



An
Coimisiún
Pleanála

Inspector's Report

PL-500055-KY

Development	Retention of stables, shed, manure storage, septic tank, signage and use of land as equestrian centre. Permission for removal of two arenas, six stables, all weather horse arena, cooling down area, vehicular entrance, car park and site works
Location	Ballinclogher , Lixnaw , County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	24/60956
Applicant	Laura Collins
Type of Application	Retention Permission / Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Timmy and Theresa Mahony
Observers	1. Ken & Hayley Murphy & Family 2. Tommy Culloty
Date of Site Inspection	24 th November 2025
Inspector	Gary Farrelly

1.0 Site Location and Description

The subject site has a stated area of 4 hectares and is located within the rural townland of Ballinclogher, County Kerry, which is located approximately 5km west of the village of Lixnaw. The site is 240 metres west of Ballinclogher Cross (R-556) and is accessed off the local road L-1029. The site comprises of agricultural lands with an agricultural type shed and associated yard. The facility is currently occupied by Collins Equestrian. The immediate area is rural in nature with several one-off type dwellings located directly opposite (north), east and west of the site. A recorded monument in the form of a ringfort – rath (KE015-074----) is mapped within the site, however, this has been destroyed due to past quarrying of the site.

2.0 Development

- 2.1. The development subject of this application and appeal involves both retention and proposed elements. The stables to be retained adjoins an existing agricultural shed and measures 330sqm. It is built to a ridge height of 5.8 metres, and the internal layout comprises of 10 no. single stables and 2 no. larger stables that can accommodate a stated 3-4 ponies each. The new stables, which is proposed to adjoin the south of the existing stables structure by a covered area, will measure 87.84sqm and will comprise of 6 no. stables. It is stated that the overall facility will accommodate a maximum of 20 no. horses with 4 no. horses outwintered. An additional shed to be retained accommodating a w.c. measures 8.25sqm and is built to a height of 2.6 metres.
- 2.2. It is proposed to remove two existing outdoor arenas which are located to the north of the site bounding the public road. A new all-weather horse arena measuring 50 metres by 60 metres, as well as a new cool-down area, is proposed to be sited to the south of the site. This new arena will be connected to the existing yard and stables via a pedestrian and horse walkway.
- 2.3. A new access to the facility off the public road is proposed to the east of the stables (*relocated at further information stage from the western side of the site*). This new entrance will provide access to 6 no. car parking spaces, 3 no. spaces for larger vehicles and 2 no. accessible parking spaces as well as access to the existing yard (which is proposed to be concreted). New boundary treatment along the public road (in front of the existing agricultural shed) is proposed in the form of a concrete timber

fence. The area between the fence and shed is proposed to be used for private car parking only which will be accessed from the existing yard area.

- 2.4. A concrete manure storage unit to the east of the stables measuring 49.8sqm is proposed to be retained. This has a stated capacity of 149m³ and is proposed to be roofed to prevent any rainfall being added to the manure. A channel will be installed at the front of the unit which will be diverted into a nearby 8m³ effluent tank which will take seepage from the horse manure. It is proposed to install a new wastewater treatment system to the east of the site which will serve the w.c. A site characterisation assessment accompanies the application and has recorded a subsurface percolation value of 55min/25mm indicating suitability for a secondary wastewater treatment system with soil polishing filter.
- 2.5. The application was accompanied by a number of documents including an archaeological impact assessment report, transport statement, stage 1 and stage 2 road safety audit and outdoor lighting report.

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to grant retention permission & permission by Order dated 18th September 2025, subject to 16 no. conditions.

3.2. Planning Authority Reports

Planning Report

The planning officer's (PO) report on file assessed the development in terms of visual impact, traffic safety, effluent and surface water disposal, residential amenity and archaeology. A total of 20 no. items were requested as part of a further information request which included clarification on the number of horses kept onsite and whether they were outwintered on the property, clarification that the manure storage unit was adequately sized in accordance with the Nitrates regulations, the requirement for the provision of a designated area for horse parking as well as the relocation of the new parking area away from adjoining dwellings and the submission of a road safety audit. After submission of the further information and following technical reports from the

internal sections, a grant of permission was recommended by the PO which was endorsed by the Senior Executive Planner.

Other Technical Reports

- Listowel Roads Office (*reports dated 10/2/25 and 16/09/25*) – This office required further information including the submission of a road safety audit and details of sightlines at the public road. After submission of the further information, it recommended a grant subject to conditions.
- Environmental Assessment Unit (*report dated 22/1/25*) – This section concluded that there was no possibility for an impact on a European site and the development did not/does not require Appropriate Assessment. Additionally, the Unit concluded that the development did not/does not require Environmental Impact Assessment.
- Environment Section (*reports dated 7/2/25 and 17/9/25*) – This section required further information including on the number of horses kept on the property and details on outwintering as well as details of compliance of the manure storage unit with the Nitrates Regulations. After submission of further information it had no objection subject to conditions.
- Environment Section (Site Assessment Unit) (*reports dated 4/2/25 and 13/8/25*) – This unit assessed the submitted site characterisation form and required further information. After submission of further information it had no objection subject to conditions.
- County Archaeologist (*report dated 16/12/24*) – The archaeologist outlined no objection to the development with no mitigation required and noted that the recorded monument within the site has been destroyed as a result of historical quarrying.

Conditions

Condition No. 6 required the removal of the two outdoor arenas within 6 months of the grant of permission.

Condition No. 7 related to horse waste including for it to be land spread in line with the European Union (Good Agricultural Practice for the Protection of Waters) Regulations

2022. It was requested that outwintering of horses is kept to a minimum to prevent poaching of the land.

Condition No. 8(d) clarified that the private parking area was not to be used for parking in conjunction with the equestrian centre. Condition 8(m) required all onsite lighting to be cowled and directed away from the public road and residential properties.

Condition No. 15 required the site to be landscaped in accordance with details submitted, together with additional planting.

Condition No. 16 restricted the hours of operation between 1000 hours and 2000 hours.

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

There were 3 no. third party observations submitted to the PA outlining objections to the development in terms of its unauthorised development, traffic congestion, noise, health and safety, odour, light pollution and hours of operation. There were a significant number of third-party observations (89 no.) submitted supporting the application stating that all previous issues have been addressed by the applicant. There were also letters of support from Michael Healy-Rae TD and Councillor Fionnán Fitzgerald. Many of the observations suggested that the majority of the community support the facility stating that it will have a positive impact including for children's sports.

The applicant also submitted an observation outlining her circumstances and confirming that the business offers lessons to adults and children, some with mental and physical health issues.

4.0 Relevant Planning History

PA ref. 23/970 (subject site)

The PA refused permission to Laura Collins to retain the stables extension to an existing shed, existing shed, concrete manure storage unit and two sand arenas as well as permission for a new percolation area for an existing septic tank and roofing to the manure storage unit. The PA considered that the development would seriously injure the residential amenities and depreciate the value of property in the vicinity and there were additional concerns over light spillage, archaeological heritage and traffic safety.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

Volume 1 – Written Statement

It is an objective of the Council to:

KCDP 6-1 (Sustainable Communities) Develop and support vibrant sustainable communities in Kerry where people can live, work, and enjoy access to a wide range of community, health, educational facilities, and amenities, suitable to all ages and needs, in both urban and rural areas, thereby supporting an enhanced quality of life for all people.

KCDP 6-11 (Healthy Communities) Support the objectives of public health policy including Healthy Ireland/Kerry and the National Physical Activity Plan.

KCDP 6-32 (Sporting, Leisure Facilities and Open Space) Facilitate the sustainable provision of sports facilities having regard to local recreational needs.

KCDP 9-43 (Rural Economy) - Support sustainable rural development and facilitate Farm diversification and new employment / enterprise opportunities within the agriculture sector, subsidiary to agricultural uses, and where there is no significant loss of productive agricultural land and the residential and visual amenity of the area is protected, including initiatives addressing climate change and sustainability.

KCDP 9-56 (Agriculture) - Ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the

Protection of Waters Regulations (2010-2020) and any subsequent updates and relevant best practice guidelines.

KCDP 9-61 (Agriculture) - Support the maintenance of a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time allowing for engaging in alternative employment in or close to rural areas to sustain rural communities.

KCDP 10-68 (Rural Tourism) Support sustainable agri-tourism initiatives in the form of on-farm or farm related tourism developments such as health and wellbeing, craft villages, organic food production, food centred activities, heritage and nature trails, pony trekking and boating.

KCDP 11-42 (Light Pollution) - Require proposals for development that include the provision of external lighting, to clearly demonstrate that the lighting scheme is the minimum needed for security and working purposes and also to ensure that external lighting and lighting schemes are designed so that the incidence of light spillage is minimised ensuring that the amenities of adjoining properties, wildlife and the surrounding environment are protected.

Volume 6 (Appendix 1) – Development Management Standards and Guidelines

- Section 1.14.2 Lighting and illumination
- Section 1.20 Transport, Movement and Parking Standards

5.2. National Policy

- Sixth Nitrates Action Programme 2026-2028
- S.I. No. 588/2025 – European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025
- Our Rural Future, Rural Development Policy 2021-2025
- Embracing Ireland's Outdoors, National Outdoor Recreation Strategy 2023-2027
- Project Ireland 2040 – National Planning Framework (revised 2025) and National Development Plan 2021-2030
- Climate Action Plan (CAP) 2025 / CAP 2024

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

- Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.3. Natural Heritage Designations

The subject site is not located within any designated natural heritage site. The nearest such site is the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) within the River Brick approximately 4km east.

5.4. Environmental Impact Assessment (EIA)

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended, (or Part V of the 1994 Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. I refer the Commission to Appendix 1 in this regard.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged to the Commission on 14th October 2025 by Timmy and Theresa Mahony. The Commission should note that they live north of and directly opposite the subject site. The grounds of appeal are summarised as follows:

- An overview of the history of the site is provided. The site was previously used for farming purposes and a large machinery agricultural shed was built in 2010 to store machinery, however, no planning permission was applied for this from the previous owner.
- The applicant was previously refused retention permission / permission by the Council under ref. 23/970 due to the proximity to residential properties and negative impact on residential amenity and depreciation of property values. The PA also referred to the absence of an archaeological impact assessment and road safety audit and considered that it would materially contravene objective KCDP 11-42 of the Development Plan in terms of light pollution.
- All the developments on the site are unauthorised as well as the ongoing commercial activities. Warning letters and enforcement proceedings may have commenced and it is requested that the Inspector or the Commission acquire more information from the planning authority in relation to the unauthorised use that is ongoing on the property.
- There are obnoxious smells coming from the facility as a result of horse manure and urine which is constant during warm weather. Proper control of environment issues are not being put in place.
- There are issues regarding noise from traffic using the facility which can occur from 5am in the morning up to 10pm in the evening. The proposed car parking layout as proposed is wholly inadequate. There will be a serious traffic hazard as the extent of private car parking for employees and public car parking for patrons using this equestrian centre falls well short of normal requirements.
- A number of photographs are provided which shows total disregard to the use of the public road by patrons of the facility.

- There is a regular occurrence of lights from vehicles coming through the front window of the appellant's property and photographs are provided.
- The activity has resulted in a devaluation of property due to noise, nuisance and disturbance.
- It is acknowledged that the applicant has many supporters and that horse riding is a sport loved by many, however, the equestrian centre should be located on a site which is more appropriate for the type of development that is being catered for.
- A copy of the appellants' submissions (*pre and post further information*) to the planning authority are provided. Further concerns regarding dust, absence of surface water treatment details, absence of construction details to the car park and delineation of spaces, sightlines to the east of the entrance and light pollution from the lighting columns were raised. A number of photographs were submitted to the PA.
- A further response was received in response to a further third-party appeal, however, the Commission should note that this appeal has been subsequently withdrawn. It is requested that the Commission to acquire details of the various complaints and details of the enforcement file open on the property. It should request details of the previous planning file ref. 23/970.

6.2. Applicant Response

The applicant issued a response to the grounds of appeal which was received by the Commission on 7th November 2025. It is summarised as follows:

- A number of the pictures provided by the appellant are misleading and relate to cars parked in front of a neighbour's house and security lights from a neighbouring property.
- The new arena is in a different field and set back from the road and thus not interfering with the appellant's property.
- The new revised access to the property is not near the neighbouring property which was agreed with the Roads Department. There will be no need for road parking as no gates will be closed during operational hours.

- The local road was upgraded a few years ago and is sufficient for the traffic.
- The arena lights are now removed and will be in the new area set back in the field. They are designed to be cowled which will not affect the neighbours in any way. The arena teaching hours are finished by PM and lights turned off after this (*The Commission should note that the exact PM time was not specified*).
- It is questioned whether the smells experienced by the appellants are coming from the site or from farming activities as it is the countryside.

6.3. Planning Authority Response

The PA did not issue a response to the grounds of appeal.

6.4. Observations

A total of 2 no. observations were received from Ken and Hayley Murphy and Family and Tommy Culloty supporting the development. The issues raised within the observations are summarised as follows:

- It is believed that the proposed equestrian centre embodies the principles of good planning, rural vitality and community benefit. It has received overwhelming local support and addresses prior concerns regarding residential amenity, traffic and environmental impacts.
- The new parking arrangements are off the public road, and the arena has been moved out of view from the main objectors. The development has been subject to an independent stage 1 and stage 2 road safety audit which addressed all matters raised by the PA.
- Equestrian related activities form an inherent part of rural life and are entirely compatible within such areas. The Commission has previously considered such use within agricultural settings as acceptable (ABP-307171-20, 309415-21).
- In terms of noise, unlike intensive rural farming, the centre does not involve heavy machinery or late-night activity and all operations take place during normal daytime hours with no late-night commercial use. Horses are naturally

quiet animals and when stabled overnight in a professionally maintained environment they will not create disturbance.

- Horses generate only minimal odour, and the manure storage facility is now proposed to be roofed which will further reduce any potential impact.
- The suggestion that the development would devalue property is entirely speculative and unsupported. The issue is also not deemed to be a material planning consideration.
- The new lighting design has reduced the column heights from 6.5 metres to 4.5 metres, will employ full cut-off LED fittings and will ensure no overspill. They will also not operate late at night ensuring the rural character of the area is protected.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Planning History
- Description of the Development
- Residential Amenity
- Traffic Safety

Planning History

7.2. The Commission should note that the applicant was previously refused retention permission by the PA under application ref. 23/970. In response to this refusal the applicant has made a number of alterations to the development subject of this appeal including the proposed removal of two sand arenas to the north of the site, the proposed roofing of the existing manure storage unit and the provision of upgraded carparking and traffic management onsite. Additionally, the subject application has

been accompanied by an archaeological impact assessment report, traffic statement, road safety audit and lighting report in response to the reasons for refusal of 23/970.

Description of the Development

- 7.3. I note that the applicant has applied for permission for use of the lands as an 'equestrian centre'. The Commission should note that the applicant's total landholding amounts to 4 hectares. Whilst Section 2(1) of the Planning and Development Act 2000, as amended, defines 'agriculture' to include "the rearing of horses and training of bloodstock", I note that there is no such definition for an 'equestrian centre' use. However, I note that there are a number of equestrian centres throughout the country that accommodate a number of activities such as training and lessons, competitions, shows and events, and public sales and auctions. I consider that each activity would have separate impacts in terms of traffic and noise and disturbance.
- 7.4. In light of this, the Commission should note that the information submitted at application submission stage, further information stage and this subject appeal stage did not indicate the exact activities that are proposed to be carried out onsite. However, a submission from the applicant to the PA in response to a third party objection clarified that the facility offers training and lessons to adults and children including to persons with physical and mental disabilities. I note that this description also forms the basis of the traffic assessment that was carried out by the applicant. Therefore, the Commission should note that I have assessed the equestrian centre use on the basis of it operating as a training and lessons facility only and if it is minded to grant permission, I recommend that a condition is attached that restricts the use to same.

Residential Amenity

- 7.5. I note that the appellants live directly opposite the site (north) and I acknowledge their concerns regarding the impact of the development on their residential amenity including in relation to odour, noise and disturbance, light pollution and devaluation of property. I also acknowledge the applicant's response as well as the detailed submission from the observer supporting the development.

Odour

- 7.6. Firstly, in relation to odour concerns, the Commission should note that as part of this application it is proposed to roof the existing manure storage unit which is located in

the existing yard area. I note that the storage unit is located approximately 50 metres from the appellants' property. The open elevation of the unit is located to the south away from the public road and a drainage channel is proposed in front of the south elevation which will connect to an existing effluent tank to the south.

- 7.7. I consider that the roofing of the structure, its construction in accordance with Department of Agriculture, Food and the Marine (DAFM) specification S.108 (Minimum Specification for Manure Pits and Dungsteads, together with good animal husbandry onsite in accordance with DAFM specification S.156 (Minimum Specification for Horse Housing and Facilities), will reduce any potential significant odour emissions emanating from the site. I also note the internal report of the PA's Environment Section who had no objection to a grant of permission subject to conditions including for all horse waste to be directed to the storage unit with any seepage directed to an effluent storage tank.

Noise and Disturbance

- 7.8. Secondly, with regards to noise and disturbance concerns, I note that as part of past activities not benefitting from planning permission there were no controls imposed in relation to operational hours of the facility. However, I note that the PA has conditioned operational hours to between 10am and 8pm. I consider these hours to be reasonable, together with no operations on Sundays as confirmed by the submitted Traffic Statement, that will ensure the protection of adjoining residential amenity.
- 7.9. Moreover, I note that the development was materially changed at further information stage which relocated the proposed car parking area and access away from the vicinity of the appellants' property to the east of the site. The area previously used for uncontrolled parking (as shown by the appellants submitted photographs) is proposed to be closed off from the public road by a concrete post fence. It will be used for private car parking, however, access to it will be via the yard to the east and not from the public road. I consider this should ensure no significant noise associated with vehicular movements on adjoining residential amenity.
- 7.10. Additionally, the proposals seek the removal of the two existing outdoor arenas along the public road which in my view should reduce any potential disturbance associated with the training events. Overall, I am satisfied that the development will not result in a significant impact on adjoining residential amenity in terms of noise and disturbance.

Light Pollution

- 7.11. Thirdly, in relation to light pollution, I consider that the proposed car parking arrangements and the installation of a concrete fence along the public road and directly opposite the appellants' property should eliminate any potential vehicular movements and associated lighting nuisance from directly in front of the appellant's property. Furthermore, I consider that the siting of the outdoor arena to the south of the site, to the associated lighting designed to be cowled, together with a restriction on operating hours to between 10am and 8pm, will all ensure that there should be no significant impact on adjoining residential amenity in terms of light pollution.
- 7.12. The Commission should note that 'appropriate lighting' (as described on the site layout plan) is also proposed to serve the car park area and if it is minded to grant permission, it is my recommendation that a condition is attached to ensure that this is agreed with the PA prior to commencement of development. Overall, I am satisfied that the development complies with objective KCDP 11-42 (Light Pollution) of the Kerry County Development Plan 2022-2028.

Devaluation of Property

- 7.13. Fourthly, I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Traffic Safety

- 7.14. I note that the appellants contend that the level of car parking proposed is insufficient and will result in a traffic hazard. I also acknowledge their photographs which, in my view, illustrate historical levels of uncontrolled parking along the roadside. However, the Commission should note that the proposals seek to rectify this uncontrolled car parking by providing a new car park located to the east of the site, and which was relocated from the west of the site at further information stage. As stated above, a new concrete post fence is proposed along the northern boundary of the site between the area of the proposed private car park and the public road which I consider should remove any potential for uncontrolled roadside parking.

- 7.15. The development proposes a total of 11 no. car parking spaces including 2 no. mobility impaired spaces, as well as a new concrete yard to cater for horse boxes. All vehicles will enter via the new access point. The Commission should note that the application was accompanied by a traffic statement (TS) and a road safety audit (RSA) report. I note that the TS outlined that there would be no change in the current traffic volumes to and from the site or to the opening hours/number of sessions proposed. The TS concluded that the equestrian centre can continue to operate in a safe and efficient manner. The stated operating hours range from 2-3pm to 9-9.30pm Monday to Friday, 8am to 5pm on Saturdays with no lessons on Sundays. The maximum cars per hour at any one time is stated as typically 6 vehicles with some increases during change over times.
- 7.16. I note that the submitted site layout plan indicates that 90 metre sightlines in both directions are achievable when exiting the site. Having inspected the site I observed no potential issues regarding sightlines upon entering the site. Therefore, I am satisfied that the proposed access arrangements will not result in a traffic hazard.
- 7.17. With regards to the level of carparking proposed, Section 1.20.7 (Car Parking Standards) of the CDP (Volume 6, Appendix 1) sets car parking requirements for towns and villages, however, I note that equine related uses in a rural area are not included in such parking requirements. Notwithstanding this, having regard to the maximum number of vehicular movements to and from the site as outlined within the TS, I am satisfied that there would be no significant issue with the level of carparking proposed in terms of traffic safety. However, if the Commission is minded to grant permission it is my recommendation that the use of the equestrian centre is restricted to that of a lessons and training centre only and not for public events or auctions as such events could adversely impact the capacity of the car parking area. Additionally, I recommend a further condition that ensures that the recommendations set out in the RSA are fully implemented together with the carrying out of a stage 3 RSA upon completion.

Other Issues

Enforcement

- 7.18. The Commission should note that the appellants suggest that it should acquire further information from the PA regarding unauthorised development on the subject site. However, I note that the matter of enforcement falls under the jurisdiction of the PA.

Archaeological Heritage

- 7.19. The Commission should also note that the submitted archaeological impact assessment report concluded that the recorded monument KE015-74, which is mapped within the site, was destroyed during the previous historical use of the site as a quarry. This has been accepted by the PA's county archaeologist who has no objection to the development. Therefore, I am satisfied that the applicant has adequately addressed the PA's previous reason for refusal in this regard.

Overall Conclusion

- 7.20. Having regard to my assessment and conclusions above, I consider that a grant of permission would support an equine enterprise which would provide an essential service to members of the local rural community through the provision of a local recreational facility, and additionally, it would support potential tourism to the rural area in accordance with objectives KCDP 6-1 (Sustainable Communities), KCDP 6-32 (Sporting, Leisure Facilities), KCDP 9-43 (Rural Economy), KCDP 9-61 (Agriculture) and KCDP 10-68 (Rural Tourism) of the Kerry County Development Plan 2022-2028. Moreover, I consider that the development would be in accordance with the National Outdoor Recreation Strategy 2023-2027 which seeks to facilitate the consolidation and sustainable growth of the outdoor recreation sector.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 4km west of the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165). No nature conservation concerns in relation to European sites were raised in the planning application and appeal.

8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The nature and scale of the development.
- The separation distance and intervening lands from the nearest European sites and lack of hydrological connection.
- Taking into account the screening determination of the PA's ecologist.

8.3. I conclude, on the basis of objective information, that the development would not have had or will likely have a significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 **Water Framework Directive (WFD) Screening**

9.1. The site is underlain by the Ballybunnion groundwater waterbody (Site Code IE_SH_G_027) which is classed as good status, and at risk, for the 2019-2024 monitoring period¹. There are no mapped watercourses within or bounding the subject site.

9.2. I have assessed the project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. My reasoning for this is due to the results of the submitted site assessment report and conclusions by the site assessment unit of the PA, together with the requirement for the development to comply with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended).

¹ https://www.catchments.ie/data/#/waterbody/IE_SH_G_027?k=th9jch (Accessed 29th January 2026)

9.3. I conclude that on the basis of objective information, that the development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

It is my recommendation to the Commission that permission is **Granted**, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the nature, scale and location of the development to be retained and proposed development within a rural area on agricultural lands, to the provisions of the Kerry County Development Plan 2022-2028 and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development to be retained and proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public or environmental health and would be acceptable in terms of traffic safety and convenience. Accordingly, it is considered that the development to be retained and proposed development would comply with objectives KCDP 6-1 (Sustainable Communities), KCDP 6-32 (Sporting, Leisure Facilities), KCDP 9-43 (Rural Economy), KCDP 9-61 (Agriculture) and KCDP 10-68 (Rural Tourism) of the Kerry County Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30 th day of July 2025, the 1 st day of August 2025 and the 25 th day of August 2025 except as may otherwise be required in order to comply with the
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The use of the equestrian centre shall be restricted to equine related training and lessons activities to members of the public only and shall not be used for any commercial events, public shows, sales or auctions or other commercial uses without a prior grant of planning permission.</p> <p>(b) The use of the facility to members of the public shall be confined to the hours of 1000 hours to 2000 hours Mondays to Saturdays inclusive and not at all on Sundays or Public Holidays.</p> <p>Reason: In the interest of orderly development, traffic safety and the amenities of the area.</p>
3.	<p>The equestrian stable buildings shall be used for equine use or agricultural/horticultural purposes only. The buildings shall not be used for human habitation or any commercial purposes other than a purpose incidental to the permitted use, whether or not such use might otherwise constitute exempted development.</p> <p>Reason: In the interest of orderly development and the amenities of the area.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The two outdoor arenas proposed to be removed shall be removed by the applicant within 6 months of the date of this Order.</p> <p>Reason: In the interest of orderly development.</p>

6.	<p>(a) The site shall be landscaped in accordance with the details submitted to the planning authority on the 30th of July 2025 and 1st of August 2025. 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.</p> <p>(b) Prior to commencement of the development, full details of the proposed boundary treatment between the area of the private car park and public road shall be submitted to the planning authority for its written approval.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>The development shall comply with any requirements outlined in the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended), including adequate storage requirements for soiled water and manures and spreading of agricultural manures and soiled water on lands.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.</p> <p>Reason: In the interest of environmental protection.</p>
9.	<p>Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:</p> <p>(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways,</p>

	<p>(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, as amended , or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and</p> <p>(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2025, as amended, shall be strictly adhered to.</p> <p>Reason: In the interest of environmental protection and public health.</p>
10.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the installation of the wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
11.	<p>(a) The floodlights of the all-weather arena shall be directed onto the surface of the arena and away from adjacent housing and public roads. The floodlights shall be directed and cowled such as to reduce, as far as possible,</p>

	<p>the light scatter over adjacent houses and public roads. The lighting of the arena shall not operate between the hours of 2100 and 0700 hours.</p> <p>(b) Prior to commencement of the proposed element of the development, details of the lighting associated with the proposed car parking area shall be submitted to the planning authority for its written approval.</p> <p>Reason: In the interest of residential amenity and traffic safety.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
13.	<p>The recommendations contained in the Road Safety Audit report submitted with the planning application shall be implemented as part of the development. A schedule of works to be undertaken arising from the Road Safety Audit and a timescale for implementation shall be submitted for the written agreement of the planning authority prior to commencement of the development. A stage 3 road safety audit shall be carried out on completion of works and a copy of same shall be forwarded to the planning authority on completion.</p> <p>Reason: In the interest of traffic safety.</p>
14.	<p>The proposed entrance and parking arrangements shall comply with the detailed requirements of the planning authority for such works.</p> <p>Reason: In the interest of traffic safety.</p>
15.	<p>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</p>

	<p>Development Act 2000, as amended. The contribution shall be paid within three months of the date of this Order (retention element of the development), and prior to commencement of the development or in such phased payments as the planning authority may facilitate (proposed development element) and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Declaration

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.

Gary Farrelly
Planning Inspector
29th January 2026

Appendix 1

Form 1 – EIA Pre-Screening

Case Reference	PL-500055-KY
Proposed Development Summary	Retention of stables, shed, manure storage, septic tank, signage and use of land as equestrian centre. Permission for removal of two arenas, six stables, all weather horse arena, cooling down area, vehicular entrance, car park and site works
Development Address	Ballinclogher , Lixnaw , County Kerry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	<i>The proposed car park is incidental to the equestrian development and therefore does not fall under Class 10(b)(ii) of Part 2, Schedule 5.</i>
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	

Inspector: _____

Date: 29th January 2026