



Development

Retention & Permission: 7 no. self catering units for agri-tourism accommodation and upgrade of effluent treatment system, all together with associated site works.

Location

Highland View Lodge, Killegar, Enniskerry, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2560841

Applicant(s)

Tina & Eoin McDermott

Type of Application

Retention & Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Tina & Eoin McDermott

Observer(s)

None

Date of Site Inspection

20th April 2026

Inspector

Matthew O'Connor

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Appendix 2: Form 2 - EIA Preliminary Examination

Appendix 3: AA Screening Determination - Test for likely significant effects

Appendix 4: Water Framework Directive Screening and Assessment.

1.0 Site Location and Description

- 1.1. The appeal site is 4.75ha and located in the townland of Killegar, some 4km to the northwest of the village of Enniskerry in north Co. Wicklow. The appeal site is accessible from the northern side of Killegar Road, a narrow local road and on lands at Highland View Lodge, an equine facility/farm comprising a dwelling, granny flat, sheds, stable block and paddocks along with a number of timber cabins (which are the subject of this appeal). The site is in a rural area in the open countryside and categorised as being in the North Eastern Valley/Glencree - Area of Outstanding Natural Beauty landscape area. The surrounding area upland is characterised by grassland and agricultural holdings with a dispersed pattern of one-off rural dwellings
- 1.2. The appeal site is not located within a Flood Zone. There are no protected structures on or adjoining the site. There is a National Monument recorded on the land relating to WI003-017 (Enclosure). The appeal site is not indicated as being within a designated Flood Zone.

2.0 Proposed Development

- 2.1. The subject development comprises retention of:
- 7 no. self catering units for agri-tourism accommodation;
 - Upgrade of effluent treatment system; and,
 - Associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 The Planning Authority recommended refusal for the subject development for the following three reasons:

1. *The proposed development would endanger public safety by reasons of a serious traffic hazard and contravene the objectives of the County Development Plan 2022-2028 because the development of seven self-catering agri-tourism units would result in increased traffic movements along the local road network which is substandard in terms of width and alignment, and which is served by a substandard junction with the Regional Road R117, and would contravene Objective CPO 12.54*

which seeks to protect Rural local roads from inappropriate development and reserve road capacity for necessary rural development.

2. Having regard to:

(a) The location of the development in the rural area within an Area of Outstanding Natural Beauty.

(b) The haphazard form and layout of the development and finishes to the units on site.

(c) The provisions of the County Development Plan 2022-2028 which seeks to direct tourism development within existing settlements and to restrict development outside such areas; to allow for self-catering developments on farm holdings by utilisation of existing structures and only in exceptional circumstances to allow for new buildings which should be in close proximity to the existing farmhouse.

(d) The number of units proposed and lack of sufficient justification for the same.

It is considered that the proposed 7 self-catering agri-tourism units would be contrary to Objectives CPO 11.2, CPO 11.13, CPO 11.14 ,11.15, 11.16 and 11.17 of the County Development Plan, would set a precedent for further proliferation of self-catering holiday units in the rural area outside of existing settlements, result in a design, finish and layout of the development results in a haphazard substandard form of development in this area of outstanding natural beauty and would further erode the rural landscape and character of this sensitive area. The development would therefore be contrary proper planning and sustainable development.

3. Insufficient information has been submitted to demonstrate that:

(a) the separation distances from the WWTS accord with those as outlined in table 6.2 COP 2021.

(b) The existing water supply is suitable to serve the development proposed for retention.

(c) The proposal would not result in the proliferation of unnecessary private wastewater treatment systems in the area given the need for two separate systems to serve the development on these lands.

In the absence of such information the development would be prejudicial to public health and proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The Planner's Report forms the basis for the decision to refuse retention permission.
- The report notes the site planning history, Development Plan policy context, comments returned on internal/external referrals and the general details of the subject development.
- In terms of assessment, the Planning Authority noted the site location in the Open Countryside in an Area Of Outstanding Natural Beauty. The use of the site as an equestrian farm for some time was noted.
- In considering the development rationale the Planning Authority noted the submitted particulars supporting the planning application. Highland View Lodge is involved in the equine industry and the cabins are required to offer client accommodation for short-term letting as Agri Tourism.
- The Planning Authority noted that applicants' claim that it was necessary to source new buyers outside of Ireland and sought to provide an alternative agriculture enterprise in the form of Air B&B accommodation for the cabins. The cabins are now deemed vital for the business as a large percentage of horse sales are from overseas.
- The Planning Authority referred to Objective CPO 11.13 of the Development Plan and considered the development is not located in an established settlement or at an established tourism/recreation facilities and does not involve the re-instatement, conservation and/or replacement of existing disused existing buildings.
- In relation to Objective CPO 11.14 of the Development Plan, the Planning Authority noted the intended use of the cabins for self-catering accommodation for horse breeders/buyers seeking to purchase and/or breed horses on the stud farm but also to let the units for tourist self-catering accommodation as agri-tourism.

- The Planning Authority acknowledged the equine element is partly dependent on location but that the subject site is proximate to Dublin, Enniskerry and other exiting facilities where short term accommodation is available. The Planning Authority also indicated that it was unclear as to why 7 no. units are required if the units are only to be used to accommodate horse breeders travelling to Highland View Lodge to observe/purchase horse and that the studio-style unit, given its location to the main dwelling, would result in 2 no. habitable units and a granny flat sharing the same DWWTS. Concern was also raised that the development would adversely affect the character, environmental quality and amenity of the rural area due to its location within an Area of Outstanding Natural Beauty and location on a rural access road which is considered to be substandard in width and alignment.
- In relation to Objective CPO 11.15 of the Development Plan, the Planning Authority noted that holiday home/ self-catering development on a farm holding by farmhouse extension or by utilisation of other dwellings/structures on the property could be considered and that new builds will only be considered where it has been demonstrated that existing building are not a viable option. The Planning Authority acknowledge the cabins are located between the dwelling and equestrian buildings but there is concern with the finishes/longevity of the wooden cabin-style structures. Concern was also raised in relation to the garden room-type structure on account of its location in the garden/site curtilage of the dwelling on site. The Planning Authority also noted that there are a number of structures on the landholding but it is not clear if these are still in active use and the preference would be to accommodate prospective buyers of horses in these building through renovation and repurposing.
- The Planning Authority noted that Objective CPO 11.6 of the Development Plan provides that holiday homes will not be permitted in any landscape category other than urban zones except where they comply with Objectives CPO 11.3, CPO 11.14, CPO 11.15 and CPO 11.16. In this regard, the Planning Authority contended that the development is not located at either an established settlement or at an established tourism/recreation facilities.
- In relation to Objective CPO 11.7 of the Development Plan, the Planning Authority considered that the subject development comprises of the placing of newly erected

cabins on the site and does not involve the reinstatement, conservation and/or replacement of existing disused buildings.

- With respect to Visual Impact and Landscaping, the Planning Authority noted the site is located in an Area of Outstanding Natural Beauty and that CPO 17.36 of the Development Plan states that any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment. The Planning Authority noted that a VIA has not been provided but that the structures are not visible from Kellegar Road or on approach to the site. The Planning Authority noted the structures have a clear view of the scalp to the northeast and are exposed to their east. No landscaping proposals were submitted to soften/integrate the development into the scenic landscape but contended that the structures may read as part of the existing cluster of buildings on the equine farm. The Planning Authority did not consider that the development would impact on views or prospects.
- In terms of the Form and Layout, the Planning Authority was concerned the cabins (in particular the most northern units) appear haphazard on the site. It was contended that the site location, number of units and finishes would be contrary to the objectives of the Development Plan to resist development that would significantly or unnecessarily alter the natural landscape, result in the unnecessary suburbanisation of this rural area, diminish the rural character and set a precedent for similar undesirable development in rural areas and would be contrary to Objective 11.2 of the Development Plan which seeks to ensure that all tourism and recreation developments are designed to the highest quality and standards.
- The Planning Authority referred to the concerns raised by the Chief Fire Officer regarding fire safety and the insufficient details submitted regarding a number of matters.
- The Planning Authority did not consider that the development proposed for retention would have a negative impact on the amenity of any adjoining dwellings.
- The Planning Authority noted that no parking details were provided with regard to parking. Given the location of the site, those utilising the development would arrive by car. It was further noted that the use of the seven units for short term self-

catering holiday lets would result in a significant increase in traffic movements on the local road network which is deemed to be substandard in nature and that any further development along this road should be limited on traffic safety grounds. The Planning Authority referred to Objective CPO 12.54 of the Development Plan which seeks to protect local roads from inappropriate development and that road capacity shall be reserved for necessary rural development. It was further noted that the Kellegar Road is substandard in nature and leads onto the R-117 via a junction with poor sightlines.

- In relation to waste, The Planning Authority noted that no details were submitted as to how additional waste from the subject development will be addressed, including the storage of bins.
- With regard to services, the Planning Authority noted that no details in relation to surface water were submitted. It was also noted that the development would be served by an existing well but that no information had been provided to demonstrate that the well is constructed in accordance with the EPA Drinking Water Advice Note No. 14 or that the well has been tested for full chemical and bacteriological analysis to demonstrate compliance with the Drinking Water Regulations 2023.
- In relation to wastewater, the Planning Authority refer to the Environment Section report which indicated that clarification is required as to whether or not the new WWTP is going to cater for all cabins or if Cabin No. 6 remains connected to the dwelling's wastewater treatment. Additionally, clarity is required in respect of the toilet facilities for the work studio and if its going to be connected to the proposed new WWTP. The Planning Authority noted that if Cabin No. 6 remains connected to the dwelling's wastewater treatment system, it needs to be demonstrated that that wastewater treatment system (septic tank and percolation area) is adequately sized and can cater for both the hydraulic and organic loads arising from the house, granny flat and cabin No. 6. The Planning Authority further noted that the applicant did not submitted a Site Layout Plan showing minimum separation distances from the WWTS accord with Table 6.2 of the EPA's Code of Practice (2021).
- The Planning Authority noted in relation to Archaeology that the Department of Housing, Local Government and Heritage sought Further Information as part of the

subject development is within the Zone of Notification associated with Recorded Monument WI003-017 (Enclosure).

- No issues raised regarding Appropriate Assessment (AA) or Environmental Impact Assessment (EIA).

3.2.2. Other Technical Reports

Environment Section: Additional Information requested. Additional drawings of appropriate scale showing the pipe size, gradient and invert levels, dimension and distances between the building, wastewater treatment plant/septic, and percolation/sand filter/distribution gravel, existing and proposed ground levels and boundaries should be provided.

Chief Fire Officer: Additional Information requested. The report recommended units should have dimensions clearly marked and clearer drawings. Information also required on provision of firefighting water supply, road surface details. In the event of a grant, a number of conditions recommended including: submission of a Fire Safety Certificate and DAC; adequate provision of firefighting water supply; provision of fire hydrants (if required); and provision of vehicle access should ensure that fire brigade appliances have access in accordance with Guidance. Additionally, the report noted that bedroom windows be escape windows, smoke detectors and carbon monoxide detectors to be fitted in all sleeping areas, exit doors to be openable from the inside without keys, provision of fire blankets/fire extinguishers, emergency lighting, an emergency fire action plan to be displayed, all exposed internal woodwork to be painted with a fire Intermittent paint, no use of heating appliances indoors, no cooking to be permitted indoors including use of temporary camping stoves, no naked flames or candles allowed indoors, no additional porches, awnings or similar to be permitted, a testing regime for smoke detectors, lighting and extinguishers should be carried out by the site

responsible person, fire action notices, all bedding and soft furnishings to conform with the Furniture and Furnishing Regulations, a fire warning system, vegetation/trees/hedges to be maintained to reduce risk of fire spread and rubbish areas to be clearly identified and emptied regularly.

Heritage Officer: No response received.

3.3. Prescribed Bodies

Arts Council: No response received.

Heritage Council: No response received.

Failte Ireland: No response received.

An Taisce: No response received.

Department of H, LG&H Requested submission of an Archaeological Assessment.

3.4. Third Party Observations

- None.

4.0 Planning History

4.1. The following planning history is associated with the site:

17/1311 Permission GRANTED for extensions (84.6 sqm) and alterations to existing dwelling (293.1 sqm) incorporating a granny flat and miscellaneous ancillary additions to existing dwelling, with upgrade of effluent treatment system, all together with associated site works. Applicants: Tina & Eoin McDermott.

05/2374 Permission GRANTED for extension (95.5 sqm) including garage and associated areas to existing dwelling (293.1 sqm) together with related site works. Applicants: Tina & Eoin McDermott.

04/1519 Permission REFUSED for construction of a 'Granny Flat' together with related site works. Applicants: Tina & Eoin McDermott.

03/9021 Permission REFUSED for a granny flat and related site works. Applicants: Tina & Eoin Mc Dermott.

02/7281 Permission GRANTED for construction of a Covered Equestrian Arena and Related Site Works. Applicants: Tina & Eoin Mc Dermott.

02/7270 Permission REFUSED for change of use from Garage to Granny Flat and Related site works. Applicants: Tina & Eoin Mc Dermott.

ABP Ref. PL27.128604 (W.C.C Ref. 01/5527) Permission GRANTED by An Bord Pleanála who overturned the decision of Wicklow County Council to refuse retention for 6 no. temporary timber pole mounted sodium lights. Applicants: E & T Mc Dermott.

00/3579 Permission REFUSED for the construction of 6 No. pole mounted sodium lights at 5m high. Applicants: E & T Mc Dermott.

99/979 Permission GRANTED for additional stables & associated site works. Applicants: Tina & Eoin Mc Dermott.

99/405 Permission GRANTED for minor alterations to previously granted house type. Applicants: Tina & Eoin Mc Dermott.

98/8432 Permission GRANTED for dwelling, septic tank and alterations to boundaries at entrance. Applicants: Tina & Eoin McDermott.

4.2. The following Planning Enforcement case is referred to in the Planner's Report:

UD5856: Alleged unauthorised development at Killegar, Enniskerry, Co. Wicklow, A98X030 consisting of: Placement on lands and use for commercial short term letting of two timber chalets without authorisation by planning permission.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site.

5.1.2. Chapter 4 relates to 'Settlement Strategy'. The appeals site is located in Level 10: The rural area (open countryside). According to the Development Plan, the rural area is an active and vibrant area that plays host to a range of activities including, for example, rural housing, rural recreational activities, agricultural, horticulture, forestry, aquaculture, fishing, rural tourism, rural enterprises, quarrying and extraction, landfill,

renewable energy etc. A key development parameter in the rural area is to facilitate appropriate and necessary activities and development, but to protect the natural environment within which these activities are undertaken. Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focused on ensuring that the scenic value, heritage value and/or environmental / ecological / conservation quality of the area is protected. The following objectives are considered relevant:

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 over-development.

CPO 4.15 To protect and promote the quality, character and distinctiveness of the rural landscape.

5.1.3. Chapter 8 relates to 'Built Heritage' with Section 8.2 relating to Archaeology. The following Archaeology objectives are considered relevant:

CPO 8.1 To secure the preservation of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological interest generally. In the development management process, there will be a presumption of favour of preservation in-situ or, as a minimum, preservation by record. In securing such preservation, the Planning Authority will have regard to the advice and recommendations of the National Monuments Service of the Department of Housing, Local Government and Heritage.

CPO 8.2 No development in the vicinity of a feature included in the Record of Monuments & Places (RMP) or any other site of archaeological interest will be permitted which seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.

CPO 8.3 Any development that may, due to its size, location or nature, have implications for archaeological heritage (including both sites and areas of archaeological potential / significance as identified in Schedules 08.01 &

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

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

5.1.4. Chapter 9 relates to 'Economic Development' with Section 9.6 setting out a number of objectives for Wicklow's Rural Economy. I consider the following objectives to be relevant to Rural Employment and Agriculture:

Strategic Objective To preserve the amenity, character and scenic value of rural areas, and to generally require employment-generating development to locate on zoned / designated land within existing settlements. Notwithstanding this, it is the objective of the Council to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services including those addressing climate change and sustainability and through the development of appropriate rural based enterprises, which are not detrimental to the character, amenity, scenic value, heritage value and environmental quality of a rural area.

CPO 9.32 To permit the development of employment generating developments in rural areas, where it is proven that the proposed development requires to be located in a rural area (e.g. dependent on an existing local resource) and will have a positive impact on the location.

CPO 9.35 To permit the development of small-scale commercial / industrial developments in rural areas that are not dependent on an existing local resource, subject to compliance with all of the following criteria:

- The proposed development shall be a small-scale industrial / commercial scheme or service and the number employed shall be appropriate in scale to the location and its characteristics, including proximity to the workforce and customers;*

- *the proposed development shall be located on the site of a redundant farm building / yard or similar agricultural brownfield site; and*
- *the nature and scale of the proposed development and the proposed process or activity to be carried out, shall be appropriate to and compatible with, the character of the rural environment of the site at which the development is proposed, and shall not be detrimental to the rural amenity of the surrounding area. In the assessment of planning applications, cognisance shall be taken of the location of the site vis-à-vis the proximity of the site to the national and regional road network.*

Strategic Objective: To encourage the continued operation of farming and its associated uses where it already exists, and to facilitate the diversification of the agricultural economy through the support of appropriate alternative farm enterprise sources.

CPO 9.37 To facilitate the development of environmentally sustainable agricultural activities, whereby watercourses, wildlife habitats, areas of ecological importance and other environmental assets are protected from the threat of pollution, and where development does not impinge on the visual amenity of the countryside. Developments shall not be detrimental to archaeological and heritage features of importance.

CPO 9.38 To encourage and facilitate agricultural diversification into suitable agri-businesses. Subject to all other objectives being complied with, the Council will support the alternative use of agricultural land for the following alternative farm enterprises:

- *Specialist farming practices, e.g. organic farming, horticulture, specialised animal breeding, deer and goat farming, poultry, flower growing, forestry, equine facilities, allotments, bio-energy production of crops and forestry, organic and speciality foods; and*
- *suitable rural enterprises*

CPO 9.39 To protect agricultural or agri-business uses from incompatible uses, which are more suited to being located within an urban settlement.

5.1.5. Chapter 11 relates to 'Tourism and Recreation' with the following general objectives for 'Tourism and Recreation', 'Accommodation', 'Tourism and Recreation Themes & Products' and 'Environmental Protection' considered to be relevant:

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.

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’³ 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*

**Foot Note 3: Uses that are ‘open for consideration’ are uses that will only be permitted in cases where the Planning Authority is satisfied that the use would not conflict with the general objectives for that landscape area and permitted or existing uses, as well as being consistent with the proper planning and sustainable development of the area and the strategies / objectives of this plan.*

CPO 11.7 To favourably consider proposals for tourism and recreation related development, which involve the re-instatement, conservation and/or replacement of existing disused buildings and to adopt a positive interpretation to plan policies to encourage such developments. This shall be subject to all other objectives being complied with, and subject to the proper planning and sustainable development of the area. In all areas, preference will be given to the conversion and adaptation of existing buildings rather than the provision of new development on greenfield sites.

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

CPO 11.13 To require new holiday home/self-catering developments to locate within either established settlements or at established tourism/

recreation facilities, other than those developments involving the renovation / conversion of existing buildings.

CPO 11.14 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 residences;*
- in the case of small-scale developments ⁸ , 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 developments⁹ , 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.*

**Footnote 8: Small-scale holiday home / self-catering developments are generally those associated with on-farm accommodation and small scale tourist attractions or developments, and would not normally be in excess of 10 units.*

CPO 11.15 Holiday home/self-catering developments on a farm holding shall be provided by farmhouse extension or by the utilisation of other existing dwellings/structures on the property. Only where it has been

demonstrated that these are not viable options, will permission be considered for new build development. Any new build development shall be in close proximity to the existing farmhouse.

CPO 11.16 To facilitate modest camping / glamping facilities as part of farm diversification proposal. In such instances the farm should remain as the predominant land use on the landholding and documentary evidence shall be submitted to substantiate the proposed development.

CPO 11.17 To facilitate the development of hostels¹⁰ and alternative accommodation offerings along established walking / hiking routes and adjacent to existing tourism / recreation facilities.

**Footnote 10: A building, or part thereof, which would provide meals, sleeping accommodation and maybe other refreshments and entertainment to residents only, and is other than a hostel where care is provided.*

CPO 11.33 To encourage eco-tourism projects¹¹ or those tourism projects with a strong environmentally sustainable design and operational ethos.

**Footnote 11: Ecotourism is now defined as "responsible travel to natural areas that conserves the environment, sustains the well-being of the local people, and involves interpretation and education" (International Ecotourism Society TIES, 2015). Education is meant to be inclusive of both staff and guests.*

CPO 11.34 To facilitate and promote the development of small-scale tourist enterprises that are developed in conjunction with established rural activities such as agriculture. Such enterprises may include open farms, health farms, heritage and nature trails, pony trekking etc.

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.

5.1.6. Chapter 12 relates to 'Sustainable Transportation' with the following Local Road Objective considered to be relevant:

CPO 12.54 Rural local roads shall be protected from inappropriate development and road capacity shall be reserved for necessary rural development.

5.1.7. Chapter 13 relates to 'Water Services' with the section 13.2 setting out the Water Services Objectives in relation to Water Quality, Water Supply, Waste Water and Storm/Surface Water Infrastructure. The following objectives are considered particularly relevant:

CPO 13.17 Private wastewater treatment plants for multi-house developments will not be permitted.

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 area² or Irish Water has confirmed there are no plans for a public system in the area;*
- It can clearly demonstrated 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*

5.1.8. Chapter 17 relates to 'Natural Heritage and Biodiversity'. Section 17.3 has regard to 'Landscape' with Table 17.1: Wicklow Landscape Categories setting out the hierarchy, category and landscape areas of the County. Section 17.4 sets out the Natural Heritage & Biodiversity Objectives and the following are considered to be relevant:

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.*

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:

- EU Directives, including the Habitats Directive (92/43/EEC, as amended)⁶, the Birds Directive (2009/147/EC)⁷, the Environmental Liability Directive (2004/35/EC)⁸, the Environmental Impact Assessment Directive (2011/92/EU, as amended), the Water Framework Directive (2000/60/EC), EU Groundwater Directive (2006/118/EC) and the Strategic Environmental Assessment Directive (2001/42/EC); EU 'Guidance on integrating ecosystems and their services into decision-making' (European Commission 2019);
- National legislation, including the Wildlife Acts 1976 and 2010 (as amended)⁹, European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, the Wildlife (Amendment) Act 2000, the European Union (Water Policy) Regulations 2003 (as amended), the Planning and Development Act 2000 (as amended), the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011), the European

Communities (Environmental Liability) Regulations 2008 (as amended)¹⁰ and the Flora Protection order 2015;

- National policy guidelines (including any clarifying circulars or superseding versions of same), including ‘Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’ (2018), ‘Guidance for Consent Authorities regarding Sub-Threshold Development’ (2003), ‘Tree Preservation Guidelines’, ‘Landscape and Landscape Assessment’ (draft 2000), ‘Appropriate Assessment Guidance’ (2010);
- Catchment and water resource management plans, including the National River Basin Management Plan 2018-2021 (including any superseding versions of same);
- Biodiversity plans and guidelines, including National Biodiversity Action Plan 2017 2021 (including any superseding versions of same) and the County Wicklow Biodiversity Action Plan;
- Ireland’s Environment – An Integrated Assessment 2020 (EPA), including any superseding versions of same), and to make provision where appropriate to address the report’s goals and challenges.

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 17.38 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.

5.1.9. Volume 3 of the Development Plan contains a number of relevant appendices with Appendix 1: 'Development and Design Standards' relevant to the assessment of the subject development. Section 5.0 relates to Tourism and Recreation with Section 5.1 setting out general criteria for such developments:

- 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 well being 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.

5.1.10. Section 5.2 provides commentary on 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.

5.4. **National and Regional Plans**

5.4.1. The following regional and national planning documents are relevant:

- *Project Ireland 2040 - National Planning Framework (NPF), 2018-2040*
- *Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.*

5.5. **National Guidance**

5.5.1. The following national planning guidance are relevant:

- *National Planning Framework - First Revision (2025)*
- *Development Management: Guidelines for Planning Authorities (2007)*
- *EPA Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.*
- *EPA Wastewater Treatment Manual - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, 1999.*

5.6. Natural Heritage Designations

5.6.1. The appeal site is not located within or immediately adjacent to any designated Natura 2000 sites. The nearest designated sites set out as follows:

- Knocksink Wood SAC (Site Code: 000725) approx. 0.33km to the south.
- Ballyman Glen SAC (Site Code: 000713) approx. 1.68km to the east.
- Wicklow Mountains SAC (Site Code: 002122) approx. 2.28km to the west.
- Wicklow Mountains SPA (Site Code: 004040) approx. 2.62km to the west.
- Bray Head SAC (Site Code: 000714) approx. 6.86km to the southeast.
- Rockabill to Dalkey Island SAC (Site Code: 003000) approx. 7.97km to the northeast.
- Glen of the Downs SAC (Site Code: 000719) approx. 8.74km to the southeast.
- South Dublin Bay SAC (Site Code: 000210) approx. 9.86km to the northeast.
- Glenasmole Valley SAC (Site Code: 001209) approx. 10.68km to the west.
- Carriggower Bog SAC (Site Code: 000716) approx. 11.38km to the south.
- The Murrough Wetlands SAC (Site Code: 002249) approx. 14.45km to the southeast.
- Dalkey Islands SPA (Site Code: 004172) approx. 9.64km to the northeast.
- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) approx. 12.6km to the northeast.
- The Murrough SPA (Site Code: 004186) approx. 13.15km to the southeast.

5.6.2. In addition, the Knocksink Wood pNHA (Site Code: 000725); Ballybetagh Bog pNHA (Site Code: 001202); Ballyman Glen pNHA (Site Code: 000713) are located within 2km of appeal site.

6.0 EIA Screening

6.1 The subject development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The subject development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The First Party appeal has been prepared on behalf of the applicants against the Planning Authority's decision to refuse permission. The appeal sets out the locational context of the site and background of Highland View Lodge Stud Farm, the rationale for the subject works, policy provisions, and planning precedent. The applicants' have set out a summary of the grounds of appeal which are stated as follows:

Ground of Appeal 1

- The proposed development for agri-tourism chalets, to facilitate activities on the Highland View Lodge stud farm would not give rise to any notable increased traffic movements along this local road network and would not endanger public safety by reasons of a serious traffic hazard.

Ground of Appeal 2

- The proposed chalet units are carefully designed to integrate with farm buildings of Highland View Lodge stud farm in an organic layout with natural materials that ensures there is no visual impact on the Area of Outstanding Natural Beauty. Under CPO 11.6 of the Development Plan as tourist and recreation related developments are 'Open for Consideration' in all landscape areas.

Ground of Appeal 3

- Wicklow County Council's decision is contrary to CPO 11.10 of the Development Plan which supports quality accommodation at various locations throughout the county, CPO 11.15 which allows self-catering developments on a farm holding

and CPO 11.2.4 which specifies that farm diversification proposals are an exception location of tourist hubs in settlements.

Ground of Appeal 4

- Wicklow County Council's decision is contrary to CPO 9.32 and CPO 9.38 and which supports diversification of the rural economy. The proposed development is justified to support the viable future use of Highland View Lodge stud farm in accordance with Section 5.4 of the NPF which emphasises supporting the diversification of the rural economy is essential to manage sustainable land use and NPO 30 for which it is an objective to support diversification into alternative on-farm and off-farm activities.

Ground of Appeal 5

- The proposed development's drainage proposals provide for the safe services in the interest of public health.

7.2. Planning Authority Response

- No response received.

7.3. Observations

- None.

8.0 Assessment

Having examined the application details and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the main issues in this First Party appeal can be addressed under the following relevant headings:

- Principle of Development
- Design & Visual Amenity
- Wastewater Treatment, Drainage & Services
- Access & Traffic
- Other Matters
- Appropriate Assessment (Screening)

8.1. Principle of Development

- 8.1.1. I note that refusal reasons 2(c) and (d) effectively relate to the principle of development to be retained. In essence, the Planning Authority contend that the 7 no. self catering units for agri-tourism accommodation have not been justified and would be contrary to a number of objectives of the Wicklow County Development Plan 2022-2028 in terms of the location/restriction of tourism development and utilisation of existing buildings.
- 8.1.2. In addressing refusal reason 2(c) and (d), the applicants contend that the Planning Authority's assessment overlooked Chapter 9 of the Development Plan in respect of Rural Economy and Agriculture and note Rural Employment Objective CPO 9.32 which seeks to permit the development of employment generating developments in rural areas where it is proven that the proposed development requires to be located in a rural area. The appeal also refers to the Development Plan supporting the principle of appropriate alternative farm enterprise sources specifically noting Objective CPO 9.37 which seeks to facilitate the development of environmentally sustainable agricultural activities and Objective CPO 9.38 which seeks to encourage and facilitate agricultural diversification into suitable agri-business which includes specialised farming practices notably animal breeding and equine activities. The applicants claim that the scale of the tourist accommodation at Highland View Lodge is integrated with the farm activity and should not be confused with controls for bespoke 'tourist villages'. Additionally, the applicants state that Objective CPO 11.10 seeks to facilitate the development of a variety of quality accommodation types, at various locations, throughout the County and claim that permission can be considered for new build development where farmhouse house extensions or utilisation of other structures are not viable (Objective CPO 15). The grounds of appeal continue to state that Section 11.2.4: Accommodation of the Development Plan provides exceptions to locating tourist accommodation in existing settlements through farm diversification proposals. Reference is also made in the appeal to the National Planning Framework regarding support for the diversification of the rural economy.
- 8.1.3. The applicants submitted supporting documentation with the planning application to justify the subject development and much of this documentation has been resubmitted with the appeal. Material include a letter from Horse Sport Ireland dated 2024 confirming one of the applicants as a breeder; and, a 'Business Plan' in the form of a

letter setting out the applicants' on-site operations with horses, a background of breeding horses for showjumping and eventing and involvement with the Irish Broodmare Scheme. The Business Plan letter outlines the need to source of horse buyers outside of Ireland through alternative agricultural enterprise in the form of Air BnB accommodation with the subject cabins. It is stated that the accommodation has been advertised through a variety of marketing channels (listed as a website, Facebook, videos, brochures of horses) and has been successful for generating business from Canada, the US, Europe and Dubai. According to the Business Plan letter, overseas buyers typically stay on site for a week to view/assess horse temperament and jumping quality along with monitoring breeding. The Business Plan letter claims that the enterprise helps to promote tourism with cabins containing a list of local attractions, pubs, restaurants and shops. In addition, three letters of support have been submitted with the appeal from persons based abroad broadly stating that they visit Highland View Lodge for the purpose of viewing/purchasing showjumping horses and that the on-site accommodation is essential to conduct business by observing and examining horses. A further letter has been submitted indicating that one of the applicants is an agent for selling the semen of a stallion for the 2020 breeding season. Additionally, a number of brochures for individual horses outlining lineage/bloodlines along with a general information booklet on Highland View Lodge have been submitted.

- 8.1.4. In considering the provisions of the Wicklow County Development Plan 2022-2028, I note that the appeal site is located in a rural area classed as the 'open countryside'. Objective CPO 11.4 of the Development Plan states that a tourism or recreational facility in a rural area will only be permitted 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. It is further stated that the 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 development and that the need to locate in a particular area must be balanced against the environmental impact of the development and benefits to the local community. With respect to the appeal before the Commission, the applicants' rationale for the 7 no. self catering units for agri-tourism accommodation is to provide

accommodation to prospective horse buyers and breeder travelling to Highland View Lodge for short-term letting as agri-tourism. I acknowledge that the need for on-site accommodation on this site, as presented, is somewhat niche and there may therefore be a site-specific/locationally dependent requirement for the observation of horses. That said, it is not clear to me as to why there is a specific need for 7 no. accommodation units across the site. Highland View Lodge is in a rural location and short-stay accommodation may well be limited, however the applicants have not indicated accommodation availability in the locality or demonstrated a distinct lack of such accommodation. To this end, whilst I note that individuals visiting Highland View Lodge may be required to spend time observing and monitoring horses for the purposes of breeding or purchase, I am not satisfied that the applicants have justified why 7 no. accommodation units are required on this site or why such accommodation could not be reasonably located within a defined settlement to satisfy Objective CPO 11.4 of the Development Plan.

8.1.5. In addition to the above, I accept that Highland View Lodge is an established equine facility/farm given the information provided, the site planning history and my own observations of the site. However, the applicants have not provided any details or evidential records demonstrating how the tourist accommodation is effectively managed and operated in conjunction with the equine use to demonstrate a combined viable commercial operation for agri-tourism on the overall lands. The applicants have not indicated, by way of any evidential material, how the operation is hosted on any tourist accommodation sites/platforms or indicated where the 7 no. self catering units for agri-tourism accommodation are available to be booked/reserved. From my inspection of the appeal site and review of the appeal file, it is unclear to me as to whether or not there is any guest/tourism accommodation use currently operating or on-going at Highland View Lodge. I also note that there was no signage within or adjacent to the appeal demonstrating tourist accommodation offer at this location. As such, I have significant concerns regarding the current agri-tourism operations on site given the lack of information provided.

8.1.6. Additionally, I note the applicants' references to farm diversification into agri-business and the rural economy. In my view, agri-business and agri-tourism are not the same. According to the Cambridge Dictionary, agri-business is defined as *'the various business that are connected with producing, preparing and selling farm products'* whilst

agri-tourism is defined as *'the business of providing holidays for people on farms or in the countryside'*. I have already outlined my satisfaction in terms of established equine facility/farm at Highland View Lodge and I am content that this constitutes an agri-business on account of horses being bought/sold and bred. However, it is not clear to me where the development to be retained amounts to agri-tourism as the applicants have stated that the accommodation is for prospective buyers and breeders visiting the farm in a business capacity rather than a primary purpose of holidaying or recreation in the countryside.

8.1.7. Objective CPO 11.6 of the Development Plan seeks to ensure that tourism and recreation related developments are appropriately located in County Wicklow, It is stated that all tourist and recreation related developments are 'open for consideration' in all landscape area subject to exceptions in relation to static caravans/mobile homes not being permissible in Area of Outstanding Natural Beauty; and, holiday homes not being permitted in any landscape category other than urban zones except where they comply with Objectives CPO 11.3, CPO 11.14, CPO 11.15 and CPO 11.16. In considering this objective, I note that the appeal site is located in the 'North Eastern Valley/Glenree (4 – AONB)' Landscape Area as per Table 17.1 of the Development Plan and the 7 no. self catering units, in my view, would not be considered to fall under the characterisation of 'Holiday Homes'. As such, I do not consider the exceptions of this objective to be applicable to the subject development. Notwithstanding, I note the footnote relating to 'open for consideration' developments states that uses will only be permitted where the Planning Authority is satisfied that the use would not conflict with the general objectives for that landscape area and permitted or existing uses, as well as being consistent with the proper planning and sustainable development of the area and the strategies/objectives of the Development Plan. In this regard, while the subject development to be retained may be deemed as being open for consideration in the North Eastern Valley/Glenree (4 – AONB), it is necessary that the development complies with other objectives in the Development Plan.

8.1.8. I note that Objective CPO 11.7 of the Development Plan seeks to favourably consider proposals for tourism/recreation related development involving the re-instatement, conservation and/or replacement of existing disused buildings and to adopt a positive interpretation to plan policies to encourage such development. It is stated that this consideration is subject to other objectives being complied with and subject to the

proper planning and sustainable development of the area. Additionally, the Development Plan states that in all areas, preference will be given to the conversion and adaptation of existing buildings rather than the provision of new development on greenfield sites. In my consideration of this objective, I note the development before the Commission seeks to retain 7 no. self catering units for agri-tourism accommodation which have been purposely built on the appeal site at Highland View Lodge. These structures do not relate to reinstatement, conservation or replacement of existing disused buildings on the lands. I consider that the applicants' statement that the existing buildings are required to support the core function of the farm and cannot be justified for conversion has been made without reasoning or supporting justification. Having conducted an inspection of Highland View Lodge, I note that there are three principle farm buildings on the lands which are indicated on the submitted drawings as being stables, foaling shed and a horse covering shed. The foaling shed is a large rectangular building with a render finish and A-frame roof with corrugated sheeting. I entered this building and observed several stables/stalls along with feed and bedding. There was one horse housed in this building. There is a low ceiling in this building and I would be of the consideration that there may be a loft/upper floor. I am satisfied that it building is in active equine use and essential to operations at Highland View Lodge and could not be converted or adapted fully to tourist accommodation. I was unable to access the interior of the 'Horse Covering Shed' but note that it has a similar finish to the Foaling Shed albeit on a smaller scale. I would consider that it would be impractical to adapt this structure for accommodation purposes given it utilitarian built form/design. I entered courtyard of the stables which comprises a rectangular single storey block of approximately 25 no. – 30 no. horse stables intermixed with other small rooms likely for tack, veterinary and feed/storage purposes. I observed no horses in any of these stables and the courtyard space was grassed over but contained a tractor, a horse box and a damaged vehicle. This stable block, in my opinion, is showing signs of disrepair particularly with respect to the roof and timber features.

- 8.1.9. In light of the above, I accept that stables form an obvious and fundamental part of an equine facility/farm and I would acknowledge that in general terms, the conversion of such a essential building for tourism/recreation use would be contradictory to the activities at Highland View Lodge. That said, it is not evident, from my observations or based on the information provided with the file, as to the extent to which these stables

are used for housing horses. As noted, there were no horses housed in the stable block at time of my inspection and I observed at least 3 no. horses in a paddock on the appeal site. It is therefore unclear as to whether all stables are in use or required. Given the condition of this particular building, I am of the view that there is scope for the conversion/adaption of part of this building for ancillary tourism/recreation use and I am not satisfied that the applicants have provided appropriate rationale or justification for not converting or adapting existing buildings over new build.

8.1.10. In relation to accommodation, I note that Section 11.2.4: 'Accommodation' of the Development Plan notes the importance of providing a range of accommodation across County Wicklow. It is stated that all tourist accommodation should be primarily directed into existing settlements where existing services can be availed of and to support the vibrancy of such settlements. This section specifically notes that exceptions to this includes farm diversification proposals. Objective CPO 11.10 of the Development Plan seeks to facilitate the development of a variety of quality accommodation types, at various locations, throughout the County. In my view, this objective is very broad and cannot be relied upon individually to support the subject development particularly where other tourist and accommodation objectives exist which are more prescriptive. Objective CPO 11.13 of the Development Plan requires that new holiday home/self-catering developments be located within either established settlements or established tourism/recreation facilities, other than those developments which involve the renovation/conversion of existing buildings. Having regard to this objective, I note the subject development to be retained is located in the open countryside and is therefore outside an established settlement. Highland View Lodge is an equine facility/farm and is therefore not an established tourism/recreation facility. Moreover, the subject development relates to the retention of 7 no. units erected on the lands and so does not relate to a development whereby existing buildings are being renovated or converted. In my view, it is evident that the subject development is not in accordance with Objective CPO 11.13 of the Development Plan and should be refused.

8.1.11. Objective CPO 11.15 of the Development Plan states that holiday home/self-catering developments on farm holdings shall be provided by way of a farmhouse extension or by the utilisation of other existing dwellings/structures on the property. Additionally, this objective states that only where it has been demonstrated that a farmhouse extension/use of other existing buildings are not viable options that new build

development will be considered and that such new development shall be in close proximity to the existing farmhouse. As previously outlined, the applicants claim that the existing buildings are required to support the core function of the farm and cannot be justified for conversion. The grounds of appeal also contend that the location of the units to be retained fulfil the requirement that any new build development shall be in close proximity to the existing farmhouse. The assessment of the Planning Authority referred to a number of existing structures on Highland View Lodge and informed that it was not clear as to whether or not these buildings are still in active use and that it would be the Planning Authority's preference that if accommodation is required for prospective buyers of horses that existing disused structures be renovated/repurposed on the site. As previously outlined in my consideration of Objective CPO 11.7 above, I have indicated my opinion that the applicants failed to provide adequate reasoning/justification for new development over that of the conversion/adaption of existing buildings. I accept that the foaling shed and the horse covering shed are utilitarian buildings which are likely unsuitable for adaption due to their size and design however, I also set out my views on the full use and condition of the stable block and that there is potential scope for the part-adaption/conversion of this building for tourism use. I acknowledge that the six of the cabins are situated between the established equestrian farm buildings and the main dwelling with the 'studio' sited to the west of the dwelling in the front curtilage of this dwelling; that said, I am not satisfied the subject development meets the core tenet of this objective whereby self-catering developments on a farm holding shall be provided by farmhouse extension or by the utilisation of other existing dwellings/structures. I recommend that the subject development be refused.

8.1.12. Having regard to the submitted information, I am not satisfied that the applicants have demonstrated a locational justification or site-specific need for the provision of 7 no. self-catering units for agri-tourism accommodation at this rural location in line with the provisions of the Development Plan. I am not satisfied that the development to be retained would be in accordance with Objective CPO 11.4; Objective CPO 11.7; Objective CPO 11.13; and, Objective CPO 11.15 of the Wicklow County Development Plan 2022-2028.

8.2. Design & Visual Amenity

- 8.2.1. Part of the Planning Authority's second refusal reason is based on the design, finish and layout of the units to be retained resulting in a haphazard and substandard form of development in an Area of Outstanding Natural Beauty and that the development would erode the rural landscape and character of this sensitive area which would be contrary proper planning and sustainable development. The applicants' grounds of appeal claim the subject development is situated within the Highland View Lodge complex and do not constitute standalone structures from a visual perspective. It is further claimed that the scale of development is proportionate with the existing structures on the site and is not obstructive to the surrounding landscape or have potential to significantly adversely impact the Area of Outstanding Natural Beauty. The appeal refers to Objective CPO 11.6 of the Development Plan where appropriately located tourism and recreation related development are open for consideration in all landscape areas. In relation to the units to be retained, a letter from the applicants' Architects has been attached setting out the design/build of the modular units and claims the structures are of high-quality design and materials and of good construction quality which are a sustainable approach to rural development.
- 8.2.2. I note the appeal site is located on an established equine facility, Highland View Lodge, in a rural area and comprises a number of grassed horse paddocks with an exercise arena, stable block, foaling shed and horse covering shed in the northern extent of the lands. The main dwelling and granny flat is generally centred within the appeal site. From my review of the planning history and noting the references on the submitted drawings, the equine facility and dwelling with granny flat has developed over time and other buildings in the farmyard have been erected and are claimed to be exempted rural development.
- 8.2.3. The 7 no. self-catering units for agri-tourism accommodation to be retained are all detached, single-storey buildings that are essentially located between the dwelling and principle equine buildings at Highland View Lodge. The 'studio' unit has an indicated floor area of 24sq.m and is located in the front curtilage of the main dwelling house. The studio has a flat metal roof with a part-timber, part-panelled external appearance and the submitted floor plans indicate this structure as having two rooms but these are unannotated/blank on the planning drawings. There are 3 no. cabins arranged in a

triangular formation in the northern extent of the appeal site to the east of existing farm buildings. These structures, described as Cabin 1, Cabin 2 and Cabin 3, are indicated as having a floor area of 36sq.m however I note that Cabin 3 is slightly larger. The cabins contain 2 no. bedrooms, a toilet and open plan kitchenette/living space. These structures are rectangular in shape and externally finished with timber panels and have a shallow pitched metal tile roof and contain an external canopy and decking area to the front. The ridge height of Cabin 1 and Cabin 2 is indicated at 2.91 metres with Cabin 3 being approximately 3.2 metres. The three cabins are southwest facing and contain an enclosed garden space to the side. There are a further 3 no. cabins (described as Cabin 4, Cabin 5 and Cabin 6) arranged in a linear formation along an internal hard-surfaced road between the main dwelling and the farm structures. Cabin 4 and Cabin 5 are indicated as being 65sq.m in floor area and contain 3 no. bedrooms, a toilet and open plan kitchenette/living space. Cabin 6 is indicated as being 50sq.m in floor area and contains 2 no. bedrooms, a toilet and open plan kitchenette/living space. These structures are rectangular in shape and externally finished with timber panels and have a shallow pitched metal tile roof and contain a garden space to the side. The ridge height of Cabin 4 and Cabin 5 is indicated at 3.18 metres with Cabin 6 being approximately 3.1 metres. These cabins are also southwest facing.

8.2.4. With respect to the landscape setting, the site is in an upland area. In my view, the appeal site is not very exposed in the landscape on account on the undulating terrain and existing hedgerow network which limit expansive views to the east only. The appeal site is located in the 'North Eastern Valley/Glenree (4 – AONB)' Landscape Area as per Table 17.1 of the Development Plan. This area is described as the Mountain and Lakeshore Area of Outstanding Natural Beauty in terms of Landscape Categories and is rated one out of a total of six categories in respect of hierarchies in Wicklow's landscapes and therefore the highest category. The Development Plan describes the North Eastern Valley/Glenree AONB as the area situated along the northern extremities of the County and is based around the drainage pattern of the Glenree and Dargle Rivers and the surrounding road network. This area is very scenic, with attractive views and number of tourist attractions such as Powerscourt House and Demesne, Charleville Demesne and Glenree Drive. This landscape provides for extensive forested areas made up of both coniferous and deciduous woodlands. From my review of Map 17.11: 'Prospects of Special Amenity Value or

Special Interest' of the Development Plan, I note that there are no prospects in the vicinity of the appeal site with the nearest being approximately 2.5km to the south on the L1011. I have also had regard to Map No. 17.10A: 'Views of Special Amenity Value or Special Interest' of the Development Plan and note that there are no such views related to the area of the subject development.

8.2.5. In my assessment of the development to be retained, I consider that the overall complex at Highland View Lodge is not readily visible from Killegar Road due to its considerable set back from the road network, the sloping terrain and existing hedgerows. As previously noted, the structures to be retained are located between the main dwelling and the principle equine buildings on the site – with the exception of the studio unit located to the west of the main dwelling in its front curtilage. I would acknowledge that the structures to be retained are clustered and on account of the low profile and single storey height of the structures and are therefore screened from views in the vicinity/locality. From within the appeal site, I note that there are expansive views to the east across the Bray mountains group and the Irish Sea and reflect the naturally scenic area of this part of County Wicklow.

8.2.6. The assessment of the Planning Authority referred to Objective CPO 17.36 of the Development Plan which states that any application for permission in the Area of Outstanding Natural Beauty which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape/Visual Impact Assessment to evaluate the visibility of the project and to demonstrate impacts on the surrounding landscape. No such assessments have been provided at application stage or with the appeal. Whilst I am the view that such assessments have not would be beneficial in assessing this development; given the precise site setting and locational context, I consider that the development can be considered on its own merits and that discretion can be applied as such assessments are required where development in an Area of Outstanding Natural Beauty may have the potential to significantly adversely impact the landscape area. Having regard to the relevant landscape designations and categorisations as set out in the Development Plan, it is my opinion that the subject development to be retained would not interfere with or obstruct any designated Views or Prospects of Special Amenity Value or Special Interest. I have formed this view as the nearest views are to the east and south of the appeal site and the directions of these views is not towards the site. Moreover, the nearest prospect relates to the

mountain area around Glencree Drive, Prince William Seat, Glencree River and Sugarloaf Mountain and does not relate to the appeal site. To this end, it is my opinion that the visual impact of the subject development to be retained would be limited in the wider area, given the specific site context within an established equine facility/stud farm and surrounding topography.

8.2.7. From a design perspective, I refer to Objective CPO 11.2 of the Development Plan which seeks to ensure that all tourism and recreation developments are designed to the highest quality and standards. In my opinion, the design and finishes of the cabin structures to be retained would not be in keeping with the receiving environment and would be incompatible with the established dwelling and existing farm structures at Highland View Lodge. I do not consider that the buildings to be retained resemble development in a rural area on account of their modular design and timber finishes. I am not satisfied that the applicants have provided a suitable rationale for the deviation of these units from the established built form in a rural location that would warrant the granting of permission in this instance. Whilst I acknowledge that Highland View Lodge and the associated developments to be retained are situated within the established complex and largely screened from localised views on account of its setback from the Killegar Road, I am of the view that the development to be retained would nonetheless constitute a form of ad-hoc and piecemeal development which would be unsuitable for an Area of Outstanding Natural Beauty and the rural landscape. The layout of the units to be retained is random with three cabins in a linear formation along a track between the main dwelling and the farm complex and three cabins laid out in a triangular formation adjacent to the Horse Covering Shed adjacent to the main yard space. In addition, the studio unit is located in the front curtilage of the main dwelling and sited away from Cabins 1-6. The floor plans for this studio are vague and lack detail in terms of toilet/bathroom and accommodation layout.

8.2.8. Therefore, I consider that the development to be retained would constitute both an unacceptable and inappropriate form of rural development in the Open Countryside which would be out of character with the area and would be contrary to Objective CPO 11.2 of the Development Plan. I recommend that permission be refused.

8.3. Wastewater Treatment, Drainage and Services

8.3.1. The Planning Authority's third reason for refusal was based on the consideration that insufficient information was submitted to demonstrate that separation distances from the proposed wastewater treatment system are in accordance with Table 6.2 of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021), that the existing water supply is suitable to serve the subject development, and, that the development would not result in the proliferation of unnecessary private wastewater treatment systems in the area given that two separate systems will serve the development on these lands. The Planning Authority deemed that in the absence of such information that the development would be prejudicial to public health and proper planning and sustainable development of the area. Whilst it did not form part of the reasons of refusal, the assessment of the Planning Authority noted that no details were submitted with the application in relation to surface water treatment/collection or disposal. The applicant's grounds of appeal claims that the drainage proposals provide for safe services and that there is adequate water supply. In the interests of clarity, I shall consider each topic under the following sub-headings:

Water Supply

8.3.2. Refusal Reason 3(b) of the Planning Authority's decision is based on insufficient information being submitted to demonstrate that the existing water supply is suitable to serve the development to be retained. The assessment of the Planning Authority stated that insufficient evidence was provided demonstrating that the subject well was constructed in accordance with the EPA Drinking Water Advice Note No. 14: Borehole Construction and Wellhead Protection and that the applicant did not indicate that water supply has been tested for full chemical and bacteriological analysis to demonstrate compliance with the Drinking Water Regulations 2023 and to determine what treatment is required.

8.3.3. I note the applicants indicated on Question 20: Services of the Application Form that water supply is by existing private well. According to the appeal file, the existing well is located approximately 60 metres upgradient of the percolation area serving the main dwelling. The Site Characterisation Report indicates that the 'existing well serves the units and is in excess of 60 metres away'. From my review of the submitted planning drawings its precise location has not been detailed and I was unable to locate a well

at the time of my inspection. I observed an upstanding collar with domed plastic lid approximately 25 metres to the rear of the dwelling but this was in the indicated location of the existing DWWTS serving the dwelling, granny flat and Cabin 6. As such, I was unable could not confirm what this item represented. The applicants' appeal informs that water supply has been performing adequately and that there is significant capacity beyond the development to be retained subject. The appeal refers to the Consulting Engineers report appended with the appeal which states that a new submersible water pump was installed within the past 3 years and that the well was determined to have capacity of 4500 litres per hour. According to the Consulting Engineers, they are in receipt of confirmation regarding this information but I note that no such details or evidential material has been included with the appeal to confirm or verify this claim. The appeal includes an Interim Report of well water dated January 2026 which analysed the sample provided against a number of parameters and parametric values of the Drinking Water Regulations. Based on lack of information provided with the appeal regarding the location of the well and corroborating details of a well pump and associated capacity, I am not satisfied that the applicants have demonstrated the suitability of water supply to serve the development that fully addresses Refusal Reason 3(b) of the Planning Authority's decision. However, I am satisfied that the matter of the water quality has been addressed and would not pose a risk to public health. On this basis, I do not consider it necessary to include the matter water supply as a reason for refusal.

Wastewater Treatment

- 8.3.4. With respect to wastewater treatment, the Planning Authority considered that insufficient information was submitted to demonstrate that separation distances from the proposed wastewater treatment system accords with Table 6.2 of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent \leq 10) (2021); and, that insufficient information was submitted to demonstrate the development would not result in the proliferation of unnecessary private wastewater treatment systems in the area given that two separate systems will serve the development on the lands.
- 8.3.5. In relation to refusal reason 3(a) of the Planning Authority's decision, it was considered that insufficient information was submitted to demonstrate that the separation

distances from the proposed wastewater treatment system accord with distances outlined in Table 6.2 of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021). In consideration of this matter, the Commission shall note that the proposal includes the replacement of the existing septic tank system and a tertiary infiltration system of 300 sq.m percolation area serving Cabins 1-5 with a new treatment unit and sand polishing filter and infiltration area. I note that no evidential information has been provided in terms of the adequacy of this existing wastewater treatment system however, the Site Characterisation Report (SCR) has stated that the existing septic tank seems to be working effectively but there is evidence of wetness from end of percolation trench which may suggest insufficient percolation installed. I observed the location and condition of this system and noted that the tank is exposed at ground level and there are damaged pipes around the tank. There is no identifiable percolation area however the adjacent area to the tank is overgrown with vegetation and rushes. I would have concern regarding the adequacy of this existing wastewater treatment system to effectively treat effluent arising from the existing cabins however, this system is to be replaced in any case.

8.3.6. The proposed replacement system will have a 28 PE design and the filter is indicated as being 420sq.m. The application was accompanied by a Site Characterisation Report (SCR) prepared in relation to this proposed system and provides an assessment of the wastewater treatment system against the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021). I note that this document relates specifically to guidance for domestic wastewater treatment systems for less than/equal to 10 persons. In my view, this document is only applicable to the subject development in terms of setting out the most up-to-date standards and methodology for site assessment, consideration of ground conditions, types of wastewater systems and the installation/maintenance of same. The EPA's Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (1999) is the appropriate guidance document for the assessment of the subject development given the size of the proposed replacement wastewater treatment system. Having regard to Table 4: Recommended Minimum Distances From Treatment Systems of the EPA Wastewater Treatment Manual (1999), the minimum separation distance in the case of the system sized between 10-40 P.E. (approximately

serving between 2-10 no. houses) is indicated as 28 metres which is considerably more than that of the minimum distances outlined in Table 6.2 of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021). From my review of the submitted Site Layout Plan (Drawing No. PP/03-01), the minimum separation distance of 28 metres from Cabin 1, Cabin 2 and Cabin 3 and proposed replacement wastewater treatment system is not achieved. I have also reviewed the Buried Drainage Layout (Drawing No. HVL-BMD-ZZ-ZZ-DR-C-11000) submitted by the Consulting Engineers which indicates a distances of 16.626 metres between Cabin 1 and the proposed percolation area and 18.025 metres between Cabin 3 and the proposed tank. Therefore, I consider that this element of proposed development, as presented, does not satisfy minimum separation distances and does not comply with the EPA Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (1999) which is the relevant document for the sizing of the proposed wastewater treatment system and therefore should be refused. Additionally, in the absence of sufficient information relating to effluent treatment, I am of the view that the Commission cannot be satisfied that the subject development would not be prejudicial to public health or accord with Objective CPO 13.18 of the Wicklow County Development Plan 2022-2028 which states that private wastewater treatment plants for commercial/employment generating development will only be considered where it can clearly demonstrated that the proposed system can meet all EPA / Local Authority environmental criteria.

8.3.7. With respect to refusal reason 3(c) of the Planning Authority's decision, it was considered that insufficient information was submitted to demonstrate that the proposal would not result in the proliferation of unnecessary private wastewater treatment systems in the area given the need for two separate systems to serve the development on these lands. The applicants claim the infrastructure report prepared by the Consulting Engineers at application stage explained the rationale for the wastewater treatment and this has been reiterated in the Consulting Engineer's response submitted with the appeal. The foul from the main house, granny flat and Cabin 6 is connected to the existing septic tank and 60sq.m soil percolation area to the rear (east) of the main dwelling whereas the foul from Cabin 1 to Cabin 5 is connected to a separate septic tank and 300 sq.m percolation area located in the north-eastern extent of the site installed during the Covid pandemic. As previously indicated, the existing

septic tank and infiltration/treatment system serving Cabin 1 to Cabin 5 is to be replaced with a new wastewater treatment system.

8.3.8. The applicants' appeal states that Wicklow County Council's Environmental Engineer did not make reference to proliferation of private wastewater treatment systems. According to the applicants' Consulting Engineers report, the existing wastewater treatment system serving the main house, granny flat and Cabin 6 is designed for 8PE. It is stated that the installation of the wastewater treatment system was queried with the installers and that the system is capable of 1200 l/day and has a capacity to deal with a BOD load of 470 g/day. I note that no supporting documentary evidence or particulars have been submitted to verify or corroborate this claim. However, it is acknowledged by the applicants' Consulting Engineers that the capacity is not sufficient to deal with the nominal load calculation from the three sources and that the loading is estimated to be 12PE. It is indicated by the applicants' Consulting Engineers that the simplest approach to address the loading in this wastewater treatment system is to redirect the drainage from Cabin 6 to the new replacement wastewater treatment system.

8.3.9. In terms of the adequacy of the existing wastewater treatment system currently serving the dwelling, granny flat and Cabin 6 on the site, I inspected the indicated location of this system which is situated in a partially fenced-off area to the rear of the main dwelling. I observed this area to be in an overgrown condition and did not observe any identifying features readily associated with a percolation area or a tank with the exception of an upstanding collar with a plastic domed lid which may form some of the electrical/servicing components of the system. Despite its overgrown condition, I did not observe any obvious visible evidence of malfunction with the existing system or characteristics associated with poor percolation or the presence of odours. Notwithstanding, in the absence of supporting evidence or documentation submitted with the appeal file on this wastewater treatment system, I have concerns regarding the adequacy of the existing wastewater treatment system to effectively treat effluent arising from the development. The applicants have failed to demonstrate the operational efficiency of the existing wastewater treatment system. I further note that the Planning Authority raised concern with the 'studio' unit adjacent to the principle dwellings and queried whether or not this unit has toilet facilities and whether or not it is connected to the existing wastewater treatment system serving the dwelling, granny

flat and Cabin 6. The applicants have not addressed this matter at either application or appeal stage. I have concerns with the details relating to the studio as it is one of '7 no. self-catering units for agri-tourism accommodation' for consideration before the Commission and I would query the appropriateness of such a unit to provide effective tourist accommodation if no toilet/bathroom facilities are provided or where such a foul connection exists (if any).

8.3.10. I further note that the applicants have also indicated that if the proliferation of wastewater treatment systems was a definitive issue that it would be feasible to abandon the existing wastewater treatment system currently serving the main dwelling, granny flat and Cabin 6 and to divert all the waste to the new replacement wastewater treatment system by way of condition. I do not consider this to be an acceptable arrangement. As outlined previously, the proposed replacement wastewater treatment is indicated as having 28 P.E and the calculation on the Site Characterisation Form is presented as 4 no. 2 bed Units = 16PE + 2 no. 3-bed Units = 10PE+ 1 no. 1 bed unit = 2PE. This would suggest the all 7 no. self-catering units for agri-tourism accommodation would be connected to the replacement system. However, the applicants' Consulting Engineers indicate only Cabin 1 – Cabin 5 as being connected to this replacement system as such there is conflicting information on the appeal file. Notwithstanding, if the 7 no. self-catering units for agri-tourism accommodation were connect to this new 28 PE system (irrespective of my concerns regarding separation distances) there would have capacity. However, if the dwelling and granny flat were also to connect to this new replacement system, it would add a further estimated 8PE to this system (excluding the toilet in the 'lab' adjacent to the Foaling Shed which I would not deem to be a habitable toilet). Therefore, a total of 36PE could potentially be connected to the replacement system and I would have concern that the subject development could possibly reach the threshold for Local Government (Water Pollution) Act 1977 (as amended) Section 4 Discharge Licence. I have formed this consideration on the basis that the discharge from the cumulative development on the site could exceed 5m³ in any period of 24 hours (36 x 150 litres = 5,400). As such, I would have significant concern with any such proposal to abandon the existing DWWTS and to connect the entire development to the singular replacement wastewater treatment system. Moreover, I am also of the view that it is not appropriate for this matter to be addressed by way of a post consent condition, in the event of a

grant of permission, as it must be demonstrated that the subject site can accommodate appropriate wastewater treatment arising from development in accordance with best practice.

- 8.3.11. The above considerations are also particularly relevant given the site conditions which I have reviewed using data available from the EPA where the appeal site is situated within a Locally Important Aquifer (LI) with 'Bedrock which is Moderately Productive only in Local Zones' and has a 'High Vulnerability' rating in relation to groundwater. Therefore, it is my view that taken in conjunction with existing development on the subject site, the development to be retained would result in an excessive concentration of development being served by wastewater treatment systems on the same site. I consider the subject development, as presented, would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
- 8.3.12. Notwithstanding my conclusions, the Commission should note that concerns in terms of wastewater treatment do not contradict my screening for Appropriate Assessment conclusions as contained in Appendix 3 of this report, due to the setting of the surrounding environment.

Surface Water Drainage

- 8.3.13. As noted, surface water drainage did not form an item for refusal. The Planning Authority however noted that no details were submitted with the application in relation to surface water treatment/collection or disposal. Q 20 of Application Form states that the proposed Surface Water Disposal is via Public Sewer/Drain but as indicated above no information has been provided with the appeal file illustrating surface water drainage system to serve the units to be retained or how surface water is currently dealt with on the site. Having regard to the lack of documentation submitted, I cannot make an informed decision on the orderly collection, treatment and disposal of surface water in accordance with best practice and guidelines and have referred to same in relation to my assessment on Water Framework Directive.

8.4. Access & Traffic

- 8.4.1. The Planning Authority's first reason for refusal is based on the consideration that the development would endanger public safety by reasons of a serious traffic hazard and would contravene Objective CPO 12.54 of the Development Plan which seeks to

protect rural local roads from inappropriate development and reserve road capacity for necessary rural development. The Planning Authority consider that the 7 no. self-catering units would result in increased traffic movements on the local road network which is deemed to be substandard in terms of width and alignment and which is also served by a substandard junction at the Regional Road R-117 (Scalp Road).

8.4.2. The applicants refute the Planning Authority's decision and claim this refusal reason is not supported by any traffic survey data and that there are no traffic safety, capacity or policy-based grounds to refuse permission for the subject development. The appeal includes a technical report from Consulting Engineers against the refusal reason and it is contended that the units to be retained would generate exceptionally low traffic volumes. The submitted survey indicates a maximum of 42 two-way vehicle movements per day (with peak hourly flows not exceeding 7 vehicles per hour) which is said to equate to one vehicle entering/exiting the appeal site every 12 minutes at busiest periods and is considered to be well below thresholds that could reasonably be considered to give rise to traffic hazard or endanger public safety. The applicants' Consulting Engineers inform that Killegar Road experiences low background traffic volumes with maximum observed daily flows of 414 vehicles (with peak hourly flows of 50 vehicles). The subject development would represent a small proposition of traffic generated that would not materially alter the operational or safety characteristics of the road. In relation to road width and alignment, the applicants' Consulting Engineers state that Killegar Road maintains a carriageway width of 3 metres which allows for safe one-way movement at all times and there are nine lay-bys between the appeal site and the R-177 junction (a distance of approximately 1.6km) which allow for passing opportunities approximately every 100 metres. The applicants' Consulting Engineers do not consider the development will impact on the R-117 (Regional Road) on the basis of Killegar Road traffic represents 6% of total traffic flows during peak hours which is deemed to be a negligible contribution in traffic engineering terms and has no discernible impact on the safety, capacity or operation of the regional road or its junction with the Killegar Road. Additionally, the applicants do not consider the development to be inconsistent with CPO 12.54 of the Development Plan as the units to be retained serve an established equestrian and agri-tourism enterprise operating on the site for over 30 years.

8.4.3. In my assessment of the development, I note Highland View Lodge is served by an existing vehicular entrance comprising an electric gate and stone wing walls splayed from the Killegar Road, a local road. In the interests of clarity, I note that this entrance is not subject to any works as part of the subject development. In terms of visibility from the existing access, the applicants have not submitted sightlines in both directions from the entrance with the appeal file and I note that the Consulting Engineer's 'Access Assessment' report has not referenced sightlines or the current access arrangement serving the site. During my inspection of the appeal site, I observed the Killegar Road to be of limited width (approximately 3 metres) and is a single carriageway road with a number of bends and variation in gradient. From my own observations, the visibility from the entrance serving the appeal are significantly constrained to the east (downgradient) on account of the hedgerow/embankment and alignment of the carriageway; and, is moderately constrained to the west (upgradient) on account of the high grassed verge. I consider that the sightlines are inadequate despite serving an existing entrance where there have been existing agricultural/equine related traffic movements to and from the local road network. I also acknowledge that this road is lightly trafficked (serving predominantly agricultural holdings and sporadic one-off dwellings) as reflected in the applicants' survey. I would be of the view that it would be conducive to lower traffic speeds on account of the alignment and carriageway width. However, I do not accept the comments from the applicants that the subject development is an *'agritourism enterprise that that operated on the site for over 30 years'*. The subject development before the Commission, as indicated by the applicants, was constructed during the Covid pandemic at the existing equine facility/farm. It is my opinion that the subject development would result in an intensification of the use of the existing entrance and would result in additional traffic which may exacerbate the existing situation on this road.

8.4.4. I note the applicants' Consulting Engineers claim there are nine lay-bys between the appeal site and the R-177 junction which is a distance of approximately 1.6km and these lay-bys allow for passing opportunities approximately every 100 metres. However, I have inspected this road and note that there are not dedicated lay-bys but rather entrance gates to fields, farms and residential properties. I acknowledge that in normal circumstances where road widths are limited that it is convenient for vehicles to temporarily pull in/stop to allow vehicles to safely pass. However, I do not consider

that existing entrances can be construed or presented as a lay-by on a rural road and it further demonstrates the constrained width of the Killegar Road.

8.4.5. With the above in mind, I consider that Objective CPO 12.54 of the Development Plan is applicable as it seeks to protect rural roads from inappropriate development and ensure that road capacity be reserved for necessary rural development. I have already outlined my considerations on the development to be retained which I deem to be unacceptable. Therefore, I do not consider that the subject development would be in accordance with this objective to protect rural local roads from inappropriate development and that road capacity should be reserved for necessary rural development. I recommend that permission be refused.

8.4.6. As a further point of clarity, I do not consider that the Planning Authority's reference to status of the junction at the R-177 (Scalp Road) formed a reasonable part of Refusal Reason No.1. I acknowledge that this junction is substandard in terms of visibility, layout and gradient, however, it is nevertheless an existing junction serving Killegar Road and is approximately 1.6km to the east of the site and would not inhibit vehicles travelling from the Glencullen direction from the east. Therefore, I do consider it appropriate to include the R-177 junction as part of my recommendation to refuse permission.

8.5. **Other Matters**

8.5.1. In the interests of completeness of assessment, I shall consider the following items under the following sub-headings below:

Fire Safety

8.5.2. I note that the referral response from the Chief Fire Officer requested additional Information in relation to the subject development and recommended that all of the units should have clearly marked dimensions and that planning drawings are clearer in terms of separation distances demonstrated. The Chief Fire Officer also stated that additional information was required in terms of the provision of firefighting water supply and that details of road surfacing between the public road and the units need to be provided. Notwithstanding the concerns, the Chief Fire Officer stated that conditions be attached in the event of a grant of permission relating to the submission of a Fire Safety Certificate and Disability Access Certificate for all units; provision of firefighting supply and fire tender access; and, various internal/external fire prevention/safety and

emergency measures. I consider that there is a substantial shortfall of information in terms of compliance with fire safety which would need to be addressed should permission be granted for the subject development. Nevertheless, I am of the view that these details could be conditioned and that the development would also be subject to a separate and independent Fire Safety Certificate.

Bin Storage

8.5.3. In relation to waste, I note that the assessment of the Planning Authority indicated that no details were submitted as to how waste resulting from the development would be addressed on the site, including the storage of bins. The applicant's grounds of appeal has not sought to clarify the bin storage/collection arrangement on the site. At the time of my site inspection, the waste collection arrangement for the site was not clear however, I observed a number of normal wheelie bins and large wheelie bins along the verge adjacent to the entrance at Killegar Road. I am of the view that bin storage and management/collection of waste could be appropriately accommodated on the site in a safe and convenient manner. Should the Commission be minded to grant permission, I consider that a suitably worded condition could be attached requiring a details for the management of waste arising from the development which include the provision of facilities for the storage, separation and collection of waste and recyclable materials and the maintenance of same.

Archaeological Heritage

8.5.4. There are no Protected Structures on or immediately adjoining the site. I note that there is a National Monument on the appeal site listed as an 'Enclosure' (Ref. WI003-017) to the east and south respectively of the access driveway. The subject development to be retained is within the Zone of Notification of this monument. The Planning Authority's assessment make reference to a referral response received from the Department of Housing, Local Government and Heritage who sought further information relating to carrying out an Archaeological Impact Assessment to assess the potential impact(s), if any on archaeological remains in the area of the subject development. I note that the appeal site relates to an existing equine facility/farm and that the subject works, for which retention is sought, has already been developed. Nevertheless, given the presence of this National Monument on the appeal site, I am of the view that further monitoring and/or excavation may be required to determine the

presence/absence of archaeological remains. I consider that should the Commission be minded to grant permission that a suitably condition could be attached in relation to archaeological monitoring.

9.0 **Appropriate Assessment (Screening)**

9.1. Introduction

The assessment of the Planning Authority screened out the subject development by stating *“Having regard to the nature and scale of the proposed development and its distance from designated Natura 2000 sites with no obvious hydrogeological pathways, it is 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 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 Habitats Directive.”*

9.2. Screening the need for Appropriate Assessment

An Appropriate Assessment Screening exercise has been completed (see Appendix 3 of this report). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this Appropriate Assessment screening, I conclude that the subject development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Knocksink Wood SAC and Ballyman Glen SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the subject works;
- Lower-scale potential for source impacts - notwithstanding the stated concerns in respect of the wastewater treatment and surface water drainage; and,
- The limited connectivity between the subject site and the nearest European Sites with no obvious hydrological link and associated distances, dispersal and dilution factors.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 Water Framework Directive

- 10.1. The subject development comprises the retention of 7 no. self-catering units for agri-tourism accommodation and upgrade of effluent treatment system, all together with associated site works at Highland View Lodge, Killegar, Enniskerry, Co. Wicklow. The subject development is indicated as connecting to an existing well respect of water supply. Surface water drainage is indicated on the Application Form as connecting to a drain/sewer. The existing dwelling, granny flat and Cabin 6 (which is to be retained) are connected to a wastewater treatment system indicated by the applicants as being a 8PE Eurotank and 60sq.m pumped discharge network. The remaining cabins (Cabins 1-5 which are also to be retained) are connected to an existing septic tank system which is to be replaced with a 28PE BAF treatment unit and sand polishing filter with an infiltration area. The nearest watercourse to the appeal site is the Glencullen River which is approximately 340 metres to the south. The Dargle_030 is some 1.06km to the east and downgradient of the site.
- 10.2. I note that the Planning Authority did not carry out a screening for the purposes of the Water Framework Directive. I have assessed the subject development by way of a screening assessment (see Appendix 4) and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.3. Having considered the project and notwithstanding the scale of the works to be retained, I am not satisfied that effluent from the wastewater treatment system would not result in a risk of deterioration of waterbodies or that it would not jeopardise these waterbodies in reaching their WFD objectives. I am of the view that the applicants have failed to provide any details in relation to surface water collection or disposal. Therefore, on basis of objective information, it cannot be concluded nor ruled out that the subject will not result in a risk of deterioration on any water body, specifically groundwaters and surface waters, either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its objectives. Accordingly, I recommend that permission be refused in relation to this issue.

11.0 Recommendation

11.1. I recommend that retention and permission should be REFUSED for the reasons and considerations as set out below.

12.0 Reasons and Considerations

1. Having regard to the nature of the development to be retained, it is considered the subject development, as presented, has not been suitably justified at this rural location in the open countryside for tourism, recreation and accommodation purposes and that such development would be more appropriately located in an urban area or nearby settlement. In addition, the development to be retained, by reason of its layout, scale and design is considered to constitute a haphazard and piecemeal development that would be out of character with the rural landscape and would contribute to an inappropriate form of ad hoc development within an Area of Outstanding Natural Beauty which militates against the character of this rural area in the Open Countryside. Accordingly, it is considered that the subject development would be contrary to Objective CPO 11.2; Objective CPO 11.4; Objective CPO 11.7; Objective CPO 11.13; and, Objective CPO 11.15 of the Wicklow County Development Plan 2022-2028. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the stated anticipated population equivalent (PE) in excess of 10 persons for the proposed replacement wastewater treatment system, the Commission is not satisfied, on the basis of the submissions made in connection with both the planning application and the appeal, that effluent from the subject development can be satisfactorily treated or disposed of on site in accordance with recommendations set out in the EPA Wastewater Treatment Manual (Treatment Systems for Small Communities, Business, Leisure and Hotels), 1999 and, in particular, the recommended separation distances contained therein, notwithstanding the proposed replacement Tertiary Treatment System and Infiltration /Treatment Area. It is further considered that the Commission cannot be satisfied the subject development would not be prejudicial to public health or accord with Objective CPO 13.18 of the Wicklow County Development Plan 2022-

2028 which states that private wastewater treatment plants for commercial/employment generating development will only be considered where it can clearly demonstrated that the proposed system can meet all EPA / Local Authority environmental criteria.

3. Having regard to the lack of information submitted, the Commission is not satisfied that the existing effluent treatment system on the appeal site currently serving the dwelling, granny flat and Cabin 6 has the capacity to effectively treat foul effluent arising from the existing development. Therefore, the Commission is not satisfied that taken in conjunction with existing development on the subject site, the development to be retained would result in an excessive concentration of development being served by wastewater treatment systems on the same site. The development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
4. The appeal site is located proximate to the Glencullen 10 (Code: IE_EA_10G020300) and Dargle_030 (Code: IE_EA_10D010250) which are indicated as having a 'High' and 'Good' WFD status and stated as being 'Not At Risk'. It is considered that, as presented, the subject development could pose a risk to the ability of these waterbodies to achieve the required Water Framework Directive quality status. In addition, the Wicklow Groundwater Body underlies the appeal site and is stated as being 'At Risk', it is considered that insufficient information has been presented with the application and the appeal file to definitively determine whether or not the subject development will not result in a deterioration of the existing WFD quality status of these waterbodies. As such, the Commission is not satisfied that the subject development will not impact negatively upon the ability of the aforementioned waterbodies to achieve the relevant water quality status required under the Water Framework Directive. Therefore, the subject development, as presented, is not considered to be in accordance with the proper planning and sustainable development of the area.
5. It is considered, based on the lack of information provided with respect to sightlines in both directions that the development to be retained would endanger public safety by reason of traffic hazard. The subject development would also result in the

intensification of use of access to the lands and create additional traffic movements on a narrow local road. Therefore, the Commission is not satisfied, that the development would comply with Objective CPO 12.54 of the Wicklow County Development Plan 2022-2028 which seeks to protect rural roads from inappropriate development and ensure that road capacity be reserved for necessary rural development. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Matthew O Connor
Planning Inspector

23rd April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500613-WW-26
Proposed Development Summary	7 no. self catering units for agri-tourism accommodation and upgrade of effluent treatment system, all together with associated site works.
Development Address	Highland View Lodge, Killegar, Enniskerry, Co. Wicklow
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 12 – Tourism and Leisure: (c) 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.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500613-WW-26
Proposed Development Summary	7 no. self catering units for agri-tourism accommodation and upgrade of effluent treatment system, all together with associated site works.
Development Address	Highland View Lodge, Killegar, Enniskerry, Co. Wicklow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<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>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The development comprises the retention of 7 no. self-catering units for agri-tourism accommodation along with the upgrade of an on-site.</p> <p>The development is within an existing equine/stud farm and the appeal site has an indicated area of 4.75ha. The units have already been constructed and there are no demolition works proposed. Each of the units are modest in size and range between 36sq.m and 65sq.m with the studio being 24sq.m. The wastewater arrangement on the site is to be upgraded to cater for foul loading on the site.</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 sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The subject development is situated in a rural area in the northern extent of County Wicklow. The lands are on improved agricultural lands with an undulating topography. The area is indicated as being an Area of Outstanding Natural Beauty (North Eastern Valley/Glenree). The subject development is not located within or immediately adjoining any sensitive natural habitats with the nearest Natura 2000 sites being the Knocksink Wood SAC (Site Code: 000725) and Ballyman Glen SAC (Site Code: 000713) with are</p>

	<p>located approximately 0.33km to the south and approximately 1.68km to the west respectively.</p> <p>There are no watercourses traversing the site and the development does not seek to remove any vegetation.</p> <p>There is a National Monument on the appeal site which is indicated as an 'Enclosure' (Ref. WI003-017----).</p>
<p>Types and characteristics of potential impacts</p> <p>(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>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the nature and extent of the development to be retained relative to the EIA threshold, the location of the site removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects arising from the development, and absence of in combination effects; there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
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: Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500613-WW-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>The subject development comprises the retention of 7 no. self catering units for agri-tourism accommodation. The proposed upgrade of effluent treatment system; and, all associated site works.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The appeal site is located at Highland View Lodge, an equine facility/farm with an area of 4.75ha in the townland of Killegar in north County Wicklow. The surrounding area is rural and characterised by uplands with an undulating topography primarily comprising modified grasslands in agricultural use. The site is defined within the North Eastern Valley/Glenree (4 – AONB) Landscape Area</p> <p>Surface water collection/discharge is indicated as drain/sewer however no details have been submitted.</p> <p>Water supply will be provided from an on-site private well.</p> <p>Wastewater from the existing dwelling, granny flat and Cabin 6 connects to an existing 8PE Eurotank and 60sq.m pumped discharge network. The remaining cabins (Cabins 1-5) are connected to an existing septic tank system which is to be replaced with a 28PE BAF treatment unit and sand polishing filter with an infiltration area.</p>
Screening report	<p>Not submitted.</p>
Natura Impact Statement	<p>Not submitted.</p>
Relevant submissions	<p>The assessment of the Planning Authority had regard to the nature and scale of the development and distances from designated Natura 2000 sites with no obvious hydrogeological pathways. It was considered that the development would be unlikely to give rise to any significant adverse impacts on the qualifying interests or conservation objectives of any nature site.</p>

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Knocksink Wood SAC (Site Code: 000725)	To restore the favourable conservation conditions of Petrifying springs with tufa formation (Cratoneurion) and Old sessile oak woods with Ilex and Blechnum in the British Isles; and, to maintain the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* in Knocksink Wood SAC.	Approx. 0.33km	No direct impacts/effects expected. Indirect impacts/effects cannot be ruled out on a precautionary approach in relation to surface water run-off and infiltration to groundwater resulting in potential water quality deterioration of this SAC.	Yes
Ballyman Glen SAC (Site Code: 000713)	To restore the favourable conservation conditions of Petrifying springs with tufa formation (Cratoneurion) and Alkaline fens in Ballyman Glen SAC	Approx. 1.06km	No direct impacts/effects expected. Indirect impacts/effects cannot be ruled out on a precautionary approach in relation to surface water run-off and infiltration to groundwater resulting in potential water quality deterioration of this SAC.	Yes
Wicklow Mountains	To maintain the favourable conservation condition of Oligotrophic	Approx. 2.28km	No direct/ indirect connectivity	No

SAC (Site Code: 002122)	waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>), Natural dystrophic lakes and ponds, Calaminarian grasslands of the <i>Violetalia calaminariae</i> and Otter in Wicklow Mountains SAC; and, to restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> , European dry heaths, Alpine and Boreal heaths, Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe), Blanket bogs (* if active bog), Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>), Calcareous rocky slopes with chasmophytic vegetation, Siliceous rocky slopes with chasmophytic vegetation and Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles in Wicklow Mountains SAC.		between the proposal this SAC.	
Wicklow Mountains SPA (Site Code: 004040)	To maintain the Favourable conservation condition of Merlin and Peregrine in Wicklow Mountains SPA	Approx. 2.62km	No direct/ indirect connectivity between the proposal this SPA.	No
Bray Head SAC (Site Code: 004040)	To maintain the favourable conservation condition of Vegetated	Approx. 6.86km	No direct/ indirect connectivity between the	No

Code: 000714)	sea cliffs of the Atlantic and Baltic coasts in Bray Head SAC and to restore the favourable conservation condition of European dry heaths in Bray Head SAC		proposal this SAC.	
Rockabill to Dalkey Island SAC (Site Code: 003000)	To maintain the favourable conservation condition of Reefs and Harbour porpoise in Rockabill to Dalkey Island SAC	Approx. 7.97km	No direct/ indirect connectivity between the proposal this SAC.	No
Glen of the Downs SAC (Site Code: 000719)	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Glen of the Downs SAC	Approx. 8.74km	No direct/ indirect connectivity between the proposal this SAC.	No
Dalkey Islands SPA (Site Code: 004172)	To restore the Favourable conservation condition of Roseate Tern, Common Tern and Arctic Tern in Dalkey Islands SPA	Approx. 9.64km	No direct/ indirect connectivity between the proposal this SPA.	No
South Dublin Bay SAC (Site Code: 000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC	Approx. 9.86km	No direct/ indirect connectivity between the proposal this SAC.	No
Glenasmole Valley SAC (Site Code: 001209)	To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites), Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) and Petrifying springs	Approx. 10.68km	No direct/ indirect connectivity between the proposal this SAC.	No

	with tufa formation (Cratoneurion) in Glenasmole Valley SAC			
Carriggower Bog SAC (Site Code: 000716)	To maintain the favourable conservation condition of Transition mires and quaking bogs in Carriggower Bog SAC	Approx. 11.38km	No direct/ indirect connectivity between the proposal and this SAC.	No
Murrough SPA (Site Code: 004186)	To maintain the Favourable conservation condition of Red-throated Diver, Wigeon, Teal, Black-headed Gull, Herring Gull, Little Tern, Wetland habitats as a resource for the regularly-occurring migratory waterbirds that utilise these areas in The Murrough SPA; and, to restore the Favourable conservation condition of Greylag Goose, Light-bellied Brent Goose, in The Murrough SPA	Approx. 13.15km	No direct/ indirect connectivity between the proposal and this SPA.	No
Murrough Wetlands SAC (Site Code: 002249)	To restore the favourable conservation condition of Annual vegetation of drift lines, Perennial vegetation of stony banks, Atlantic salt meadows (<i>Glauco Puccinellietalia maritima</i>), Mediterranean salt meadows (<i>Juncetalia maritimi</i>), Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> and Alkaline fens in The Murrough Wetlands SAC	Approx. 14.45km	No direct/ indirect connectivity between the proposal and this SAC.	No

<p>South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)</p>	<p>To maintain the favourable conservation condition of Light-bellied Brent Goose; Oystercatcher; Bar-tailed Godwit; Ringed Plover; Knot; Sanderling; Dunlin; Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; and, wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it in South Dublin Bay and River Tolka Estuary SPA.</p> <p>Grey Plover is proposed for removal from the list of Special Conservation Interests for South Dublin Bay and River Tolka Estuary SPA. As a result, a site-specific conservation objective has not been set for this species.</p>	<p>Approx. 12.6km</p>	<p>No direct/ indirect connectivity between the proposal and this SPA.</p>	<p>No</p>
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development is not located within a designated European Site but is in close proximity to Knocksink Wood SAC (Site Code: 000725) and Ballyman Glen SAC (Site Code: 000713) identified in *Step 2* above.

Having reviewed the context of the area and nature of the subject development, I consider that there is no potential for impacts on the QI habitats of the Wicklow Mountains SAC (Site Code: 002122); Wicklow Mountains SPA (Site Code: 004040); Bray Head SAC (Site Code: 000714); Rockabill to Dalkey Island SAC (Site Code: 003000); Glen of the Downs SAC (Site Code: 000719); South Dublin Bay SAC (Site Code: 000210); Glenasmole Valley SAC (Site Code: 001209); Carriggower Bog SAC (Site Code: 000716); Murrough SPA (Site Code: 004186); Murrough Wetlands SAC (Site Code: 002249); Dalkey Islands SPA (Site

Code: 004172); and, South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) as there is no pathway for connectivity.

I consider that there are potential direct/indirect impacts arising from the subject development through contamination/pollution of surface and/or ground waters.

Sources of impact and likely significant effects are detailed in the table below:

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Knocksink Wood SAC (Site Code: 000725)</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	<p>Direct: None</p> <p>Indirect: Deterioration of water quality from surface waters and ground waters from wastewater discharges.</p>	<p>The sloping topography of the appeal site give rise to a potential ecological connection/pathway to Knocksink Wood however, given the distance from receiving features connected to the SAC which is approximately 330 metres to the south of the site with no obvious drains, it is highly unlikely that the subject development would generate impacts of such a scale that it could affect the habitat quality in this SAC for the QIs listed.</p> <p>I note that information is limited on the surface water drainage and discharge on the site however, it does not appear from site observations that there are discharges to watercourses that have a hydrological link between the appeal site and this SAC.</p>
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	
	<p>I note that it is an objective to restore Petrifying springs with tufa formation (Cratoneurion) and Old sessile oak woods with Ilex and Blechnum in the</p>	

	<p>British Isles in this SAC. The site synopsis informs that this site contains a substantial area of potentially ancient woodland and that a notable feature of the wooded slopes are the frequent and extensive springs and seepage areas with tufa formation in places.</p> <p>Having regard to the nature and scale of the subject development along with the separation and hydrological routes in addition to dilution factors between the appeal site and this Natura 2000 site, I do not consider whether that the project may compromise the objective of restoration of the above named QIs or make restoration of same more difficult.</p>	
	Impacts	Effects
<p>Site 2: Ballyman Glen SAC (Site Code: 000713)</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>	<p>Direct: None</p> <p>Indirect: Deterioration of water quality from surface waters and ground waters from wastewater discharges.</p>	<p>The sloping topography of the appeal site give rise to a potential ecological connection/pathway to Knocksink Wood however, given the distance from receiving features connected to the SAC which is approximately 1.68km to the east of the site and downgradient with no obvious drains, it is highly unlikely that the subject development would generate impacts of such a scale that it could affect the habitat quality in this SAC for the QIs listed.</p> <p>No significant effects are likely to occur due to the separation between the appeal site and this European Site.</p> <p>The submitted information is limited on surface water drainage and discharge on the site however, it does not appear from site observations that there are discharges to watercourses that have a hydrological link between the appeal site and this SAC..</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
<p>I note that it is an objective to restore Petrifying springs with tufa formation (Cratoneurion) and Alkaline fens in this SAC. The site synopsis informs that this site contains a small strip of alkaline fen which is associated with petrifying spring/seepage areas. The presence of alkaline fen and petrifying spring/seepage areas is particularly notable as these habitats are listed (the latter with priority status) on Annex I of the E.U. Habitats Directive.</p>		

Having regard to the nature and scale of the subject development along with the separation and hydrological routes in addition to dilution factors between the appeal site and this Natura 2000 site, I do not consider whether that the project may compromise the objective of restoration of the above named QIs or make restoration of same more difficult.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the subject development (alone) would not result in likely significant effects on Knocksink Wood SAC and Ballyman Glen SAC. No mitigation measures are required to come to this conclusion.

It shall be noted that I have raised concern regarding the ability of the development to treat effluent and the lack of details in respect of stormwater collection/discharge. Outfalls from the site via drainage ditches are unclear, however there are no apparent surface connection to the SACs. In terms of discharges to ground water, I consider that impacts would likely be localised and of a low-scale with dilution and dispersal at sufficient distances from the respective sites.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this Appropriate Assessment screening, I conclude that the subject development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Knocksink Wood SAC and Ballyman Glen SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the subject works;
- Lower-scale potential for source impacts - notwithstanding the stated concerns in respect of the wastewater treatment and surface water drainage; and,
- The limited connectivity between the subject site and the nearest European Sites with no obvious hydrological link and associated distances, dispersal and dilution factors.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 4: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref.	PL-500613-WW-26	Townland, address	Highland View Lodge, Killegar, Enniskerry, Co. Wicklow
Description of project		The subject development comprises the retention of 7 no. self catering units for agri-tourism accommodation. The proposed upgrade of effluent treatment system; and, all associated site works.	
Brief site description, relevant to WFD Screening		<p>The appeal site is located at Highland View Lodge in the townland of Killegar in north County Wicklow. It is an established equine facility/farm with a site area of 4.75ha comprising a dwelling with granny flat, stables and sheds, paddocks and 7 no. self catering units for agri-tourism accommodation (which are subject to this appeal). The site boundaries contain a mix of hedgerows. The surrounding area is rural and in the open countryside and is defined as being within the North Eastern Valley/Glencree, an Area of Outstanding Natural Beauty. The character of the area is upland with an undulating topography primarily comprising modified grasslands in agricultural use.</p> <p>The appeal site is not located within a designated European Site but is in proximity to Knocksink Wood SAC (Site Code: 000725) which is approximately 330 metres to the south and Ballyman Glen SAC (Site Code: 000713) which is approximately 1.06km to the east.</p> <p>The bedrock aquifer category is stated as being Poor and has having a 'High Vulnerability' groundwater vulnerability in this area. The nearest watercourse is the Glencullen River which is approximately 340 metres to the south of the site. This river runs eastward before joining the Dargle and entering the sea at Bray. The Dargle_030 is some 1.06km to the east and downgradient of the site. The watercourse flows in a southeasterly direction before also outflowing into the sea at Bray.</p>	
Proposed surface water details		<p>According to Question 20 on the Application Form, Proposed Surface Water Disposal is ticked as 'Public Sewer/Drain'.</p> <p>No further details have been provided.</p>	

Proposed water supply source & available capacity	Existing well. The precise location has not been demonstrated by the applicants. The Planning Authority queried compliance with the Drinking Water Regulations 2023 and whether the well is constructed in accordance with the EPA Drinking Water Advice Note No. 14.
Proposed wastewater treatment system & available capacity, other issues	<p>The existing dwelling, granny flat and Cabin 6 are connected to an existing 8PE Eurotank and 60sq.m pumped discharge network. No changes or upgrades are proposed however it is acknowledged that the system is catering for a 12PE loading.</p> <p>The remaining cabins (Cabins 1-5) are connected to an existing septic tank system which is to be replaced with a new 28PE BAF treatment unit and sand polishing filter with an infiltration area.</p>
Others?	N/A

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	Approx. 330 metres to the south of site	Glencullen 10 IE_EA_10G0 20300	High	Not at Risk	Forestry	Yes – potential via surface water run-off owing to proximity and topography.
River Waterbody	Approx. 1.06km to the east of site	Dargle_030 IE_EA_10D0 10250	Good	Not at Risk	Urban Waste Water	Yes – potential via surface water run-off owing to proximity and topography.
Groundwater Waterbody	Underlying site	Wicklow	Good (Overall)	At Risk	Chemical, Chemical Quality Diminution for Salmonoid Waters and Historically polluted sites.	Yes – evidence of high water table.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Glencullen 10 IE_EA_10G0 20300	Existing - surface water pathway over land (sloping site and undulating terrain). New – storm water indicated as connecting to drain/sewer but no details have been provided. It is not clear if discharges exist towards watercourse. Two existing on-site	Water pollution: stormwater/ wastewater pollution.	None submitted with application but standard construction practices anticipated in respect of replacement wastewater treatment.	Yes - Potential for effluent migration (existing and proposed wastewater treatment systems) over land due to site conditions. Yes - No surface water drainage details have been provided and there is potential for effluent migration via storm drainage.	Screened in.

			wastewater treatment systems. With one system to be replaced.				
2.	Surface	Dargle_030 IE_EA_10D0 10250	As above.	As above.	As above.	As above.	Screened in.
3.	Ground	Wicklow	Potential pathway exists via the ground which has a high water table.	Reduction in groundwater quality	As above.	As above.	Screened in.
OPERATIONAL PHASE							
1.	Surface	Glencullen 10 IE_EA_10G0 20300	Via sloping lands and potentially existing drains on and adjacent to site which outflow towards this watercourse.	Potential transmission from inadequately treated waste water. Inadequate collection and disposal of storm drainage features.	None submitted with application but standard construction practices anticipated in respect of replacement wastewater treatment.	Yes - Potential for effluent migration (existing and proposed wastewater treatment systems) over land due to site conditions. Yes - No surface water drainage details have been provided and there is potential for effluent migration via storm drainage.	Screened in.

2.	Surface	Dargle_030 IE_EA_10D0 10250	As above	As above.	As above.	As above.	Screened in.
3.	Ground	Wicklow	Pathway exists via wastewater treatment	Reduction in groundwater quality from pollution or the failure of the treatment systems.	As above.	Yes - potential for effluent migration (existing and proposed wastewater treatment systems) due to site conditions and the high water table.	Screened in.
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

STAGE 2: ASSESSMENT						
Details of Mitigation Required to Comply with WFD Objectives						
Surface Water						
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	

			surface water chemical status	losses of priority substances	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Stormwater & Wastewater Drainage	Adequately designed surface water management to prevent pollution and control run-off to prevent pollution. Specific wastewater management measures to demonstrate site suitability for cumulative development to prevent pollution.	Adequately designed surface water management to prevent pollution and control run-off to prevent pollution. Specific wastewater management measures to demonstrate site suitability for cumulative development to prevent pollution.	N/A	N/A	No
Details of Mitigation Required to Comply with WFD Objectives					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the	<u>Objective 2: Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity		Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development

	deterioration of the status of all bodies of groundwater	abstraction and recharge, with the aim of achieving good status*		cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Stormwater & Wastewater Drainage	Adequately designed surface water management to prevent pollution and control run-off to prevent pollution. Specific wastewater management measures to demonstrate site suitability for cumulative development to prevent pollution.	Adequately designed surface water management to prevent pollution and control run-off to prevent pollution. Specific wastewater management measures to demonstrate site suitability for cumulative development to prevent pollution.	N/A	No

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