



An
Bord
Pleanála

Inspector's Report ABP-307171-20

Development

The construction of an Equestrian Training Centre, including cross country all-weather tracks and jumps, car parking and sign, a small office / toilet facility with the toilet connected to previously granted wastewater treatment system (as granted 17/152 and 18/26), to be upgraded to facilitate the development and all associated site development works.

Location

Garryhill, Co. Carlow.

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

19433

Applicant(s)

Sian and Grahame Ball

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

P.J. and Catherine Smithers

Observer(s)

None.

Date of Site Inspection

12th August, 2020

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Garryhill, Co. Carlow, in the vicinity of Ballynakill Crossroads, approximately 6.7km east-southeast of Bagnelstown and 5.3km west of the village of Myshall, in an area that is typically rural in character and which is dominated by a rolling patchwork of agricultural fields interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings.
- 1.2. The site itself has a stated site area of 2.3582 hectares, is irregularly shaped, and presently comprises the entirety or part of a series of agricultural fields, several of which have been divided into enclosed paddocks for the grazing of horses. It forms part of a larger landholding within the applicant's ownership which includes a recently constructed single storey dwelling house located at the end of a long driveway / track that extends from a new access arrangement onto the public road to the west. The principle means of access to the site / landholding is via the new domestic driveway, however, the more southerly extent of the site area can also be accessed directly via an existing field gate. The subject site is generally bounded by open pasture / agricultural fields to the north, east and west, although it also retains frontage onto two public roads to the west and south. The wider landholding (including the southernmost extent of the application site) serves to enclose a third-party residence (that of the appellants) on three sides.

2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the construction of an equestrian training centre that includes the following:
 - An all-weather, cross-country 'canter-track' with associated jumps.
 - Access via the entrance arrangement previously approved under PA Ref. Nos. 17/152 & 18/26 and the provision of a new service laneway.
 - Car parking (suitable for horse boxes and trailers) and associated circulation / turning areas.

- The construction of a single storey office building with toilet facilities which will be connected to the wastewater treatment system previously approved under PA Ref. Nos. 17/152 & 18/26.
- The upgrading of the wastewater treatment system previously approved under PA Ref. Nos. 17/152 & 18/26 to facilitate the proposed equestrian centre.
- The erection of a free-standing sign at the site entrance.
- All associated site development works (including connection to a private well).

2.2. In response to a request for further information, it was indicated that the development would be used by both professional and amateur riders for training and leisure purposes with clients arriving at a pre-booked time and staying at the facility for 1 - 1.5 hours in total. There will be between 3 – 20 No. horses visiting the site per day (to be managed by way of the pre-booking system) with no overnight stabling / horse accommodation proposed. It is also envisaged that the facility will be open 09:00 – 19:00 hours during the summer and during daylight hours in the winter.

2.3. The proposal was subsequently amended in response to a request for clarification whereby a section of the ‘canter-track’ was repositioned southwards in order to increase the separation distance between it and the neighbouring dwelling house to the immediate north with a 2m high earthen berm and planting to be provided along part of the intervening perimeter site boundary. In addition, it is proposed to provide a wash-down area to the northeast of the office building which will comprise the construction of a 3m x 5m concrete pad dished to a silt trap at its centre which will discharge to a soakaway.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. Following the receipt of responses to requests for further information and subsequent clarification, on 14th April, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 20 No. conditions. These conditions are generally of a standardised format and relate to issues including landscaping, external finishes, drainage, effluent treatment, construction management, and development contributions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

An initial report detailed the site context, planning history, and the applicable policy considerations before stating that the overall principle of the proposed development was acceptable. It subsequently stated that further details were required as regards the nature, extent and operation of the proposed development, including the number of horses to be accommodated on site at any one time, the hours of operation, staff numbers, the provision of any stabling, the need for wash-down facilities, and waste disposal arrangements. It was also recommended that the applicant be requested to consider the potential impact of the development on the residential amenity of the existing dwelling house to the north of the proposed all-weather track and to consider setting back the track in tandem with the use of a planted berm to act as both a visual and noise barrier.

Following consideration of the applicant's response to a request for further information, a second report was prepared which stated that concerns remained as regards the potential negative impact of the proposed development on the residential amenity of the existing dwelling house to the immediate north of the all-weather track.

Upon the receipt of clarification of further information, which included an amended site layout plan that provided for the setting back of part of the all-weather track from the neighbouring dwelling house, a final report recommended a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

Water Services: Notes that the area in question is not served by water or wastewater services and that the proposed development will not impact on Irish Water assets. Accordingly, there is no objection to the proposed development.

Municipal District: An initial report recommended that further information be sought in relation to HGV turning movements at the site entrance and the provision of a site layout plan showing legible ground levels. It was also recommended that conditions be included in any grant of permission as regards surface water drainage and the prevention of any sand from the canter tracks being washed onto the public road.

Following the receipt of a response to a request for further information, a subsequent report stated that the Area Office had no further recommendations.

Transportation: States that the proposed development was reviewed from a roads and transport perspective having regard to the PA Ref. Nos. 17/152 & 18/26 with no issues identified. Furthermore, as the proposal will not materially alter the entrance arrangements previously approved under PA Ref. Nos. 17/152 & 18/26, it is considered that there is no roads-related reason to refuse the application and thus a grant of permission is recommended.

Environment: Recommends a grant of permission, subject to conditions.

Environment & Water Services: Recommends a grant of permission, subject to conditions.

Fire Authority: No objection, subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. *Irish Water:* No objection.

3.4. **Third Party Observations**

3.4.1. A total of 3 No. submissions were received from the appellants and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The proposed development will have a detrimental impact on the residential amenity of the objectors' property by reason of overlooking, loss of privacy, increased traffic movements, excessive noise levels, air pollution, infringement of the available views over the surrounding countryside, and general disturbance / nuisance etc.
- The devaluation of the objectors' property
- The elevated nature of the site / visual obtrusiveness
- The applicants already operate a similar business elsewhere which could be expanded as an alternative to the proposed development.
- The inadequacy of the surrounding road network to accommodate the increased traffic consequent on the proposed development.

4.0 Planning History

4.1. *On Site:*

4.1.1. PA Ref. No. 01/168 / ABP Ref. No. PL01.126753. Was refused on appeal on 19th July, 2002 refusing Michael O'Donovan permission for the erection of a dwelling house:

- It is considered that the proposed dwelling house located on an elevated site, would be visually obtrusive/dominant within the rural setting, would militate against the preservation of the rural environment and would seriously injure the visual amenities of the rural area. The proposed development would, therefore, be contrary to the proper planning and development of the area

4.1.2. PA Ref. No. 02/711 / ABP Ref. No. PL01.204181. Was refused on appeal on 19th January, 2004 refusing Michael O'Donovan permission for the construction of a bungalow with septic tank and percolation area:

- It is considered that the proposed dwelling house located on an elevated site, would be visually obtrusive and dominant within the rural setting, would militate against the preservation of the rural environment and would seriously injure the visual amenities of the rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.1.3. PA Ref. No. 05/628 / ABP Ref. No. PL01.215995. Was refused on appeal on 25th May, 2006 refusing Nuala Byrne permission for the construction of a dormer dwelling with velux windows, a septic tank with an intermittent filter system, detached garage, new entrance and all associated site works:

- It is considered that the proposed dwelling house located on an elevated site would be visually obtrusive and dominant within the rural setting, would militate against the preservation of the rural environment and would seriously injure the visual amenities of the rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.1.4. PA Ref. No. 17/152. Was granted on 3rd November, 2017 permitting Sian and Graham Ball permission for the construction of a new single storey 205m² dwelling, site entrance, on site wastewater treatment system and all associated site works.

4.1.5. PA Ref. No. 18/26. Was granted on 24th April, 2018 permitting Sian and Grahame Ball permission for a revised house location from that previously granted under PL17/152.

4.2. *On Adjacent Sites:*

4.2.1. PA Ref. No. 8507. Granted permission to Patrick J. Smithers for the erection of a bungalow with a septic tank at Garryhill, Co. Carlow.

4.2.2. PA Ref. No. 04/585. Was granted on 7th January, 2005 permitting Michael O'Donovan permission for the construction of a dwelling house, garage, septic tank or proprietary effluent treatment system whichever applicable, distribution box, percolation area and ancillary services and stable with haybarn at Garryhill, Co. Carlow.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. ***Carlow County Development Plan, 2015-2021:***

Chapter 2: Development Strategy:

Section 2.1: Strategic Goals (incl.):

- To sustain rural communities by supporting agriculture, rural based economic activity, promoting balanced development of rural settlements and maintaining a stable population base.
- Facilitate the provision of and improvements to social and recreational infrastructure and provide access to new and existing community facilities throughout the County for all its residents.

Section 2.2: Strategic Development Opportunities:

SDO4: Rural Economy:

Agriculture has traditionally been the mainstay of rural economies and while it has experienced major change in the past 30 years, it will continue to play an important role in County Carlow. However this sector is now more multifaceted than what it was previously with a number of new emerging non agricultural resource based dependent activities such as Agri food. Small scale artisan producers have also emerged in the County many of whom have developed alternative farm enterprises. The Agri- food industry in the County needs to increase its added value, diversify its markets and increase productivity to remain competitive in the current economic climate. Encouraging food production for local markets is an objective of this plan.

SDO6: Tourism

The benefits that tourism can bring to the County are very significant. A policy framework for sustainable tourism in the County will be developed focusing on the following three broad tourism assets that the County has to offer (incl.):

- Promote and encourage the development and growth of the equine industry in county Carlow and specifically tourism related projects such as riding schools, pony trekking and development of bridle paths.

SDO 7: Agri tourism:

Tourism is a major source of rural development. Nationally, the tourism industry contributes to the vitality and sustainability of a wide variety of local enterprises, particularly in rural areas. Tourism promotes an enhanced awareness and positive appreciation of local traditions and ways of life. The Council will endeavour to facilitate the development of tourist products in rural areas in order to contribute to the sustainable diversification of the rural economy.

Chapter 3: Economic Development:

Section 3.5: *Carlow Rural Development*

E.D.- Policy 6:

It is the policy of Carlow County Council to (incl.):

- Support and encourage the growth of the equine industry throughout County Carlow.

Chapter 8: Tourism, Recreation and Amenity:

Section 8.11.2: Outdoor Recreation in the Countryside:

The Council will normally permit development proposals for outdoor recreational use in the countryside where all the following criteria are met:

- It will not result in damage to sites of nature conservation importance or features of the archaeological and built heritage
- It will not result in the loss of the best and most versatile agricultural land
- It will not cause harm to the appearance and character of the local landscape and can be readily absorbed into its surroundings by taking advantage of existing vegetation and /or topography
- The amenity of the people living nearby or the enjoyment of other countryside users is not adversely affected by the nature, scale, extent, frequency or timing of the recreational activities proposed including any noise likely to be generated
- Any ancillary built development is small in scale, designed to a high standard and sympathetic to the surrounding environment in its siting, layout and landscape treatment
- Consideration is given to access to the proposed facility by means of transport other than the private car
- The local road network can safely handle the extra traffic the proposal would generate and satisfactory arrangements are provided for access, parking, drainage, litter and sewage.

Chapter 9: Natural and Built Heritage

Chapter 10: Environmental Management, Infrastructure and Water Services:

Section 10.1.6: *Agricultural Waste:*

This is the waste generated by agricultural activities and includes animal slurry, spent mushroom compost and straw. It must be disposed off in a safe manner to prevent pollution of ground waters and surface waters and to protect public health. The Nitrates Directive and the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2009 and 2010 are key statutory regulators in the disposal of agricultural waste.

Section 10.4.5: *Good Agricultural Practice for the Protection of Waters*

Chapter 11: Design and Development Standards:

Section 11.10.5: *Equine Developments:*

The equine industry is an established and growing industry throughout County Carlow in recent years. 14 stud farms are recorded in the county in the Irish Field Directory 2014, with 14 licensed trainers along with several breeders. At present, in County Carlow there are 2 riding clubs, 6 equestrian centres, 1 pony hunt club and 2 hunting clubs. The point to point racing was founded in County Carlow, when originally horses were raced between the steeples of two churches, i.e. point to point.

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface are all exempt from planning, subject to conditions. Accordingly, stud farms, sand-arenas, training arenas, all weather gallops, the uses associated with breaking and riding horses along with the training of horses i.e. thoroughbred and show-jumping horses, are all defined as agricultural activities thus do not require planning permission.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Ballymoor Esker Proposed Natural Heritage Area (Site Code: 000797), approximately 3.4km west-northwest of the site.

- The Blackstairs Mountains Proposed Natural Heritage Area (Site Code: 000770), approximately 5.0km southeast of the site.
- The Blackstairs Mountains Special Conservation Area (Site Code: 000770), approximately 5.0km southeast of the site.
- The River Barrow and River Nore Special Area of Conservation (Site Code: 002162), approximately 7.0km west-northwest of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The siting of cross-country all-weather tracks and jumps to the immediate rear of the appellants' property will have a detrimental impact on their residential amenity by reason of overlooking and a loss of privacy.
- The proposed development will result in the devaluation of the appellants' property.
- Part of the proposed gallop will be only 17m from the south-facing seating / dining area of the appellants' residence and will result in unacceptable levels of noise and disturbance.
- The proposed car park will be located on an elevated part of the site and will be clearly visible from within the sitting room of the appellants' dwelling house. It will also give rise to increased noise and pollution and will be visually obtrusive in this rural setting.

- The applicants already operate an identical business approximately 3 miles away which could be easily expanded as an alternative to the proposed development. Furthermore, no details of the existing operation were submitted with the application.
- The entrance lane to the proposed development will cut across the view of the countryside available from within the appellants' sitting room whilst passing horse boxes / rigid lorries will result in unacceptable levels of noise, dust and air pollution.
- The construction and operation of the proposed development will have an adverse impact on the biodiversity of the surrounding area.
- The proposed development will have a detrimental impact on the tranquillity of this rural area as well as the mental health of the appellants and their family.

6.2. Applicant Response

- The suggestion that the proposed development will intrude upon or overlook the rear yard of the appellants' property is rejected. In this regard, it should be noted that in response to the request for clarification (and following consultation with the Planning Authority), the proposed track was moved away from the appellants' property by a distance of c. 20m thereby providing for a separation of 45m. It is also proposed to undertake an extensive schedule of planting that will include the provision of a 2m high berm along the line marked 'A' on the submitted plans. All of these measures will serve to eliminate noise and to protect the appellants' privacy.
- It is not accepted that there will be any devaluation of the appellants' property consequent on the proposed development.
- The separation distance between the appellants' dwelling house and the proposed track has been increased to 45m. This will be further supplemented by the proposal to construct a 2m high planted berm.
- Contrary to the grounds of appeal, the parking area will be sited 85m from the appellants' dwelling house and will not be visible from that residence due to the existing and proposed landscaping arrangements. Furthermore, it should

be noted that the proposed car park will be located at a lower elevation than the neighbouring dwelling as evidenced from the land survey provided with PA Ref. No. 17/152.

- The applicants do not and have not owned any other property. Whilst they were previously leasing stables in Garryhill that arrangement has come to an end.
- The original grant of permission issued for PA Ref. No. 17/152 did not include for the proposed all-weather course. The applicants were subsequently awarded 'LEADER' funding in 2019 (subject to planning permission) and thus lodged the subject application accordingly.
- During the course of pre-planning discussions, the applicants were informed by the Planning Authority that the proposed development accorded with Section 11.10.5: '*Equine Development*' of the Development Plan.
- It is not accepted that the traffic movements between the site entrance / public road and the car park will give rise to any visual or noise impact, particularly in light of the existing / proposed landscaping arrangements. The closest part of the access road to the appellants' dwelling house is 45m distant and not 35m as has been suggested.
- It is the intention of the applicants to surface the access lane in the future and to provide further planting along the adjacent boundary.
- The substantial planting proposed will add to the biodiversity of the area.
- The proposed development is a low impact land use and there will be no stabling of visiting horses.
- On the basis that the application accords with the Development Plan, the length of the applicants' residency in their dwelling house is not a valid reason to object to the development.

6.3. **Planning Authority Response**

- The application site is in a rural area and the proposal is supported by the relevant policy provisions of the Carlow County Development Plan, 2015-2021 as regards rural and equine development.
- There are no protected views or scenic routes in the locality and the right to a view is not a planning consideration.
- The proximity of part of the all-weather track to the adjacent residential property was taken into consideration in the assessment of the application. The response to the request for clarification of further information, which included proposals for the relocation of a section of the track together with the provision of a landscaped berm, was deemed sufficient to mitigate against the potential for any negative impacts on the adjacent residential property i.e. in terms of noise and general disturbance arising from the use of the site.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Impact on residential amenity
- Visual impact
- Impact on biodiversity / wildlife considerations
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. The proposed development comprises the establishment of an equestrian training centre in an area of open countryside and involves the construction of a series of all-weather cross-country tracks and jumps (within the southernmost extent of the site area) in addition to various supporting site development works, including the provision of a small office / toilet building, a dedicated parking area for visitors & horse-boxes / transporters etc., a wash-down area, connection to existing site services, and the upgrading of the wastewater treatment system previously approved on site as part of PA Ref. No. 17/152 (as amended by PA Ref. No. 18/26) in order to facilitate the new development. It is envisaged that the facility will be used by both amateur and professional riders for training and leisure purposes with clients availing of pre-booked time slots of 1 - 1.5 hours and between 3 – 20 No. horses visiting the site per day. No overnight stabling is to be provided and the facility will be open between 09:00 – 19:00 hours in the summertime and during daylight hours in the winter.
- 7.2.2. In my opinion, the siting and development of facilities such as that proposed is both commonplace and acceptable in rural areas and amounts to an appropriate use of agricultural lands. Moreover, considerable support is lent to the growth of the equine industry by the Carlow County Development Plan, 2015-2021, with particular reference to Objective SDO6: *'Tourism'* which seeks to *'promote and encourage the development and growth of the equine industry in County Carlow and specifically tourism related projects such as riding schools, pony trekking and development of bridle paths'* in addition to Policy (ED) 6 which aims to *'support and encourage the growth of the equine industry throughout County Carlow'*. At this point, it is of also relevance to note that the definition of *"agriculture"* as set out in Section 2(1) of the Planning and Development Act, 2000, as amended, includes for the *'the training of horses and the rearing of bloodstock'* and that *"agricultural"* is to be construed accordingly.
- 7.2.3. Therefore, having regard to the nature of the development proposed, and as the subject site is located in a rural area where the predominant land use is agriculture, I am of the opinion that agriculturally-related developments such as that proposed are an inherent part of rural life and should generally be accommodated within such areas. Accordingly, in light of the foregoing, and having regard to the scale and the

intended use of the proposed development, I am of the opinion that the subject proposal is acceptable in principle at this location.

7.3. Impact on Residential Amenity:

- 7.3.1. Concerns have been raised that the proposed development will have a detrimental impact on the residential amenity and value of the appellants' dwelling house by reason of noise, dust, overlooking / loss of privacy, and general disturbance, with particular reference to the proximity of the all-weather track and jumps to the immediate south of their property.
- 7.3.2. In this regard, whilst I would accept that the proposed development could be interpreted as giving rise to an increased level of activity from within the confines of the application site, at the outset, I am inclined to reiterate my earlier comments that developments such as that proposed are an inherent part of rural living and that there would be a reasonable expectation that any such uses would be accommodated in the countryside with any impacts arising an accepted part of country life. This is not to diminish the potential for agricultural developments or similar such activities to detrimentally impact on the amenity of neighbouring properties, but is rather to place the subject proposal in context.
- 7.3.3. At present, the wider site area is set as improved grassland and is used as pasture with several enclosed paddocks having been created to accommodate the grazing of horses / bloodstock. The proposed development includes for the provision of a cross-country, all-weather canter-track within the southernmost part of the site area which will entail the laying of a perimeter gallop bisected by further tracks surfaced in compacted sand and fibres set over a non-woven geotextile membrane and 175mm of clean unbroken stone. The proposal also includes for a series of demountable fences / jumps throughout the course / track area. Notably, whilst the initial site layout provided for the canter track to pass directly alongside the site boundary shared with the appellants' property, in response to a request for clarification, and at the behest of the Planning Authority, revised proposals were subsequently submitted in an effort to mitigate any potential adverse impact on the residential amenity of that property by repositioning the relevant section of track further south away from the dwelling house / site boundary thereby increasing the available separation distance. This is to be supplemented by constructing a 2m high earthen berm along the shared

perimeter boundary which is to be planted with a mixture of indigenous scrubs thereby providing for further physical screening between the respective sites.

- 7.3.4. The development also includes for the construction of a small office / reception building with toilet facilities, a wash-down area, and a hard-standing area for the parking for horseboxes / transporters etc. towards the northern extent of the site which will be accessed via the existing site access / driveway serving the remainder of the applicant's landholding and their adjacent dwelling house. A new internal service track will extend southwards from the main accessway alongside the boundary ditch to connect the aforementioned facilities with the all-weather track / gallop. The positioning of this internal track achieves a separation of approximately 60m from the appellants' property whilst the proposal to plant beech hedging along its southern and western outer edges will serve to screen views of the on-site activities e.g. passing riders and vehicles etc.
- 7.3.5. Having conducted a site inspection, and following a review of the available information, I am not of the opinion that the proposed development will unduly impact on the residential amenity of the appellants' property by reason of noise, dust, overlooking or general disturbance etc. In this respect, it should also be noted that the proposed development is an acceptable practice within a rural area and that such activities are an inherent part of rural living. Moreover, in light of the limited scale and nature of the activities proposed, the separation distances available, the screening measures proposed, with particular reference to the amended positioning of the gallop / track and the erection of a planted berm to supplement the existing mature planting along the site boundary shared with the appellants' property, and the extent of screening already offered by the existing cypress / leylandii trees which enclose much of the perimeter of the appellant's residence, I am satisfied that the proposed development will not unduly detract from the residential amenity of that neighbouring property.
- 7.3.6. With regard to the suggestion that the proposed development will have a detrimental impact on the residential amenity of the appellants' dwelling house by reason of the obstruction (in part) of views over the surrounding countryside that may presently be available from that property, it is of the utmost relevance to note that any such views are not of public interest nor are they expressly identified as views worthy of preservation in the relevant Development Plan. They are essentially views enjoyed

by a private individual from private property. A private individual does not have a right to a view and whilst a particular view from a property is desirable, it is not definitive nor is it a legal entitlement and, therefore, I am of the opinion that the proposed development would not seriously injure the amenities of property in the vicinity simply by interfering with its views of the surrounding area.

7.4. Visual Impact:

- 7.4.1. In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the subject site is located within a typically rural area characterised by a rolling patchwork of agricultural fields interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings. Furthermore, it is not subject to any specific amenity designation nor is it overtly visible from any scenic route or viewpoint listed for preservation in the Development Plan.
- 7.4.2. Therefore, given the limited scale and nature of the proposed development, the capacity and topography of the receiving environment, and the presence of intervening features such as field boundaries etc., it is my opinion the subject proposal can be satisfactorily assimilated without detriment to the visual amenity or landscape character of the surrounding rural area.
- 7.4.3. Whilst I would accept that there will be a localised visual impact this is not of such significance as to warrant a refusal of permission.

7.5. Impact on Biodiversity / Wildlife Considerations:

- 7.5.1. With regard to the suggestion that the construction and operation of the proposed development will have an adverse impact on the biodiversity of the surrounding area, I am unconvinced by the merits of such an argument. The subject site is predominantly characterised by existing access tracks and improved agricultural grassland which are both of low ecological value whilst any removal of hedgerow will be limited in extent and will be compensated in large part by the landscaping proposals outlined on Drg. No. J626-PL02-001: '*Landscape Layout – Prelim Design*' received by the Planning Authority on 20th March, 2020, including the planted earthen berm to be erected along the site boundary shared with the appellants' property and the beech hedging to be provided alongside the access tracks.

7.5.2. Therefore, given the limited ecological value of the lands in question, the relatively low impact nature of the works themselves, the nature and scale of the use proposed, and subject to the implementation of best practice construction management measures, I am satisfied that the subject proposal is permissible in this instance.

7.6. **Appropriate Assessment:**

7.6.1. Having regard to the nature and scale of the development under consideration, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below:

9.0 **Reasons and Considerations**

9.1. Having regard to the nature, scale and form of the proposed development, the rural location of the site within an area of primarily agricultural use, the policies and objectives in support of the rural economy, including tourism, agri-tourism, outdoor recreation in the countryside, and the equine industry, as set out in the Carlow County Development Plan, 2015-2021, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 6th day of February, 2020 and the 20th day of March, 2020 and by the further plans and particulars received by An Bord Pleanála on the 3rd day of June, 2020, 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. Use of the cross-country all-weather tracks and jumps shall not commence until the earthen berm and planting shown on Drg. No. J626-PL02-001: 'Landscape Layout – Prelim Design' received on 20th March, 2020 has been completed to the written satisfaction of the Planning Authority.

Reason: In the interest of residential amenity.

3. The landscaping scheme shown on Drg. No. J626-PL02-001: 'Landscape Layout – Prelim Design' submitted to the planning authority on the 20th day of March, 2020, as supplemented by the landscaping details received by An Bord Pleanála on the 3rd day of June, 2020, shall be carried out within the first planting season following substantial completion of external construction works. All planting 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.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

5. Prior to commencement of development, details of the proposed signage shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual amenity.

6. All service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

8.

- a) The effluent treatment and disposal system to be upgraded as part of the proposed development shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 31st day of October, 2019, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- b) Within three months of the first operation of the equestrian training centre, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and

commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, measures to control dust and dirt on the public road, provision of parking for all construction traffic and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. 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 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 Bord 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.

Robert Speer
Planning Inspector

17th August, 2020