



An
Bord
Pleanála

Inspector's Report ABP-312851-22

Development

House, a entrance driveway and avenue, a single storey stable block with concrete yard, septic tank and percolation area, ground water well and site development works. A Natura Impact Statement (NIS) was received as part of the response to request for further information.

Location

Barkers Road, Carrigduff, Bunclody, Co Carlow.

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

2142

Applicant(s)

Sinead Tobin and Edgar Allen

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

David Rothwell

Observer(s)

None

Date of Site Inspection

16th March 2023

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located in a rural area c. 1 km to the west of the town of Bunclody, Co. Wexford. The site is located on the Columban way walking route from the town of Bunclody to the official start of the walk at Mount Leinster. The Blackstairs Mountains and Mount Leinster are located along this route to the east of the site and Barkers Road (L2026) is an important designated scenic route to the scenic uplands at this location. There are signposts from the town of Bunclody indicating tourist information relating to the Mount Leinster Heritage Drive.
- 1.2. The site is located in the townland of Carrickduff, Bunclody and consists of lands with a stated area of c. 7 hectares. I note that additional lands were purchased during the course of the application and the overall landholding now consists of c. 10.5 hectares. There are no neighbouring dwellings on the same side of the road but there is a ribbon of 7 No. dwellings on the other side of the road in close proximity to the site.
- 1.3. A recorded monument site is located within the confines of the proposed development (CW021-004). This comprises of a distinctive curve in the western field boundary marking the edge of possibly a circular monument or a landscape feature connected with Carrickduff Castle.

2.0 Proposed Development

- 2.1. The proposed development comprises a proposal for a two storey dwelling (stated area of 309m²), a stable block (stated area of 297m²) with concrete yard, wastewater treatment plant, bored well, and all associated site works.
- 2.2. Further information was submitted to the Planning Authority dated the 9th of November 2021 which provided for the following:
 - Natura Impact Statement
 - Details in relation to stables, horses and farm waste and effluent storage.
 - Details in relation to future N80 bypass and correspondence from TII

- Geophysical survey and revised site layout to provide for a greater separation distance of 38m from recorded monument.
- Revised house design and gate design.
- Tree survey report and landscaping proposals.
- Details in relation to purchase of additional lands at this location together with details of sale of house at Coolattin. It is stated that the applicants are now living in rented accommodation.
- Details in relation to local need.
- Details in relation to horse breeding and sheep farming.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission granted subject to 19 No. conditions. Noteworthy conditions include the following:

- Condition 4 related to Archaeology.
- Condition 5 required the mitigation measures outlined in the Natura Impact Statement and the Further Information Response to be implemented in full.
- Condition 6 related to noise and vibration and dust during construction.

All other conditions are standard for a development of this type.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial planner's report dated the 8th of April 2021 outlines that the site fronts onto the Mount Leinster Heritage Drive and the site was previously zoned for low density residential development under the Carrigduff Local Area Plan 2009 (now expired). Considered that Development Plan did not require applicants to comply with housing need having regard to location of site within

former LAP settlement. Further Information required in relation to a number of issues. A second report dated the 25th of January 2022 considered that all items had been addressed to the satisfaction of the Planning Authority and recommended permission subject to conditions.

3.2.2. Other Technical Reports

Fire Officer: No objection.

Environment: Further Information Required in relation to stables. A second report following receipt of the Further Information response considered that the response was satisfactory and recommended permission subject to conditions.

Environment: No objection to wastewater treatment plant subject to conditions.

Environment: Following receipt of the NIS, a report from a Senior Engineer dated the 25th of January 2022 is satisfied that subject to the implementation of the mitigation measures outlined in Section 8, there would be no potential significant impacts on the Natura 2000 Network as a result of the proposed development and mitigation measures by itself or in combination with other developments.

Transport: No issues with sightlines or condition of the road. Development will impact on indicative road lines for a proposed Bunclody bypass from a previous local area plan for the area. Recommends referral to TII for observations. A second report following receipt of the Further Information Response considered that there is no preferred route identified or finalised for the N80 Bunclody bypass and there is no roads related reason to refuse permission.

3.3. Prescribed Bodies

Irish Water: No objection.

An Taisce: Note that the site is c. 400m from the River Clody and the Slaney River Valley SAC. Any hydrological connections between the site and the SAC should be identified and the site should be screened for Appropriate Assessment.

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media: Notes recorded monument CW021-004 and recommends that an Archaeological

Assessment is carried out as Further Information. Second report following receipt of Further Information response recommends permission subject to conditions.

Transport Infrastructure Ireland: No objection subject to conditions.

3.4. Third Party Observations

- 3.4.1. One observation was submitted to the Planning Authority. The main concerns raised reflect those in the appeal.

4.0 Planning History

- 4.1.1. Relevant planning history includes the following:

PA Reg. Ref. 15/223/ ABP Ref. PL 245772

Permission granted by the Planning Authority for dwelling, garage, septic tanks and percolation at this location. Refused on appeal to the Board for three reasons having regard to core strategy and haphazard and random development, rural housing policy, and removal of trees and hedgerow and impact on the visual amenities of the area.

PA Reg. Ref. 14/128

Permission refused for dwelling house and portal steel frame shed for parking of agricultural tractor together with septic tank and percolation area and associated site works.

PA Reg. Ref. 10/284

Permission refused for 20 services sites with connection to all existing services.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018)
- Sustainable Rural Housing Guidelines for Planning Authorities (2005)

5.2. Development Plan

5.2.1. The Carlow County Development Plan 2022-2028 is the relevant Development Plan for the area. The County Development Plan sets out a core strategy in Chapter 2. Carrickduff is designated as a small town.

- It is policy under CSP.10 to promote consolidation coupled with targeted housing and investment policies in small towns.
- It is a policy under CSP.11 to co-operate with Wexford County Council in planning for sustainable development in Bunclody- Carrickduff.
- Section 3.16 sets out the policy for Single Housing in the Countryside. This site is located in a Rural Area under Urban Influence as set out in Section 3.16.1 Rural Area Types.
- Having regard to:
 - The viability of smaller towns and rural settlements in County Carlow; and,
 - The need to protect the County's key economic, environmental, natural resources and heritage assets, such as important landscapes, habitats and built heritage, water quality, and the public road network,
 - The Council shall consider a single house in the countryside for the permanent occupation of an applicant in Rural Areas Under Urban Influence where compliance with the criteria listed for Category 1 or Category 2 can be demonstrated as detailed in Table 3.5.
- Chapter 13: Rural Design Guide
- Chapter 14: Rural Development- Section 14.8.1 Equine Industry.
- Chapter 15: Carrickduff Land Use Zoning Map- the site is not located on zoned lands.
- Carlow County Landscape Character Assessment- Site is located in Mount Leinster/ Blackstairs Landscape Character Area.
- Table 9.4- View 10 L2026- Site is located on a designated scenic route on the Mount Leinster Drive.

- Chapter 16: Development Management Standards.

5.3. Natural Heritage Designations

- Slaney River Valley SAC (Site Code 000781) c. 100m to north.
- John's Hill pNHA (Site Code 000808) c. 1.8km to north west.
- Blackstairs Mountains SAC (Site Code 000770) c. 3.8km to south west.
- River Barrow and River Nore SAC c. 10.6km to south west.

5.4. EIA Screening

- 5.4.1. The proposal is for a new dwelling, to be served by an on-site wastewater treatment system together with an equine business. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and proximity to 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

- 6.1.1. The grounds of appeal can be summarised as follows:
- The applicant does not comply with the rural housing policy and has previously owned a house/ houses in the area.
 - The Board could reasonably ask for a property search by a solicitor in this regard.
 - The design of the dwelling is inappropriate.
 - The loss of mature trees and hedgerows is inappropriate.

- Concerns in relation to impact on Slaney River Valley SAC.
- Concerns in relation to archaeology
- Concerns in relation to future N80 bypass route.

6.2. Applicant Response

6.2.1. The response submitted on behalf of the applicants can be summarised as follows:

- While the description of the proposed development reads like a single dwelling with stables, the details submitted with the application clearly indicate that the purpose of the stables is to accommodate an Equine Bloodstock business which will contribute to the rural economy.
- The applicant complies with the policies set out in Section 14.8.1 in relation to the Equine Industry.
- The previous planning decision on this site has no relevance to this application.
- Both the 2009 Carrickduff Local Area Plan and the National Secondary Roads Needs Study are outdated.
- Thoroughbred horse breeding and sales account for 70% of the applicants income.
- Edgar has a herd number issued by the Department of Agriculture.
- Currently the horses the applicants own are in different training yards and they are registered to those yards.
- The proposed development involved 8 paddocks and a stable block of c. 300m².

6.3. Planning Authority Response

6.3.1. The response submitted by the Planning Authority can be summarised as follows:

- The proposal was assessed against the provisions of the Carlow County Development Plan 2015-2021 and the Planning Authority is of the view that the proposed development is in accordance with this plan.

- The overall principle of development is acceptable given the location of the site within the development boundary of the previous Carrigduff LAP 2009 (now expired) which is used for planning guidance under Section 2.5.4 of the County Development Plan 2015-2021.
- It is not considered that the proposed development will adversely impact on any future provision of a bypass route for Bunclody. There is no such indicative bypass route shown in the Draft Carlow County Development Plan 2020-2028 for Carrickduff (Section 15.3.6). The referral response from Transport Infrastructure Ireland (TII) dated 01/12/21 had no observations to make.
- The Planning Authority does not consider that the proposed development will impact on the existing residential or visual amenities of the area.

6.4. Observations

- None.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be summarised as follows:

- Rural Housing Policy
- Visual Impact
- Other Matters
- Appropriate Assessment

7.2. Rural Housing Policy

7.2.1. The Carlow County Council Development Plan 2022-2028 came into effect on 4th of July 2022. I note that the Planning Authority's assessment of this application was

undertaken under the previous Carlow County Development Plan 2015-2021. I assess hereunder the application against the operative Development Plan.

- 7.2.2. The proposed development site is located in a rural area of County Carlow, which is classified in the Development Plan under Map 3.2 as being within 'Rural Housing Policy Zone 1- Rural Areas Under Urban Influence.' The nearest settlement is Carrickduff which is identified by the plan as a 'Smaller Town' in the Settlement Hierarchy of which is facing demographic challenges with a declining population. This site was previously zoned for 'Low Density Residential' under the expired Carrickduff Local Area Plan 2009. Section 1.31 of the Wexford County Development Plan in relation to Bunclody designates Bunclody as a Level 3 (a) Service Settlement. Land Use Zoning and Objectives Maps for the small town of Carrickduff are included in Chapter 15 of the Development Plan and I can confirm that the site is no longer located on zoned land.
- 7.2.3. A number of concerns have been raised in the third party appeal in relation to the rural housing policy. The main concerns raised are that the Board previously refused permission on this site, that the applicant does not have a housing need as he has previously built and sold multiple houses including a house in Coolattin which was occupied by the applicants and sold during the course of the application. Concern is also expressed in Section 1.2.2 of the appeal that 'all references to the keeping of horses and pedigree sheep are designed to portray that this proposal is for more than a rural house.'
- 7.2.4. I note that both the appeal and the response to the appeal are very detailed and I refer the Board to the full text of this documentation. In sum, the appellant considers that the applicant does not comply with the rural housing policy and the applicant considers that the rural housing policy does not apply as the proposal is for an equine business rather than simply a rural house.
- 7.2.5. Having read the documentation submitted, I consider that what is proposed is of substantial scale in terms of a new equine business with proposals for 8 paddocks and a stable block of c.300m². I consider that if this proposal is examined under the rural housing policy, the applicants do not comply having regard to the location of the site in a location under urban influence in accordance with the rural area types set out in Section 3.16.1 of the plan and the policy which requires that applicants do not

or have not previously been granted a house in the countryside in County Carlow. I note that the Planning Authority assessed the application under the previous plan and noted that the development was located within the boundaries of the expired LAP for Carrickduff. It is stated that the current Carlow Development Plan 2015-2021 does not require applicants for new development inside the boundaries of former LAP settlements to require a housing need. It is clear that both the Carrickduff and previous Carow County Development Plans have expired and the site is located on unzoned lands in a rural area.

- 7.2.6. I note that various information has been submitted in relation to the proposed equine business including a personal statement attached to the appeal in relation to substantial involvement and income from the equine industry, a letter from the Irish Thoroughbred Breeders Association with a reference in relation to the applicant's involvement in the industry, a letter from the previous landowner, and a letter from a veterinary surgeon at Kedrah House Stud. I note that the rural housing documentation indicates that the applicant's currently own 6 thoroughbred horses, and are involved part time in equine and pedigree sheep farming.
- 7.2.7. Nevertheless, I have serious concerns in relation to the location of the site and the impact of development on the rural character of the area. The site is removed from the village of Bunclody in an area that was previously zoned for low density residential development. Notwithstanding this, I note that there is minimal development on this side of the road at this location and the area is very rural in character and on a designed scenic route.
- 7.2.8. I note that it is the policy of the Council under RH. P7 to control the level of piecemeal and haphazard development in rural areas close to towns, villages, and rural settlements having regard to potential impacts on:
- 7.2.9. (i) The orderly and efficient development of newly developing area on the edges of towns and villages; and (ii) The future provision of infrastructure such as roads and electricity lines etc.
- 7.2.10. I also note that it is the policy of the Council as set out in EQ.P2 to 'ensure that equine developments are located on suitable and viable landholdings and are subject to normal planning and design considerations. Whilst I accept that what is

proposed at this location is a new equine business, to permit such development at this location would be contrary to the Council's policies as set out above.

7.3. Visual Impact

- 7.3.1. The site is located in the Mount Leinster/ Blackstairs Character Area which is situated on the eastern side of County Carlow along the border with County Wexford. In terms of natural attributes and scenery, this character area is the most important in the County and as such is highly sensitive to change. The Columban Way is located along the front of the site and this route also forms part of the Mount Leinster Drive. I note that the site is located on Scenic Route No.10 as identified in Table 9.4 Schedule of Scenic Routes.
- 7.3.2. The main concerns raised in relation to visual amenity relate to the removal of existing trees and hedgerow to the front of the site, and the design of the dwelling and entrance. I refer the Board to the photographs of views south westwards and north eastwards of the site submitted by the applicant in response to the Further information Request.
- 7.3.3. I share the concerns raised in relation to the removal of trees and hedgerow to facilitate the proposed development. I note that in total 7 trees will be removed including 2 on the roadside boundary and 5 along boundary G-H as identified in the Tree Survey submitted in response to the further information request. I consider that this will fundamentally and negatively impact on the character of this rural area.
- 7.3.4. In terms of the house design, whilst I note that the overall height and scale were reduced in the response to Further Information, I consider that the design proposed is excessive in scale and design and of a suburban style which is out of character with this rural area. I note that it is significantly removed from the road (c.135m) but nevertheless, I consider that the design is inappropriate for this location where development on this side of the road is sparse and the main features of the area are mature trees and hedgerow.
- 7.3.5. Section 13.4.8 of the Development Plan relates to entrances and requires that the appearance of entrances shall be modest and suitable to the rural context. I refer the Board to the photomontage of the proposed entrance gates and piers together to the

modifications to the entrance design submitted in response to the Further Information Request. I consider the modifications to be minor in terms of reducing the impact of the proposed entrance on this scenic rural area. I consider that the proposed entrance is very wide, large, and oppressive and is out of character with the rural context of the site and would visually dominate the surrounding area. It would be possible to design a more subtle entrance at this location in my view. This could be achieved by using appropriate landscaping and minimal structures such as piers and gates only so that the impact on the roadside boundary and rural character of the area was reduced.

- 7.3.6. It is a policy objective under LA. P1 and LA. P2 to protect and maintain the overall integrity of the County's landscape and ensure that development will not have a disproportionate visual impact in sensitive areas of the county. I have concerns in relation to the design and scale of both the proposed dwelling and entrance gates, together with the removal of mature trees and hedgerow and consider that the site is extremely sensitive to change. I note that this side of the road is relatively undeveloped at present and consider that the proposed development would set a poor precedent for further similar development at this location. In my opinion, the proposed development have a significant adverse effect on the character and appearance of this rural area as viewed from the this designated scenic route (No. 10 Development Plan) It is my opinion that the proposed development would have an overall adverse impact on the rural and on the visual qualities of the area and would be contrary to Development Plan policies which seek to protect the integrity of the County's landscape and the visual amities of the area.

7.4. Other Matters

Roads Objectives

- 7.4.1. Concern is raised in the appeal that the indicative route of a future N80 bypass route traverses the site. This matter was raised in item 1 of the Further Information Request and no route options have been identified for this bypass in current plans for the area. As such, the Planning Authority were satisfied to grant permission. I also note the response to the appeal by the Planning Authority which states that there is no such proposed indicative by pass route in current plans and the response

received from Transport Infrastructure Ireland had no observations to make on the application. As such, I concur with the Planning Authority that the proposal is not contrary to roads objectives in current plans.

Archaeology

- 7.4.2. Concern is raised in the third part appeal regarding the impact on archaeology. I note that a geophysical survey was carried out in response to the Further Information Request. In response to same, the distance between the proposed dwelling and the recorded monument (CW021-004) was increased from 25m to 38m and a revised site layout was submitted in this regard.
- 7.4.3. A report from the Department of Housing, Local Government and Heritage noted the response to the Further Information request and considered that a 50m buffer zone had been established. Permission was recommended subject to a number of conditions. I am satisfied that should the Board be minded to grant permission, the impact on archaeology can be addressed by the inclusion of similar conditions attached to the report of the National Monuments Service.

7.5. Appropriate Assessment

Appropriate Assessment Stage 1 – Screening

- 7.5.1. The project was subject to Appropriate Assessment (AA) screening and I have examined the Stage 1- Appropriate Assessment Screening Report and Natura Impact Statement submitted dated the 9th day of November 2021 in the Further Information Response. Three European sites are located within a 15km radius of the application site and their location relative to the site is listed in Table 1 below.

European site name and code	Location relative to the site
Slaney River Valley SAC 000781	100m to the north
Blackstairs Mountains SAC 000770	3.8km to the south-west
River Barrow and River Nore SAC 002162	10.6km to the south-west

Table 1 – European sites within the zone of influence of the site

7.5.2. I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

7.5.3. I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site and I have therefore excluded them from the remainder of this AA screening:

- Blackstairs Mountains SAC (there is a hydrological link in this case, however the SAC is located upstream with a considerable topographical distance between the proposed development site and the SAC). Furthermore, the development site does not contain the habitats or qualifying interests associated with this SAC.
- River Barrow and River Nore SAC

7.5.4. In relation to consideration of the Slaney River Valley SAC (Site Code 000781), a hydrological pathway exists between this site and the application site via the surface water drainage network. I note that the Barker Stream and River Clody are located approximately 190m north and 380m east of the development site. Given the source-pathway-receptor link between the two, I would agree as is submitted that there is potential for negative impacts on water quality within the Slaney River Valley SAC to arise from construction activities. As such the water quality of this site remains vulnerable to potential indirect effects resulting in a reduction in water quality within the SAC and by consequence, the potential for significant effects on otter and Annex II fish species and cannot be screened out. There is also potential for significant impacts on habitats including floating river vegetation and old oak woodlands. Therefore this site requires further consideration at Appropriate Assessment – Stage 2.

7.6. Appropriate Assessment Stage 1 – Screening Conclusion

7.6.1. Potential for significant effects on the Slaney River Valley SAC (Site Code 000781), noting the site's conservation objectives cannot be screened out for the reasons outlined above. Accordingly, a Stage 2 Appropriate Assessment is required to

determine the potential of the proposed development to adversely affect the integrity of this site. It is reasonable to conclude on the basis of information on the file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European sites:-

- Blackstairs Mountains SAC (Site Code 000770)
- River Barrow and River Nore SAC (Site Code 002162)

or any other sites in view of their Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required in respect of these sites.

7.7. Appropriate Assessment – Stage 2

- 7.7.1. The conservation objectives of the Slaney River Valley SAC (Site Code 000781), are to maintain or restore the favourable conservation condition of Annex I Habitats and Annex 2 species for which the SAC has been selected. Table 2.

Table 2 – Qualifying Interests/ Conservation Objectives of the Slaney River Valley SAC (Site Code 000781)

Species Code	Qualifying Interests/ Conservation Objectives
	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:
1130	Estuaries
1140	Tidal Mudflats and Sandflats
1330	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)
1410	Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
3260	Floating River Vegetation
91A0	Old Oak Woodlands
91E0	Alluvial Forests*

1029	Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)
1095	Sea Lamprey (<i>Petromyzon marinus</i>)
1096	Brook Lamprey (<i>Lampetra planeri</i>)
1099	River Lamprey (<i>Lampetra fluviatilis</i>)
1103	Twaite Shad (<i>Alosa fallax</i>)
1106	Atlantic Salmon (<i>Salmo salar</i>)
1355	Otter (<i>Lutra lutra</i>)
1365	Common (Harbour) Seal (<i>Phoca vitulina</i>)

- 7.7.2. Section 7 of the NIS describes the following potential effects on the SAC, with regard to the attributes and targets provided in the Site Specific Conservation Objectives (SSCOs) for the relevant Qualifying Interests (QIs) of the SAC.
- 7.7.3. The proposed development has the potential to impact upon the qualifying interests of the Slaney River Valley SAC due to a potential deterioration in water quality during the construction phase. During construction works, there is potential for water quality deterioration through the release of suspended solids during soil disturbance works. Suspended solids could become entrained in surface water run-off and could affect aquatic qualifying interests through deposition.
- 7.7.4. Sea lamprey, brook and river lamprey are recorded in the area. They may be affected by sediment or polluted run-off arising from the proposed works.
- 7.7.5. Salmon, particularly juveniles and spawning beds are sensitive to sedimentation and water pollution. The conservation status of salmon in the River Slaney and its tributaries is dependent on good water quality status, as this species requires clean water for spawning and early life stages. Therefore, there is potential for the proposed development to have an impact on this qualifying interest due to a potential deterioration in water quality during construction works.
- 7.7.6. The proposed development is located within the current known distribution and favourable reference range of Otter. Otter is widespread in the Slaney River Valley SAC and have been recorded c. 1.5km from the site. A significant impact on water

quality could indirectly impact on this qualifying interest by causing a reduction in prey populations and availability.

7.7.7. The proposed development is located within the current known distribution and favourable reference range of freshwater pearl mussel. Freshwater pearl mussel are sensitive to sedimentation and nutrient enrichment. Furthermore, as the larval stages rely on salmonid fish hosts, any potential impact on salmonids can have an impact on freshwater pearl mussel. Whilst there is no evidence of populations of freshwater pearl mussels exist in the vicinity of the site, there is a possibility that freshwater pearl mussels exist in the vicinity of the site or downstream of the site. Therefore, precautionary protective measures would need to be undertaken during construction works and operational waste management procedures implemented.

7.7.8. The proposed development is located within the current known distribution and favourable reference range of floating river vegetation and old oak woodlands. There is potential for the proposed development to have a potential interest on these qualifying interests due to a potential deterioration in water quality.

7.7.9. In the absence of mitigation measures the potential exists for effects to some of the key species of the Slaney River Valley SAC.

7.8. Mitigation Measures

7.8.1. Measures used to prevent and/or avoid impact have been set out in Section 8 of the NIS. The mitigation measures include the following:

- Daily visual inspections of the site access road to ensure no silt-laden run-off leaves the site.
- Installation of silt mats and silt fencing and daily inspection of same.
- If woody scrub vegetation is cut, it should be undertaken during the Autumn period to avoid impacting on spawning of salmonids, breeding birds etc.
- Where possible, spoil would be covered or graded to avoid ponding or water saturation.
- A designated area of the storage of hydrocarbons.
- Pumping operations must be supervised at all times.
- All construction plant and machinery must be maintained in good order.

- Spill kits would be readily available on site and staff trained in spillage control.
- Refuelling of plant at designated refuelling stations.
- Use of appropriate spill control equipment.
- Reuse of excavated material on site.
- Timing of earthworks and landscaping to avoid periods of heavy rainfall.

7.9. Overall, I am satisfied that, subject to the adoption of mitigation measures referenced in the NIS, and identified above, the proposed development would not adversely affect the integrity of the aforementioned European designated sites, having regard to the conservation objectives for the site as set out above and no reasonable scientific doubt remains in the absence of such adverse effects on the site as a result of the proposed development.

In-combination effects

7.10. The potential of in combination effects were considered in Section 9.0 of the NIS. There are no significant effects from this site and therefore a significant contribution to cumulative or in combination effects are not anticipated.

7.11. I am satisfied that the current site would not act in combination with any other projects such as to result in any significant effects on the Slaney River Valley SAC or any of the qualifying features for which the site is designated, having regard to its conservation objectives.

Appropriate Assessment – Stage 2 Conclusion

7.12. On the basis of the information provided with the application, including the Natura Impact Statement which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, the submissions received and the assessment carried out above, I am satisfied that the proposed development, individually or in combination with other plan or projects would not adversely affect the integrity of the European Sites: Slaney River Valley SAC (Site Code or any other European site, in view of the sites' Conservation Objectives.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. It is the policy of the Planning Authority as set out in policy RE.P7 to control the level of piecemeal and haphazard development in rural areas close to towns, villages and rural settlements as set out in the current Development Plan. This policy is considered to be reasonable. It is considered that the proposed development would result in the piecemeal development of lands at a distance from and having poor connectivity with the urban area, would constitute random and haphazard development in an unzoned, unserviced rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale and design of proposed dwelling and entrance gates, together with the extent of mature trees and hedgerow removal that would be required to facilitate the proposed development, it is considered that the proposed development would seriously injure the visual amenities at this visually sensitive site on a designated scenic route as set out in the current Development Plan. It is a policy objective under LA. P1 and LA. P2 to protect and maintain the overall integrity of the County's landscape and ensure that development will not have a disproportionate visual impact in sensitive areas of the county. As such, it is considered that the proposed development would seriously injure the visual amenities of the area, would be out-of-keeping with the rural character of the area, would contravene the provisions of the Carlow County Development Plan 2022-2028, and 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emer Doyle
Planning Inspector

29th June 2023