



An
Bord
Pleanála

Inspector's Report

ABP-320725-24

Development	Retention and completion of shed for housing horses and associated site works
Location	Caim (Killoughrum E.D.), Enniscorthy, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20240734
Applicant(s)	Mark and Natasha Slevin
Type of Application	Retention and permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Patrick & Ann O'Mahoney
Date of Site Inspection	16 th January 2024
Inspector	Sarah O'Mahony

1.0 Site Location and Description

- 1.1. The 0.3ha site is situated in a rural area 5.5km west of Enniscorthy, Co. Wexford. The site comprises a farmyard associated with an adjacent dwelling with a shared access from a local road, the L-6118 at the southwest.
- 1.2. The development seeking retention under this planning application comprises a 4.9m high pitched roof shed and associated uncovered dungstead providing a total floorspace of 181.44m² situated adjacent to the northwestern boundary of the site, adjacent another farmyard outside the Applicant's ownership. At the time of the site inspection the shed was utilised for storing agricultural items such as timber fencing poles and horse box type trailers.
- 1.3. The northern wall of the shed and dungstead comprises a poured concrete wall 2.4m in height. The shed is roofed with corrugated dark coloured metal sheeting which also forms the finish on the northwest (rear) and northeast elevations while the southeast (front) and southwest adjacent the dungstead are open-sided. The pitched roof is mono pitch falling down to the rear and provides a short overhang to the front.
- 1.4. The farmyard opens at the northeast to a field where sheep were grazing during the site inspection. Horses were also noted in another shed in the farmyard during the inspection. There are mature trees and hedgelines surrounding the farmyard which has limited visibility from the public road as it is set back 140m from the road with a field situated between the road and the southernmost shed. The subject shed seeking retention permission is situated further northwest within the yard and is not visible from the public road.
- 1.5. The site and wider landform slopes gently down from west to east and north to south.

2.0 Proposed Development

- 2.1. Permission is sought for development which comprises the following:
 - Retention and completion of a shed to house 5 no. horses, and
 - All associated site works including a dungstead and effluent tank.

3.0 Planning Authority Decision

3.1. Decision

A notification of decision to GRANT permission was issued by Wexford County Council (the Planning Authority) on 14th August 2024 subject to 5no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- The report considered that the principle of development was acceptable and that *'there are no impacts considered to arise on adjoining properties'*. It also concluded that *'The third party issues raised all relate to the technical validation of the application, which is considered to be in accordance with the Planning and Development Regulations 2001 (as amended).'*
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

3.2.2. Other Technical Reports

- Environment Section: No objection subject to conditions regarding management of effluent, storm water and construction standards.
- Municipal District: No objection subject to conditions regarding maintenance of sightlines and the road surface as well as management of surface water.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One submission was received from adjoining landowners objecting to retention of the shed for the following reasons:

- Procedural errors,
- Enforcement matters,
- Impact to residential amenity and impacts to adjacent property, and
- Drawing inaccuracies.

4.0 Planning History

4.1.1. The following planning history relates to the subject site:

- WCC Ref. 20240505 / ABP ref. 320218-24: Permission sought to retain a horse walker. Wexford County Council issued a notification to grant retention permission and, following a third-party appeal, An Bord Pleanála issued a decision in January 2025 to grant retention permission. Condition no. 2 is as follows:

2. All storm water from the roof of the structure shall be diverted to a clean water outfall. Drawings and details in this regard shall be submitted to and agreed in writing with the planning authority and works shall be completed within six months of the date of this order.

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

4.1.2. I also note in the Local Authority Planner's report that an enforcement file is open on the site where an enforcement notice was issued in April 2024 and that a declaration of exempted development was sought under the reference EXD01082 which declared that a shed for housing horses is not exempted development. A copy of this declaration is included with the third party appeal.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Wexford County Development Plan 2022-2028 (referred to hereafter as the CDP). Chapter 6 refers to the economic development of the county and Section 6.7.6 therein specifically refers to the rural area. I note the relevance of the following objectives to the development:

- 5.1.2. Objective ED97 seeks ‘to ensure that all buildings are appropriately sited and sympathetic to their surroundings in terms of scale, design, materials and colour. The grouping of buildings will be encouraged in the interests of visual amenity. In general, the removal of hedgerows to accommodate agricultural buildings will generally not be permitted.’
- 5.1.3. Objective ED98 seeks to ensure all developments in rural areas, including agricultural developments, do not impact on the quality of the environment or character of the rural area and requires developments to adhere to a list of criteria as follows:
- *Will not result in the contamination of potable water, surface or ground waters, or impact on natural or built heritage;*
 - *Is appropriate in terms of scale, location, design and that the character of the farm or settlement is retained and enhanced where possible;*
 - *When located on a farm, it is located within, or adjacent to, existing farm buildings, unless the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons;*
 - *Is appropriately sited so as to benefit from any screening provided by topography or existing landscaping and does not seriously impact on the visual amenity of the area;*
 - *Will not result in an unacceptable loss of residential amenity by reason of noise, odour or pollution;*
 - *Will not result in a traffic hazard,*
 - *Will provide for adequate waste management; and*
 - *Where possible will restore and/or enhance built and/or natural heritage.*
- 5.1.4. Section 6.7.6.1 sets out objectives for agricultural development and Objective ED101 requires planning applications for new agricultural structures to outline the use of the structure subject to Objectives ED97 and ED98 as outlined above.

5.2. **Good Agricultural Practice for the Protection of Waters Regulations 2002 (GAP Regulations).**

The Regulations provide a basic set of measures to ensure the protection of waters, including drinking water sources, against pollution caused by nitrogen and phosphorus from agricultural sources, with the primary emphasis on the management of livestock manures and other fertilisers. The set of measures also provide some basic safeguards against possible harmful impacts on water quality arising from agricultural expansion. This basic set of measures has been strengthened over the last two reviews and this new programme provides a further strengthened set of measures to help reduce nitrogen and phosphorus losses from agriculture and contribute to improvements in water quality.

5.3. **Natural Heritage Designations**

- The site is situated 1.2km south of Killoughrum Forest proposed Natural Heritage Area.
- The site is situated 4km northeast of the Slaney River Valley Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA).
- Wexford Harbour and Slobbs Special Protection Area (SPA) is situated 7km east of the site.
- The site is situated 9km southeast of the Blackstairs Mountains Valley SAC and pNHA.

5.4. **EIA Screening**

See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal was received from Patrick and Ann O'Mahoney which raises the following grounds of appeal:

- Enforcement matters,
- Procedural errors and documentation inconsistencies, inaccuracies and lack of supporting documentation,
- Location of dungstead from private bored well on appellants adjacent property, proposed development is prejudicial to public health. This well and aquifer on the Appellants property connects to the River Slaney and River Urrin.
- Impact on ecology including rivers noted above, Killoughrum Forest and local natural wildlife habitat.
- Excessive animal stocking for size of farm and landholding. Lack of documentation to demonstrate compliance with the GAP Regulations. Planning Authority should have sought further information regarding nutrient management and farmyard management plans.
- Concern over nature of use of stables – commercial or private domestic use.
- Stables are situated within '100m separation distance prescribed for third party houses' and therefore should be refused permission.
- References to case law as examples of precedence to refuse or invalidate the application.
- Inadequate surface water management particularly in the context of climate change.
- Inadequate soiled water management.
- Impact to residential amenity and amenity of adjacent property to the west.

6.2. Applicant Response

- None received. Planning Authority Response

- None

6.3. Further Responses

- None

7.0 Assessment

7.1. Introduction and Principle

- 7.1.1. The Applicants sought retention permission for a shed to house 5no. horses and an adjacent dungstead to the west which was constructed from the same concrete retaining wall which forms the rear elevation of the shed. I note retention permission was also granted in January 2025 for a horse walker situated east of the shed. The site comprises a pre-existing farmyard with other sheds noted which were in agricultural use during the inspection. Planning permission is also sought to complete the development which includes installation of an underground tank to collect soiled water and effluent.
- 7.1.2. The development is agricultural in nature and character and situated within a farmyard. The use or character of the site has therefore not changed. There are no references or permission sought to utilise the site for commercial purposes such as offering livery or lessons and I therefore conclude that the principle of the development is acceptable. Any proposal which would alter both the character and use of the site would likely require a separate grant of planning permission, addressing concerns in the appeal regarding a commercial use of the stables.
- 7.1.3. The scale and finishes of the shed are also appropriate to the character of the farmyard and rural area in my opinion. I will however discuss the impact of the development to the adjacent property under a later heading. Subject to that assessment, I consider that the layout, scale and design of the 181.44m² and 4.9m high shed are acceptable and that the development complies with Objectives ED97, ED98 and ED101.
- 7.1.4. I note the appeal raises a number of enforcement matters however An Bord Pleanála has no enforcement powers and this remains a matter for the Local Authority to assess and determine. I note in this regard that there is a live enforcement case

relating to this development at the subject site. This assessment relates only to the development as set out in the documents received with the application.

7.1.5. I note the appeal refers to case law to support the validation matter. Notwithstanding the previous paragraph of this report, in the interest of clarity I have set out below a note regarding each case and why it is not relevant to this appeal.

- *McCann V Furlong* [2024] IEHC 342 refers to an unauthorised agricultural development where retention permission was refused on a number of occasions. The development in question materially changed the character of the farming use from dry stock to dairy farming. The judgement references a requirement to provide a 100m separation from agricultural buildings to third party dwellings in exempted development proposals. I note the Appellant refers to this separation in the appeal as a basis for refusing permission, as the shed is within 100m of a dwelling, however I consider it is not relevant to the subject development as this is an application for planning permission and not an exempted development proposal. The separation distances are prescribed in the Planning and Development Regulations 2001 (as amended) to facilitate development which is exempt from the requirement to obtain planning permission. In cases where this separation is not met, planning permission is required to assess the impact of the development on any such dwellings on a case-by-case basis.

- *Sweetman v An Bord Pleanála (Derryadd)* (2021) IEHC 390 decided that a windfarm development application was invalid as the application documents referred to typical details and a design envelope rather than exact site specific proposals.

- *Southwood Park Residents Association v An Bord Pleanála (2-19)* IEHC 204 related to a housing development where one report was not published on a website operated by the Applicant and statutorily required under planning legislation to enable the public to access and view the application documents. No such website was required in this case and I note that all information received with the application was available in the offices of the Local Authority. I am satisfied that accessibility of documentation received with the application was not an impediment to third parties.

7.1.6. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the

site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal therefore are as follows:

- Procedural Matters
- Residential Amenity
- Surface Water Management
- Foul Water Management and Impact to Human Health
- Impact to Ecology

7.2. Procedural matters

7.2.1. The appeal also refers to a number of procedural matters outlined below which, it is alleged, should result in the application being invalidated.

- Inaccurate address: The statutory notices state the address as ‘Caim, Kiloughrim’. The Appellant considers the Kiloughrim element to be inappropriate however I accessed the Tailte Éireann GIS map for Electoral Divisions and note that the site is situated within the Kiloughrim ED. I consider the inclusion of the townland of Caim to be more pertinent to adequately describe the location of the site to a member of the public and note that this was also correctly included. In conclusion I consider that the address description is appropriate to identify the site.
- Dev description: The development description states ‘*retention and completion of a shed for housing horses together with all associated site works*’. The Appellant considers that the description differs from a stable structure as described in the planners report and some drawings, and that this causes confusion. I disagree however and consider that the wording as published is acceptable and clearly describes the intended use of the shed as a building to accommodate horses. Further, the appeal considers that the development description is inadequate as it does not specify the dungstead, however I am satisfied that this falls within the remit of ‘all associated site works’ as it is a minor ancillary structure associated with any stable development, similar to the proposed underground soiled water tank.
- Newspaper publication: The lists of appropriate newspapers to publish statutory planning notices are decided by the relevant Local Authority based on the circulation

of each paper. The notice was published in the Wexford People which is on the approved list.

- **Demolition:** The Appellant considers the application should be invalidated as the Applicant demolished a farm building on the site, that this demolition is not included in the statutory notices and that the section of the application form relating to the floorspace of demolition incorrectly states 0m². I note class 50 of Schedule 1 of the Planning and Development Regulations 2001 (as amended) provides an exemption from the requirement to obtain planning permission for demolition within the curtilage of a farmyard complex of a total floor area of 100m². No indication is made in the appeal that the building which was demolished was over this threshold and I also note from historic aerial imaging that the structure which was demolished is situated outside of the works area associated with the stables and dungstead and therefore demolition of the former shed was not required in order to facilitate the subject development. Ultimately An Bord Pleanála has no enforcement function which is under the remit of the Local Authority. I note an enforcement case has been opened and am satisfied that is the appropriate route to investigate alleged unauthorised development. I am also satisfied that there is no impediment to restrict the Applicant from seeking retention and completion permission for the development as described in the statutory notices.
- **Proximity of dungstead exceeds minimum separation distance to private well on Appellants property:** The separation distances referred to are not validation matters but rather material planning matters as discussed later in this report.
- **Overstocking of livestock on the landholding and associated non-compliance with GAP regulations:** The application seeks permission to house 5no. horses within the subject shed. The documents submitted demonstrate wastewater management measures for this structure. Matters relating to the stocking rate of the overall landholding and associated management of nutrients and management of the farmyard is outside the scope of this planning application as it does not comprise works or development which require planning permission. Each planning application is assessed on its own merits and in this case I consider that the rate or number of livestock accommodated on pastures within the overall landholding has little bearing on the scope of permission sought which is for a shed to house 5no. horses.

- Adequacy of site notices: Two notices were erected on the site, one at the roadside vehicular entrance to the laneway serving both the dwelling and the farmyard and a second where that laneway splits between the dwelling and farmyard. The Case Planners report includes photographs of the two notices erected and states that they comply with the relevant regulations. The Appeal sets out a number of grounds to invalidate the site notice as follows:

- Location of an 'X' on the site location map did not reflect the in-situ location of the roadside notice: I have reviewed the drawing and evidence submitted by the Appellant and consider the 'X' is an accurate reflection of the notice.
- Roadside notice is not legible by a member of the public, is situated too far from the public road and not on fixed durable rigid material etc. The appeal includes photographs of the notices and I consider they meet the requirements of the regulations. With regard to the matter of distance to the notice and its subsequent legibility, I consider it acceptable to position the notice within the bellmouth/recessed area of a vehicular entrance, or to position the notice in such a location which is safely visible and inspected from this semi-private area.
- References made to different notices erected on the site with different dates. The application was received by Wexford County Council on 25th June 2024 and therefore the statutory period relates to the 5 weeks following this date. The Planning Authority inspected the notices on 24th July 2024 which is within that statutory period and concluded that they notices were acceptable. I am therefore satisfied that with this conclusion.
- References are made to vandalism or defacing the tree however this is outside the scope of planning legislation and not a matter for validation purposes.
- It considers that an additional site notice should be erected on 2no. additional vehicular entrances to the landholding. Article 19 (1)(c) requires site notices to be erected *'on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or*

structure adjoining a public road'. The main entrance to the laneway, where a site notice was erected, is the only vehicular entrance to the farmyard. The other entrances referred to are vehicular entrances to fields within the landholding and therefore also ultimately connected to the farmyard as outlined in the appeal where it states that one was utilised during the construction phase, however I consider they are not entrances to the farmyard itself but entrances to a field and therefore site notices are not required in these locations. I note the examples of other planning applications provided by the Appellants in this regard where the application was invalidated for similar reasons however as stated earlier, each application is dealt with on its own merits and in the case of this site and this landholding, I consider that 2no. notices as erected and outlined in the application documents are sufficient to meet the requirements of Article 19(1)(c).

- With regard to the site layout plan, the appeal contends that the drawing does not comply with Article 23(1)(a) of the Regulations as it omits items such as a bored well or structures on the adjacent Appellants property, significant tree stands and the location of the demolished structure. I consider that the majority of the items raised in the appeal are not sufficient grounds to invalidate the application, e.g. it is not required to state the distance of the proposed structure to a nearby dwelling, nor was it required to illustrate the location of the demolished structure. The omission of the well on the adjoining property however is a cause of concern as it was raised at the application stage and therefore there was an opportunity to clarify the matter. The absence of this information is an impediment to the full assessment of the application and therefore is material to the validity of the application. I consider that planning permission should be refused on the basis of the omission of the location of the bored well on the Site Layout Drawing.

7.2.2. I note these same matters were raised in a submission made to the application which the Local Authority had regard to. Validating a planning application is also a matter for the Local Authority and I note a reference in the Planners Report which states that the Local Authority is satisfied with the validity of the application. I am satisfied that this did not prevent the concerned parties from making representations. I am also satisfied that sufficient information has been submitted to allow an assessment of the proposed development to be undertaken and this assessment

represents my de novo consideration of all planning issues material to the proposed development.

7.3. Residential Amenity

- 7.3.1. The majority of the land surrounding the site is in the Applicant's ownership however the property immediately adjacent to the northwest is stated to be in the ownership of the Appellants. This property comprises a farmyard with barns and sheds noted during the site inspection which are situated less than 20m from the works area. There is a dwelling situated 50m west of the works area which does not appear to be occupied. This dwelling appears to form an extended part of the farmyard and the Appellant's agricultural sheds are situated between that dwelling and the site. There is another newer dwelling situated 125m southwest of the works area with its curtilage 100m from the works area. I note the site layout drawing refers to the adjacent structures as a 'non-residential neighbouring farmyard'. I also note how the appeal states that the Appellants dwelling is illustrated on the Site Layout Drawing which does illustrate the older dwelling but not the newer one further to the southwest. I have consulted the Eircode website and note there is only one Eircode for the entire neighbouring property encompassing both dwellings and the farmyard and therefore I am satisfied that the smaller dwelling in the farmyard is no longer in residential use. Therefore, the closest occupied third-party dwelling to the site is that situated 125m to the southwest which I understand is the primary dwelling associated with the adjacent farmyard and the Appellants place of residence. There is another dwelling again situated 145m northwest with its curtilage extending to 115m northwest of the site.
- 7.3.2. The nature of the development is agricultural for housing horses. I am satisfied that its operation and use is not likely to generate any emissions or nuisances such as noise, odour or dust which would impact neighbouring residential amenity including the unoccupied dwelling within the adjacent farmyard. This determination is based on the scale of the development to house 5no. horses, the scale of the structure which is unlikely to overshadow any dwelling as well as the existing agricultural use of the site and the adjoining Appellants farmyard.

- 7.3.3. I am also satisfied that the visual impact of the development is minor in effect as the scale and finish of the shed is suitable for the rural area and clustered together with existing sheds and barns in one farmyard and immediately adjacent to another.
- 7.3.4. In conclusion, I consider that there is little to no potential for the presence and operation of the proposed development, as set out in the application drawings received, to impact on neighbouring residential amenity.

7.4. Surface Water Management

- 7.4.1. The stable/shed currently has no surface water management system and runoff falls off the rear of the roof, allegedly onto the Appellants property. The drawings received do not illustrate any collection or management measures. In the event of a grant of planning permission, I consider a condition should be attached requiring all surface water to be collected and disposed of within the site in accordance with the Planning Authority's requirements. This would, in my opinion, remove any impact to the adjoining property and would manage surface water in a responsible manner.

7.5. Foul Water Management

- 7.5.1. It is proposed to collect effluent and soiled water via a drainage channel along the southwest of the dungstead and stables, discharging to a 6.12m³ tank to be buried in the farmyard east of the stables. Measurements are provided to demonstrate that the tank would have capacity for 6no. horses, even though housing is proposed for 5no, therefore ensuring there is additional capacity when weather conditions do not allow for emptying and spreading the effluent on the landholding.
- 7.5.2. The Appellants contend that this proposal would impact the quality of the local aquifer and their health as their dwelling is served by a well on the adjacent property. The location of that well is however unknown. It is not annotated on any documentation received with the application or appeal and is also not illustrated on the GSI or EPA online mapping.
- 7.5.3. I note a report from the Local Authority's Scientist which outlines no objections to the proposal subject to conditions requiring the development to adhere to minimum specifications published by the Department of Agriculture, Food and the Marine. I

note Section A.4 from S108 Minimum Specification for Manure Pits and Dungsteads which relates to the siting of manure Pits and dungsteads. It states:

'As a general guide, a storage facility for manure or dung should be located not less than 50m from any waterbody in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility. The minimum distance between a storage facility and a public/private water supply source, either surface or ground, shall be 60m for new farmyards and this may be reduced to not less than 30m for existing farmyards subject to a hydro-geological survey. In vulnerable situations this distance shall be increased up to 300m.'

- 7.5.4. I consider that the soiled water collection system proposed would adequately collect effluent run off from the stables and dungstead enabling appropriate land spreading which minimises risks to groundwater by allowing for adequate dispersal and absorption by vegetation. I also consider that providing such a system on the site would serve to improve the risk of groundwater contamination as I did not note any collection network currently in operation on the farmyard serving the older buildings. In this context I consider that management and operation of the established agricultural development would be improved and environmental risks reduced if permission were granted for the development.
- 7.5.5. The site overlies a locally important bedrock aquifer which is moderately productive only in local zones. The aquifer has a high vulnerability, and I note there are also areas of extreme vulnerability in the nearby surrounding area.
- 7.5.6. I acknowledge the absence of data within the application documents particularly regarding the precise location of the alleged well on the adjacent property. However, I also note the advices of the Local Authority Scientist and have had regard to the characteristics of the site including the geological context as outlined above. In my opinion there is little likelihood of the development impacting public health if the soiled water collection system is implemented as proposed and I reach that conclusion as the scale of the development would not generate significant quantities of waste and the aquifer underneath does not produce significant quantities of groundwater.

7.5.7. Ultimately however, as required under Article 23(1)(a) of the Planning and Development Regulations 2001 (as amended), the absence of definitive data regarding the location of drinking water wells both on the site and adjacent property means it is difficult unequivocally to that a determination and I consider that permission should be refused on that basis.

7.6. Ecology

7.6.1. In terms of impacts to ecology, I did not note any waterbodies on the site during the site inspection or in the immediate area. I have reviewed the GSI and EPA online mapping as well as OSI discovery mapping and the closest waterbody appears to be a tributary of the River Urrin situated 1.1km north of the site. The Appellants refer to an open waterbody on their property which runs parallel to a public road however it is unclear which road and where on their property this is located.

7.6.2. I am satisfied that between the scale of the development, the nature of its operation, the distance to any highly sensitive habitats outlined in section 5.2 of this report, and the closed collection system proposed, that completion and operation of the development is not likely to lead to contamination of watercourses or impact ecology.

7.6.3. Similarly, I note that existing and mature hedgerows and trees are retained on the site. The small footprint of the shed and dungstead within an existing and established farmyard is not likely to reduce any feeding grounds or habitat associated with a protected species.

8.0 AA Screening

8.1. Introduction

8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.1.2. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Wexford County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Wexford County Council

concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

- 8.1.3. The proposed development comprises retention and completion of a shed to house 5no. horses and an associated dungstead and soiled water tank. All works are within an existing farmyard in a rural area surrounded by adjacent farmyards, fields and detached dwellings.
- 8.1.4. I did not note any surface water bodies within or adjacent to the farmyard during the site inspection and desktop reviews.

8.2. European Sites

- 8.2.1. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).
- 8.2.2. The boundary of the nearest European Sites are as follows:
 - Slaney River Valley Special Area of Conservation (SAC) (sitecode 000781) situated 4km southwest of the site.
 - Wexford Harbour and Slobs Special Protection Area (SPA) (sitecode 004076) situated 7km east of the site.
 - Blackstairs Mountains Valley SAC (sitecode 000770) situated 9km northwest of the site.
- 8.2.3. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of the Slaney River Valley SAC. Table 1 below sets out the conservation objectives of the Slaney River Valley SAC.

Table 1: Slaney River Valley SAC Conservation Objectives ([Slaney River Valley SAC | National Parks & Wildlife Service](#))

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaité Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Phoca vitulina* (Harbour Seal) [1365]

8.3. Likely Impacts of the Project (alone or in combination)

- 8.3.1. There are no direct or indirect physical or ecological linkages with the European Sites. The site overlies a locally important bedrock aquifer which is moderately productive only in local zones. The aquifer has a high vulnerability, and I note there are also areas of extreme vulnerability in the nearby surrounding area. In this context, there may be an indirect hydrological linkage to the Slaney River Valley SAC due to groundwater recharge to surface water streams which may affect water related conservation objectives such as freshwater pearl mussels, otters and salmon.
- 8.3.2. Groundwater recharge to nearby surface water streams is considered to be the only source of connectivity to European Sites due to the lack of surface water features within the site and farmyard.

- 8.3.3. The proposed development however proposes to install a drain to collect effluent from both the dungstead and stables. This would be stored in an underground tank and emptied in accordance with agricultural legislation including land spreading criteria. This collection network is standard practice with such equine developments in order to maximise the benefits of nutrients in the effluent as well as eliminating impacts to water quality. This practice minimises uncontrolled discharges due to poor management, maintenance or installation of the underground tank and is an obligation under the GAP Regulations regardless of Appropriate Assessment considerations.
- 8.3.4. Notwithstanding such measures under GAP regulations, the dispersal factor associated with the distance between the subject site and the European Sites would significantly reduce any negative effect. For example, the Slaney River Valley SAC is the closest European Site with a direct overground separation of 4km between it and the subject site. This would greatly dilute and disperse over a wide area any contaminants which may enter the aquifer under the site, as a result of an uncontrolled discharge. The small scale of the development and effluent holding tank together with the dispersal factor present results in a situation where it is highly unlikely that any impact would occur to the European Sites and particularly which may affect the conservation objectives or qualifying interests of those sites.
- 8.3.5. Therefore, I conclude that there are no likely significant impacts to European Sites as a result of the proposed development alone.
- 8.3.6. Similarly, there are also no likely impacts in combination with other plans and projects due to the limited small scale of construction and operation of the development, lack of impacts generated from the development and the lack of meaningful connections to the SAC. Agricultural practices is the most common land use in the area and I have not identified any other projects in the area which could contribute to in-combination effects. I do not consider that the proposed development, in combination with existing surrounding agricultural development and operations would result in any in combination impacts to the SAC.

8.4. Screening Determination

8.4.1. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites in the area including the River Slaney Valley SAC, in view of the sites Conservation Objectives, and that Appropriate Assessment (and submission of a NIS) is not therefore required.

8.4.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site and
- Distance from and weak indirect connections to the European sites.

9.0 Recommendation

I recommend that retention and planning permission is REFUSED in accordance with the reasons set out below:

1. In the absence of detailed site layout and location drawings clearly illustrating the location of potable water wells on the subject site and adjoining property, as required by article 23(1)(a) of the Planning and Development Regulations 2001 (as amended), together with the absence of any associated hydrological assessment, it is considered that the documentation received with the application is insufficient to assess potential impacts to public health. The proposed development is therefore considered prejudicial to public health and would 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.

Sarah O'Mahony
Planning Inspector

19th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320725-24		
Proposed Development Summary	Retain and complete stables and dungstead within existing farmyard.		
Development Address	Caim (Killoughrum E.D.), Enniscorthy, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	N/A		

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		

Inspector: _____

Date: _____