



An
Bord
Pleanála

Inspector's Report ABP-321407-24

Development	Erection of five studio holiday pods with all associated site works.
Location	Ballinastoe, Roundwood, Bray, Co. Wicklow, A98 F5P6.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	24/60585
Applicant(s)	Nial Davis.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision.
Appellant(s)	Niall Davis.
Observer(s)	None.
Date of Site Inspection	5 th March 2025.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Ballinastoe, approx. 4 kilometres to the northwest of Roundwood. 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.
- 1.2. The site is bounded to the north and west by coniferous woodlands, which is in the ownership of Coillte, and which extends northwards and westwards. Ballinastoe Woods and car park are used by walkers and mountain bikers with access to the Wicklow Way and Ballinastoe Mountain Bike Trail.
- 1.3. Ballinastoe Golf Club (now closed) is located to the southeast on the other side of the local road. There is a significant amount of scattered one-off rural dwellings to the north and south of the site.
- 1.4. The site is designated within an Area of Outstanding Natural Beauty – The Mountain Uplands. The site has been cleared of trees which formed part of the larger woodland. The appeal site is located approximately 800m from Wicklow Mountains SPA and Wicklow Mountains SAC and 2.5km from Carriggower Bog SAC.
- 1.5. The overall site includes the applicants house to the southeast. It has frontage along and is accessed from the L-1036-35. The constructed entrance was permitted under PA Reg.Ref. 22/25.
- 1.6. There are 2 small steel storage structures on the site, located to the rear and not visible from the road. The site is which is located at 310mOD and rises up away from the road before falling again. There are some mature trees along the roadside boundary.
- 1.7. The site which is roughly rectangular in shape has a stated area of 2.1ha.

2.0 Proposed Development

- 2.1. Permission is sought for five studio holiday pods with all associated site works.
- 2.2. The five-no. detached single storey pods, would each accommodate a studio style holiday dwelling containing a bedroom, kitchenette and toilet with shower and wash-hand basin. Each pod (16.5sqm) is to be clad in timber and metallic sheeting and covered with a mono-pitch roof.

- 2.3. A sauna (126sqm) with mono-pitch roof will be finished in metallic sheeting.
- 2.4. The pod units would be served by a communal wastewater treatment system, with potable water supplied from a new well.
- 2.5. The proposed development is to be served by an existing entrance and driveway, with a new vehicular driveway with five car parking bays to be provided.
- 2.6. Landscaping works are also proposed which include the formation of clay banks.
- 2.7. The public notices refer to the contravention of a condition under the permitted entrance and driveway under Ref. Ref.22/25. Condition no. 6 states that *‘Existing shrub and tree vegetation...shall be retained, particularly along the entire roadside boundary’*.
- 2.8. Application was accompanied by the following;
- Planning Report
 - Site Assessment Report
 - Landscaping Scheme

3.0 Planning Authority Decision

3.1. Decision

Permission was refused 18/11/2024 for the following reason;

1. Having regard to the location of the proposed development in a rural area removed from any Settlement, the Objectives of the County Development Plan 2022 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 and 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, it is considered that the proposed development would materially contravene the Objectives of the County Development Plan 2022, would result in the further erosion of the rural area, an area that is an Area of Outstanding Natural Beauty, the Mountain Uplands and would set an unacceptable precedent for

such further footloose rural development. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **1st Report** dated 15/11/2024 of the Executive Planner recommended further information.

1. Having regard to the site being in an Area of Outstanding Natural Beauty and elevated in relation to the road, please provide a contextual elevation of the proposed development from the roadway.

2. (a) Please provide a revised site layout plan to show the proposed development in relation to the watercourse located to the north of the site, having regard to CPO 13.3 which requires a setback of generally 25m to watercourses.

(b) Please provide a construction and environmental management plan to assess the potential impacts on the watercourse, having regard also to potential noise and dust emission nuisances and the selection of measures to mitigate them with due regard to CIRIA guidance.

3. In relation to the wastewater treatment system, please address the following:

(a) It should be shown that the maximum permitted slope across the area where the proposed soil polishing filter will be located is not exceeded.

(b) The gradient and levels of the foul pipe from the pods to the wastewater treatment plant should be shown on a long section drawing and assessed such that self-cleansing velocity will be achieved.

(c) The soil polishing filter for PE of 10 appears to be undersized with 70sq.m proposed in lieu of the required 75sq.m.

(d) A management plan for the operation, inspection and maintenance of the wastewater treatment system is required.

4. In relation to water supply, the following is required:

(a) Proposals for disinfection of the water supply to include validated UV disinfection to an acceptable Austrian, German or American standard (American ANSI Standard 55 Class A, Austrian ONORM M5873-1, Austrian ONORM M5873-2 or German Standard W294-1, -2 and -3. DVGW/Din June 2016) to include monitor, alarm and fail safe.

(b) A management plan for the operation, inspection, maintenance and testing of the drinking water supply and treatment.

5. As per CPO 11.14 of the CDP 2022-2028, developers / owners of new holiday homes / self-catering developments are required to enter strict legal agreement (under Section 47 of the Planning & Development Act) with the Planning Authority specifying that:

(a) the units may only be used for tourism purposes and shall not be allowed to be used as a permanent residence;

(b) in the case of small-scale developments, the entire development, including all buildings, land and any on-site tourist facility, shall be held in single ownership and shall not be subdivided. All units shall be available for short-term letting only of a maximum duration of 4 weeks. Please confirm the above.

6. Having regard to the 90m sightlines and the proposed landscaping plan, please confirm that the sightlines will not be impacted by the proposed landscaping and if the existing trees are required to be modified.

The **2nd Report** dated 18/11/2024 of the Director of Services, Planning and, Economic and Rural Development recommends permission be **refused**.

3.2.2. Other Technical Reports

- **Transport and Infrastructure Delivery:** Report dated 02/10/2024 recommends no observations.
- **Environment:** Report dated 15/11/2025 recommends further information.
 - The site layout plan does not show the watercourse at the northern part of the site. Its location, route and distance from the proposed wastewater treatment plant and polishing filter should be shown on the site layout plan.

- The gradient of the slope across the area where the proposed soil polishing filter will be located is not shown. It should be shown such that the maximum permitted slope is not exceeded.
- The gradient and levels of the foul pipe from the pods to the wastewater treatment plant should be shown on a long section drawing and assessed such that self-cleansing velocity will be achieved.
- The proposed development which includes site clearance and tree felling has the potential to impact the nearby watercourse. A construction and environmental management plan to assess the potential impacts on the watercourse and from noise and dust emission nuisances and the selection of measures to mitigate them with due regard to CIRCIA guidance.
- The soil polishing filter for PE of 10 appears to be undersized 70sq.m. vs 75sq.m.
- Proposals for disinfection of the water supply to include validated UV disinfection to an acceptable Austrian, German or American standard (American ANSI Standard 55 Class A, Austrian ONORM M5873-1, Austrian ONORM M5873-2 or German Standard W294-1, -2 and -3. DVGW/Din June 2016) to include monitor, alarm and fail safe will be required.
- A management plan for the operation, inspection, maintenance and testing of the drinking water supply and treatment will be required.
- A management plan for the operation, inspection and maintenance of the wastewater treatment system will be required.
- **Chief Fire Officer:** Report dated 15/10/2024 recommends no objection subject to requirements. These include the following;

3.3. Prescribed Bodies

The PA sought comments from Irish Water, Dublin City Council, An Taisce, and Fáilte Ireland. No observations were received by the PA.

3.4. Third Party Observations

A representation was made on behalf of the applicant by Cllr. Shane Langrell.

4.0 Planning History

Appeal Site

PA Reg. Ref. 22/25: Retention permission **granted** 09/09/2022 to applicant Niall Davis for existing entrance, lane way and levelled area as constructed on site and permission of a 104sqm domestic and forestry storage shed and associate works.

Adjoining Site – Applicants House

PA Reg. Ref. 15/909 ABP Ref. PL.27.245764: Permission **granted** 30/03/2016 to applicants Tarja Owens & Niall Davis for the erection of a single storey detached dwelling. The proposed dwelling shall have a floor space of 222 sqm, comprising four bedrooms, a combined kitchen/living/dining room and home office, together with ancillary utility, bathroom and hallway accommodation. The dwelling would be served by a new entrance off local road 11035, the drilling of a well for private water supply, and an on-site effluent disposal system to current EPA standards. The application also includes an integral building which is to be used solely by the applicant personally for bike repair and general maintenance purposes and for storing equipment associated with the adjacent bicycle rental business.

Ballinastoe Mountain Bike Trail

PA Reg. Ref. 23/303 ABP-318636-23: Permission **granted** 29/07/2024 to Coillte CGA for single storey national mountain bike trail head 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 carparking with new boundary fence and soft landscaping. Conditions included external lighting to be provided to car park only and are switched off during the night.

PA Reg. Ref. 14/1563: Permission **granted** 13/01/2015 to Bike Training Ireland Ltd. 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 19/10/2016 and 15/2/2016 respectively so that the development will now remain for a further period of five years beginning on the date of any planning permission granted by the planning authority

5.0 Policy Context

5.1. Wicklow County Development Plan 2022-2028

- 5.1.1. The Board are advised that there are currently a number of Material Alterations by way of Variations to the Wicklow County Development Plan 2022-2028 which are at various stages of approval/adoption. I would note however, that none are relevant to the location of the subject appeal site or nature of the proposal.

Chapter 4 Settlement Strategy

The appeal site is located in Level 10 the rural area (open countryside).

- 5.1.2. **Objective CPO 4.10:** To support the sustainable development of rural areas by encouraging growth while managing the growth of areas that are under strong urban influence to avoid overdevelopment.
- 5.1.3. **Objective CPO 4.14:** To ensure that key assets in rural areas such as water quality and natural and cultural heritage are protected to support quality of life and economic vitality.
- 5.1.4. **Objective CPO 4.15:** To protect and promote the quality, character and distinctiveness of the rural landscape.

Chapter 11 Tourism and Recreation

- 5.1.5. **Objective CPO 11.1:** To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.
- 5.1.6. **Objective CPO 11.2:** To ensure that all tourism and recreation developments are designed to the highest quality and standards.
- 5.1.7. **Objective 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.

- 5.1.8. **Objective 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.
- 5.1.9. **Objective 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.
- 5.1.10. **Objective CPO 11.6:** To ensure that tourism and recreation related developments are appropriately located in the County. Subject to the following exceptions, all tourist and recreation related developments are 'open for consideration' in all landscape areas:
- The following tourist uses will not be permitted within the Area of Outstanding Natural Beauty (both the Mountain Uplands Area and the Coastal Area): Static caravans and mobile homes

- Holiday homes will not be permitted in any landscape category other than urban zones except where they comply with objectives CPO 11.13, CPO 11.14, CPO 11.15 and CPO 11.16.

5.1.11. **Objective CPO 11.10:** To facilitate the development of a variety of quality accommodation types, at various locations, throughout the County.

5.1.12. **Objective CPO 11.13:** To require new holiday home / self-catering developments to locate within either established settlements or at established tourism / recreation facilities, other than those developments involving the renovation / conversion of existing buildings.

5.1.13. **Objective CPO 11.14:** To require the developers / owners of new holiday homes / self-catering developments to enter strict legal agreement (under Section 47 of the Planning & Development Act) with the Planning Authority specifying that:

- the units may only be used for tourism purposes and shall not be allowed to be used as a permanent residence;
- in the case of small-scale developments, the entire development, including all buildings, land and any on-site tourist facility, shall be held in single ownership and shall not be subdivided. All units shall be available for short-term letting only of a maximum duration of 4 weeks; and
- in the case of larger scale developments , all lands, including any on-site tourist facility shall be held under the management of a single Estate Company (including all lands included in the site boundary and land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application) and in the event that any unit is sold or leased, the owner/lessee shall enter a legal agreement with the Estate Company stipulating that the purchaser, lessee and any successors in title be, and remain, members of the Estate Company, and stipulating that the unit may only be used by the owner/lessee for holiday use for a maximum of 3 months in any year and shall at all other times be used/leased/marketed by the Estate Company for short term (maximum 4 weeks) tourism use.

5.1.14. **Objective CPO 11.18** To encourage touring caravan and camping/glamping sites to locate adjacent to or within existing settlements or established tourism facilities

(subject to the exclusion set out in Objective CPO 11.6), having due regard to surrounding land uses and proper planning and development of the area.

- 5.1.15. **Objective CPO 11.33:** To encourage eco-tourism projects or those tourism projects with a strong environmentally sustainable design and operational ethos.
- 5.1.16. **Objective 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.
- 5.1.17. **Objective 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.
- 5.1.18. **Objective 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 13 Water Services:

- 5.1.19. **Objective CPO 13.2:** To prevent development that would pollute water bodies and in particular, to regulate the installation of effluent storage and disposal systems in the vicinity of natural water bodies or development that would exacerbate existing underlying water contamination.
- 5.1.20. **Objective CPO13.3:** To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of generally 25m along watercourses should be provided (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries

Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible.

5.1.21. **Objective CPO 13.11:** Where connection to an existing public water supply is not possible, or the existing supply system does not have sufficient capacity, the provision of a private water supply will be only permitted where it can be demonstrated that the proposed water supply meets the standards set out in EU and national legislation and guidance, would not be prejudicial to public health, would not impact on the source or yield of an existing supply, particularly a public supply or would not adversely affect the ability of water bodies to meet the objectives of the Water Framework Directive. Private water supplies for multi-house developments will not be permitted.

5.1.22. **Objective CPO 13.14:** To require all new developments to integrate water demand reduction designs and technologies in all aspects of the development including but not limited to:

- Installation of water efficient equipment;
- Provision of dual flush toilets, cistern bags or other similar technologies;
- Construction of grey water systems to allow for the re-use of wastewater from sinks, shower drains or washing machines;
- Provision of rainwater harvesting equipment;
- The use of low maintenance plants in the design of landscaping;
- In manufacturing, use of process or cooling loops, counter current rinsing and batch processing, or increasing the recycle rate of cooling towers.

5.1.23. **Objective CPO 13.18:** Private wastewater treatment plants for commercial / employment generating development will only be considered where:

- Irish Water has confirmed the site is due to be connected to a future public system in the area or Irish Water has confirmed there are no plans for a public system in the area;
- It can clearly demonstrate that the proposed system can meet all EPA / Local Authority environmental criteria; and

- An annually renewed contract for the management and maintenance of the system is contracted with a reputable company / person, details of which shall be provided to the Local Authority.

Chapter 17 Natural Heritage & Biodiversity

5.1.24. The site is located within an Area of Outstanding Natural Beauty, specifically the Mountain Uplands:

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.

- 5.1.25. **Objective 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.
- 5.1.26. **Objective CPO 17.20:** Development that requires the felling of mature trees of environmental and/or amenity value, even though they may not have a TPO in place, will be discouraged.
- 5.1.27. **Objective CPO 17.21:** To strongly discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling if such is essential to enable development to proceed.
- 5.1.28. **Objective CPO 17.22:** To require and ensure the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development management process, and require the planting of native broad-leaved species, and species of local provenance in all new developments.
- 5.1.29. **Objective CPO 17.23:** To require the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back

within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).

- 5.1.30. **Objective 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.
- 5.1.31. **Objective 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.

Appendix 1 – Development & Design Standards

- 5.1.32. Tourism and recreation developments shall be assessed against the following criteria:
- The nature, scale and use of a development shall be appropriate to the character of the area in which it is to be located and shall be visually sympathetic to its surroundings. This shall apply to matters such as the type of use, number of employees, hours of operation, amount of expected visitors, site area, building size, design, layout etc, as well as to the particular land use, and the economic and social requirements of the area and its surroundings;
 - The development shall not give rise to any significant adverse environmental impact, in terms of detrimental impact on the scenic value, heritage value and the environmental, ecological, or conservation quality of the area. It shall not have a

negative impact on the surrounding area in terms of nuisance, noise, odours or other pollutants;

- The development shall not be detrimental to the amenity of nearby properties, and in particular, to the amenity of nearby residential properties;
- The proposal shall be acceptable in terms of the following traffic and parking issues: - Car parking is required to be in accordance with the standards of the plan. Car parking shall be provided within the boundary of the site, unless the Planning Authority agrees other suitable arrangements; - There shall be safe vehicular access to and from the road network; - The capacity of access roads shall be adequate for the likely levels of traffic generated by the proposal; - There is adequate provision for pedestrians, cyclists and public transport providers.
- The proposal shall be acceptable in terms of water supply, wastewater disposal and surface water drainage;
- All developments in rural areas must be capable of being satisfactorily screened and assimilated into the landscape;
- Developments should generate economic and social benefits for local people and enhance the wellbeing of host communities. All planning applications should include details of the nature and scale of the proposed operation and include opening hours and anticipated traffic levels. A business plan should also be submitted, where appropriate.

Applications for tourism and recreation developments in rural areas shall be accompanied by the following information, in addition to that required to be submitted under the Planning Regulations:

- Comprehensive justification of need for the development;
- Overall master plan for the development;
- Evaluation of compliance of the proposed development with the other requirements of the County Development Plan here set out;
- Evidence that, where feasible, existing ruinous or disused buildings have been re-used to maximum potential.

5.2 Overnight accommodation

1. Applications will be considered on the basis of the particular characteristics of the proposed scheme. Proposals that have a detrimental impact on the amenity, character and environmental quality of the area will not be permitted. In this regard, the Planning Authority will have regard to the following matters in the evaluation of planning applications for accommodation, in addition to those set out above:

- Compliance with Objectives 11.10 – 11.19 of the County Development Plan (Chapter 11)
- The size, scale, design and nature of the accommodation;
- The availability of existing accommodation facilities in the vicinity;
- The standard of accommodation for the intended occupiers of the premises (including indoor and outdoor space and amenity requirements, noise insulation, parking provision, access, etc.)

2. The scale of overnight accommodation allowable on any site may be restricted according to the amenities proposed to be provided for guests and the impact of the facility on the amenities of the area.

3. Adequate information will be required to be submitted to satisfy the Planning Authority that the design, size and nature of a proposed facility are such that no doubt exists regarding the intended use of the facility as tourist accommodation. In particular, the Planning Authority shall be satisfied that the development is to be retained for visitor accommodation use and will not be used for long term, permanent residential use or other non-tourist use.

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

5.2. Water Framework Directive

- 5.2.1. The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

5.3. Natural Heritage Designations

- 5.3.1. The nearest designated sites are the overlapping Wicklow Mountains Special Area of Conservation (SAC) (Site Code 002122), and Wicklow Mountains Special Protection Area (Site Code 004040) located c. 800m from the northwestern boundary of the appeal site.

5.4. EIA Screening

- 5.4.1. Schedule 5, Part 2, Section 12 (c) provides that EIA is required for tourism and leisure developments which comprise holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more, or an accommodation capacity exceeding 300 bedrooms. The proposed development falls significantly below these thresholds comprising a development of 82.50 m² with five no. accommodation pods on a stated site area of 2.1ha.
- 5.4.2. Having regard to the nature and scale of the proposed development, I consider that the submission of a subthreshold EIAR is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party appeal against the decision to refuse permission was submitted by a planning consultant on behalf of the applicant. The main grounds of appeal can be summarised as follows;

Site Location

- No Council objections to the design, access, foul and surface water drainage proposals or landscaping proposals.
- Proposed development is linked with the neighbouring mountain bike tourism development permitted by the Board.
- Rural tourism is important to the economy, with opportunities for rural employment in tourist activities.
- Planning policy can influence the tourism product.
- Planning assessment in Planners report considers proposal acceptable in principle. However, unclear how reason for refusal which states the development would adversely impact on the character, environmental quality and amenity of the countryside.
- Particular decisions are highlighted in application which demonstrate that permission has been granted for dwellings in the open countryside for holiday makers.
- The Board (in planning appeal decisions) have supported the view that tourist accommodation be resisted in towns and villages on the basis that available land should be used for permanent accommodation.
- The countryside in Wicklow is not devoid of economic activity and accommodates non-agricultural developments some of which focus on tourist /recreational sector.
- Refers to grants of planning permissions by WCC for holiday home sachems in 1998/99 and golf facilities at Brittas Bay in 2004.

- Unclear on why approach adopted by WCC in current application is completely different to previous approach.
- Submit it would be unwise for a development of this nature to be relocated to Roundwood.
- Planning assessment in Planners report welcomes the development of tourist accommodation at this location, which is considered compatible with the use of adjacent bike trails and is within cycling distance of Roundwood.

Rural Amenity

- Site is not within the vicinity of any views or prospects.
- Proposal is different to caravans or mobile homes which are prohibited in this area.
- Planners report does not describe or evidence how the proposal would be detrimental to the character or appearance of the area.

Precedent

- Dispute that the development would set an undesirable precedent.

Conclusion

- Ask the Board to consider who and how anyone would be affected by the proposal.
- PA decision to refuse permission is inconsistent with permitted guest accommodation in Glendalough under PA 24/60066.

6.1.2. The first party appeal was accompanied by the following;

- Letter from Wicklow County Tourism
- Site Characterisation Form
- Planning Drawings
- Fáilte Ireland – Brochure on Glamping

6.2. Planning Authority Response

6.2.1. The Planning Authority response to the first party appeal can be summarised as follows.

- Dispute assertion that the Planning Report does not explain how and in what way the proposal would be detrimental to the countryside.
- The report of the Senior Engineer adequately sets out the reasons and considerations in reaching the recommendation to refuse permission.
- Grounds of appeal in respect of precedent are somewhat contradictory.
- Highlight the importance of the rural areas of Co. Wicklow, particularly Areas of Outstanding Natural Beauty to the tourism economy, whereby those areas are its important assets.
- The existing biking trail which is owned by Coillte and which the applicant has no control over is one of numerous outdoor assets that attracts significant numbers of visitors and recreational users to Co. Wicklow.
- It is important that these assets are protected and are not eroded by ad hoc development, which would be located in the rural area simply because of the existence of a typical outdoor asset.
- The justification of ad hoc rural accommodation can be argued for the entire of the rural areas of Co. Wicklow, given its natural abundance of outdoor assets.
- If some controls are not implemented, the assets relied on to justify the proposed developments, will themselves be eroded.
- Request the Board to uphold its decision to refuse permission.

6.3. Observations

6.3.1. The application was circulated by the Board to the following prescribed bodies for comment.

- **Development Applications Unit, (DAU)** Department of Housing Local Government and Heritage: Report dated 29/01/2025 notes

- DAU did not receive or assess the planning application.
- Site is 500m from the Wicklow Mountains SAC and SPA.
- Access of mountain bikes from the permitted bike park onto the SAC and SPA are an ongoing concern for the habitat.
- Proposed development of residential pods could be viewed as an extension to the bike park.
- The in-combination effect on the habitat could be greater than if the application was a standalone development and requires an appropriate assessment.
- **The Heritage Council:** No response received.

7.0 **Assessment**

7.1. Having considered the contents of the planning application and appeal, the submissions on file, having regard to relevant local planning policy, and having undertaken an inspection of the subject site and surrounding area, I consider that the key issues arising for assessment in this case include:

- Compliance with Development Plan Policy
- Site Access / Traffic Hazard
- Tree Loss and Landscaping
- Waste Water Treatment and Water Supply
- Appropriate Assessment

7.1.1. Each of these issues is addressed in turn below.

7.2. **Compliance with Development Plan Policy**

7.2.1. Refusal reason no. 1 of the Planning Authority's decision states that the proposed development would materially contravene the objectives of the county development plan in relation to the location of the subject site in a rural area removed from any settlement, tourism and recreation related developments in rural areas, and landscape designation within an Area of Outstanding Natural Beauty in the Mountain Uplands. It was considered that the proposed development would set an

undesirable precedent for further footloose rural development in this sensitive landscape.

- 7.2.2. In response, the applicant submits that the refusal reason does not elaborate on how the development would adversely impact on the character, environmental quality and amenity of the countryside.
- 7.2.3. The applicant contends that the proposed development is entirely dependent on its location adjacent to the Wicklow Mountains and the activities of walking and cycling associated with the Ballinastoe Woods and Ballinastoe Mountain Bike Trail. It is submitted that the proposed development will enhance the tourism offer at Ballinastoe and will provide a different tourist accommodation offering.
- 7.2.4. It is also submitted that the scenic landscape is a vital part of the development's design, which has been carefully considered to ensure it successfully integrates into the existing character and topography of the site. It is also submitted that the proposed development will be barely visible from the surrounding area, that there are limited views from the regional road towards the site and that the proposed development would not appear visually out of character with the mountain uplands.
- 7.2.5. The PA response to the first party appeal disputes this assertion and emphasises the importance of protecting the rural area outdoor asset while ensuring that the rural area is not eroded by ad hoc development.
- 7.2.6. Objective CPO 11.3 of the development plan requires tourism and recreation related developments to locate within existing towns and villages, except where the nature of the activity renders this unfeasible or undesirable. Objective CPO 11.4 of the plan states that a tourism or recreational facility will only be considered in a rural area in cases where the product or activity is dependent on its location in a rural setting.
- 7.2.7. The appeal site comprises unzoned rural land located in an Area of Outstanding Natural Beauty, mountain upland area which has no existing water or wastewater services. There are no public transport services. The existing tourism development this location comprises the adjoining Ballinastoe woodland and mountain biking trail. In my opinion this does not constitute a cluster of tourism related activities. Roundwood is located approx. 4 km to the east. While the applicant submits that the proposed development is dependent on its location adjacent to the mountain walks and bike trails, I consider this link to be tenuous. In my opinion, the current use of the

site for as felled woodland is not sufficient to justify the scale or type of development proposed.

- 7.2.8. Serious concerns are raised by the PA and the DAU regarding the impact of the proposed development on the amenity and character of the area, with which I would concur.

Visual Impact

- 7.2.9. The site is located in a landscape area which is designated as an Area of Outstanding Natural Beauty (Area 1 The Mountain Uplands). The Planning Report lodged with the application includes a number of short, medium and long terms views illustrating the visibility of the proposed development from Local Road L-1036 and further to the SE looking towards Ballinastoe Woods and the Wicklow Mountains. The development footprint has been positioned along the centre of the site, with the existing woodland forming a backdrop to the west and north. The assessment concludes that the comparative views clearly demonstrate a very low level of visual impact, particularly from long range views.
- 7.2.10. The accommodation pods located closest to the southern site boundary will be visible from Local Road L-1036.
- 7.2.11. It is not possible to identify the proposed development in the submitted view of the site from long distance views, with the forestry in the foreground and with the existing Ballinastoe woodland acting as a backdrop. The outline of the development has not been identified on the images, which together with their scale and darkness, makes it difficult to ascertain the level of impact from this location. Notwithstanding the foregoing, the eastern elevation of the accommodation pods, together with the single-storey nature of the pods and the range of materials proposed, would likely not result in a significant visual impact in views of the site from further to the east.
- 7.2.12. I agree with the Planning Authority's assessment of the design of the proposed development, and concerns in relation to the visual impact given the loss/removal of planted woodland. I would also agree that within an Area of Outstanding Natural Beauty and given the elevated nature of the site relative to the local road, a contextual elevation of the proposed development from the roadway would assist in assessing the visual impact from the south and east.

7.2.13. However, notwithstanding the foregoing, the proposed development will be visible from the local road network, and in my opinion, would fundamentally diminish the character of this unique rural site in a Mountain Upland Area of Outstanding Natural Beauty. As such, I consider the proposed development would be inappropriate at this location and would be contrary to Objective CPO 17.35 of the development plan which seeks to facilitate recreational amenities in this area in a manner which does not diminish its unique rural, scenic and recreational amenities. I recommend that planning permission be refused on this basis.

7.2.14. I consider that the proposed development seeks to capitalise on the scenic value of the area. I agree with the Planning Authority that the proposed development would set an inappropriate precedent for similar developments on in the rural countryside at a remove from any town or village. The subject site forms part of a sensitive upland mountain area of unique landscape and amenity value, and in my opinion, the development now proposed would fundamentally alter and have a detrimental impact on its character. As such, I consider that the proposed development would be contrary to Objective CPO 11.3, and Objective CPO 11.4 of the development plan and I recommend that planning permission should also be refused on this basis.

7.3. Site Access / Traffic Hazard

7.3.1. The proposed development is to be served by an existing entrance and driveway and provides for the construction of a new vehicular driveway with five no. car parking bays.

7.3.2. The retention of the existing entrance permitted under PA Reg.Ref.22/25 was justified by the applicant on the basis that;

- The separate entrance and driveway would allow safe access for agricultural vehicles for the overall proposed agricultural development of the site.
- Access for on-going maintenance and upkeep of forest/farm lands.
- Unsuitability of dwelling entrance and driveway for agricultural vehicle use, and
- Road safety.

7.3.3. The PA did raise concerns in relation to sightlines indicated having regard to the proposed landscaping plan and initially sought confirmation that the sightlines would

not be impacted by the proposed landscaping and/or if the existing trees are required to be modified.

- 7.3.4. The grounds of appeal have not addressed this concern. If the Board are minded granting planning permission, they will need to be satisfied the required sightlines can be achieved without the loss of proposed landscaping/planting or loss/removal of additional existing trees.
- 7.3.5. Given the rural location of the site, however, and in the absence of public transport or footpaths, it is reasonable to assume that the majority, if not all, guests and employees would travel to the site by car. Based on the foregoing, I consider that there is insufficient on-site car parking to serve the proposed development. In reaching this conclusion, I note that the development plan car parking standards should be interpreted as minimum standards in the context of this rural site. The provision of additional car parking spaces would further erode the landscape quality.

7.4. Trees Loss and Landscaping

- 7.4.1. The public notices refer to the contravention of a condition under the permitted entrance and driveway under Ref. Ref.22/25. Condition no. 6 states that *'Existing shrub and tree vegetation...shall be retained, particularly along the entire roadside boundary'*.
- 7.5. The notices also refer to the loss of many trees during violent storms in 2023 and that it is proposed to provide replenishment planting through a new landscaping scheme.
- 7.5.1. The Planning Authority acknowledge that the site was previously highly vegetated and apart from the storm damage, trees have been removed also. It is clear from OSI maps, aerial views and from my site inspection, that the subject site originally formed part of the adjoining planted woodland, and that the majority of trees have been removed.
- 7.5.2. A tree survey report did not form part of the planning application documentation. Landscape proposals prepared by Landscape Design and Planning Limited were submitted and include an overall landscaping plan and plant schedule. The plans indicate existing trees to be retained along the eastern roadside boundary with

additional native shrub and tree planting proposed along the southern boundary and in the vicinity of each proposed accommodation pod and sauna.

- 7.5.3. The existing trees are not subject to a Tree Preservation Order (TPO), however they do provide limited screening from the public road and a sense of enclosure. In my opinion, a tree survey should have been undertaken in advance of planning application lodgement. This approach would have allowed a suitably qualified arborist to inform the appropriate extent of tree removal. I would also note that the remaining trees along the roadside boundary are still exposed and at risk of storm damage.
- 7.5.4. Again, the further loss of roadside trees in particular within an Area of Outstanding Natural Beauty given the elevated nature of the site relative to the local road, would further expose the site and erode the character of the area.

7.6. Waste Water Treatment and Water Supply

- 7.6.1. The proposed development includes a packaged wastewater treatment system with soil polishing filter to accommodate a population of 10 and connection to a new well.
- 7.6.2. It is proposed to treat wastewater via an onsite WWTP discharging to ground via a raised sand polishing filter. The treatment system and polishing filter are centrally located within the site. Foul drainage will be collected from each pod and fall by gravity towards the treatment system.
- 7.6.3. As identified by the Department of Housing, Local Government and Heritage, the applicant's Site Characterisation Report states that the suitability of the site for the treatment and disposal of wastewater was assessed.
- 7.6.4. The site is located in an area identified with a "high" vulnerability classification in the GSI Groundwater maps. It is located within an area defined as "good" Aquifer of local importance representing a Ground Water Protection Response (GWPR) of R2₁ under the EPA Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) (2021) (Appendix E Table E1).
- 7.6.5. The trial hole assessment submitted by the applicant was dug to a depth of 2m, and the water table was not encountered at this depth. The trial holes were available for inspection, and on the day of my site inspection no groundwater was identified consistent with the gravel and silt soil classification. The submitted site

characterisation records average T-test value results of 18.67min/100mm, a P-test value of 17.97 min/25mm was recorded, which is within the acceptable range for a secondary treatment system with polishing filter at ground surface or over ground (Table 6.3 CoP).

- 7.6.6. The Environment Department of Wicklow County Council recommended further information to address concerns raised in relation to the separation distance of the WWTS and polishing filter from an existing watercourse, proposed site levels at and sizing of the area of the proposed infiltration, along with the absence of gradient and levels of the foul pipe from the pods to the wastewater treatment plant. I would note that these concerns did not form the basis of the reason for refusal by the PA decision.
- 7.6.7. In particular it is noted that the location of the existing watercourse at the northern part of the site is not indicated on drawings submitted, and that the site layout plan should indicate the location route and distance from the proposed WWTS and polishing filter.
- 7.6.8. This watercourse which flows downslope (east west) through the adjoining woodland before running south east) appears from mapping to run diagonally from the north western corner of the site before disappearing underground. I can confirm that water in this watercourse was not visible on the day of my site visit.
- 7.6.9. The gradient and slope across the area where the proposed soil polishing filter will be located is also not shown, in order to demonstrate that the maximum permitted slope is not exceeded. I would note that these details were not submitted as part of the first party ground of appeal. I can confirm from my site visit that site levels within the central area of the site are relatively level. Notwithstanding, if the Board are minded granting permission a suitably worded condition requiring these details be agreed with the PA would be appropriate.
- 7.6.10. The gradient and levels of the foul pipe from the pods to the wastewater treatment plant are not shown on a long section drawing and an assessment of whether self-cleansing velocity can be achieved.
- 7.6.11. The Environment Department of Wicklow County Council also note that the proposed development which includes site clearance and tree felling has the potential to impact the nearby watercourse. It was recommended that a construction

and environmental management plan (EMP) be submitted to assess the potential impacts on the watercourse, from noise and dust emission nuisances, to include a selection of measures to mitigate them with due regard to CIRCIA guidance. I would agree given the nature of the site and features on site that an EMP would be required.

- 7.6.12. The Environment Department of Wicklow County Council considered the soil polishing filter for PE of 10 to be undersized 70sq.m. vs 75sq.m.
- 7.6.13. I would note that concerns raised by the Environment Department of Wicklow County Council were not addressed in the grounds of appeal. The grounds of appeal are entirely silent on these matters and did not avail of the opportunity to provide further details as part of the first party grounds of appeal.
- 7.6.14. Given the seasonal nature of the use/occupancy of the proposed pods and sauna I concur with the Environment Department of Wicklow County Council that a management plan for the operation, inspection and maintenance of the wastewater treatment system would be required. If the Board are minded granting permission a suitably worded condition requiring these details be agreed with the PA would be appropriate.

Water Supply

- 7.6.15. Potable water supply to serve the development is proposed via an on-site well. This is to be located in the northern part of the site and upslope of the pods and wastewater treatment system. The average daily water demand is not however identified.
- 7.6.16. The Environment Department of Wicklow County Council outlined their requirements in relation to proposals for disinfection of the water supply and for a management plan for the operation, inspection, maintenance and testing of the drinking water supply and treatment. If the Board are minded granting permission a suitably worded condition requiring these details be agreed with the PA would be appropriate.

7.7. Material Contravention

- 7.7.1. The Board will note that Reason no. 1 of the decision of Wicklow County Council to refuse permission for the proposed development would materially contravene the

Wicklow County Council County Development Plan 2022-2028. Therefore, Section 37(2)(b) of the 2000 Planning and Development Act (as amended applies. This states.

- 7.7.2. (2) (b) *Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:*
- (i) *the proposed development is of strategic or national importance*
 - (ii) *there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
 - (iii) *permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
 - (iv) *permission for the proposed development should be granted having regard to the pattern of the development, and permissions granted, in the area since the making of the development plan'.*

- 7.7.3. Having considered the file, and the provisions of the Plans, as outlined above, I consider that the Planning Authority's conclusion that the development materially contravenes the Plan is reasonable. In the circumstances, the Board would have to address itself to the requirements of this section in the event that it was minded granting a permission in this case.

8.0 AA Screening

- 8.1.1. The application was not accompanied by an Appropriate Assessment Screening Report or Natura Impact Statement. The Planning Authority screened out the need for Stage 2 Appropriate Assessment.
- 8.1.2. The PA had regard to the nature and scale of the proposed holiday accommodation and considered that the proposed development would be unlikely to give rise to any significant adverse impacts on the qualifying interests or conservation objectives of

any natura 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 Habitats Directive.

- 8.1.3. The location and proximity of the Wicklow Mountains SAC was noted, as was the lack of any hydrological link to the SAC given that watercourse to the north of the development site, is downstream from the SAC.
- 8.1.4. The appeal was circulated by the Board for observations to a number of prescribed bodies including the DAU.
- 8.1.5. The DAU have stated that the in-combination effect on the habitat could be greater than if the application was a standalone development and requires an appropriate assessment.
- 8.1.6. In forming this view the DAU noted that access of mountain bikes from the permitted bike park onto the SAC and SPA are an ongoing concern for the habitat, and that the proposed residential pods could be viewed as an extension to the bike park.

Stage 1 – Screening Determination for Appropriate Assessment

- 8.1.7. Having carried out Appropriate Assessment screening (Stage 1) of the project (included in Appendix 3 of this report), it has been determined that the project may have likely significant effects on the Wicklow Mountains SAC (Site code 002122) and Wicklow Mountains SPA (Site Code 004040) in view of the sites' conservation objectives and qualifying interests, without mitigation measures.
- 8.1.8. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development individually or in combination with other plans and projects would not be likely to give rise to significant effects on European Sites within the Wicklow Mountains namely, Wicklow Mountains SAC and Wicklow Mountains SPA or any other European site, in view of the sites Conservation Objectives and Appropriate Assessment is required.

This determination is based on:

- Distance from European sites.
- Likelihood of indirect connections to the European sites.

- Likelihood of significant effects occurring in combination with other plans or projects.

9.0 Recommendation

- 9.1.1. I recommend that planning permission be **refused** for the proposed development for the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

1. The proposed development is located in a mountain upland rural location which is designated as an Area of Outstanding Natural Beauty and where there is existing tourism development including walking routes and mountain biking trails. The requirement to locate the proposed development in this unique, scenic location has not been justified and the proposal does not contain a significant public element which would add to the public amenity and enjoyment of the area. As such, it is considered that the proposed development would fundamentally erode/diminish the character of this mountain upland site, would militate against the preservation of the rural environment and would set an undesirable precedent for other similar inappropriate development in the vicinity. Thus, the proposed development would be contrary to Objective CPO 11.4, Objective CPO 11.18, and Objective 17.35 of the Wicklow County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site, nature of the proposed use, together with adjoining land uses, which are within the Wicklow Mountains SAC and Wicklow Mountains SPA it is considered that:
 - (a) the proposed development could indirectly result in the continued significant loss of habitat which is included on Annex I of the European Union Habitats Directive of 1992; and
 - (b) the proposed development could indirectly give rise to continued increased disturbance to wildlife, including merlin and peregrine (which are a protected species included on Annex II of the European Union Habitats Directive), from human activity in what was formerly a relatively undisturbed area.

Notwithstanding (a) and (b) above the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the proposed development on ecological conditions within the Annexed habitat and the resulting implications for wildlife and flora.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area. Having regard to the location of the site, together

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.

Susan McHugh
Senior Planning Inspector

31st March 2025

Appendix 1.

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321407-24		
Proposed Development Summary	Erection of five studio holiday pods with all associated site works.		
Development Address	Ballinastoe, Roundwood, Bray, Co. Wicklow, A98 F5P6.		
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	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5, Part 2, Section 12 (c)	
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Tourism and leisure developments comprising holiday villages of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 ha or more, or an accommodation capacity exceeding 300 bedrooms. The proposed development falls significantly below these thresholds comprising a development of 82.50 m ² with 5 no. accommodation pods on a site of 2.1ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	
Yes		

Inspector: _____

Date: _____

Appendix 2.

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321407-24
Proposed Development Summary	Erection of five studio holiday pods with all associated site works.
Development Address	Ballinastoe, Roundwood, Bray, Co. Wicklow, A98 F5P6.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The site is currently felled woodland in nature. The proposed development has a total floor area of 82.50 m² and is not significant in size or scale. No demolition works are required. Excavation works are required for the installation of site drainage infrastructure. The use of natural resources and the production of waste, pollution and nuisance and the risk of accidents is not significant and would be typical of a project of this scale/nature.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European</p>	<p>The subject site adjoins Wicklow Mountains SAC (site code: 002122) and Wicklow Mountains SPA (site code 004040). The proposed development has the potential to have likely significant effects on these European Sites. This matter has been considered in a Stage 1 Appropriate Assessments which have been undertaken in relation to this appeal case.</p>

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		<p>The <u>construction</u> impacts which would arise on foot of the development reflect typical leisure/tourist developments of this nature, including increased construction traffic on local roads, with an associated increase in noise/emissions, disturbance (light, dust, noise) impacts to neighbouring residential properties and fauna species, generation of construction waste materials (soil, building materials, waste from staff facilities), surface water run-off and potential for fuel / oil leaks from construction equipment. Such impacts could reasonably be controlled / managed through an agreed Construction and Environmental Management Plan.</p> <p>The proposed development has the potential to result in cumulative effects (in combination with the neighbouring mountain bike trails) with likely significant effects on the environment during the operational stage.</p>
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3:

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site Case file: ABP-321407-24				
Brief description of project		Normal Planning appeal		
Brief description of development site characteristics and potential impact mechanisms		<p>The site has been cleared of trees which formed part of the larger Ballinastoe woodland.</p> <p>The site is bounded to the north and west by coniferous woodlands which extends northwards and westwards. Ballinastoe Woods and car park are used by walkers and mountain bikers with access to the Wicklow Way and Ballinastoe Mountain Bike Trail.</p> <p>The development includes five studio holiday pods and sauna with a waste water treatment system and private well.</p> <p>There is an existing watercourse which flows diagonally through the north western corner of the site before disappearing underground</p>		
Screening report		No Wicklow County Council screened out the need for AA.		
Natura Impact Statement		No		
Relevant submissions		DAU – recommends requirement for AA		
The proposed development is located in proximity to and linked with an established permitted mountain bike trail facility on Coillte owned lands to the North and West.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Wicklow Mountains SAC (002122)	Mountain Heaths (wet and dry), standing waters with vegetation, grasslands, blanket bogs, rocky slopes and scree with vegetation and Old sessile oak woods. Otter. <u>ConservationObjectives.rdl</u> NPWS 2017	800m	No direct connection. Possible indirect.	Y
Wicklow Mountains	Merlin and Peregrine. CQ004040.pdf	800m	No direct connection.	

SPA (004040)	NPWS 16 th July 2024		Possible indirect.	
Due to the nature and location of the development site, and the link with an established permitted mountain bike trail facility on Coillte owned lands to the North and West, I consider that the proposed development could generate indirect impacts that could affect the adjoining SAC and SPA, thus have an extended potential zone of influence on ecological receptors.				
Step 3 Describe the likely effects of the project (if any, alone or in combination) on European Sites AA Screening Matrix				
Site name Qualifying interests		Possibility of significant effects (alone) in view of the conservation objectives of the site		
		Impacts	Effects	
Site 1		Direct: None	N/A	
Wicklow Mountains SAC [002122]		Indirect:	Disturbance/displacement. Changes to habitat quality/function. Habitat loss/modification.	
Otter (<i>Lutra lutra</i>) [1355]		Intensification of use of neighbouring mountain bike trails and facility during operation.	Uncertainty of possibility of significant effects cannot be rule out without further analysis and assessment.	
Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]			Conservation objectives: To maintain and/or restore the favourable conservation condition has the potential to be undermined.	
Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]				
Natural dystrophic lakes and ponds [3160]				
Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]				
European dry heaths [4030]				
Alpine and Boreal heaths [4060]				

<p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [8110]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [7130]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with, <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	Likelihood of significant effects occurring in combination with other plans or projects: Yes	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No	
	Impacts	Effects
Site 2	Direct: As above	
Wicklow Mountains SPA	Indirect: As above	Disturbance to nesting/ breeding sites. Loss of suitable foraging sites.
Merlin <i>Falco columbarius</i> [A098]		
Peregrine <i>Falco peregrinus</i> [A103]		Uncertainty of possibility of significant effects cannot be rule out without

		further analysis and assessment. Conservation objectives To maintain the favourable conservation condition has the potential to be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	Likelihood of significant effects occurring in combination with other plans or projects: Yes	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that It is not possible to exclude the possibility that the proposed development (alone of in combination with other plans and projects) would result in significant effects on the Wicklow Mountains SAC and SPA from effects associated with the use for holiday accommodation for mountain biker and associated mountain biking. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p>		
Screening Determination		
Finding of likely significant effects		
<p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development individually or in combination with other plans and projects would not be likely to give rise to significant effects on European Sites within the Wicklow Mountains namely, Wicklow Mountains SAC and SPA or any other European site, in view of the sites Conservation Objectives and Appropriate Assessment is required.</p>		
<p>This determination is based on:</p> <ul style="list-style-type: none">Distance from European sites.Likelihood of indirect connections to the European sites.Likelihood of significant effects occurring in combination with other plans or projects.		