



An
Coimisiún
Pleanála

Commission Order
PL-500766-WW-26

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 2560555

Appeal by Robert and Natalie Eyre and by Charles and Coibhe Butler against the decision made on the 18th day of January 2026 by Wicklow County Council to grant subject to conditions a permission to Josephine Delahoyde in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The development will consist of a stud farm and private dressage stables which will generally comprise of the following: a new entrance and access road; two number stable blocks incorporating stores, tack rooms and toilets; breeding barn; outdoor and indoor arenas; canteen and staff facilities; a lunge / walker pen; sheds / buildings for hay, dung storage and waste management; a lorry shed; on site effluent treatment / disposal system; storm water management; associated site development works, car parking and services and other infrastructure / welfare provisions for the project, all at Ballymoat, Glenealy, County Wicklow.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the proposed development on existing agricultural lands within a rural area, the nature and scale of the works proposed, the pattern of development in the surrounding area and the provisions of the Wicklow County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions as set out below, the proposed development would be an appropriate land use in this rural area of open countryside and would not seriously injure the visual or residential amenity of the area, would not be prejudicial to public health or the environment and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Murrough Wetlands Special Area of Conservation (Site Code: 002249) and

the Murrough Special Protection Area (Site Code: 004186) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Murrough Wetlands SAC (Site Code: 002249) and the Murrough SPA (Site Code: 004186) in view of these sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (ii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the sites' Conservation Objectives

and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of October 2025, 24th day of November 2025 and as amended with the appeal response dated the 10th day of March 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European Sites.

3. (a) The buildings shall be used for equine use or agricultural purposes only. The buildings shall not be used for human habitation or any alternative commercial purposes other than a purpose incidental to the permitted use, whether or not such use might otherwise constitute exempted development.

- (b) The use of the equestrian facilities shall be restricted to equine related training/lessons activities to members of the public only and shall not be used for any commercial events, public shows, sales or auctions or other commercial uses without a prior grant of planning permission.
- (c) Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended), no development which is included in Class 6, Class 7 or Class 8 of Part III of Schedule 2 of the above mentioned Regulations shall be carried out unless permission for such development has been granted permission.

Reason: In the interest of orderly development, traffic safety and the amenities of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The vehicular access, including visibility splays, roadside drainage and verges, shall be constructed as per the details submitted with the appeal response received on the 10th day of March 2026 and shall comply fully with any requirements of the planning authority for such works which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of traffic safety.

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the Site Characterisation Report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the installation of the wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

7. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:
- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways,
 - (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank/system in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, as amended. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and
 - (c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2025, as amended, shall be strictly adhered to.

Reason: In the interest of environmental protection and public health.

8. The site shall be landscaped in accordance with the submitted landscaping scheme. All planting shall be carried out within the first planting season following the substantial completion of construction works and shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with

others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection and public health and safety.

10. The development shall comply with any requirements outlined in the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. number 588/2025) (as amended), including adequate storage requirements for soiled water and manures and spreading of agricultural manures and soiled water on lands.

Reason: In the interest of public health.

11. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive

91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

12. The recommendations contained in the Road Safety Audit report submitted with the planning application shall be implemented as part of the development. A schedule of works to be undertaken arising from the Road Safety Audit and a timescale for implementation shall be submitted for the written agreement of the planning authority prior to commencement of the development. A stage 3 road safety audit shall be carried out on completion of works and a copy of same shall be forwarded to the planning authority on completion.

Reason: In the interest of traffic safety.

13. During the operational phase of the proposed development the noise level shall not exceed
- (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and
 - (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

14. Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night). A lighting plan shall be submitted to and agreed with the planning authority for approval, prior to commencement of development.

Reason: In the interest of protecting the residential amenities of the area, biodiversity and the proper planning and development of the area.

15. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
- (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of the development or in such

phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Emer Maughan
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 23rd day of July 2026