directive.

It is considered that the proposed increased traffic movements, noting the peak times, would not have an undue impact on the area and the details of the traffic impact assessment submitted at FI are considered to be acceptable.

Report recommends that conditions be attached to any grant of permission with respect to surface water, foul water and that the building not be open to the public until a permanent ESB connection is in place.

Overall having regard to the planning history of the site, the location and scale of the development and the provisions of the County Development Plan 2022 to 2028, it is considered that the proposed development would accord with the tourism / recreational objectives of the County Development Plan 2022, and subject to compliance conditions that the proposed development would be in accordance with the proper planning and sustainable development of the area.

- **Water and Environmental Services:** Initial report requested further information with respect to the closest down gradient well, bike wash proposal and the location of the proposed surface water soakaway. It is noted that there is a requirement for a minimum of 45m separation for a downgradient well on subsoils of PV of 15, and a depth of up to 8m bedrock below invert. However, the subsequent report subject to submitted further information concluded that the separation to the well complies with table 6.2 of the EAP CoP 2021.

Water and environmental services visited the site of the dwelling across from the proposed wastewater infiltration area and have confirmed that the location of this down gradient well is located to the rear of the dwelling in question and is in excess of 45 metres from the proposed wastewater infiltration area.

- **Engineer in Charge of Vartry Waterworks:** No objection.
- **Fire service:** The report notes the development requires the submission of a fire safety certificate application and disability access certificate application.
- **Environmental Health officer:** The report notes the application is for a population equivalent of 50. As such it should be referred to the

Environmental Department of Wicklow County Council for assessment under the EPA code of Practice, Treatment Systems for Small Communities, Businesses, Leisure Centres and Hotels.

- **Road's Report:** The initial report requested further information with respect to additional predicted trips and traffic movements and estimated peak traffic movements to the site over the course of a Saturday and Sunday during the summer months, mitigation measures to prevent haphazard and illegal parking on the site and along the public road in the area in the event that the car park is full, sightlines and lighting. Subsequent to further information being submitted the planning assessment deems the issues raised have been overcome.

3.2.2. Other Technical Reports

Dublin City Council: No objection.

3.3. Prescribed Bodies

Department of Housing and Local Government and Heritage: Report (dated 03.05.2023) recommends that further information be sought, of the potential impact on designated sites and consideration be given to include AA Screening of the bike trail area as a whole and not merely the trail head building and surrounds.

3.4. Third Party Observations

One number submission received during the prescribed period; issues raised are similar to those raised in the appeal, the following concerns are noted:

- Concern regarding increased traffic on the L 5036 noting its width and surface which is prone to damage due to altitude/ frost/ rain,
- Concern that since the existing cycle track opened there has been an increase in the daily volume of traffic on the L 5036 especially those carrying bikes which exceeds the width of the vehicle carrying them.
- Concern that many cars exceed the speed limit of 80 kilometers per hour

- Request that some form of traffic calming is put in place and that signs are erected to warn that there are children, pedestrians and farm machinery using the route.
- Concern regarding water supply for the development and impact any water well sunk for the proposed development would have on water supply of residents downstream of the site.

4.0 Planning History

Reg. Ref. 14/1563 Temporary permission Granted to Bike Training Ireland Limited for bike hire and repair service facility to members of the public using the bike trail on Coillte lands. The application comprises the continuation of existing structure including a bike storage container and ancillary structures together with a temporary sewage treatment plant beyond the expiration of planning permission granted under 11/4274 and 12/6830 which are due to expire on the 19/10/2016 and 15/02/2016 respectively so the development will now remain for a further period of five years beginning on the date of the grant of planning permission by the planning authority.

Reg. Ref. 12/6830 Permission Granted for a three-year period, to Training Ireland Limited for bicycle storage container unit.

Reg. Ref. 11/4274 Temporary permission granted for five years to Bike Training Ireland Limited for bicycle storage container unit.

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2022 – 2028

11.3 Tourism & Recreation Objectives General Objectives

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 11.5 The Planning Authority recognises that certain tourist facilities that are located in rural areas may be provided as stand alone development, and that ancillary uses (e.g. club house, café, restaurant, shop etc) may be required in order to ensure the long term viability of the tourist facility. Additional uses will only be permitted in cases where the additional use is integrated with and connected to the primary use of the site as a tourist facility, and in cases where the Planning Authority is satisfied that the additional use is ancillary to the primary use of the site as a tourist facility. The additional use shall be located adjacent to the tourist facility, and avail of shared infrastructure and services, insofar as possible.

Environmental Protection

CPO 11.50 Where relevant, the Council and those receiving permission for development under the plan, shall manage any increase in visitor numbers and/or any change in visitor behaviour in order to avoid significant environmental effects, including loss of habitat and disturbance. Management measures may include

ensuring that new projects and activities are a suitable distance from ecological sensitivities; visitor/habitat management plans will be required for proposed projects as relevant and appropriate.

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.

CPO 11.52 Where projects for new tourism projects identified in this chapter are not already provided for by existing plans / programmes or are not already permitted, then the feasibility of progressing these projects shall be examined, taking into account planning need, environmental sensitivities as identified in the SEA Environmental Report and the objectives of the plan relating to sustainable development.

Chapter 17 Natural Heritage & Biodiversity

Landscape Category of the Application Site (CDP 2022 – 2028); Description
Mountain Uplands.

The Mountain and Lakeshore Area of Outstanding Natural Beauty

1(a) - The Mountain Uplands The central mountain upland area extends from the Dublin border in the north of the County at Kippure towards Aughrim in the south and from east of the Glen of Imaal as far as west of Roundwood Village. A key characteristic of this area is mountainous topography with U-shaped valleys, lakes and glacial topography. This area generally relates to lands immediately surrounding and above the 300m+ contour line.

Section 17.4 Natural Heritage and Biodiversity Objectives.

General

CPO 17.1 To protect, sustainably manage and enhance the natural heritage, biodiversity, geological heritage, landscape and environment of County Wicklow in recognition of its importance for nature conservation and biodiversity and as a non-renewable resource.

CPO 17.2 Ensure the protection of ecosystems and ecosystem services by integrating full consideration of these into all decision making.

CPO 17.3 To support and promote the implementation of the County Wicklow Heritage Plan and the County Wicklow Biodiversity Action Plan.

Protected Sites and Species

CPO 17.4 To contribute, as appropriate, towards the protection of designated ecological sites including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs). To contribute towards compliance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines, including but not limited to the following and any updated/superseding documents. (please refer to Chapter 17 of the CDP for further detail.)

CPO 17.5 Projects giving rise to adverse effects on the integrity of European sites (cumulatively, directly or indirectly) arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this plan.

Landscape, Views & Prospects

CPO 17.35 All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

CPO 17.36 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.

CPO 17.37 To resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling / reclamation projects or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape and / or not give rise to adverse impacts.

CPO 17.38 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

Built Heritage:

Archaeology: No known archaeology on the application site or within close proximity to the application site.

National Monuments: None within close proximity to the site,

Architecture: N/A

Views and Prospects:

View ID 10: Located circa 780m to the northeast of the application site along the L 1036. Origin L1036 at Sroughmore, Roundwood.

View ID 12: Located circa 2.1 Km to the southeast of the application site Putin or 7.5 at Sroughmore, Roundwood.

View ID 11: Located circa 2.31Km to the southeast of the application site.

5.2. Natural Heritage Designations

- Wicklow Mountains Special Area of Conservation (SAC) (site code 002122) located approximately 430 metres to the northeast of the site at its closest point.
- Wicklow Mountains Special Protection Area (SPA) (side code 004040) located approximately 400 metres to the northeast of the site at its closest point.
- Carrigower Bog SAC located approximately 2.5 kilometres to the east of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development comprising of a single storey national mountain bike trail head building consisting of a café, bike hire facility, new car park area and all associated site works, the planning history on the site and the established use of the site for a local tourist outdoor based bike trail activity, 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

A third-party appeal against the Council's decision was submitted by David Menzies. The grounds of appeal can be summarised as follows:

- Concern with respect to road safety on the L5036.
- There are approx. thirty private residences and farms on the L5036, with a mix of age groups.
- Concern of width of the road and ability of cars to pass one another safely.
- Concern of safe passing ability of wider vehicles, trailer, buses, delivery vans and vehicles carrying mountain bikes etc.
- Concern of deterioration in road surface.

- Concern of traffic speed - Speed limit is 80 kph, however, no signage to indicate this.
- Concern of accuracy of two-day traffic survey carried out and concern of traffic volume and speed of traffic upon this quiet rural road.
- Overall concern of traffic hazard and risk of serious accident from the increase in traffic using the Coillte development.
- Concern that as the L5036 is not specifically mentioned in Wicklow County Councils Development Contribution Scheme (2015 updated 2021) there will be no guarantee that any part of the sum of €14,400 allocated to the scheme will be used to provide traffic calming or improving the condition of the road.
- Request that as a minimum that a condition be included by An Bord Pleanála that requires funds allocated for traffic calming measures to be allocated and works carried out on the L5036 prior to the opening of the new development.

6.2. Applicant Response

- None Received.

6.3. Planning Authority Response

- None Received.

6.4. Observations

- None received.

6.5. Further Responses

- None Received

7.0 Assessment

7.1. The principal issues for consideration in this appeal are as follows:

- **Principle and Consistency with Policy.**
- **Traffic Safety.**
- **Other Issues.**
- **Appropriate Assessment (AA)**

7.2. Principle and Consistency with Policy.

- 7.3. The application site is located within a rural area, as designated within the Wicklow County Development Plan 2022 – 2024. The subject lands have been used for mountain biking for a number of years (known as Ballinastoe Mountain Bike Trail). Mountain bike trails have been created within the Coillte forestry lands and extend to the west. The existing use of the facility, as a tourist / outdoor recreational use, is noted, as is the close by use of the Wicklow Way by walkers and road bikes which is separate to the Ballinastoe facility site.
- 7.4. As set out above, in planning history section of this report temporary planning permission was previously granted dating back to 2011 (most recently extended for a further 5 years on foot of Reg. Ref 14/1563) for a temporary bike hire and repair service facility and toilets. There is a container café on site and during my site visit which I carried out on a Sunday (04.02.2024) of the bank holiday weekend, an event was in progress and the coffee shop and merchandise stalls operational. The applicant is now seeking to permanently formalize the existing setup with a permanent building housing a small café, bike repair, bike hire shop, showers and toilets.
- 7.5. Permission is also sought to formalize the car parking on site with a 139 spaces car park. Parking currently takes place along the public road, along the eastern boundary of the site. This area is to be soft landscaped to prevent parking. The single story structure and car parking are to be located on the eastern portion of the site and the existing temporary structures are to be removed.

7.5.1. The subject proposal for a mountain bike trail head building consisting of, a café, toilets, bike hire & repair facility and car park area and all associated site works, given the established facility, is in my opinion a tourism and recreational facility dependent on a rural mountain forest setting. In principle, therefore the proposal complies with CPO 11.1 CPO 11.3 and CPO 11.4 of the Wicklow County Development Plan 2022 – 2028, which state:

“CPO 11.1 To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.”

“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.”

7.5.2. I note from my site visit, the plans submitted and information on file, that the mountain trail area currently in use for mountain biking, by Ballinastoe Trails, is fenced off, clearly demarcated from the Coillte bog lands and forestry further to the east and closer to the Wicklow Mountains SAC and SPA. The subject proposal acknowledges that an increase in user numbers may occur, however, it is not

proposed to extend the facility beyond the existing boundaries. I concur with the planning authority that the proposal:

- Does not adversely affect the character, environmental quality and amenity of the rural area.
- Will not have a negative impact on 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.
- That the proposed facilities are integrated with and connected with the primary use of the site as a tourist facility and will be an improvement to the environmental impact of temporary structures on the site.
- There need for the facility, is strongly linked to the use, it will benefit the local community, and is acceptable and appropriate in terms of environmental impact.

7.5.3. The single story structure and car parking area to be located on the eastern portion of the site and the existing temporary structures are to be removed. A number of evergreen trees will have to be felled to facilitate the trail head building, car park and wastewater treatment area. The applicant has submitted a proposed landscaping plan which proposes new semi mature tree planting (sycamore, ash, beach, Scots pine and spruce). I note the photomontages submitted as part of the design statement. The building itself is single storey with a flat roof, it is proposed to be primarily finished with cladding, glass and timber. I consider the proposed scale and design is overall acceptable. The proposed development will not have a negative visual impact on the area and will not impact upon any protected views or prospects.

7.5.4. Given the existing tourist / recreational outdoor use of the site, the principle of the subject development on this site is considered to be acceptable.

7.6. Traffic Safety

- 7.7. The main issue of concern by the third party relates to traffic safety. Concern is expressed with respect to width of the local road (L5036) and ability of cars to pass one another safely. Concern of deterioration in road surface. Concern of traffic speed - Speed limit is 80 kph, however, no signage to indicate this. Concern of accuracy of two-day traffic survey carried out and concern of traffic volume and speed of traffic upon this quiet rural road. Concern is also expressed that as the L5036 is not specifically mentioned in Wicklow County Councils Development Contribution Scheme (2015 updated 2021) there will be no guarantee that any part of the sum of €14,400 allocated to the scheme will be used to provide traffic calming or improving the condition of the road.
- 7.8. The appellant requests that a condition be included by An Bord Pleanála that requires funds allocated for traffic calming measures to be allocated and works carried out on the L5036 prior to the opening of the new development.
- 7.9. A Traffic Impact Assessment Report has been submitted. A traffic survey was carried out on the 26th and 27th of August 2023 and the survey data included into the revised traffic assessment report submitted to the PA subject to RFI.
- 7.10. Assuming the provision of improved facilities on the site will result in increased numbers attending the site, it is estimated that the AM peak would result in 64 traffic movements and 71 in the PM peak. The assessment includes for an increased car parking area (to 139 spaces) and presuming that the car park was full to capacity. A maximum scenario of 146 AM Peak junction movements and 163 PM peak junction movements is also considered. It is presumed that the baseline traffic movements on the road remain unchanged given the rural location.
- 7.11. I agree with the PA that the facility would be most popular at weekends and during the summer months. Overall, however, having carried out a site visit on a Bank Holiday Sunday, albeit February, as stated previously, on a day in which an event was taking place, I would concur with the first party and PA that proposed increased traffic movements, would not have an undue impact on the area and details of the Traffic Impact Assessment are considered to be acceptable. I acknowledge that the L5036 is a local rural road and speeds along the route need to be cognizant of the

speed limit, its width and alignment. However, cars speeding along local roads is outside of the remit of the current planning application.

- 7.12. I accept the applicant's submission that the increase in car parking to 139 spaces would be sufficient to cater for demand. 139 spaces is a notable increase in the level of car parking currently available (some 80 spaces) and note the existing car parking arrangement along the public road. I agree with the PA that the establishment of a formal off road car parking area would improve traffic safety, greatly improve sightlines at the access and is preferable in this case.
- 7.13. The current car parking area, outside the site entrance along the eastern boundary is to be soft landscaped to prevent parking. The applicant proposes to install large stones and timber bollards (all less than 1 m high) along the road edge margins to prevent haphazard and illegal parking on the site and along the public road and to ensure sightlines are achieved and maintained. I recommend to the Board that a condition be attached to any decision to grant planning permission in this regard.
- 7.14. It is my opinion, that the development proposed will improve the car parking situation and access arrangements on site. The increase in traffic projected to this rural recreational / tourist activity is acceptable in principle. To refuse planning permission on grounds of traffic hazard or safety would be inappropriate in this instance. I see no evidence to suggest that the use proposed would increase the risk of traffic hazard, given the nature of the use, existing uses on site, existing condition of the L0536 and the measures proposed by the applicant to improve sightlines and car parking.
- 7.15. The third party's concern with respect to the allocation of Section 48(1) development contribution towards public infrastructure and facilities, is noted. It is submitted that there will be no guarantee that any part of the sum of €14,400 allocated to the scheme will be used to provide traffic calming or improving the condition of the road. I note that the Transportation Department of the PA have not raised the condition of the road as an issue. From my site visit I can confirm that the road surface is in good condition. The alignment and width of the road, it being a local rural road is somewhat winding and restricted, however, the speeds I witnessed along the road reflected its width, alignment and constraints, similar to many other rural road network. I consider, overall, it is the responsibility of any competent authority to

ensure that mandatory and suitable road markings, signs and traffic calming is in place, where necessary and note that it is a matter / within the remit of the PA to decide where the development contribution is best spent.

7.16. Other Matters

I note matters concerning the wastewater treatment system, separation distance from the proposed infiltration area to the nearest down gradient private well and the proposed on-site well. Also, further information requested that there is sufficient ground water capacity available while not impacting on the quality or quantity of the drinking water supply / wells serving the existing dwellings to the east. And issues raised with respect to the bike wash area, soakways, operational times of the retail area (café, shop and bike hire facility), possible noise and nuisance arising. I note that all issues arising were fully addressed in the submitted further information response, this was to the satisfaction of the planning authority. I have reviewed the issues raised, I note that the appeal does not raised any of the said issues, I fully agree with the planning authority that the matters raised have been overcome. It is my opinion that it would be unreasonable to refuse planning permission on grounds relating to the said matters.

7.17. Appropriate Assessment

- 7.18. An AA Screening report (dated December 2022) carried out by Biosphere Environmental Services (BES) was submitted with the application. The PA considered that notwithstanding the conclusions set out in the submitted AA screening that impacts on the Wicklow Mountains Special Area of Conservation and the Wicklow Mountains Special Protection Area have not been fully examined. In this regard and as was identified in the report received from the Department of Housing, Local Government and Heritage given the increase in user numbers (estimated 44,000 users in 2024 to 55,000 in 2027) and given the evidence of tracks of mountain bikes from forestry to the SPA & SAC and the increased numbers of visitors would give rise to increases in bike movements into the Natura 2000 sites.

7.19. Further information was sought by the planning authority with respect to reexamining the screening document in light of the issue identified and revised updated screening which examines all impacts including the impact of users of the bike trail and associated movements into the Natura 2000 sites.

7.20. I note the AA Screening Report identified 9 number Natura sites within the zone of potential impact:

- Wicklow Mountains SAC
- Carriggower Bog SAC
- Murrough Wetlands SAC
- Bray Head SAC
- Glen of the Downs SAC
- Ballyman Glen SAC
- Knocksink woods SAC
- Wicklow mountains SPA
- The Murrough Wetland SPA

7.21. Table 1, set out in the AA screening report, indicates the relevant European sites reasons for designation, distances from the project area and whether a source to receptor linkage exists (i.e connectivity). The distribution of the sites is shown in figure 3 of the screening report.

7.22. I refer the Board to Table 1 of the AA Screening Report. I agree that it can be demonstrated with full scientific certainty that there is no pathway ecological or hydrological connection between the source (i.e Ballinastoe site) and receptor (European site) for the following sites:

- Carriggower Bog SAC
- Bray Head SAC
- Glen of the Downs SAC
- Ballyman Glen SAC
- Knocksink woods SAC

7.23. For the following four sites further consideration was given as to whether there is potential for impacts on the qualifying interests and general Environmental Quality of the sites.

- Wicklow mountains SAC
- Murrough Wetlands SAC
- Wicklow mountains SPA
- The Murrough Wetland SPA

7.24. The site lies approximately 800m downhill / down gradient from the Wicklow Mountains Special Area of Conservation (SAC) and Special Protection Area (SPA), approximately 2.5km from Carriggower Bog (SAC) The Murrough Wetland SPA and SAC is located some 19Km distant.

7.25. The applicant submitted an updated AA Screening report (22nd September 2023) by BES which reassessed potential impacts on Qualifying Interests within sites located within the likely zone of impact of the proposal, using Source-Pathway-Receptor (S-P-R) conceptual Model.

7.26. The updated AA Screening report notes to follow:

- With the new trailhead building in place, it is acknowledged that the usage of the biking trails facility is expected to grow from an estimated 44,000 users in 2024 to 55,000 in 2027.
- it is submitted that the mountain bike trails which have been constructed in Ballinastoe are of world class standard and are operated to the highest professional standard. While some of the trails are located close to the Coillte property boundary with bog and the designated lands on the other side of the boundary, none of the bike trails lead to the boundary or beyond.
- The Coillte property is also largely lined by a stock proof fence, images of the fence which appear secure and in good condition are included. It is submitted that mountain bike riders will always choose to ride the best trail on offer with multiple trail options and various ability grades available for visitors to Ballinastoe.

7.27. Three access points have been identified between the Ballinastoe biking facility and the adjoining open bog and designated lands.

- A pedestrian gate allowing access from the Coillte lands to the open bog located along the extreme northeastern boundary of the Ballinastoe facility.
- Informal walking trails with a broken style along the northwestern boundary of the Ballinastoe facility.
- An old Wicklow way path leading from a bike trail to the existing Wicklow Way. This passes through the extreme western section of the facility and connects to the public Rd (R759) and then onto White Hill which is located within the SAC and SPA. It is noted that there are no dedicated bike trails connecting from the facility to the Wicklow Way.

7.28. The applicant has included a map of the dedicated biking trails relative to those access points and the Wicklow Way in the updated document. It is noted that these access points and existing routes outside the facility are only suitable for hill walking and not suitable to mountain biking. It is further submitted that the operator of the Ballinastoe facility is not aware of any legitimate bike use having attempted to gain entry to the designated lands from the existing bike trails and while this may occur the number of incursions would be very low, as the operators would have noticed bikes tracks leading off the relevant sections of the dedicated bike trails during their routine inspections of the conditions of the dedicated trails.

7.29. It is further noted that the usage of the Wicklow Way by bikers is greater than any incursions which may be result of the existing bike trails. It is concluded that the legitimate user of bike trails are not attempting to get access to the adjoining open bog or designated land from the trails and that the projected increase usage of the facility into the future is therefore not likely to alter the existing situation.

7.30. The operator is committed to operating the facility with the highest professional level in terms of noise levels potentially impacting the qualifying interests of the SPA. It is noted that the trails are at a lower altitude than the open bog to the north and are screened by Coillte lands. Local wildlife including the special conservation interests of the SPA would be expected to be accustomed to a background level of activity and noise including from hill walkers along the Wicklow Way and would adjust to the anticipated gradual increased use of the trails once the new trail building is in place.

- 7.31. The AA screening concludes that the proposed project individually or in combination with other plans or projects, has no realistic potential to cause significant effects on any European site, noting it is not directly connected with or necessary to the management of the nature 2000 site and significant effects on the nature 2000 network are not foreseen.
- 7.32. The details of the revised submitted screening report have been assessed and considered by the planning authority. The existing usage of the facility is noted, as is the existing usage of the Wicklow Way by walkers and road bikes which is completely separate to the Ballinastoe facility site.
- 7.33. The planning authority note that the Ballinastoe facility is a dedicated mountain bike trail facility which is currently controlled and maintained by its operator. It is further noted that the operator will continue to control and maintain this facility in the same way with the addition of the new trailhead building. Noting the separation distance between the dedicated bike trails and the boundary of the Coillte lands, that these trails are managed and that the people using this facility are coming with the purpose of using the dedicated mountain bike trails which are extensive and suited to various levels. It is considered that the increased use of the existing mountain bike trails as a result of the proposed development would be unlikely to give rise to any significant adverse impacts on the qualifying interests or conservation objectives of any Natura 2000 site and therefore the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6 (3) of the EU Habitat Directive.
- 7.34. I note the Department of Housing Local Government and Heritage were consulted on the FI submitted, however, no further report or comment was forthcoming.
- 7.35. Having considered all of the submitted information. In particular, I refer the Board to section 2.4.1 Wicklow Mountains SAC, 2.4.2 Wicklow Mountains SPA, 2.4.3, Murrough Wetland SAC and 2.4.4 the Murrough Wetland SPA of the revised Screening Report, submitted by BES. Having regard to the use and scale of development existing and proposed, the lack of hydrological link / pathway between the site and the Natura 2000 sites and separation distances, it is not considered that a NIS is required in this instance.

- 7.36. It is considered that the proposed development would not give rise to any significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

- 8.1. Based on the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

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

10.0 Conditions:

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

Reason: In the interest of clarity.

2. The external lighting shall be to the car park, only, as indicated in Drawing No. 18234 - 4-306 submitted on the 27th of March 2023 and no other lighting shall be erected without a prior grant of planning permission, whether or not such works would be exempted development under the Planning and Development Act and associated regulations. The lights should have an automatic switch off, such that they were only on during the periods:
 - (a) 8:00 am to 9:00 pm from the 1st of May until the 30th of September
 - (b) 8:00 am to 6:00 pm from the 1st of October until the 30th of April.

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

Reason: In the interests of residential and visual amenity.

3. Prior to the commencement of development, the developer shall carry out and submit the following for the written agreement of the planning authority:
 - a) A survey and test of the available groundwater to serve the proposed well.
 - b) Test the quality of the groundwater and submit proposals to ensure that it is fit for human consumption such as the installation of a UV system with a validated UV system e.g NSF ANSI Standard 55 Disinfection Class A performance or equivalent and pretreatment if required.
 - c) Submit the details of the findings of this testing to the planning authority, including details of the expected yield of the proposed well and calculations of the expected water consumption to serve the proposed development.

The development shall accord with the written agreements.

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

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

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

5. The hard and soft landscaping shall be carried out in accordance with the landscaping plan and details submitted to the planning authority on the 27/03/2022. The landscaping and tree planting shall be carried out before or during the first planting season or part thereof occurring after the commencement of development. Any plants which become seriously damaged shall be replaced by others of similar size and species.

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

6. The hours of operation of the bike trailhead building the subject of this application shall be as follows:
 - (a) 8:00 AM to 9:00 PM from the 1st of May until the 30th of September.
 - (b) 8.00AM to 6:00 PM from the 1st of October until the 30th of April.

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

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

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

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

Reason: In the interests of orderly development.

9. (a) Surface water from the site shall not be permitted to drain onto the adjoining public road. All uncontaminated roof and surface water drainage from roofs,

entrances, parking areas etc shall be collected and disposed of within the site as detailed in the proposed drainage layout submitted on the 18th of October 2023 an associated reports. In particular, no such surface water runoff shall be allowed to flow onto the public roadway nor to discharge to the effluent disposal system.

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

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

(a) Installation of large stones and timber bollards (all less than 1 m high) along the road edge margins to prevent haphazard and illegal parking at the site entrance and along the public road and to ensure sightlines are achieved and maintained.

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

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

Reason: In the interest of public health.

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

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

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

Reason: In the interest of traffic safety.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

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

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

15. 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.

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.

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.




Fiona Fair
Senior Planning Inspector

06.02.2024


Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 318636		
Proposed Development Summary	Single storey national mountain bike trail head building consisting of a café, bike hire facility, new car park area and all associated site works.		
Development Address	Ballinastoe Trails, Ballinastoe, Roundwood, Co. Wicklow, A98 PP49		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No 	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A 	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____