



An
Coimisiún
Pleanála

Inspector's Report

PL-500766-WW-26

Development	Stud farm new entrance with access road stable blocks tack rooms and toilets and all associated site works.
Location	Ballymoat, Glenealy, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560555
Applicant(s)	Josephine Delahoyde
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Robert and Natalie Eyre Charles and Coibhe Butler
Observer(s)	None
Date of Site Inspection	20 th May 2026
Inspector	Matthew O'Connor

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Appendix 1: Form 1 - EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

Appendix 3: AA Screening Determination - Test for likely significant effects

Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Determination.

Appendix 5: Water Framework Directive Screening and Assessment.

1.0 Site Location and Description

- 1.1. The appeal site has a total area of 31.32ha and is located in the townland of Ballymoat, some 1km to the northeast of Glenealy, Co. Wicklow. The appeal site is in the open countryside and comprises a wooded/forested area and a number grassed fields with one field further sub-divided into paddocks. The site boundaries contain a mix of hedgerows, a watercourse to the eastern boundary and other watercourses partly forming the northern and southern boundaries. is accessible from the eastern side of the L-1096, a local road also known as the Chestnut Glen Road. The entrance comprises an existing twin/dual gated entrance with one driveway serving a private dwelling and the other serving the subject lands which is a hard-surfaced track.
- 1.2. The surrounding area is categorised as being in the the 'N11 Corridor - 4(a)' Landscape Area and the area is characterised predominantly by a gently undulating topography with agricultural holdings, a dispersed pattern of one-off rural dwellings and other local-based enterprises. There are no protected structures on the site and there are no recorded National Monuments on the lands with the nearest recorded monuments listed as 'Fulacht Fia' (Refs. WI025-041 & WI025-042) and located in the neighbouring fields to the north of the appeal site

2.0 Proposed Development

- 2.1. The subject development relates to the development of a stud farm and private dressage stables comprising:
- New entrance and access road;
 - 2 no. stable blocks incorporating stores, tack rooms and toilets (1,278.6sq.m);
 - Breeding barn (285.1sq.m);
 - Outdoor and Indoor arenas (1,243sq.m & 1,536sq.m);
 - Canteen and staff facilities (200.7sq.m);
 - Lunge / walker pen (415.5sq.m);

- Sheds/buildings for hay, dung storage and waste management (536.6sq.m & 444sq.m);
- Lorry shed (248.7sq.m);
- Installation of on-site effluent treatment/disposal system;
- Storm water management;
- Associated site development works, car parking, services and other infrastructure / welfare provisions.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission for the development, subject to 17 no. conditions. These conditions are briefly summarised as follows:

- Condition 1: Development carried out in accordance with plans and particulars.
- Condition 2: Payment of financial contribution.
- Condition 3: Submit a Construction Management Plan.
- Condition 4: Submit details of tie-in of access road to public road, construction details and drainage.
- Conditions 5: Entrance installed so that grass verge is maintained and surface water can flow freely off public road.
- Condition 6: Details of road drainage.
- Condition 7: Surface water drainage specifications.
- Condition 8: Water supply details/requirements.
- Condition 9: Confirmation of installation of effluent disposal system.
- Condition 10: Maintenance and servicing contract for WWTS
- Condition 11: Noise level limits and monitoring.
- Condition 12: Dust limits and monitoring.
- Condition 13: Systems to be put in place so no suspended solids are discharged into watercourse and the line of river shall not be altered.
- Condition 14: Mitigation measures contained in NIS shall be implemented.

- Condition 15: No development included in Class 6, Class 7 or Class 8 of Part III of P&D Regulations 2001 shall be carried out.
- Condition 16: Landscaping specifications
- Condition 17: Archaeological investigation/supervision.

3.2. Planning Authority Reports

3.2.1. First Planning Report

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history, policy framework of relevant development plans and inter departmental/referral reports.
- In terms of assessment, the Planning Authority deemed the principle of development as acceptable given the site location in the Open Countryside and subject to compliance with CPO 11.4 of the Development Plan regarding affects of the character/quality of the rural area.
- The Planning Authority acknowledged that the subject proposal is less intensive than a previously refused application on the land.
- In addressing the refusal reasons of Reg. Ref. 24/60608, the Planning Authority noted the application does not include an 'operators residence' which addressed refusal reason 1. A 25 metre buffer is provided from the on-site waterbody which addresses refusal reason 2. There was a lack of information was submitted in relation to the WWTS and the potential impacts on the SAC which formed refusal reason 3. The Environment Section requested further information in relation to the loading calculations for the WWTS. Refusal reason 4 was the previous application related to the need for a traffic assessment. Further Information is required to allow a full assessment of the proposal.
- The Planning Authority acknowledged the site is located in the Eastern Corridor Landscape Area and is west of Chestnut Glen Road which is located within the North East Mountain Lowlands (Area of High Amenity). It was deemed that agricultural/equestrian developments are generally appropriate to a rural setting and that the proposed development would not have an undue visual impact on the area.

- In terms of impacts on residential amenity, the Planning Authority noted concerns raised in terms of noise and dust but considered the proposal to be well setback from dwellings in the area and acceptable in terms of scale, location and the landscape plans submitted.
- With respect to services, Further Information is required in relation to loading calculations for the WWTS and calculations for the soakpits. The location of the proposed well has not been indicated.
- In terms of traffic, the Planning Authority stated that the roads authority has requested further information to allow the full assessment of the development. Detail is required for swept path analysis, sightlines being within applicant's ownership and need for a Stage 1 / 2 Road Safety Audit.
- No concerns were raised in respect of EIA.
- The findings of the NIS were noted and the Planning Authority considered that due to mitigation measures outlined and separation of the site from the Murrough SAC and SPA, the development is not considered to adversely impact upon the qualifying interests of the SAC or SPA.

Further Information was sought in relation to 4 no. items which are summarised as follows:

1. Provide Swept Path Analysis demonstrating horse transport vehicles entering/manoeuvring within and existing site; provide a Stage 1 / 2 Road Safety Audit; demonstrate 100m of sightlines can be achieved within applicant's ownership; and, confirm events/competitions on site will not be open to public.
2. Two septic tanks are shown on drawings however SCR refers to only one; the calculated organic load equates to 7PE so revise calculations/size of waste water treatment system accordingly; provide cross sections and layout of wastewater treatment system; and confirm no events will be held that would increase loading.
3. Clarify/submit revised drawings for soakpits as calculations for four have been provided but only three detailed; clarify location of oil interceptor; the site layout refers to an Integrated Constructed Wetland but the hydrological

assessment report details a horizontal flow constructed wetland - full site-specific design details of this wetland should be submitted.

4. Submit a revised Site Plan showing proposed well.

3.2.2. Second Planning Report

- The second Planner's Report provides an analysis of the applicant's response to the Request for Further Information.
- The Planning Authority noted in respect of Item No. 1 that the applicant intends to breed and train horses and to teach clients. No horse shows or equestrian events where the public attend will not take place. AutoTrack drawings detail the swept path. The Stage 1 & 2 Road Safety Audit identified several items and the feedback form confirms all recommendations have been accepted by the applicant. However, the written commentary explaining how recommendations have been implemented has not been submitted. Therefore, Clarification of Further Information is required. The applicant has not addressed the matter of sightlines in the Road Safety Audit and so Clarification of Further Information is required.
- In relation to Item No. 2, the applicant clarified that only one septic tank is to be installed and an additionally ecoflow filter pod is proposed. Site specific cross sections and layout have been provided, and it is confirmed that no shows or events are to be held on the lands. The Planning Authority deemed the response to be acceptable.
- With respect to Item No. 3, revised redesign calculations for soakpits were submitted but the calculations do not accord with proposed buildings. This matter can be conditioned. No oil separator is required, and bunding will be provided to diesel tanks. This item is accepted. Details of attenuation provided and is considered to be acceptable.
- In terms of Item No. 4, the applicant detailed the location of the proposed well and this was deemed acceptable to the Planning Authority.
- The second Planner's Report recommended that Clarification of Further Information be requested submitted in relation to the supporting commentary/response showing implementation of the recommendations in

the Stage 1 & 2 Road Safety Audit. The applicant is requested to demonstrate that sightlines can be achieved without removing the mature hedgerows and that sightlines can be achieved within their land ownership.

3.2.3. Third Planning Report

- The third Planner's Report provides an analysis of the applicant's response to the Request for Clarification of Further Information and forms the basis of the decision to grant permission.
- The assessment of the Planning Authority noted the applicant's proposal to outline how the items in the Road Safety Audit have been addressed. It is indicated that the Roads Authority were satisfied with the response. A submission was made relating to the ownership of the hedge on the western side of the road but it was noted that this hedge is not required to be removed to accommodate sightlines.

3.2.4. Other Technical Reports

Environment Section: Further Information requested in respect of the two septic tanks, associated loading, additional drawings required and confirmation of events; and, clarification of soak pits, location of oil interceptor and details of proposed wetland. The second report deemed the response acceptable and recommended conditions be attached on noise, dust, drainage and water supply.

Chief Fire Officer: No objection. Should permission be granted recommended conditions include submission of Fire Safety Certificate, Disability Access Certificate, provision of firefighting water supply, provision of fire hydrants and appropriate fire access.

Transportation: Further Information requested in relation to access with a swept path analysis sought and tie-in details of access road; showing sightlines and applicant's control; submission of a Traffic and Transport Assessment. The second report noted the responses received but

indicated that no comments were provided to implement the recommendations of the Road Safety Audit. The third report noted that the points raised in the Clarification of Further Information were accepted.

3.3. Prescribed Bodies

Inland Fisheries Ireland	No response received.
Arts Council:	No response received.
An Taisce:	No response received.
Heritage Council:	No response received.
Failte Ireland:	No response received.
Irish Rail	No response received.
Department of H,LG&H	Submit an Archaeological Assessment.

3.4. Third Party Observations

3.4.1. 2 no. third party observations were received at application stage. The main issues raised in the observations are similar to those raised in the grounds of appeal, as set out in Section 7.0 of this report. Nevertheless, the issues of concern relating to the subject development were summarised by the Planning Authority as follows:

- Impact on road safety and on cyclists
- Traffic report not carried out at busiest time of year
- Visual impact
- Biodiversity
- Light and noise pollution
- Ribbon development
- No justification for proposal. Applicant states they are being forced to move from current location as land has been zoned for residential housing.
- Contradictions between reports in relation to numbers to visit site

- NIS inadequate as: it does not assess impact on birds on the site; the site was walked in July 2024 and a sparrowhawk was found which is not listed in NIS; and NIS does not mention red kites

4.0 Planning History

4.1. The following planning history is associated with the site:

24/60617 Application for development of an equestrian farm. The development will generally comprise a new entrance access road; 3 stable blocks incorporating stores and tack rooms; outdoor arena; indoor arena with viewing area; staff facilities; sheds / buildings for storage of hay, straw, dung, waste management, machinery, lorries; a lunge / walker pen; breeding barn and operators' residence together with associated site development works / services; effluent treatment / disposal; and other infrastructure / welfare provisions for the project. Applicant: Marlton Equestrian Ltd. Status: WITHDRAWN.

24/60608 Application for development of an equestrian farm. The development will generally comprise a new entrance access road; 3 stable blocks incorporating stores and tack rooms; outdoor arena; indoor arena with viewing area; staff facilities; sheds / buildings for storage of hay, straw, dung, waste management, machinery, lorries; a lunge / walker pen; breeding barn and operators' residence together with associated site development works / services; effluent treatment / disposal; and other infrastructure / welfare provisions for the project. Applicant: Marlton Equestrian Ltd. Status: WITHDRAWN.

24/60160 Permission REFUSED for development of an equestrian centre at Ballymoat, Glenealy. The development will generally comprise 3 stable blocks, outdoor arena; indoor arena with viewing area; sheds / buildings for storage of hay, straw, dung, machinery, lorries; a lunge pen; breeding barn and operators' residence together with associated site development works /services; effluent treatment /

disposal; and other infrastructure / welfare provisions for the project. Applicants: Marlton Equestrian Ltd.

The refusal reasons are stated as follows:

- 1. Having regard to the presence of a waterbody flowing through the application site in a west to east direction which flows into the river system and onward into the Murrough SPA/SAC circa 6km to the north east, and to the location of the farm buildings, including the dung storage and hay cleaning facility and yard areas within close proximity to this water body and the potential for spillages/deleterious material to enter this water body during the construction and operational phase of the proposed development. It is considered that the details submitted are considered insufficient to allow the Planning Authority to fully assess the development in terms of its impact on the conservation values of the Murrough Wetlands SAC/SPA. Therefore impacts on the Murrough SAC/SPA downstream cannot be ruled out. Therefore, to allow this development in the absence of such information would be contrary to the Habitats Directive, to the provision of the County Development Plan 2022-2028 and the proper planning and sustainable development of the area.*
- 2. The proposed development would not represent a necessary dwelling and would be contrary to the settlement strategy for the Rural Area as set out in Chapter 4 of the County Development Plan 2022-2028. This strategy seeks to control development to ensure the protection of the environmental and ecological quality of the rural area and ensuring that the scenic value, heritage value, and/or environmental/ ecological / conservation quality of the area is protected. The Council's settlement strategy is to require new housing to locate on designated housing land within the boundaries of settlements, and to restrict rural housing to those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the*

open countryside in accordance with the requirements set out in Table 6.3. It is considered that the applicant does not come within the scope of the housing need criteria as set out under Objective CPO 6.41 of the County Development Plan 2022 - 2028 as:

(a) they have not demonstrated that they have a housing need and are native to the rural area and/or

(b) they have not submitted sufficient information to demonstrate an economic need to live in the rural area insofar as the proposed relocated equestrian centre will be of a sufficient scale and nature to be the applicant's primary occupation and source of income and that the business base of the existing equestrian facility at Marlton will provide sufficient basis on which to quickly and successfully establish the proposed equestrian facility. The proposed development would set an undesirable precedent for similar type development in the rural area and would therefore be contrary to the proper planning and sustainable development of the area.

- 3. Objective CPO 6.4 and CPO 6.44 of the County Development Plan 2022-2028 provides that rural houses shall achieve the highest quality of layout and design, should be simple, unobtrusive, respond to the site's characteristics and be informed by the principles set out in the Wicklow Single Rural House Design Guide. The proposed dwelling, due to its design, (which incorporates a number of suburban features and elements alien to the Irish rural landscape), finishes, height, large mass and floor area would form a highly incongruous feature in this area, would form a highly incongruous feature in this area, would militate against the presentation and protection of the rural and visual amenities of the area and would therefore be contrary to the objectives of the County Development Plan and the proper planning and sustainable development.*

4. (a) *Having regard to: The proximity of the proposed breeding barn to the boundary of the adjoining residential property;*
(b) *The failure of the applicant to submit details which regard to any noise generated by the hay dust removal system and mechanised manure removal equipment and;*
(c) *The lack of detail submitted with regard to the holding of any public events/competitions on site.*
The proposed development would seriously injure the amenities and depreciate the value of the residential dwelling to the south.
5. *The applicant has failed to demonstrate to the satisfaction of the Planning Authority that the traffic generated by the proposed development will not result in an undue increase in traffic levels on the local road network resulting in a traffic hazard.*

905937 Permission GRANTED for a bungalow and machinery store. Applicant: Mr. Denis O'Connor.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site.

5.1.2. Chapter 4 relates to 'Settlement Strategy'. The appeal site is located in Level 10: The rural area (open countryside). According to the Development Plan, the rural area is an active and vibrant area that plays host to a range of activities including, for example, rural housing, rural recreational activities, agricultural, horticulture, forestry, aquaculture, fishing, rural tourism, rural enterprises, quarrying and extraction, landfill, renewable energy etc. A key development parameter in the rural area is to facilitate appropriate and necessary activities and development, but to protect the natural environment within which these activities are undertaken. Development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focused on ensuring that the scenic value, heritage value and/or environmental / ecological

/ conservation quality of the area is protected. The following objectives are considered relevant:

CPO 4.10 To support the sustainable development of rural areas by encouraging growth while managing the growth of areas that are under strong urban influence to avoid over-development.

CPO 4.15 To protect and promote the quality, character and distinctiveness of the rural landscape.

5.1.3. Chapter 8 relates to 'Built Heritage' with Section 8.2 relating to Archaeology. The following Archaeology objectives are considered relevant:

CPO 8.1 To secure the preservation of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological interest generally. In the development management process, there will be a presumption of favour of preservation in-situ or, as a minimum, preservation by record. In securing such preservation, the Planning Authority will have regard to the advice and recommendations of the National Monuments Service of the Department of Housing, Local Government and Heritage.

CPO 8.2 No development in the vicinity of a feature included in the Record of Monuments & Places (RMP) or any other site of archaeological interest will be permitted which seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.

CPO 8.3 Any development that may, due to its size, location or nature, have implications for archaeological heritage (including both sites and areas of archaeological potential / significance as identified in Schedules 08.01 & 08.02 and Maps 8.01 & 8.02 of this plan) shall be subject to an archaeological assessment.

CPO 8.4 To require archaeological assessment for all developments with the potential to impact on the archaeological heritage of riverine, intertidal or sub tidal environments.

5.1.4. Chapter 9 relates to 'Economic Development' with Section 9.6 setting out a number of objectives for Wicklow's Rural Economy. I consider the following objectives to be relevant to Rural Employment and Agriculture:

Strategic Objective To preserve the amenity, character and scenic value of rural areas, and to generally require employment-generating development to locate on zoned / designated land within existing settlements. Notwithstanding this, it is the objective of the Council to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services including those addressing climate change and sustainability and through the development of appropriate rural based enterprises, which are not detrimental to the character, amenity, scenic value, heritage value and environmental quality of a rural area.

CPO 9.32 To permit the development of employment generating developments in rural areas, where it is proven that the proposed development requires to be located in a rural area (e.g. dependent on an existing local resource) and will have a positive impact on the location.

CPO 9.35 To permit the development of small-scale commercial / industrial developments in rural areas that are not dependent on an existing local resource, subject to compliance with all of the following criteria:

- The proposed development shall be a small-scale industrial / commercial scheme or service and the number employed shall be appropriate in scale to the location and its characteristics, including proximity to the workforce and customers;*

- *the proposed development shall be located on the site of a redundant farm building / yard or similar agricultural brownfield site; and*
- *the nature and scale of the proposed development and the proposed process or activity to be carried out, shall be appropriate to and compatible with, the character of the rural environment of the site at which the development is proposed, and shall not be detrimental to the rural amenity of the surrounding area. In the assessment of planning applications, cognisance shall be taken of the location of the site vis-à-vis the proximity of the site to the national and regional road network.*

Strategic Objective: To encourage the continued operation of farming and its associated uses where it already exists, and to facilitate the diversification of the agricultural economy through the support of appropriate alternative farm enterprise sources.

CPO 9.37 To facilitate the development of environmentally sustainable agricultural activities, whereby watercourses, wildlife habitats, areas of ecological importance and other environmental assets are protected from the threat of pollution, and where development does not impinge on the visual amenity of the countryside. Developments shall not be detrimental to archaeological and heritage features of importance.

CPO 9.38 To encourage and facilitate agricultural diversification into suitable agri-businesses. Subject to all other objectives being complied with, the Council will support the alternative use of agricultural land for the following alternative farm enterprises:

- *Specialist farming practices, e.g. organic farming, horticulture, specialised animal breeding, deer and goat farming, poultry, flower growing, forestry, equine facilities, allotments, bio-energy production of crops and forestry, organic and speciality foods; and*
- *suitable rural enterprises*

- CPO 9.39 To protect agricultural or agri-business uses from incompatible uses, which are more suited to being located within an urban settlement.*
- CPO 9.40 To ensure that agricultural developments do not cause increased pollution to watercourses. Developments will be required to adhere to the Nitrates Directive (91/676/EC), the Nitrates National Action Programme and the EC (Good Agricultural Practice for Protection of Waters) Regulations 2009 (as amended), with regard to storage facilities, concerning the protection of waters against pollution caused or induced by nitrates from agricultural sources. Developments will be required to comply with relevant measures, which operate to protect water quality from pollution by agricultural sources. The disposal and storage of agricultural waste shall comply with the standards required by Council.*
- CPO 9.41 To permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice. New buildings will generally only be permitted in cases where there are no suitable redundant buildings on the farm holding which would accommodate the development and where the Council is satisfied that the proposal is necessary for the efficient operation of the farm. Developments shall be compatible with the protection of rural amenities, and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance*

5.1.5. Chapter 11 relates to 'Tourism and Recreation' with the following objectives considered to be relevant:

- CPO 11.1 To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.*
- CPO 11.2 To ensure that all tourism and recreation developments are designed to the highest quality and standards.*

- CPO 11.3 To generally require tourism and recreation related developments to locate within existing towns and villages, except where the nature of the activity proposed renders this unfeasible or undesirable. Within existing towns and villages, the Planning Authority will promote and facilitate the development of tourist related uses at appropriate sites. In all cases, the applicant must submit a robust assessment setting out the sustainability of any proposal with respect to economic, environmental and social sustainability, as defined herein.*
- CPO 11.4 To only permit the development of a tourism or recreational facility in a rural area in cases where the product or activity is dependent on its location in a rural situation and where it can be demonstrated that the proposed development does not adversely affect the character, environmental quality and amenity of the rural area or the vitality of any settlement and the provision of infrastructure therein. The natural resource / tourist product / tourist attraction that is essential to the activity shall be located at the site or in close proximity to the site, of the proposed development. The need to locate in a particular area must be balanced against the environmental impact of the development and benefits to the local community.*
- CPO 11.5 The Planning Authority recognises that certain tourist facilities that are located in rural areas may be provided as stand alone development, and that ancillary uses (e.g. club house, café, restaurant, shop etc) may be required in order to ensure the long term viability of the tourist facility. Additional uses will only be permitted in cases where the additional use is integrated with and connected to the primary use of the site as a tourist facility, and in cases where the Planning Authority is satisfied that the additional use is ancillary to the primary use of the site as a tourist facility. The additional use shall be located adjacent to the tourist facility, and avail of shared infrastructure and services, insofar as possible.*

CPO 11.34 To facilitate and promote the development of small-scale tourist enterprises that are developed in conjunction with established rural activities such as agriculture. Such enterprises may include open farms, health farms, heritage and nature trails, pony trekking etc.

CPO 11.50 Where relevant, the Council and those receiving permission for development under the plan, shall manage any increase in visitor numbers and/or any change in visitor behaviour in order to avoid significant environmental effects, including loss of habitat and disturbance. Management measures may include ensuring that new projects and activities are a suitable distance from ecological sensitivities; visitor/habitat management plans will be required for proposed projects as relevant and appropriate.

CPO 11.51 Ensure the potential environmental effects of a likely increase in tourists/tourism-related traffic volumes in particular locations/along particular routes shall be considered and mitigated as appropriate. Such a consideration should include potential impacts on existing infrastructure (including drinking water, wastewater, waste and transport) resulting from tourism proposals.

5.1.6. Chapter 12 relates to 'Sustainable Transportation' with the following Local Road Objective considered to be relevant:

CPO 12.54 Rural local roads shall be protected from inappropriate development and road capacity shall be reserved for necessary rural development.

5.1.7. Chapter 13 relates to 'Water Services' with the section 13.2 setting out the Water Services Objectives in relation to Water Quality, Water Supply, Waste Water and Storm/Surface Water Infrastructure. The following objectives are considered particularly relevant:

CPO 13.1 To ensure and support the implementation of the EU Groundwater Directive and the EU Water Framework Directive and associated River Basin and Sub-Basin Management Plans and Blue Dot

Catchment Programme, to ensure the protection, improvement and sustainable use of all waters in the County, including rivers, lakes, ground water, coastal and estuarine waters, and to restrict development likely to lead to a deterioration in water quality. The Council will also have cognisance of, where relevant, the EU's Common Implementation Strategy Guidance Document No. 20 and 36 which provide guidance on exemptions to the environmental objectives of the Water Framework Directive.

CPO 13.2 To prevent development that would pollute water bodies and in particular, to regulate the installation of effluent storage and disposal systems in the vicinity of natural water bodies or development that would exacerbate existing underlying water contamination.

CPO 13.3 To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of generally 25m along watercourses should be provided (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible.

CPO 13.9 To protect existing and potential water resources of the County, in accordance with the EU Water Framework Directive, the River Basin Management Plans, the Groundwater Protection Scheme and source protection plans for public water supplies.

CPO 13.18 Private wastewater treatment plants for commercial / employment generating development will only be considered where:

- Irish Water has confirmed the site is due to be connected to a future public system in the area² or Irish Water has confirmed there are no plans for a public system in the area;*

- *It can clearly demonstrated that the proposed system can meet all EPA / Local Authority environmental criteria; and*
- *An annually renewed contract for the management and maintenance of the system is contracted with a reputable company / person, details of which shall be provided to the Local Authority*

CPO 13.21 Ensure the separation of foul and surface water discharges in new developments through the provision of separate networks. Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.

CPO 13.22 To promote the use of green infrastructure, such as swales and wetlands, where feasible as landscape features in new development to provide storm / surface runoff storage and reduce pollutants, as well as habitat, recreation and aesthetic functions.

5.1.8. Chapter 15 relates to 'Waste and Environmental Emissions' and contains a number of objectives in relation to solid waste, noise and air pollution.

5.1.9. Chapter 17 relates to 'Natural Heritage and Biodiversity'. Section 17.3 has regard to 'Landscape' with Table 17.1: Wicklow Landscape Categories setting out the hierarchy, category and landscape areas of the County. Section 17.4 sets out the Natural Heritage & Biodiversity Objectives and the following are considered to be relevant:

General

CPO 17.1 To protect, sustainably manage and enhance the natural heritage, biodiversity, geological heritage, landscape and environment of County Wicklow in recognition of its importance for nature conservation and biodiversity and as a non-renewable resource.

Protected Sites and Species

CPO 17.4 To contribute, as appropriate, towards the protection of designated ecological sites including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs). To contribute towards compliance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines, including but not limited to the following and any updated/superseding documents:

- EU Directives, including the Habitats Directive (92/43/EEC, as amended)⁶, the Birds Directive (2009/147/EC)⁷, the Environmental Liability Directive (2004/35/EC)⁸, the Environmental Impact Assessment Directive (2011/92/EU, as amended), the Water Framework Directive (2000/60/EC), EU Groundwater Directive (2006/118/EC) and the Strategic Environmental Assessment Directive (2001/42/EC); EU 'Guidance on integrating ecosystems and their services into decision-making' (European Commission 2019);
- National legislation, including the Wildlife Acts 1976 and 2010 (as amended)⁹, European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, the Wildlife (Amendment) Act 2000, the European Union (Water Policy) Regulations 2003 (as amended), the Planning and Development Act 2000 (as amended), the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011), the European Communities (Environmental Liability) Regulations 2008 (as amended)¹⁰ and the Flora Protection order 2015;

- National policy guidelines (including any clarifying circulars or superseding versions of same), including ‘Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’ (2018), ‘Guidance for Consent Authorities regarding Sub-Threshold Development’ (2003), ‘Tree Preservation Guidelines’, ‘Landscape and Landscape Assessment’ (draft 2000), ‘Appropriate Assessment Guidance’ (2010);
- Catchment and water resource management plans, including the National River Basin Management Plan 2018-2021 (including any superseding versions of same);
- Biodiversity plans and guidelines, including National Biodiversity Action Plan 2017 2021 (including any superseding versions of same) and the County Wicklow Biodiversity Action Plan;
- Ireland’s Environment – An Integrated Assessment 2020 (EPA), including any superseding versions of same), and to make provision where appropriate to address the report’s goals and challenges.

CPO 17.5 *Projects giving rise to adverse effects on the integrity of European sites (cumulatively, directly or indirectly) arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this plan¹¹.*

**Foot Note 11: Except as provided for in Article 6(4) of the Habitats Directive, viz. there must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the project to proceed; and c) adequate compensatory measures in place.*

CPO 17.6 *Ensure that development proposals, contribute as appropriate towards the protection and where possible enhancement of the ecological coherence of the European Site network and encourage the retention and management of landscape features*

that are of major importance for wild fauna and flora as per Article 10 of the EU Habitats directive.

- CPO 17.7 All projects and plans arising from this Plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites¹² in Wicklow.*
- CPO 17.8 Ensure ecological impact assessment is carried out for any proposed development likely to have a significant impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Annex I habitats, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.*
- CPO 17.24 To ensure and support the implementation of the EU Groundwater Directive and the EU Water Framework Directive and associated River Basin and Sub-Basin Management Plans and Blue Dot Catchment Programme, to ensure the protection, improvement and sustainable use of all waters in the County, including rivers, lakes, ground water, coastal and estuarine waters, and to restrict development likely to lead to a deterioration in water quality. The Council will also have cognisance of, where relevant, the EU's Common Implementation Strategy Guidance Documents No. 20 and 36 which provide guidance on exemptions to the environmental objectives of the Water Framework Directive.*
- CPO 17.26 Protect rivers, streams and other water courses by avoiding interference with river / stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25m along watercourses (or other width, as determined by the Planning*

Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. Structures such as bridges should be clear span, and designed and built in accordance with Inland Fisheries Ireland guidance.

Landscape, Views & Prospects

CPO 17.35 All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

CPO 17.38 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

5.1.10. Volume 3 of the Development Plan contains a number of relevant appendices with Appendix 1: 'Development and Design Standards' relevant to the assessment of the subject development. Section 4.3 relates to 'Commercial/employment development in rural areas (including agriculture, forestry and quarries)' and includes out general criteria for such developments. Sub-section 4.3.4 relates to Agriculture and states the following in relation not the location and design of agricultural buildings:

- In assessing planning applications, the Planning Authority will have regard to the recommendations and publications of Teagasc (the agriculture and food development authority). In particular, developments shall be required to accord with the following criteria:*

- *A building shall be sited and shall be of a height so as to ensure that it is as unobtrusive as possible. Particular attention shall be paid to developments in sensitive landscapes as identified in this plan;*
- *In so far as is practical, buildings should be of unifying design and should be clustered to form a distinct and unified feature in the landscape;*
- *Buildings shall utilise suitable materials and colours, which are compatible with the rural area. Stone and traditional building materials will be particularly encouraged. Where cladding is used on the exterior of farm buildings, dark colours (preferably dark green or grey) with matt finishes will normally be required. Roof areas should be coloured the same or in darker shade of the colour used on the side panels;*
- *In order to integrate development into the landscape, buildings shall be screened or shelter belted with principally native species of planting.*

5.4. National and Regional Plans

5.4.1. The following regional and national planning documents are relevant:

- *Project Ireland 2040 - National Planning Framework (NPF), 2018-2040*
- *Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.*

5.5. National Guidance

5.5.1. The following national planning guidance are relevant:

- *National Planning Framework - First Revision (2025)*
- *Development Management: Guidelines for Planning Authorities (2007)*
- *EPA Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.*

5.6. Natural Heritage Designations

5.6.1. The appeal site is not located within or immediately adjacent to any designated Natura 2000 sites. The nearest designated sites are set out as follows:

- Deputy's Pass Nature Reserve SAC (Site Code: 000717) approx. 2.68km to the southwest.

- The Murrough Wetlands SAC (Site Code: 002249) approx. 5.43km to the northeast.
- The Murrough SPA (Site Code: 004186) approx. 5.43km to the northeast.
- Vale of Clara (Rathdrum Wood) SAC (Site Code: 000733) approx. 5.5km to the southwest.
- Wicklow Head SPA (Site Code: 004127) approx. 7.6km to the east.
- Magherabeg Dunes SAC (Site Code: 001766) approx. 8.5km to the southeast.
- Wicklow Reef SAC (Site Code: 002274) approx. 9.66km to the east.
- Wicklow Mountains SAC (Site Code: 002122) approx. 9.9km to the northwest.
- Buckroney-Brittas Dunes and Fen SAC (Site Code: 000729) approx. 10.34km to the southeast.
- Wicklow Mountains SPA (Site Code: 004040) approx. 11.5km to the northwest.
- Carriggower Bog SAC (Site Code: 000716) approx. 14.03km to the north.

5.6.2. In addition, the Glenealy Woods pNHA (Site Code: 001756) is located 0.4km to the west of the appeal site.

6.0 EIA Screening

6.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The subject development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

Two third party appeals have been received in relation to the Planning Authority's decision to grant permission. I note that there is some overlap and shared

concerns set out in the respective grounds of appeal however, in the interests of clarity, I shall summarise each of the appeals:

Appeal of Robert & Natalie Eyre

Traffic, Access and Road Safety

- Development would result in an unacceptable intensification of traffic on a local road network that is inherently unsuitable for the volume, frequency and type of traffic associated with the proposal.
- The road is constrained in width, lacks verge and recovery space, offers limited opportunities for passing, physical restraints and has restricted forward visibility along with shared surfacing for other users.
- Permission was previously refused at this location in terms of traffic hazard and the vehicles proposed to access the site increase potential for conflict. Concern was also raised by the Planning Authority as part of the current application.
- The Stage 1 / 2 Road Safety Audit identifies multiple collision risks including restricted carriageway width, limited visibility, absence of lighting and roadside hazards. Whilst mitigation is proposed underlying safety issues remain unresolved.
- The Swept Path Analysis represents a theoretical exercise undertaken in idealised conditions and does not reflect real-world driving
- The traffic assessment relies on assurances that equestrian events have ceased despite evidence demonstrating that such events continue to generate high intensity vehicle movements. Reliance on assumptions that appear inconsistent with observed activity undermines the robustness of assessment.
- Take cumulatively, the proposal relies of layered mitigation measures, management assumptions and behavioural compliance rather than road suitability. The development would endanger public safety and materially harm the function and character of the rural road environment.

Watercourse, Ecology and Protected Species

- Proposal is located on lands inherently environmentally sensitive and unsuitable for the scale of development proposed.

- The site is traversed by watercourses which are hydrologically connected to the wider landscape and whose ecological integrity depends of preservation of natural drainage patterns, riparian habitats and low levels of disturbance,
- The ecological assessment and Natura Impact Screening are based on walkover surveys that do not adequately reflect current baseline ecological conditions to the functional use of land by protected species,
- Since the completion of the survey, sighting of sika deer have been witnessed across the lands and using the area. Deer will be disturbed from the proposed works and the displacement and fragmentation of habitat will have effects extending beyond the site.
- Red Kite have been observed flying over the application site and the presence of the species indicates the ecological value of the area. Where protected species are known to be present, the burden rests with the applicant to demonstrate through survey data that the development will not disturb or impact on species. This has not been discharged in this case.
- The Natura Impact Screening relies heavily on mitigation measures, buffers to watercourses and construction management practices. Given the scale of development and presence of protected species, there is clear and credible ecological pathways for impact which require reassessment.
- The proposal does not demonstrate meaningful avoidance of sensitive ecological features
- Ecological impacts have not been assessed cumulatively with other elements of the proposal such as traffic access, lighting noise, hedgerow removal and increased human activity which would impact on the site and character of the rural area and erode ecological connectivity across the area.

Archaeology and Cultural Heritage

- The development would have an unacceptable impact on the archaeological heritage or the area as the site is located in a sensitive location proximate to recorded monuments, including Fulachtaí Fia which are closely associated with water sources and wetland environments.
- The extensive works would materially alter this context and the development would introduce features in an area with a strong sense of archaeological

and rural integrity. Changes would erode the setting of monuments and their cultural significance to the landscape.

- The archaeological condition is a reactive measure intended to record remains if recovered and not prevent harm to archaeological context, setting or landscape character.
- Archaeological impacts have not been assessed in combination with other elements of the development, and it is considered the development would materially harm archaeological heritage and setting which conflicts with objectives of the Development Plan and national policy regarding the protection of archaeological heritage and cultural landscapes.

Visual Impacts, Lighting, Noise and Rural Amenity

- Proposal would result in significant erosion of visual amenity, rural character and environmental quality in high amenity landscape.
- The Visual Impact Assessment is inadequate and fails to assess likely visual effects of the proposal as it does not include photomontages or affected viewpoints, residential viewpoints or elevated views across the countryside.
- The development will introduce large scale buildings and infrastructure within open fields in an unbroken landscape. The introduction of buildings will result in visual intrusion, loss of rural openness and a change in the rural character.
- The area experiences low levels of artificial light and the lighting proposals are not supported by a lighting impact assessment of photometric analysis. The applicant has failed to demonstrate how light spill, glare, sky glow and cumulative nighttime impacts would be avoided on wildlife and residents.
- A condition has been attached to address noise impacts but it is deemed to be flawed as noise monitoring undertaken after a development has been constructed does not prevent noise impact and post development monitoring cannot restore lost amenity.
- The combined effects of visual intrusion, lighting, noise and increased activity would result in the suburbanisation of the countryside and harm the visual amenity, rural character and living environment for nearby residents.

Shifting Justification and Inconsistent Narrative

- Justification for relocation of the equestrian enterprise, nature/scale of proposal and operational requirements have shifted repeatedly over time without rationale which undermines the reliability of assessments upon which permission is based.
- Initially the move was attributed to anti-social behaviour and financial burden of the land tax but it emerged that Marlton was not subject to zoning tax and the principal justification became an alleged lack of space.
- The applicant's assertions are undermined by a separate planning application for 74 no. residential units on the Marlton lands. The advancement of a scheme on these lands is incompatible with the claim that the existing equestrian enterprise cannot continue to operate due to space and this contradiction was not adequately reconciled in the assessment.
- Earlier applications framed the proposal as a relocation of an existing enterprise with additional facilities but submitted particulars claim proposal would be smaller than Marlton but this claim is not supported. Comparative views of site layouts demonstrates that overall footprint, disposition of buildings, access and intensity of built form has remained materially similar and represents a large-scale intensification within the countryside.
- The residential component has been reframed with previous applications including an on-site residence. A dwelling was deemed essential but has subsequently been removed without explanation to affecting operations.
- The identity under which application are made has changed and when considered alongside shifting justification, contributes to a lack of clarity as to the nature, scale and long-term operation of the proposal.
- Proposal has been reframed in response to refusal reasons rather than a fundamental redesign. Assessments in relation to traffic, ecology, watercourses, lighting, noise and amenity are all predicted on assumptions while the physical development is not.
- The cumulative effect of inconsistencies is to undermine the integrity of the assessment process. The claimed need for the relocation and scale of development is contradictory and unsupported by spatial evidence, and it cannot be concluded that the development has been properly assessed.

- The proposal would not represent an isolated rural enterprise but would introduce a level of built form, infrastructure, lighting, traffic, and activity that is urban in character and incompatible with the receiving environment.
- A grant of permission would set an undesirable precedent for similar forms of development in the countryside, making it increasingly difficult to resist further intensification and erosion of rural character over time.

Reliance on Conditions and Assurances

- The permission is overly dependant on compliance with conditions on matters such as road safety, wastewater management, watercourse protection, archaeology, ecology and various management plans rather than demonstrating the acceptability of the proposal at application stage. Deficiencies identified are substantial and cannot be remedied by additional conditions or post controls measures.

Failure to comply with Development Plan

- The proposed development contravenes the Development Plan as it development in the countryside will only be supported where it demonstrated that the development is necessary to be located in the rural area and scale is appropriate to the setting. The applicant has failed to demonstrate this.
- The equestrian enterprise in Wicklow Town is long established and not inherently rural dependant and doe does not require relocation to a greenfield area.
- The applicant's justification has shifted and does not constitute evidence that the business is to be relocated.
- The scale and intensity of the proposal cannot be described as small scale rural development and represents an intensification of built form in a sensitive rural landscape which is inconsistent with the objective of protecting the character/amenity of the countryside.
- The onus is on applicant to show the relocation of existing urban operation to countryside is essential rather than convenient.

Previous Planning History

- Attention is brought to the previously refused development on the lands and subsequent withdrawn applications where concerns were raised on a number of matters.
- The site has not changed materially since previous assessment were made and this proposal requires careful scrutiny. The Planning Authority has twice concluded that the development gives rise to fundamental impacts it is not appropriate to subsequently grant permission.

Appeal of Charles & Coibhe Butler

Compliance With Development Plan

- The applicant has not demonstrated that the product/activity of the stud farm/dressage stable are dependent on its location due to: applicant running a commercial stud farm and eventing centre in Wicklow Town; no commitment has been given to the cessation of this enterprise; no CPO or forced movement/closure of Marlton Equestrian Centre; no conditions of the permission requiring operations at Marlton Equestrian Centre to cease or to move to Ballymoat; decision to development surrounding lands at Marlton Equestrian Centre is voluntary choice and applicant seeks to develop a further commercial enterprise; it is reasonable to expect that if permission is granted there will be two equestrian centres run by the applicant.
- Development not in accordance with CPO 11.4 of the Development Plan in relation to tourism and recreation.
- Under CPO 11.3 of Development Plan, commercial development should be directed within towns and villages. Marlton Equestrian Centre already exists on the outskirts of Wicklow Town so this policy objective cannot be satisfied.
- To allow further development is contrary to CPO 11.1 of the Development Plan as it is not sustainable as a similar development to the proposed development which is already in existence and will continue to operate.
- There is inconsistency in the development description as it states that events will not be held where the general public attend. However private individuals may attend and so horse shows and equestrian events may be held.

- Applicant states that 5 staff and 25 visitors will visit daily but this limit is not legally binding and conditions should be attached limiting numbers of visitors.
- The applicant 's letter is not-legally binding to restrict access to site.

Traffic and Road Safety

- The final response from applicant did not deal with concerns raised by Roads Department. Issues in terms of boundaries and sightlines was not addressed and the assessment was not sufficient as there was no mention of obstructions not in the ownership of the applicant, no agreement of management of boundaries from separate owners; failure to provide legally binding agreement between applicant and property owners in perpetuity as specifically requested.
- In relation to the Road Safety Audits, a sufficient Swept Path Analysis was not provided as requested determining risks of entry/exit or the nature/volume of vehicles using the site and therefore failed to address valid safety concerns.
- Wicklow County Council erred in its decision to grant permission and traffic/safety concerns were not addressed.
- A road traffic management plan should have been submitted prior to the grant of permission and not prior to construction.
- The rural road is unsuitable for nature and intensification of proposal.
- No conditions were attached ceasing the use of the current entrance/exit next to Ballymoat House where the applicant has a legal right of way. Two entrances without restriction of use will increase risk to road users.
- A Transportation Planning Consultant has provided a report which sets out the assessment of the development. The report indicates that concerns remain in terms of the suitability of L-1096 to accommodate the development, sightlines, visibility, accuracy of mapping and impacts to road users.

Fire Safety Comments

- Development fails to have regard to certain fire safety issues and advice from the Chief Fire Officer has been ignored where conditions were recommended.

- It is clear that the separate bullet format referencing recommendations of the Chief Fire Officer are not legally binding.

7.2. Applicant Response

7.2.1. A response to the appeal was submitted on behalf of the applicant and the main points are summarised as follows:

Introduction

- Lusra Teoranta is the company formed by the applicant's immigrant grandparents with land/business portfolio across various interests. The portfolio includes the Marlton agricultural estate.

Nature and Extent of Application

- The applicant's interests are in dressage and eventing. It is a specialist and technical sector of dressage and eventing horses and is not to be confused as an equestrian centre.
- Specialist-bred sport horses cannot be left in insecure conditions. When the equestrian sports facility and stud farm is established at Ballymoat, the transportation of horses between Ballymoat and Marlton which currently occurs will cease with Marlton Equine Centre closing.
- The subject lands were part of a larger farm holding. There is no material change of use of the overall farm arising from one type of large animal farming to another and the use would be less intense than previous farming.
- The proposed works cover 2.9ha of the 31.32ha farm (9.2%) and the proposal has been set out by the applicant.
- The decision appealed is based on documented information and conditions attached with the permission.

Impact on Residential Amenity

- The Eyre residence is located 700 metres from the site as the crow flies, east of the Rathnew/Rathdrum Road and railway line. Their residence is 1.75km by road to the proposed farm entrance. The Butler residence is 450-500 metres from the appeal site as the crow flies and there is a dense woodland between their residence and proposed development.

- The nature of the works and the topography of the land will minimise impacts on the surroundings.

Traffic Impacts

- The equestrian development at Ballymoat will reduce HGV traffic as horses are currently transported between facilities for safety reasons.
- The site is located close to the R-752 and the M11 motorway for access to Dublin and Rosslare ports for transfer of horses.
- Chestnut Glen Road (L-1096) already accommodates farming and there is a horticultural enterprise, cookery school, sawmills, quarry, machinery yard and GAA grounds in the locality which involve articulated HGV vehicles.
- Horse transportation is normally by a horse box drawn by an SUV or rigid horse transport vehicle. Articulated trucks are rarely, if ever, used.
- A number of items raised in the appellants' Transport report are queried such as TII being responsible for arterial traffic and not local roads; the local road carries traffic without record of serious accident/hazards; required sightlines are 90 metres from a bellmouth entrance, not the 100 metres which has been sought; it is suggested that the accuracy of the local road appears based off mapping as opposed to on-site topographical surveying which is incorrect; anticipated traffic generation has not been detailed as to whether it relates to the Marlton Equestrian Centre or the proposal for consideration.
- A specialist has conducted traffic surveys and confirmed that the road is lightly trafficked. An independent road safety audit was carried out and findings were accepted by the Planning Authority.
- A response to the appellants has been prepared which informs that DMURS is the relevant design standard for roads with speeds limits of less than 60kmph; sightlines requirements have been assessed using TII design standard DN-GEO-03031; the minimum visibility distance is 90 metres; and the proposal includes 100 metre sightlines from a setback of 3 metres.
- The drawing has been misrepresented that another person's hedge is to be removed to facilitate sightlines.
- The section of hedge to be removed to accommodate entrance will be replaced.

- Condition No. 4 of the decision to grant requires details of the entrance to be agreed with the Planning Authority.
- Management of verges is within control of Wicklow County Council as reflected in Condition Nos. 5 & 6 of decision.
- The full extent of the road corridor has not been taken into account in the appellants' submission. The road has a wide corridor with verges and maintained hedges.
- Farm frontage along Chestnut Glen Road is approximately 215 metres in length. The location of the bellmouth entrance can be moved and a modified location for consideration by An Coimisiún Pleanála is submitted.

Intensity of Development – Environmental Issues

- The lands were previously used by sheep and cattle/dairying with discharges uncontained and stocking rates in excess of those proposed. The proposal for horse stabling, dung management and controlled level of landspreading will be considerably reduced from previous rates.
- Sika deer and horse farms are not incompatible. The core area of the proposal is 2.9ha of the 31.32ha farm and as such, 90% of the farm is undeveloped allowing Sika deer to roam outside of corrals. The farm includes undisturbed woodlands for deer and nesting for birds.
- A note from the applicant's ecologist refers to the NIS prepared and indicates that Sika Deer and Red Kite are not qualifying interests of SAC/SPA within the zone of influence and so do not fall within the scope of the NIS.
- Deer were observed on the site and may use the lands and the woodland outside the development area but such habitat would not be affected by the development or by the use of the lands.
- Sparrowhawk was observed in woodland on the site and offers suitable breeding grounds for other birds, including Red Kite. No works will occur in the woodland and the trees to be removed is mainly scrub with additional trees to be planted on site. Specific mitigation measures have been incorporated into the NIS to safeguard breeding birds.
- Matters relating to hydrological connectivity, pollution risk, noise disturbance, lighting, traffic and habitat fragmentation have all been considered in the NIS.

Archaeology and Landscape

- The closest known Fulachtaí Fia is 240-280 metres away.
- The archaeological report states that no intact archaeological stratigraphy or features will be impacted by the proposal and no further mitigation is required.
- The condition for monitoring is accepted by the applicant.
- There are no protected views in the area.
- There are significant allowances for agricultural structures as part of exempted development in the Planning & Development Regulations 2001 (as amended).
- There is an expectation that the countryside will contain agricultural buildings and it is generally accepted that equine farms contribute to the countryside.

Lighting & Noise

- Equestrian farming is a largely daytime farming activity as horses are stabled at night.
- Standard wildlife/bat-friendly lighting arrangements can be accommodated and can be specified by standard conditions.
- There will be no lighting for the outdoor arena and evening riding will occur indoors.
- The Planning Authority acknowledged that noise report which indicates the development would not be a significant noise generator. Construction and operational noise can be dealt with by way of condition.
- An additional response from the project ecologist confirms that the noise assessment carried out determined noise emissions to be best practice established criteria as well as being below background noise levels.

Suburbanisation of Countryside

- It is refuted the proposed equestrian farm results in the incremental suburbanisation of the countryside. Farming makes and maintains the rural landscape and the importance of the rural economy, and its diversification is set out in national planning policy.

Viability of continued farming in Marlton

- The grounds of appeal dispute that there has been change in Wicklow town that may cause established rural agricultural activities to relocate to the countryside.
- Wicklow town has grown and the lands at Marlton have been zoned New Residential, Community and Education infrastructure and secondary school education reservation.

Development Plan Variation

- The variation of the Development Plan sets out increased housing targets for County Wicklow.

Changing Narrative

- The appellants are suspicious of a changing narrative that accompanied planning applications however planning guidance requires refusal decisions to set out all refusal reasons for applicants to understand the decision and what elements require change/modification for an acceptable development.
- Marlton Farm would be assimilated into the growing Wicklow town and so there is no change in narrative.

Planning Authority's Assessment

- The Planning Authority noted the principle of the development, location of the site in terms of visual impacts, design/siting of buildings, access, landscaping, noise and mitigation measures in NIS in forming its decision to grant permission.

Other Issues

- It is appropriate that the Planning Authority did not include conditions arising from Building Regulation requirements.
- The existing farm entrance is not in the applicant's or Lusra's ownership. A Right of Way from the owner of the entrance exists but not to develop it or close it.
- Conditions cannot be imposed on another person's land outside of the application site.

- The entity used to purchase or hold land is not relevant and permitted development inures to the land.
- The suggestion that the application is a proxy for other development based on ownership is beyond the realms of consideration.
- The appellants have persisted in describing the proposal as the relocation of a large-scale equestrian business into the open countryside whereas the applicant indicates the proposal is of a different nature (dressage/breeding/stabling).
- The nearest neighbour is a large-scale commercial plant and machinery operation which the appellants appear to be blind to.

7.3. **Planning Authority Response**

- None.

7.4. **Observations**

- None.

7.5. **Further Responses**

7.5.1. In response to the request for further submissions or observations in relation to the applicant's appeal response, under section 131 of the Planning and Development Act 2000 (as amended), the further responses received are summarised below as follows:

Robert & Natalie Eyre

- Applicant relies on compliance with visibility standards but does not address the central issue of whether receiving rural road network can safely/adequately accommodate traffic generated from development.
- No assessment provided regarding the ability of two large vehicles to pass on road, carriageway width or verge capacity to demonstrate the road network can safely function under the level of use proposed.
- Applicant has not demonstrated capacity of any agricultural vehicles or articulated vehicles using the land. It is evidence of an already constrained and stressed rural road.

- Demonstration of compliance with visibility captured from a height/elevated position which does not reflect driver eye height/actual visibility.
- Reference is made to a minor modification to optimise sightlines which demonstrates that the location is not fixed and the original design did not achieve the desired standards and boundary alteration and vegetation removal to facilitate compliance.
- The modification cannot be characterised as being minor and represents a material redesign of a safety critical element of the development and it is not appropriate to leave the access to a post permission agreement.
- Applicant relies on an assumed operational level of 25 visitors and 5 staff per day however, no traffic modelling has been provided or peak usage assessment undertaken or no analysis of cumulative movements carried out.
- Traffic generation remains uncertain and unaddressed and there are concerns in terms of traffic safety and road capacity.
- The applicant's reliance of the proportion of land to be developed is not an appropriate or recognised measure of scale. A development is not small scale on account of the limited percentage of a larger landholding.
- The development is a substantial and highly structured equestrian complex with a number of businesses and staff/visitors which is a comprehensive facility rather than a small-scale rural development. The level of activity is not characteristic of small-scale rural enterprise.
- No evidence provided of any reduction in activity or limitation on operational intensity from the established equestrian enterprise and the proposed private/specialist operation. The scale/intensity of the enterprise remains materially unchanged.
- It is stated that events will be limited to those attending equestrian school but this does not constitute a restriction and confirms the potential for organised activity, gatherings and increased vehicle movement/traffic and no assessment has been undertaken for such activity in this rural area.

- The noise assessment does not provide a reliable or representative evaluation of the likely noise impacts arising from the proposed development.
- A more representative approach would have been to undertake noise monitoring at Marton which would reflect the actual operational characteristics.
- In rural environments characterised by low background noise, even moderate activity can result in significant perceived impacts, and the Commission cannot be satisfied such impacts have been assessed.
- No lighting assessment has been provided. Details of light intensity, glare, spill, column height or hours of operation have not been provided, and it is reasonable to expect that artificial lighting will form an integral part of the operation.
- Evidence previously provided by appellants demonstrates nighttime environment. Moderate levels of lighting would represent a significant impact to residential and ecological receptors, but no such assessment has been provided.
- No details have been provided in respect of odour dispersion, dust generation and general disturbance from operations. The applicant relies on impacts being managed by conditions. It is not appropriate to rely on conditions to address unknown impacts or unassessed environmental effects and deficiencies in the application.
- Visual assessments have been confined largely to views from L-1096 which is stated to be screened/not readily visible. The representation is selective and does not constitute a comprehensive visual impact assessment. Photographic/video evidence previously submitted clearly demonstrates that the site forms part of a high amenity rural landscape with open views across surrounding lands and Carrick mountain providing a prominent backdrop.
- The site is visible from multiple elevated viewpoints within the area and have not been assessed with the applicant relying on selective areas which are much less visible.
- The introduction of multiple large buildings and yard areas represents a material visual change which has not been assessed.

- The cumulative impacts of the development represent a material change from the existing rural development. The appeal response does not remedy the deficiencies identified and relies on assumptions and incomplete/absent assessments.
- The applicant's approach to distance of proposal from appellants' properties is selective and misleading.
- It is accepted that the appellants are not the closest receptors but impacts on other properties has not been assessed. Closer receptors have been omitted from assessments carried out.
- The applicant's justification has evolved from being forced to relocate due to urban expansion around Marlton Equestrian to stating the new breeding shed allows expansion of breeding to the proposal.
- The justification for the proposal has shifted from external regulatory and urban pressures to a specialist stud facility to a succession-based, individual led operation. These are materially different planning narratives and a clear planning based locational necessity has not been established.

Charles & Coibhe Butler

- Appeal taken on grounds of public interest particularly as regard the genuine risk to safety for the general public who use this rural local road to serve the development.
- It is flawed for a decision to be made on applicant's voluntary measures given and conditions should be attached to make measures legally binding.
- No comments were made in appeal regarding visibility of development from Butler residence and commentary on same in applicant's response should be ignored as it was not raised in the first instance. It is noted however that vehicles on the driveway would be visible from Butler residence.
- Appeal response is framed in such a way that existing commercial enterprises in locality to suggest that further commercial development can be accommodated. Further development will only increase dangers for road users and the appeal response fails to add that a creche is 150 metres from

proposed entrance along with a further sawmill and haulage business. It is queried as to what threshold must be reached before it is too dangerous to permit further development.

- Elevated pictures are misleading to claim there is adequate visibility for all vehicle types on the L-1096. The pole with cloth is c. 10 metres in height and is above height of hedge which misrepresents the actual visibility and reality of views for drivers. Pictures 3 and 4 are not accurate/correct.
- There are buildings outside frame of the high-level photograph of the entrance and the relevance of applicant's comments that no buildings are located closer to the public road than the inner stock-proof fence is questioned.
- Nearby commercial premises provide for significant in/out commercial traffic or large construction machinery carried on loaders or individually.
- The Chief Fire Officer requested conditions due to the seriousness of issues. Under planning law there is no prohibition for fire safety matters to be governed by planning conditions as attached to a planning consent.
- Applicant's response deflects from point made in appeal that if a new entrance is permitted that the use of the current entrance over which they have right of way to use should be prohibited. The applicant would otherwise have the benefit of two entrances which compounds dangers to road users.
- The suggestion does not require any interference or changing the existing right or way as claimed by the applicant, it merely requires a binding measure to ensure the non-usage of the existing entrance.
- Applicant's reference to large-scale commercial premise is irrelevant and unprofessional. The commercial premises is in place a number of years and is not subject to any application and has no relevance to current appeal.
- It is incorrect to imply that appellants are removed from rural life/farming as there is farming to a certain degree regarding arable farming and pigs; and, have always lived in rural Co. Wicklow which the applicant cannot claim.

- No equestrian events have taken place at Ballymoat to date as there is no development to facilitate same. The applicant's declaration confirming there will never be events is voluntary and has no legal certainty as to being applied.
- A report from a Transport Planning Consultant has been attached in relation to the applicant's appeal response and is summarised as follows:
 - Confirms correct location of Butler residence.
 - Horse transportation methods are slow moving and exacerbate the unsatisfactory forward sightlines as large vehicles will cover the road when turning right from south and presents a safety risk.
 - Proposed development is accessed from a rural road. DMURS is not applicable as it applies to urban roads.
 - TII standards are used a best practice for regional and local roads.
 - The extent of existing vehicular traffic movements on the rural road will contribute to traffic hazard.
 - Visibility splay has not been detailed as required by TII where a triangular splay needs to be shown.
 - The visibility splay drawing for the revised site access does not contain spot heights. Therefore, the accuracy is unclear.
 - The anticipated traffic generation has been hinged off the applicant's own consultant. There is no supporting information to claim that the development would result in a reduction of intensity to the agricultural use on the site.
 - The applicant's response to the appeal incorrectly assumes DMURS applies to road to the rural local road and forward visibility as per TII publications has not been provided.
 - It has not been proven that the visibility splay to the north is clear from obstruction from the existing hedgerow to the west of the road.
 - No numerical clarification of the road width or width of the verges has been provided and it would have been straightforward to provide same. The use

of aerial is unsuitable as photos do not give clear indication of ground conditions from driver eye height.

- Applicant's reference to the winding roads being recommended for safety and that straighter roads encourage the gathering of speed has no source
- There is a notable horizontal deflection on the L-1096 to the immediate north of the site. Forward visibility drawings are required. The Development Plan states that new entrances must show that vehicles turning right to entrances do not obstruct or cause hazard to other road users and that sufficient forward sight distance must be available to approaching cars and cars waiting to turn.
- There appears to be suitable forward visibility of a vehicle travelling from the south to a vehicle turning right but not for a vehicle waiting to turn right of an oncoming vehicle from the north.

8.0 Assessment

Having examined the application details and other associated documentation on file, the third party appeals and subsequent responses, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues in this third party appeal can be addressed under the following headings:

- Principle of Development
- Access
- Impact on Landscape/Visual Amenity
- Impact on Residential Amenity
- Wastewater Treatment, Drainage and Services
- Adequacy of Environmental Assessments and Natura Impact Statement
- Other Matters
- Appropriate Assessment

8.1. Principle of Development

- 8.1.1. In assessing any development, a key consideration for the assessment of the proposal is the principle of development. The grounds of appeal claim the applicant's justification for the proposal has shifted and does not constitute evidence that the business at Marlton Equestrian is to be relocated. It is also claimed the justification for development has been changed/reframed over time (e.g. anti-social behaviour and land tax) which underlines the reliability of assessments upon which the subject proposal is based. The grounds of appeal state that the onus is on the applicant to demonstrate that the relocation of an operation exists in an urban location to the countryside is essential rather than convenient. It is also considered by appellants that the proposal would introduce elements that are urban in character such as activity, lighting and traffic which are incompatible with the receiving environment and would set an undesirable precedent for similar development that would erode the rural area. It is also contended that the scale and intensity of the proposal cannot be described as small-scale rural development and represents an intensification of built form in a sensitive rural landscape which is inconsistent with the objective of protecting the character/amenity of the countryside.
- 8.1.2. In addition to the above, the appeals claim the proposal would fail to comply with the Development Plan as the applicant has not demonstrated that the development is dependent on its location in the countryside. It is contended that the applicant runs a commercial stud farm and eventing centre, Marlton Equestrian, in Wicklow Town and that there is no commitment to give up or cease this enterprise should the subject development be constructed. There is concern that if permission is granted that the applicant would run two equestrian centres. It is also claimed that CPO 11.3 of the Development Plan regarding commercial development being directed within towns and villages cannot be satisfied as the Marlton Equestrian Centre already exists on the outskirts of Wicklow Town and not rural dependent. In addition, it is stated that the development is not in accordance with CPO 11.4 of the Development Plan in relation to tourism and recreation and that allowing further development is contrary CPO 11.1 of the

Development Plan as the development is not sustainable as similar developments are already in existence and will continue to operate.

8.1.3. The applicant's response to the appeals has clarified the landowner as a company formed by family members which has a considerable business portfolio. It is stated that the suggestion that the application is a proxy for other development based on ownership is not realistic. The appeal response contends that there has been no change in narrative and the proposal has been modified to address refusal reasons and concerns in relation to previous planning applications. The appeal response outlines the applicant's interests in dressage and eventing which is a specialist and technical sector of dressage and eventing horses and is not to be confused as an equestrian centre or a large-scale equestrian business as persistently described by the appellants. It is further outlined that the proposed works extend to 2.9ha, or 9.2% of the overall farm holding and there would be no material change in use with one type of large animal farming to another and that the use would be less intensive than previous farming on the land. The appeal also response states that specialist-bred sport horses cannot be left in insecure conditions and that the transportation of horses between the appeal site and Marlton Equestrian will cease once the proposed facility is established and Marlton Equestrian closes. The applicant's appeal response refutes that the proposed equestrian farm would result in the incremental suburbanisation of the countryside and highlights that farming is part of the rural landscape and important to the local economy where diversification is set out in national planning policy. Reference is made to the growth of Wicklow Town in recent years and demands for development with the lands at Marlton Equestrian being zoned for a variety of uses including residential, community and for educational purposes.

8.1.4. In considering the principle of development, I note the appeal site is located on established agricultural lands in a rural area classed as the 'open countryside' in the Wicklow County Development Plan 2022-2028. It is my view that the principle of agricultural structures, such as stables, barns, arenas/exercise area and shed/buildings for hay storage as proposed in this application is accepted in rural locations. Having regard to Chapter 9: 'Economic Development' of the Development Plan in relation to the rural economy and agriculture, I note that

CPO 9.32 seeks to permit the development of employment generating developments in rural areas where it is proven that the proposed development requires to be located in a rural area; and, CPO 9.35 seeks to permit the development of small-scale commercial/industrial developments in rural areas that are not dependent on an existing local resource, subject to criteria on numbers of employees, location on farm building or redundant brownfield site and compatibility with the rural environment. I further note that the Development Plan supports the principle of appropriate 'alternative' farm enterprise sources and I specifically refer to CPO 9.37 which seeks to facilitate the development of environmentally sustainable agricultural activities and CPO 9.38 which seeks to encourage and facilitate agricultural diversification into suitable agri-business which includes specialised farming practices notably animal breeding and equine activities.

- 8.1.5. Having regard to the appeal file, the applicant has stated their intention to use the facility to breed and train sports horses and ponies for dressage and eventing. The applicant has also outlined that the proposed facility will be used to teach clients and will not run horse shows or equestrian events for the public. I am satisfied that the applicant is involved in the equine industry and I acknowledge that the applicant has familial connections with an existing equestrian facility, Marlton Equestrian, in Wicklow town. Whilst I note that the appellants have referred at length to changing narratives and justifications for the proposed development and the need for this proposal to be located in the countryside; I am of the opinion that the development before the Commission is the applicant's proposed enterprise as a stud farm and private dressage stables and therefore, I do not consider it unreasonable to have regard this application on its own individual merits. Therefore, I acknowledge the site specific need for stables, sheds and arenas for the intended use of the proposal and I would accept that the buildings and their intended use for training, stabling and breeding horses are necessary for equine facilities and it is my opinion that there is a site-specific/locationally dependent requirement for the keeping of horses, their housing and exercising along with having appropriate space to observe, train and breed horses. With this in mind, I do not accept the reasoning presented by the appellants that the location of Marlton Equestrian in Wicklow Town is evidence

that equine facilities can or should be sited in urban centres when this facility is long-established prior to the growth/expansion of the settlement of Wicklow.

- 8.1.6. I consider that it is appropriate location for new equine facility and associated equestrian activities to be sited in rural locations. Having regard to the policy provision of the Development Plan, notably, CPO 9.38, it is my opinion that the proposed development would constitute an agri-business on account of the equine activities detailed and the nature, design and layout of the proposed buildings. I am also satisfied that the development would accord with CPO 9.35 of the Development Plan in terms of small-scale commercial development given the number of staff/employees, the setting of the site as part of a previous larger farm formerly in agricultural use and its integration with the rural environment.
- 8.1.7. In addition, I note the Planner's Report and appellants has referred to a number of policy objectives relating to Chapter 11: Tourism and Recreation. In particular, the assessment of the Planning Authority referred to Objective CPO 11.4 of the Development Plan which states that a tourism or recreational facility in a rural area will only be permitted where the product or activity is dependent on its location in a rural situation and where it can be demonstrated that the proposed development does not adversely affect the character, environmental quality and amenity of the rural area or the vitality of any settlement and the provision of infrastructure therein. This policy objective further states that the tourist product/tourist attraction that is essential to the activity shall be located at the site or in close proximity to the site of the development and that the need to locate in a particular area must be balanced against the environmental impact of the development and benefits to the local community. In my consideration of this policy objective and similarly CPO 11.1 and 11.3 as referred by the appellants, I have already outlined my satisfaction that the product or activity (in this case a Stud Farm and private Dressage Stables) is dependent on its location in a rural situation in the context of 'Economic Development' and I consider that the 'recreation' element would relate to teaching clients dressage and eventing. It is my view that the development would promote and facilitate this particular recreational sector and would utilise a natural resource in terms of the agricultural land

8.1.8. Therefore, I consider the proposal for a stud farm and private dressage stables to be acceptable in principle and consistent with the location of the site in the open countryside and the provisions of the Wicklow County Development Plan 2022-2028. Insofar as they relate to 'Economic Development' and 'Tourism and Recreation'. Notwithstanding, in my view, it is imperative that this proposal is assessed against the all the relevant parameters of the Development Plan along with other development principles such as design, access, amenity, environment and landscape which shall be assessed in the following sections of this report.

8.2. Access

8.2.1. The development proposes a new vehicular entrance from the Chestnut Glen Road (L-1096) to serve all vehicles entering/exiting the site. One of the primary grounds of appeal is based on access and traffic safety of the proposed development. It is contended the development would result in unacceptable intensification of traffic and endanger public safety on the local road network which is deemed unsuitable for volume and traffic given the constrained width and alignment of the road. Appellants state the Road Safety Audit recommendations leave underlying safety issues unresolved and it is also claimed the Swept Path Analysis represents a theoretical exercise and does not reflect real-world driving which fails to address valid safety concerns. It is claimed in the appeal of Robert & Natalie Eyre that the Traffic & Transport Assessment relies on assumptions that appear inconsistent with observed activity. Moreover, the appeal of Charles & Coibhe Butler contend the applicant's Further Information response did not address issues regarding boundaries and sightlines. Concerns have been raised in relation to assessing the ability of two large vehicles to pass on road, demonstration of visibility, the basis of traffic modelling and traffic generation. It is further suggested that driver eye height/actual visibility has not been demonstrated with high/elevated imagery. It is stated in the appeal that a Road Traffic Management Plan should have been submitted prior to the grant of permission and not prior to construction of works as well as the current entrance/exit serving the lands being conditioned to be closed and as otherwise it could result in use of two entrances. An appeal includes reports from a Transportation Planning Consultant claiming concerns remain in terms of the suitability of the L-1096 to accommodate the subject

development, sightlines, visibility, accuracy of mapping and impacts to road users. It is also suggested that the application of DMURS to a rural road is incorrect that visibility splays has not been detailed as required by Transport Infrastructure Ireland. The report also contends that a lack of information has been provided to confirm road widths, verge width, proof of reduced intensity of agricultural use, that the northerly visibility splay is clear from obstruction from the existing hedgerow to the west of the road, that winding roads are recommended for safety and straighter roads encourage the gathering of speed and that sufficient forward sight distance are available to approaching cars and cars waiting to turn. In addition, the grounds of appeal also claim that the number of persons visiting the site has not been limited by condition and the applicant's letter regarding numbers of persons is not-legally binding. There is also concern that private persons could attend the site resulting in horse shows and other equestrian events being held.

- 8.2.2. The applicant's response to the appeals submits that the proposed entrance is appropriate in an area accommodating farming and that the traffic survey confirmed Chestnut Glen Road (L-1096) as being lightly trafficked. It is further stated that a Road Safety Audit was conducted and its findings accepted by the Planning Authority. The applicant also states that horse transportation will normally be by via horse box or a rigid horse transport vehicle and that articulated trucks are rarely, if ever, used for transporting horses, however, other businesses/organisations in the locality involving articulated HGV vehicles. In addition, it is stated that sightline requirements have been assessed using TII design standard DN-GEO-03031 and that the minimum visibility distance is 90 metres with the proposal demonstrating 100 metre sightlines from a setback of 3 metres from the road edge. Furthermore, conditions have been attached by the Planning Authority requiring details of the entrance to be agreed with Wicklow County Council along with drainage and verge provisions. In relation to the existing farm entrance, the applicant states that this access is not in the applicant's or landowner's ownership but that a Right of Way from the owner of the entrance exists. The applicant does not have consent to develop or close the entrance and that conditions cannot be imposed on another person's land outside of the application site.

- 8.2.3. In my assessment of the proposed entrance, I acknowledge all the reports and documentation submitted and I have had regard to same. From the outset and in the interests of clarity, the Commission should note that I have assessed this proposal on the basis of the proposal as described in the statutory notices and based on the information submitted at application stage and with the appeal from the applicant which is a stud farm and private dressage stables. In this regard, should the Commission be minded to grant permission, I recommend that a suitably worded condition be attached restricting the use to same. The proposed entrance, as submitted at application stage, is to be located on the eastern side of the Chestnut Glen Road (L-1096). The applicant submitted a Site Layout Plan illustrating sightlines of 100 metres in both directions from a setback of 4 metres from the road edge, a splay of 20 metres tapering down to a gate width of 6 metres with a recess of 16 metres from the road edge. The new entrance would require the removal of some hedgerow to the north and south of the access to enhance visibility. The application was accompanied by a Traffic & Transport Assessment (TTA). I note the purpose of the TTA was indicated as being to assess the current operational efficiency of the existing transport environment and provide details of the assessment undertaken to identify the level of transport impact resulting from the proposed development. The TTA analysed the proposed junction based on the existing situation and at stages in the future (out to 15 years). a week long survey was also conducted and indicates that the road is lightly trafficked during the day both during the week and at weekends. The conclusions from analysis suggest that the proposal will have a very limited impact (7.8% increase maximum) on Chestnut Glen Road where existing network flows are extremely light and below threshold for a full traffic assessment which has nonetheless been carried out. The TTA concludes, with confidence, that traffic impacts from the proposal on the local road network will be imperceptible and that the development will in no way negatively impact on the surrounding public road network.
- 8.2.4. The Planning Authority's assessment initially requested Further Information and sought the provision of a Swept Path Analysis to demonstrate entering/exit/manoeuvring of horse transport users to and from the site; a Stage 1 / 2 Road Safety Audit; clarity as to whether 100 metre sightlines can be

achieved within applicant's ownership; and, confirmation that the holding of events/competitions on site will not be open to public and only attended by those attending the riding school on site. The applicant responded to the Request for Further Information by submitting a Stage 1/2 Road Safety Audit, a revised drawing showing 100m sightlines achievable in both directions at the public road, and provided a letter from the applicant confirming that no events/competitions will occur on the site or that the site would not be open to the public and only attended by those who attend the riding school at the site. Subsequently, the Planning Authority requested Clarification of Further Information and sought commentary and updated particulars detailing how recommendations of the Road Safety Audit would be implemented and that the applicant address matters concerning achieving sightlines without removal the mature hedgerows and achieving sightlines within their land ownership. The applicant responded with updated particulars in relation to the Road Safety Audit recommendations and confirmed that part of the hedgerow to the south of the entrance would need to be removed to provide sightlines whilst stating that all works are in the applicant's landownership. I note the Planning Authority was satisfied with the applicant's responses to their requests and had no objection to the proposed entrance – subject to conditions such as tie-in details of the proposed access road to the existing public road to be agreed with the Planning Authority; existing profile of the grass verge being maintained and outflow of surface water; and, associated drainage requirements.

- 8.2.5. During my inspection of the appeal site, I observed the road layout along the road frontage of the appeal lands. I noted the road generally maintains a width of approximately 5.5 metres and I observed the carriageway could accommodate two passing vehicles. The location of the proposed entrance is positioned in proximity to a curve in the road which has a generally straight alignment in both directions and essentially maintains level gradient. There are vehicular entrances to the immediate north and south of the appeal site and there is an entrance serving a residence of the opposing side of the road from the appeal site's road frontage. In my view, the road is lightly trafficked (serving predominantly agricultural holdings, local enterprises and sporadic one-off dwellings) and in my view, reflects the findings of the applicants' survey. I would also be of the opinion

that this road would be conducive to lower traffic speeds on account of the alignment and carriageway width. During my inspection, I noted speed limit road signage to the south of the appeal site indicating that the speed limit is 60kph. In my view, this reflects to the local road designation and I am satisfied from my site experience that vehicles do not appear to travel in excess of the speed limit along this particular section of road.

- 8.2.6. In terms of sightlines, I would acknowledge from my own observations that existing roadside visibility at the location of the proposed entrance is somewhat constrained on account of the alignment, verge and hedgerows which hinder the achievement of unobstructed sightlines in both directions to the nearside of the road edge. I have already set out the design/layout of the proposed entrance which has indicated sightlines of 100 metres in both directions and would necessitate the removal of part of existing hedgerow to facilitate a setback from the road edge. The applicant has indicated replacement planting along with the provision of a grassed verge along the roadside boundary. I am of the view that the applicant has demonstrated sightlines of 100 metres are achievable in both directions from the proposed entrance once hedgerows are cut back. In considering TII Document DN-GEO-03031 (Rural Road Link Design), the desirable visibility splays required are 90 metres therefore, the proposal would exceed the technical guidance for the 60kph speed limit road. In this regard, I would not have significant concerns as to the adequacy of the entrance at this rural location to accommodate agricultural vehicles/machinery entering and exiting the site safely. I consider the recess is sufficient to accommodate agricultural vehicles/machinery, such as a jeep with horse box/trailer or a tractor with attachment, to pull in fully off the road prior to opening/negotiating the gateway. In addition, I consider that there would be adequate forward visibility for vehicles travelling in both directions given the siting of the entrance and the alignment of the road at the specific location of the proposed entrance. As such, I am satisfied that the proposed entrance does not have the potential to create a traffic hazard and I am of the view that the sightlines are appropriate for the subject site and that the entrance is adequate to serve agricultural/equine related traffic movements to and from the local road network.

8.2.7. Further to the above, I note that a revised entrance has been submitted with the applicant's appeal response for consideration by the Commission. The entrance has been modified with a 3 metre setback from road edge, a splay of approximately 20 metres and a 15.6 metre recess from the road edge tapering down to a 6 metre wide gate. The location of the entrance has shifted in a slightly northern direction from the approved entrance and the applicant has illustrated sightlines of 100 metres being available in both directions. This modified entrance will also necessitate the removal of hedgerow to the north and south of the entrance. I note however that the northern line of visibility is demonstrated as running up the road and with this in mind, I do not consider that the submission of a modified entrance with the appeal response suggests the approved entrance was inadequate but rather removes any perceived ambiguity in respect of control and consent over achieving or maintaining sightlines. Having inspected the site and reviewed the particulars on the appeal file, I do not consider that there are potential issues regarding the entering or exiting the site from this modified entrance and I am satisfied that visibility and sightlines in both directions would be achieved and this access will not result in a traffic hazard. Should the Commission be minded to grant permission, I recommend that the modified entrance be approved.

8.2.8. In relation to the appellants' grounds of appeal regarding the current twin/dual entrance serving the lands, I acknowledge the applicant has indicated that this established entrance is part of a Right of Way and that no improvement or development works are to be carried out as it is outside of the applicant's control. From my review of the appeal file, I note that no works are proposed to this existing entrance as part of the subject development and given that the applicant proposes a new entrance to service the proposed stud farm and dressage stables I am of the opinion that this access would provide independent access to the applicant's development. I therefore do not consider it reasonable to apply a condition for the closure of an existing agricultural entrance which does not form part of the subject development.

8.2.9. In conclusion, I do not accept the contention of the appellants that the proposed development would result in traffic hazard and obstruction of road users. I consider that the provision of a new vehicular entrance from the L-1096 to serve

the subject lands is acceptable and that the proposed entrance does not have the potential for creating a serious traffic hazard at this location. It is my opinion that the subject development would not result in significant additional traffic which would exacerbate the existing situation on this road. It is also my opinion that the subject development would be in accordance with Objective CPO 12.54 of the Development Plan which seeks to protect rural roads from inappropriate development and ensure that road capacity be reserved for necessary rural development.

8.3. Impact on Landscape/Visual Amenity

- 8.3.1. One of the grounds of appeal claims that the proposed development of large buildings within open fields of an unbroken landscape would result in visual intrusion, loss of rural openness and a change in the rural character of the area. It is further claimed that the submitted Visual Impact Assessment is inadequate and failed to assess likely visual effects of the proposal on the surrounding area as no photomontages or affected viewpoints, including residential viewpoints or elevated views were included.
- 8.3.2. As outlined previously, the appeal site is located in a rural area in the open countryside. The overall lands predominantly comprise agricultural grassland with an existing wooded area in the upper central extent of the site. The western part of the site adjacent to the L-1096 is divided into a number of horse paddocks enclosed by post and rail fences with the land sloping gradually eastwards to the valley of the Rathnew Stream. The location of the proposed main block of buildings is to the south and east of the wooded area and straddling part of two grassed fields currently in meadow.
- 8.3.3. In respect of landscape designation, the site is located in the 'N11 Corridor - 4(a)' Landscape Area as per Table 17.1 of the Development Plan. This is described as the Corridor Area in terms of Landscape Categories and is rated fourth out of six categories in respect of hierarchies in Wicklow's landscapes. For context, the first and most important is 'Mountains and Lakeshore Area of Outstanding Natural Beauty' and the sixth and least important are 'Urban Areas'. With this in mind, it is my opinion that the appeal site is in an area which can be considered as being a landscape of moderate importance. The Development Plan describes

the N11 Corridor as the area covering the main access corridor area along the east of the County with the *'boundary of the eastern access corridor generally follows what is considered to be the areas upon which the greatest influence is exerted by this primary access route. This route, for the most part, runs through the more low lying and accessible tracts of land, dissects the Glen of the Downs wood in the north of the County and provides expansive coastal views north of Wicklow Town. This landscape area acts as the main connection between the major towns along the east coast of the County'*. From my review of Map 17.11: 'Prospects of Special Amenity Value or Special Interest' of the Development Plan, I note that there are no prospects in the vicinity of the appeal site. I have also had regard to Map No. 17.10B: 'Views of Special Amenity Value or Special Interest' of the Development Plan and note that there are no such views related to the area of the proposed development.

8.3.4. In my assessment of the proposal, I have had regard to the submitted Visual Impact Assessment and note that it sets out the site setting and context along with the local through to national planning policy and guidance in relation to landscape impacts. The assessment states that the development is to be sited between the 50m and 60m contours in the valley which helps reduce visibility and blend the development into the landscape. The assessment also concludes that the visual impact of the development would be minimal and well within acceptable limits for this kind of rural development. In my opinion, the submitted Visual Impact Assessment is limited in content in terms of demonstrating a valuable assessment of the character of the landscape or the provision of any effective evaluation of the proposed development and how it would assimilate with the surrounding area. That said, I would reiterate that there are no views or prospects of special amenity value or special interest in the area which could be impacted which would limit scope for objective analysis of visually sensitive areas.

8.3.5. Furthermore, I do not consider that the proposed equine complex would be readily visible from the public road network (L-1096) due to its considerable set back from the road network, the gently sloping terrain, existing hedgerows and woodland/forest area. The area of the proposed equine buildings on the site is not elevated as lies within a valley area between two areas of higher land and in

my view, the proposed structures would not be exposed in the wider landscape on account on the terrain which limits expansive views across the landscape. Whilst I would acknowledge that the new development of a number of agricultural and equine structures would result in an inevitable change the setting of this currently undeveloped area; I consider that the proposed buildings would be clustered in a low-lying area adjacent to established vegetation and would therefore be comprehensively screened from view within the locality. In addition, having inspected the site of the proposed development, it is my opinion that views from within the appeal site are restricted towards Carrick Mountain to the west and the wooded upland in the neighbouring townland of Ballykillavane to the east.

8.3.6. From a general design perspective, as previously outlined the proposed development is to be located on undeveloped grassland and comprises a new stud farm and private dressage stables with 2 no. stable blocks with stores, tack rooms and toilets; a breeding barn; an outdoor and indoor arenas; a canteen and staff facilities; a lunge/walker pen; a lorry shed; shed for hay; and, shed for dung storage/ waste management laid out in a clustered yard setting. It is my opinion that the design and finishes of the proposed shed buildings are largely utilitarian with portal frame constructions, concreted walls, corrugated sheeting to the elevations and roofs with the horse walker structure and outdoor arena having a conventional design and, in my view, would be synonymous with any equine facility. The stable, indoor arena and lorry shed have stone and timber cladding to the exterior and I consider these structures to be a contemporary approach to agricultural buildings. Overall, it is my opinion that the layout and design of the proposed equine facility is acceptable and I am satisfied that the subject site and surrounding area can absorb the scale, form and massing of the proposed development and that it will integrate into the receiving environment without detrimental or adverse impact to the visual or scenic amenity of the area.

8.3.7. Therefore, having regard to the relevant landscape designations and categorisations as set out in the Development Plan the proposed location of the development and the agricultural nature of the works; it is my opinion that the proposed development would not interfere with or obstruct any designated Views or Prospects of Special Amenity Value or Special Interest.. To this end, it is my

opinion that the visual impact of the proposed development would be limited in the wider area, given the specific site context of lands in the open countryside and prevailing topography and I am satisfied that the site and surrounding area can absorb the scale, form and massing of the subject development and the agricultural design of the buildings will integrate into the receiving environment without detrimental or adverse impact to the visual or scenic amenity of the area.

8.4. Impact on Residential Amenity

8.4.1. The appeal by Robert & Natalie Eyre raises concern in respect of residential amenity impacts from the proposed development namely noise, lighting and odour. The applicant's appeal response informs that the dwelling of Robert & Natalie Eyre is over 700 metres from the appeal site as the crow flies and approximately 1.75km by road while the resident of the other appellants is approximately 450-500 metres from the appeal site as the crow flies and there is a dense woodland between the appellants' residence and proposed development. It is contended that impacts on residents would be minimised on account of the nature of works and topography of the land. In the interests of clarity, I shall consider each topic under the following sub-headings:

Noise

8.4.2. With regard to noise, the appeal from Robert & Natalie Eyre claims that rural environments are characterised by low background noise and that even moderate activity can result in significant perceived impacts. It is contended by the appellants that noise assessment does not provide a reliable or representative evaluation of the likely noise impacts arising from the proposed development and that a more representative approach should have been undertaken noise at Marlton Equestrian to reflect actual operational characteristics. In addition, it is claimed that a condition to address noise impacts is flawed as noise monitoring undertaken after a development has been constructed does not prevent noise impact and post development monitoring cannot restore lost amenity. The applicant's appeal response states that the Planning Authority acknowledged the contents of the noise report which stated the development would not be a significant noise generator and there is no objection to construction/operational noise being dealt with by condition.

8.4.3. In my consideration of noise impact, I note that the Noise Impact Assessment was submitted for the proposed development and had regard to the location and nature of proposed works. The report states that there is no Irish Standard containing guidance that is applicable to stud farm/stables noise emissions and so the British Standard is used. A total of four locations on around the site were selected for the nearest sensitive noise receptors and both ambient and background noise levels were tested. Potential noise sources such as waste extraction, delivery, animal noise and car parking were analysed against the sensitive receptors and it was deemed that there would be no significant noise impact expected from the proposal and that any noise emissions would be within the best practice established criteria. I note the assessment of the Planning Authority raised no objection in respect of noise and has conditioned noise levels from the development during day time, evening time and night time as well as provision survey of noise levels upon request of the Planning Authority. I consider such a condition to be reasonable to enable monitoring of noise from the proposal and establish if there are any noise impacts arising from the development and I am of the view that a similar condition could be attached should the Commission be minded to grant permission. In this regard, I am satisfied the proposed development will not result in a significant impact on adjoining residential amenity in terms of noise and disturbance.

Odour

8.4.4. In relation to commentary on odour, I note that the appeal from Robert & Natalie Eyre state that no details have been provided in respect of odour dispersion (along with dust generation and general disturbance from operations) and that the applicant relies on impacts being managed by conditions. It is contended by the appellants that it is inappropriate to rely on conditions to address unknown impacts or unassessed environmental effects and deficiencies in the application.

8.4.5. From my review of the proposed development, I note that the dung storage unit is to be located on the eastern part of the proposed yard area. In my estimation, the proposed dung storage unit is located over 750 metres from the appellants' property. The structure is to be of portal frame construction with an apex roof and is to be open on one side. I consider that the design of the structure would be in

accordance with Department of Agriculture, Food and the Marine specification S.108 (Minimum Specification for Manure Pits and Dungsteads, together with good animal husbandry on-site in accordance with the aforementioned Department's specification S.156 (Minimum Specification for Horse Housing and Facilities). In this regard, it is my opinion that the unit would reduce significant odour emissions emanating from the subject site.

Lighting

8.4.6. In respect of lighting, the appeal from Robert & Natalie Eyre claims that the area experiences low levels of artificial light and that the lighting proposals to serve the scheme are not supported by a lighting impact assessment of photometric analysis. It is claimed that the applicant has failed to demonstrate avoidance from light spill, glare, sky glow and cumulative nighttime impacts would be avoided on residents (and wildlife) and that moderate levels of lighting would have significant impacts. The applicant's appeal response indicates that the equestrian farming is a largely daytime farming activity as horses are stabled at night. It is also clarified that there will be no lighting for the outdoor arena and evening riding will occur indoors.

8.4.7. In assessing this element of the development, I do not consider that the proposal would result in lighting impacts on neighbouring residential properties on account of the proposed location of the development and distance from residences. The proposed development seeks to install yard lighting and there are no proposals for external lighting, such as arena lighting for example. The yard lighting is to be located to the exterior of a number of buildings and I consider it to be reasonable in a farm yard setting. The detail of the extent of illumination has not been provided and therefore should the Commission be minded to grant permission, I consider that reasonably worded condition can be attached requiring that the yard lighting is agreed with the Planning Authority prior to commencement of development.

Construction Works and Impacts

8.4.8. In addition to the above concerns, I note that the appeals have referred to construction related impacts arising from works along with safety concerns and impacts on the local area and surrounding environment. I am of the view that

these matters would be considered by the applicant/developer as part of normal best practice construction measures and that that appropriate safety measures would also be implemented and that limited to the construction phase of development. Notwithstanding, if the Commission is minded to grant permission it could consider attaching a condition requiring the submission of a Construction and Environmental Management Plan (CEMP) which would contain details, but not limited to, controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, hours of operation, emergency response planning, traffic management, site environmental policy, and project roles and responsibilities. I consider that this matter can also be specified by way of condition in the event of a grant of permission.

8.5. Wastewater Treatment, Drainage and Services

8.5.1. No specific concerns have been raised in the appeals in relation to the sites services proposed. Notwithstanding, in the interests of completeness of assessment, I shall consider the topics of water supply, wastewater treatment and drainage under the following sub-headings:

Water Supply

8.5.2. I note the applicant has indicated on Question 20: Services of the Application Form that water supply is by existing private well. According to the appeal file, the well is to be located at the western side of the core development area proximate to the indoor and outdoor arenas and would be upgradient of proposed foul and storm drainage. I am satisfied with the siting of the well and I am also satisfied with Condition No. 8 of the Planning Authority's decision to grant permission in terms of meeting the standards/requirements of the Drinking Water Regulations 2023 and registering the water supply with Wicklow County Council. As such, it is my view that the proposed water supply is adequate to serve the development and can be reasonably conditioned in the event of a grant of permission so as to not pose a risk to public health.

Wastewater Treatment

8.5.3. With respect to wastewater treatment, I note that the applicant proposes to install a septic tank with a biofilter module (5 PE) design and 75sq.m soil polishing filter.

The application was accompanied by a Site Characterisation Form (SCF) prepared in relation to this proposed system and provides an assessment of the wastewater treatment system against the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021). The SCF indicates the site as being in an area which has a Locally Important Aquifer Category with moderate groundwater vulnerability. The SCF informs that a 2.1 metre deep trial hole was dug and that the soil/sub-soil is classified as Silt/Loam topsoil which is slightly clayey with minor stone to approximately 0.5 metres deep and slightly sandy silt with clay between 0.5 metres to 1.5 metres where there is seepage. The percolation test is indicated as being 29.5 at surface and 35 at sub-surface. Section 4.0 (Conclusion of Site Characterisation) of the SCF indicates the site is suitable for development and a secondary treatment system and tertiary treatment system are suitable options with a discharge to groundwater. Section 5.0 (Selected DWWTS) of SCF proposes to install a Secondary Treatment System and Soil Polishing Filter to discharge to ground water. A 5 PE septic tank with biofilter system and polishing filter of 75sq.m is recommended based on anticipated loading. The supporting letter with the SCF justifies the proposed system and informs relatively low toilet usage is expected from staff welfare facility and occasional visitors.

- 8.5.4. The first report received from the Environment Section of Wicklow County Council requested Further Information as it was deemed that the applicant had not allowed for increased organic load from the canteen and that the 5 PE system is too small. The Environment Section also considered that a site specific cross section and layout was required and that two septic tanks are shown on the sitelayout but the SCF refers to one. In response to the Further Information request, the applicant informed that two septic tanks were initially shown on the site layout to allow the interception of wastewater flow from a separate toilet but that same can be piped to the single septic tank. from a toilet facility serving a more distant block. To address the concerns of loading, the applicant proposed 2 no. Ecoflo 5 filter pods and the second report received from the Environment Section deemed the response to be acceptable and raised no objection to the development subject to conditions in relation to installation and maintenance.

8.5.5. In my assessment of the proposed wastewater treatment, I would note that the Site Characterisation Form (SCF) was prepared against the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021) which relates specifically to guidance for domestic wastewater treatment systems for less than/equal to 10 persons. In my view, this document is only applicable to the subject development in terms of setting out the most up-to-date standards and methodology for site assessment, consideration of ground conditions, types of wastewater systems and the installation/maintenance of same. The EPA's Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (1999) is the appropriate guidance document for the assessment of the subject development given the nature of the proposed wastewater treatment system and I am satisfied that the applicant had appropriate regard to same. I am also satisfied with the justification in relation to the anticipated loading (5 no. staff and 25 no. visitors per day maximum) given the nature and extent of the proposal.

8.5.6. Having regard to the information on file and having inspected the appeal site, I am satisfied that the proposed development would meet the required separation distances between any neighbouring houses, wells and watercourses. I consider the proposed treatment and disposal of wastewater would not be prejudicial to public health and would accord with Objective CPO 13.18 of the Wicklow County Development Plan 2022-2028 which states that private wastewater treatment plants for commercial/employment generating development will only be considered where it can clearly demonstrated that the proposed system can meet all EPA / Local Authority environmental criteria.

Surface Water Drainage

8.5.7. Q 20 of Application Form states that the proposed Surface Water Disposal is via soakpits and harvesting. I have had regard to the Hydrological Assessment Report and associated drainage particulars submitted at application stage and I note that the first report received from the Environment Section of Wicklow County Council requested Further Information as three soakaways and rainwater harvesting systems were detailed on drawings but design calculations were provided for four. It was also indicated state clarity was required as the hydrological assessment report details a horizontal flow constructed wetland

which differs from an integrated constructed wetland shown on the submitted drawings. The applicant's response detailed the fourth soakpit on a drawing and clarified that the reference to Integrated Constructed Wetland (ICW) was an umbrella term for wetland systems, while a horizontal flow constructed wetland (HFCW) is the preferred design option for the proposed development. The second report from the Environment Section deemed the applicant's response to be acceptable and indicated no objection to the proposed development. Having reviewed the proposed development, I am satisfied that surface water could be effectively managed on the site would likely be acceptable having regard to the prevailing site conditions. If the Commission are minded granting permission, I consider that suitably worded condition(s) could be attached relating to the collection and disposal surface water in accordance with the requirements of the Local Authority who are responsible for such services.

8.6. Adequacy of Environmental Assessments and Natura Impact Statement

- 8.6.1. The appeal from Robert & Natalie Eyre claim that the proposal is located on lands inherently environmentally sensitive and unsuitable for the scale of development proposed. It is considered that ecological assessment and the NIS, erroneously referred to by the appellants as a 'Natura Impact Screening', is based on walkover surveys that do not adequately reflect current baseline ecological conditions to the functional use of land by protected species. Sika Deer and Red Kite have been witnessed across the appeal site which indicates the ecological value of the area and that such species will be disturbed and displaced as a result of the development. In addition, the habitat will be fragmented as a result of the proposed works and the onus is on the applicant to ensure that the proposed works will not disturb or impact on species. It is also claimed that the NIS, relies on mitigation measures, buffers to watercourses and construction management practices and that given the scale of development and presence of protected species, there is clear and credible ecological pathways for impact which require re-assessment. Furthermore, the appeal claims that ecological impacts have not been assessed cumulatively with other elements of the proposal such as traffic access, lighting noise, hedgerow removal and increased human activity which would impact on the site and character of the rural area and erode ecological connectivity across the area.

- 8.6.2. The applicant's appeal response acknowledges that deer were observed on the site and may use the lands and the woodland on the appeal site. However, it is claimed that deer and horse farms are not incompatible and that the core area of the proposal is only 2.9ha of the 31.32ha farm and that much of the land would not be developed thus allow deer to roam across the lands. Moreover, the wooded area is outside any area of proposed works and would not be affected by the development or by the proposed use of the lands. The applicant's ecologist also submits that Sika Deer and Red Kite are not qualifying interests of the Natura 2000 network within the zone of influence and therefore, these species do not fall within the scope of the NIS. Furthermore, the applicant states that all other matters relating to hydrological connectivity, pollution risk, noise disturbance, lighting, traffic and habitat fragmentation have all been considered in the submitted NIS.
- 8.6.3. I note the matters raised in the grounds of appeal in relation to ecological and environmental considerations. With respect to the appellants' concerns regarding the assessment of species, I acknowledge that the appeal site given its rural location, extensive grassland coverage, woods and close association with watercourses has the potential support foraging for mammals and nesting/roosting for birds along with commuting of species. At the time of my inspection, I observed deer on the lands along with associated tracks/travel corridors. Notwithstanding, in noting the appellants references to the protection of Sika Deer and Red Kite, I note that neither of these species are listed as Qualifying Interests of the designated European Sites (The Murrough Wetlands SAC and The Murrough SPA) which the appeal site is hydrologically connected to. Whilst these species have protections under the Wildlife Acts and Annex 1 of the EU Birds Directive respectively, the assessment of potential effects or impacts on these particular species do not fall within the conservation objectives or qualifying interests of the relevant Nature 2000 sites mentioned above.
- 8.6.4. I further acknowledge the contention of the applicant who highlights that the core area of works is concentrated across some 2.9ha and that 90 per cent of the appeal site is not to be developed as part of this application and that the wooded area is not subject to any works. With this in mind and having regard to the wider

landscape area, I do not consider that the main elements of the proposed development comprising the equine yard/stables and associated buildings would impact on deer or bird species present on the site or in the locality or would result in substantial disturbance or fragmentation of the habitat used by these species.

8.6.5. Having reviewed the submitted NIS, I note that the document has sets out the methodology for Appropriate Assessment, consideration of relevant guidance, data sources employed for the examination of potential impacts and the credentials of the author in carrying out an assessment of the proposal. I also note that the NIS has recommended mitigation measures relating to all of the site works including removal of trees/vegetation during appropriate periods to safeguard breeding birds. In addition, other protective measures around the wood and drains are best practice standards in terms of addressing potential pollution risks and I consider that these measures to be appropriate. In my view, the NIS has been prepared by competent experts and has been supported by other documents in relation to noise and drainage which provides adequate detailed scientific information setting out the possibility of significant effects on The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186) based on the best available scientific information.

8.6.6. I further note that it is the responsibility of the competent authority to complete an Appropriate Assessment and I refer the Commission to my determinations in relation to Appropriate Assessment as set out in section 9.0 of this report.

8.7. Other Matters

8.7.1. In the interests of completeness of assessment, I shall consider the following items under the following sub-headings below:

Fire Safety

8.7.2. I note that one of the appeals claims that the development has failed to have regard to fire safety issues and that advice from the Fire Safety Officer has been ignored. In my review of the appeal file, I of the opinion that the comments returned from the Chief Fire Officer did not have objection to the proposed development from a fire risk perspective. I acknowledge that a number conditions were recommended but that the Planning Authority included same as a bulleted list/technical advice. I consider the Chief Fire Officer's recommendations to be

both reasonable and generally standard for works of the development proposed insofar as they relate to the submission of a Fire Safety Certificate and Disability Access Certificate, the provision of firefighting water supply and specifications for fire tender access.

- 8.7.3. However, it is not my view that these recommendations are required as planning conditions in the event of a grant of permission. I draw the attention of the Commission to Section 7.8: 'Conditions relating to other codes' of the Development Management Guidelines for Planning Authorities (2007) whereby it is stated that is inappropriate in development management to deal with matters which are the subject of other controls unless there are particular circumstances and there is good reason to believe that they cannot be dealt with effectively by other means. It is indicated, in this regard, that the existence of a planning condition, or its omission, does not free an applicant/developer from their responsibilities under other codes and that it is wrong to use the development management process to attempt to force a developer/applicant to apply for other licences, approval or consents. With the above, in mind, the applicant would be required to comply with appropriate fire safety measures in line with the relevant standards.

Archaeological Heritage

- 8.7.4. I note that an appeal has raised concerns in relation to impacts on archaeological heritage as a result of the proposed development. It is claimed that the development would alter the context and setting of the area which is sensitive and that nearby recorded monuments which are closely connected to the surrounding environment would be effected. It is further claimed that the planning condition relating to archaeology is a reactive measure aimed at recording any remains recovered rather than preventing harm to archaeological context, setting or landscape character. It is further contended that harm to the archaeological heritage and setting of the conflicts with national planning policy and the objectives of the Development Plan regarding the protection of archaeological heritage and cultural landscapes.
- 8.7.5. In considering the subject development, I note that there are no National Monuments on the appeal site and the nearest recorded monuments are located

infields to the north of the appeal site and listed as 'Fulacht Fia' (Refs. WI025-041 & WI025-042). I note that an Archaeological Impact Assessment, dated June 2025, was submitted at application stage which included test trenching. The report set out the site setting and nature of development, research of local archaeological context and analysis of trenches dug throughout the site. The report concludes that no artefacts/features of archaeological significance were uncovered during the excavation and that no further archaeological mitigation is deemed necessary should permission be granted.

8.7.6. The planning application was referred to the Department of Housing, Local Government and Heritage who returned comments on 25th August 2025 seeking that an Archaeological Impact Assessment be carried out. I note that Condition No. 17 of the Planning Authority's decision to grant requires that notice be given at least 4 weeks before any site excavation and that works be supervised by a competent archaeologist at the expense of the applicant/developer. I am satisfied, based on the information submitted, that there would be no detrimental archaeological impact arising from the construction or operation of the proposed development.

8.7.7. Nevertheless, I consider the condition of the Planning Authority relating to supervision by an archaeologist to be reasonable and I am of the view that a similarly worded condition could be attached should the Commission be minded to grant permission.

Landspreading

8.7.8. The carrying out of land spreading does not form a specified part of this application and has not been raised in the grounds of appeal. The submitted particulars indicate that all collected manure will be stored in the purpose built roofed dungstead which is designed to prevent rainfall ingress. A manure suction system will ensure that manure is kept dry and any effluent will be captured and absorbed meaning there is no requirement for a slurry tank. The landspreading of organic fertiliser is indicated as occurring only during the open spreading periods as defined by the Nitrates Action Programme (NAP) and that a mandatory 25-metre buffer will be maintained from all watercourses with spreading avoided on steep slopes, frozen or saturated ground. The submitted

Organic Waste Nutrient Management Plan states that there is no requirement to export manure off-site and that the land area of the subject development is sufficient to receive all nutrient applications without exceeding the permitted stocking rate. Having regard to the above, I note that An Comisiún Pleanála is not the competent authority for landspreading and that any such activity would be regulated by the provisions of S.I. No. 588/2025 entitled “European Union (Good Practice for Protection of Waters) Regulations 2025”. The potential risks to water quality and the environment arising from either the construction and/or operational phases of the proposed development is considered in the Appropriate Assessment and Water Framework Directive appendices.

- 8.7.9. I further note that the report received from Wicklow County Council’s Environment Section state that there is sufficient space within the proposed development for the storage of manure in accordance with S.I. 113 of 2022 and DAFM specification S156 (Minimum Specification for Horse Housing and Facilities).

9.0 Appropriate Assessment

9.1. Screening Determination

Finding of likely significant effects

- 9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on the The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186) in view of these sites conservation objectives. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act, 2000, as amended] for the proposed development is required.

Appropriate Assessment Conclusion: Integrity Test

- 9.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on The Murrough Wetlands SAC and The Murrough SPA in view of the conservation objectives of

those sites and that Appropriate Assessment under the provisions of S177U/177AE was required.

9.4. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations/submissions received, I consider that adverse effects on site integrity of The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186) or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS in the event of a grant of permission.

10.0 Water Framework Directive

10.1. The subject development comprises the construction of a stud farm and private dressage stables. The impact of the proposed development in terms of the Water Framework Directive is set out in Appendix 5 of this report. The appeal site is located in the open countryside in the townland of Ballymoat approximately 1km to the northeast of the settlement of Glenealy, Co. Wicklow. The site is comprised of agricultural grassland which is gently undulating and there are EPA designated watercourses forming the eastern boundary and part of the northern and southern boundaries. The subject development is indicated as connecting to a private well, foul will be directed to an on-site wastewater treatment system and surface water drainage will include on site SUDs measures inclusive of swales and a constructed wetland.

10.2. In Appendix 5 of this report, I have outlined potential pathways to the relevant waterbodies and potential impacts at construction and operational stages. I have

assessed the proposed development 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 & 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 and the associated mitigation measures set out by the applicant, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.

10.3. The reasons for this conclusion are as follows:

- The nature and scale of the proposed works on existing agricultural land in the open countryside; and,
- The mitigation measures included as part of the application to address surface water, wastewater, manure and construction activity.

10.4. Therefore, I conclude on the basis of objective information, that the proposal 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. Accordingly, the proposed development can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that the decision of the Planning Authority be upheld and that permission be GRANTED, subject to conditions, for the reasons and considerations below.

12.0 Reasons and Considerations

12.1. Having regard to the location of the proposed development on existing agricultural lands within a rural area, the nature and scale of the works proposed, the pattern of development in the surrounding area and the provisions of the Wicklow County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions as set out below, the proposed development would be an appropriate land use in this rural area of the open countryside and

would not seriously injure the visual or residential amenity of the area, would not be prejudicial to public health or the environment and would be acceptable in terms of traffic safety and convenience. Accordingly, the proposed development would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on 22nd July 2025, 10th October 2025, 24th November 2025 and as amended with the appeal response dated 10th March 2026 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: To protect the integrity of European Sites.

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

(b) The use of the equestrian facilities shall be restricted to equine related training/lessons activities to members of the public only and shall not be used for any commercial events, public shows, sales or auctions or other commercial uses without a prior grant of planning permission.

(c) Notwithstanding the provisions of the Planning & Development Regulations 2001 (as amended), no development which is included in Class 6, Class 7 or Class 8 of Part III of Schedule 2 of the abovementioned Regulations shall be carried out unless permission for such development has been granted permission.

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

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

Reason: In the interest of visual amenity.

5. The vehicular access, including visibility splays, roadside drainage and verges, shall be constructed as per the details submitted with the appeal date received on 11th March 2026 and shall comply fully with any requirements of the Planning Authority for such works which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of traffic safety

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the Site Characterisation Report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the installation of the wastewater treatment system, the developer shall submit a report to the planning authority from

a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

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

7. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the Planning Authority for such works and services. In this regard:

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways,

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank/system in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, as amended. Drainage details shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, and

(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2025, as amended, shall be strictly adhered to.

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

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

Reason: In the interest of residential and visual amenity.

9. The construction of the development shall be managed in accordance with a Construction & Environmental Management Plan (CEMP), the content of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Details of appropriate mitigation measures for noise, dust, vibration and structural stability of adjoining property and monitoring of same. Noise mitigation measures shall include - (i) Identification and agreement of noise sensitive locations including schools (ii) advanced notice of significant noise generating activities to noise sensitive locations (iii) timing of significant noise generating activities outside of schools hours where possible and (iv) details of a dedicated noise liaison person who shall be responsible for all necessary consultations with identified noise sensitive locations.
 - (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

- 10. The development shall comply with any requirements outlined in the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended), including adequate storage requirements for soiled water and manures and spreading of agricultural manures and soiled water on lands.

Reason: In the interest of public health.

- 11. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

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

Reason: In the interest of traffic safety.

13. The noise level arising from this development shall not exceed the following limits when measured at the nearest noise sensitive receptors. No pure tones should be audible at any time.

- (a) Daytime (07:00 to 19:00hrs) - 55 dB(A) (Leq 1 hour)
- (b) Evening Time (19:00 to 23:00hrs) - 50 dB(A) (Leq 1 hour)
- (c) Night Time (23:00 to 07:00hrs) - 45 dB(A) (Leq 1 hour)

As and when required by the Planning Authority, a survey of noise levels at monitoring stations on adjacent properties (to be agreed with the Planning Authority) shall be undertaken by an agreed professional (at the expense of the developer) and the results submitted to the Planning Authority within one month of such a request. The results of such surveys shall include, inter alia:-

- (d) Type of monitoring, equipment used, sensitivity or calibration evidence, and the methodology of the survey.
- (e) Prevailing climatic conditions at the time of the survey.
- (f) The time interval over which the survey was conducted.
- (g) What machinery was operating at the time of the survey.

The results should be submitted to the Planning Authority within 2 weeks of the survey date in each case. If the noise survey has not been carried out or the results not submitted to the Planning Authority within one month, the Planning Authority shall arrange to have such a survey carried out and the cost of the survey shall be recouped from the developer.

Reason: To protect existing amenities of the area.

14. (a) Dust emissions from the site shall not exceed 350 milligrams/square metre per day averaged over a continuous period of 30 days, measured as deposition of insoluble particulate matter, at any position along the site boundary. Suitable arrangements shall be made to suppress and control dust arising from the development. The deposition of dust on surrounding lands in excess of allowed limits, or spillage onto public roads shall be prevented at all times.

(b) As and when required by the Planning Authority, dust monitoring shall be carried out by a suitably qualified person at a suitable location on the

boundary of the site (to be agreed with the Planning Authority) and the results submitted to the Planning Authority within one month of such a request.

Reason: To protect existing amenities of the area and in the interests of road safety.

15. Prior to commencement of development, details of the lighting fixtures and all technical specifications for lights in the yard area shall be submitted to the Planning Authority for its written approval.

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

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

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

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

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

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall

agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

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

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

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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Matthew O Connor

Planning Inspector

1st July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500766-WW-26
Proposed Development Summary	Stud farm new entrance with access road stable blocks tack rooms and toilets and all associated site works.
Development Address	Ballymoat , Glenealy , Co. Wicklow
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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. No Screening required.	

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 1: Agriculture, Silviculture and Aquaculture; and, Class 10: Infrastructure projects For clarity, Class 1(a) of Part 2 relates to restructuring of rural land holdings; hedgerow removal and re-contouring of land; and, Class 10 (dd) of Part 2 relates to private roads. The development does not equal or exceed any relevant quantity, area or limit where specified for these classes. In terms of Class 1(a) of Part 2 there is no specific re-contouring other than general development works and the site is well below the listed threshold of 50 hectares in terms of restructuring. With respect to Class 10(dd) of Part 2 relating to private roads which would exceed 2000 metres in length, the proposed driveway is considerably below the threshold of 2,000 metres.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500766-WW-26
Proposed Development Summary	Stud farm new entrance with access road stable blocks tack rooms and toilets and all associated site works.
Development Address	Ballymoat , Glenealy , Co. Wicklow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The site is in a rural area in the open countryside and the appeal site has a total indicated area of 31.32ha. The land is in grassland and comprises a number of fields, some of which have been divided into paddocks. The proposed development relates to a stud farm and private dressage stables. The main elements include a new entrance and access road, 2 no. stable blocks, a breeding barn, outdoor and indoor arenas, staff facilities, lunge / walker pen, sheds/buildings for hay, dung storage and waste management, a lorry shed, new wastewater treatment system, storm water management and associated site works. Having regard to the nature, scale and location of the proposal, it is not considered that there are any environmental implications with regard to the size, design, cumulation with the proposal, use of natural resources or production of waste. In addition, it is not considered that the stud farm and private dressage stables with ancillary buildings would result in pollution and nuisance, risk of accidents/disasters and to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,	Briefly comment on the location of the development, having regard to the criteria listed The subject development is situated in the open countryside of a rural area in County Wicklow approximately 1km to the northeast of the settlement of Glenealy. The lands are lightly undulating agricultural grassland and there is a woodland/forest area within the centre of the overall site. Watercourses border the site to the north, south and east.

landscapes, sites of historic, cultural or archaeological significance).	The area is indicated as being in the Corridor Area (East) landscape category but is bordered to the west by the North East Mountain Lowlands (Area of High Amenity). There are no views/prospects in the vicinity of the site. The site is not located within or immediately adjoining any sensitive natural habitats with the nearest Natura 2000 sites being the Deputy's Pass Nature Reserve SAC (Site Code: 000717); The Murrough Wetlands SAC (Site Code: 002249; and, The Murrough SPA (Site Code: 004186) which are approximately 2.68km and 5.43km from the site respectively. There are not recorded monuments of the appeal site however, two National Monuments are sited on lands to the immediate north on the appeal site which are both indicated as 'Fulacht Fia'.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the nature and extent of the development proposed relative to the EIA threshold, the location of the site removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects arising from the development, and absence of in combination effects; there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination - Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500766-WW-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Please refer to Section 2 of the Planning Report for a development description. In short, permission is sought for a stud farm and private dressage stables and all associated site works.
Brief description of development site characteristics and potential impact mechanisms	The proposal is briefly described as stud farm and private dressage stables. The main elements of the proposal include new entrance and access road, 2 no. stable blocks, a breeding barn, outdoor and indoor arenas, staff facilities, lunge / walker pen, sheds/buildings for hay, dung storage and waste management, a lorry shed, new wastewater treatment system, storm water management and associated site works. The subject site has an indicated area of 31.32 hectares and is located on lands in the townland of Ballymoat approximately 1 km to the northeast of the settlement of Glenealy, Co. Wicklow. This is a rural area in the open countryside and where the primary land use is agricultural along with one-off housing and local enterprise/businesses. The surrounding area is characterised by rolling/undulating topography and uplands. The site is defined within the 'N11 Corridor - 4(a)' Landscape Area. The subject site is bounded on its eastern boundary by the Rathnew Stream and the partly bordered to the south by the 'Moat 10' and to the north by the 'Glenealy North' watercourses. The Rathnew Stream flows in a northeasterly direction and runs into Broadlough Estuary before outflowing into the Irish Sea. The Murrough Wetlands SAC and The Murrough SPA are located in Broadlough Estuary which is located approximately 5.28km from the appeal site (as the crow flies). Given the nature and scale of the proposal, there are potential impacts arising from development which cannot be ruled out without further analysis and assessment.
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	A Third Party Appeal has raised concerns regarding the adequacy of the information in the NIS, impacts on protected

	species and contends that the proposal has not demonstrated avoidance of sensitive ecological features.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The European Sites potentially within a zone of influence of the proposed development are listed in the table below.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Deputy's Pass Nature Reserve SAC (Site Code: 000717)	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Deputy's Pass Nature Reserve SAC	Approx. 2.4km	Due to the distance, lack of hydrological connection and lack of associated habitats, Deputy's Pass Nature Reserve SAC has been screened out.	No
The Murrough Wetlands SAC (Site Code: 002249)	To restore the favourable conservation condition of Annual vegetation of drift lines, Perennial vegetation of stony banks, Atlantic salt meadows (Glauco Puccinellietalia maritima), Mediterranean salt meadows (Juncetalia maritimi), Calcareous fens with Cladium mariscus and species of the Caricion davalliana and Alkaline fens in The Murrough Wetlands SAC	Approx. 4.9km	Having regard to the hydrological connection between the proposed development site and the SAC, effects cannot be ruled out on a precautionary approach in relation to drainage out-falling to the Rathnew Stream resulting in potential water quality deterioration in this SAC.	Yes
The Murrough SPA (Site Code: 004186)	To maintain the Favourable conservation condition of Red-throated Diver, Wigeon, Teal, Black-headed Gull, Herring Gull, Little Tern, Wetland habitats as a resource for the regularly-occurring migratory waterbirds that utilise these areas	Approx. 4.9km	Having regard to the hydrological connection between the proposed development site and the SAC, effects cannot be ruled out on a precautionary approach in relation to drainage out-falling to the Rathnew Stream	Yes

	in The Murrough SPA; and, to restore the Favourable conservation condition of Greylag Goose, Light-bellied Brent Goose, in The Murrough SPA		resulting in potential water quality deterioration in this SPA.	
Vale of Clara (Rathdrum Wood) SAC (Site Code: 000733)	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Vale of Clara (Rathdrum Wood) SAC.	Approx. 5km	Given the large distance, absence of direct hydrological connection and lack of associated habitats, the Vale of Clara (Rathdrum Wood) SAC has been screened out.	No
Wicklow Head SPA (Site Code: 004127)	To restore the Favourable conservation condition of Kittiwake in Wicklow Head SPA	Approx. 7.1km	Given the distance from the site, the lack of a direct hydrological connection and lack of associated habitats associated with the designated site, Wicklow Head SPA has been screened out.	No
Magherabeg Dunes SAC (Site Code: 001766)	To maintain the favourable conservation condition of Annual vegetation of drift lines, Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria (white dunes), Atlantic decalcified fixed dunes (Calluno-Ulicetea)*; and, to restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation (grey dunes)* and Petrifying springs with tufa	Approx. 8.2km	Due to the lack of a direct source-pathway-receptor relationship, large distance and lack of the associated habitats present, the Magherabeg Dunes SAC has been screened out.	No

	formation (Cratoneurion) in Magherabeg Dunes SAC.			
Wicklow Mountains SAC (Site Code: 002122)	To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>), Natural dystrophic lakes and ponds, Calaminarian grasslands of the <i>Violetalia calaminariae</i> and Otter in Wicklow Mountains SAC; and, to restore the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> , European dry heaths, Alpine and Boreal heaths, Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe), Blanket bogs (* if active bog), Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>), Calcareous rocky slopes with chasmophytic vegetation, Siliceous rocky slopes with chasmophytic vegetation and Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles in Wicklow Mountains SAC.	Approx. 9.4m	Given the large distance, absence of direct hydrological connection and lack of associated habitats, the Wicklow Mountains SAC has been screened out.	No

Wicklow Reef SAC (Site Code: 002274)	To maintain the favourable conservation condition of Reefs in Wicklow Reef SAC.	Approx. 9.4m	Given the distance, the dilution effect of coastal waters and absence of associated habitats, the Wicklow Reef SAC has been screened out.	No
Buckroney-Brittas Dunes and Fen SAC (Site Code: 000729)	To maintain the favourable conservation condition of Annual vegetation of drift lines, Mediterranean salt meadows (<i>Juncetalia maritimi</i>), Fixed coastal dunes with herbaceous vegetation (grey dunes)*, Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>), Alkaline fens; and, to restore the favourable conservation condition of Perennial vegetation of stony banks, Embryonic shifting dunes, Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes), Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>)*, Humid dune slacks in Buckroney-Brittas Dunes and Fen SAC	Approx. 10.1km	Due to the lack of a direct hydrological connection, large distance and lack of the associated habitats onsite, the Buckroney-Brittas Dunes and Fen SAC has been screened out.	No
Wicklow Mountains SPA (Site Code: 004040)	To maintain the Favourable conservation condition of Merlin and Peregrine in Wicklow Mountains SPA	Approx. 11.6km	Given the large distance, absence of direct hydrological connection and lack of associated habitats, the Wicklow Mountains SPA has been screened out	No.
Carrigower Bog SAC (Site Code: 000716)	To maintain the favourable conservation condition	Approx. 13.7km	Due to the lack of a direct source-pathway-receptor	No.

	of Transition mires and quaking bogs in Carriggower Bog SAC		relationship, large distance and lack of the associated habitats present, the Carriggower Bog SAC has been screened out.	
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development is not located within a designated European Site but is hydrologically connected to The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186) identified in *Step 2* above.

The applicant's Screening Assessment concludes that there is no potential for impacts on the QI habitats of the Deputy's Pass Nature Reserve SAC (Site Code: 000717); Vale of Clara (Rathdrum Wood) SAC (Site Code: 000733); Wicklow Head SPA (Site Code: 004127); Magherabeg Dunes SAC (Site Code: 001766); Wicklow Mountains SAC (Site Code: 002122); Wicklow Reef SAC (Site Code: 002247); Buckroney-Brittis Dunes and Fen SAC (Site Code: 000729); Wicklow Mountains SPA (Site Code: 004040) and Carriggower Bog SAC (Site Code: 000716) as there is no pathway for connectivity. I concur with the conclusions reached in this regard.

The applicant's screening assessment indicates that potential direct/indirect impacts generated by the construction and/or operational phases of the proposed development.

Sources of impact and likely significant effects are detailed in the table below:

AA Screening Matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: The Murrough Wetlands SAC (Site Code: 002249) Annual vegetation of drift lines Perennial vegetation of stony banks	Deterioration of water quality of surface waters and ground waters from pollution.	The project is located on lands bounding the Rathnew Stream which is hydrologically connected to the Natura 200 network. There is potential for direct and indirect effects from pollution resulting in a deterioration in water quality and/or habitat degradation.

Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) Mediterranean salt meadows (<i>Juncetalia maritimi</i>) Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> Alkaline fens		Potential release of silt, hydrocarbons and/or other chemicals during the construction and operational phases via spillage which may impact on water dependent habitats and species. In addition, the operation of a stud farm would create waste (manure and soiled water) which may also impact on water dependent habitats and species. Therefore, there is potential for the development to result in water quality deterioration in The Murrough Wetlands SAC.
Site 2: The Murrough SPA (Site Code: 004186) Red-throated Diver (<i>Gavia stellata</i>) Greylag Goose (<i>Anser anser</i>) Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Teal (<i>Anas crecca</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Herring Gull (<i>Larus argentatus</i>) Wigeon (<i>Mareca penelope</i>) Little Tern (<i>Sternula albifrons</i>)	Deterioration of water quality of surface water and ground water from pollution.	The project is located on lands bounding the Rathnew Stream which is hydrologically connected to the Natura 200 network. There is potential for direct and indirect effects from pollution resulting in a deterioration in water quality and/or habitat degradation. Potential release of silt, hydrocarbons and/or other chemicals during the construction and operational phases via spillage which may impact on water dependent habitats and species. In addition, the operation of a stud farm would create waste (manure and soiled water) which may also impact on water dependent habitats and species. Therefore, there is potential for the development to result in water quality deterioration in The Murrough Wetlands SAC.

Wetland Waterbirds	and		
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Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided with the appeal file, having conducted a site visit, having reviewed of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186).

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on The Murrough Wetlands SAC and The Murrough SPA in view of the sites' conservation objectives. It is therefore determined that Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works.
- The location of the appeal site in proximity to the Rathnew Stream which is hydrologically connected between the subject site and these European Sites.
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Determination

Appropriate Assessment (PL-500766-WW-26)

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development comprising stud farm and private dressage stables and all associated site works in view of the relevant conservation objectives of The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Appropriate Assessment Screening prepared by Pat O Sullivan, Environmental Consultant;
- Natura Impact Statement prepared by Panther Ecology Ltd; and,
- The other environmental/ecology reports and associated plans and particulars submitted with the application.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. It shall be noted that the proposed development slightly amended from its initial conception with revisions and clarifications in relation to surface water management and wastewater treatment but that the applicant did not provide an updated Appropriate Assessment Screening or Natura Impact Statement. Nevertheless, I consider these items to be minor in the overall consideration of the development. I am satisfied that all aspects of the project which could result in significant effects have been considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity can be reasonably assessed for effectiveness.

Submissions/Observations

- A letter on the appeal file from the Planning Authority noted the environmental documentation received with the application and indicated that the information was adequate to undertake an appropriate assessment in respect of the proposed development. The Case Officer's environmental assessment had regard to the submitted NIS and the Planning Authority's assessment states that due to mitigation measures outlined in the NIS and having regard to the separation of the site from the Murrough SAC and SPA, the development is not considered to adversely impact upon the qualifying interests of the SAC or SPA.
- An appeal received has raised concerns with the adequacy of the NIS and claims that there is a reliance on mitigation measures. The grounds of appeal outline that the site is traversed by watercourses which are hydrologically connected to the wider landscape and whose ecological integrity depends of preservation of natural drainage

patterns, riparian habitats and low levels of disturbance. It is further contended that re-assessment is required on the basis of the scale of development and associated ecological pathways. The appeal also suggests that the effects of the overall development have not been assessed cumulatively. The appellants' refer to the presence of Red Kite and Deer in and around the area of proposed works and that the works would disrupt and fragment the habitat of these species. Additionally it is indicated that surveys are required to be updated to consider these species.

European Site

The Murrough Wetlands SAC (Site Code: 002249):

Summary of Key issues that could give rise to adverse effects:

- (i) Disturbance
- (ii) Invasive Species
- (iii) Water quality degradation

See Section 8 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) (Please see Section 8 of submitted NIS for full details of mitigation)
Annual vegetation of drift lines [1210]	Conservation Condition: Restore Habitat area is stable or increasing, subject to natural processes, including erosion and succession. No decline in habitat distribution subject to natural processes, including erosion and succession. Physical structure: functionality and sediment supply - Restore the natural circulation of sediment and organic matter, without any physical obstructions. Vegetation structure: zonation - Maintain the range of coastal	No direct impacts or indirect impacts. This is a coastal ecosystem sensitive to development and negative indicator species. The subject development is located outside the range of this habitat. Mitigation measures together with dilution will deem any risks as insignificant.	Good construction practices. Erection of silt fences. Appropriate soil storage.

	habitats including transitional zones, subject to natural processes including erosion and succession. Vegetation composition: typical species and sub communities - Maintain the presence of species-poor communities with typical species: sea rocket, sea sandwort, prickly saltwort and orache. Vegetation composition: native negative indicator species - Native negative indicator species cover in any individual monitoring stop should not be more than 25%; no negative indicator species should be present in more than 60% of monitoring stops; cover of negative indicator species across the whole site should not be more than 5%. Vegetation composition: non native species - Non-native species should not be present in more than 20% of monitoring stops.		
Perennial vegetation of stony banks [1220]	Conservation Condition: Restore	No direct impacts or indirect impacts.	

	Habitat area is stable or increasing, subject to natural processes, including erosion and succession. No decline in habitat distribution, subject to natural processes, including erosion and succession. Physical structure: functionality and sediment supply - Restore the natural circulation of sediment and organic matter, without any physical obstructions. Physical structure: disturbance - No more than 20% of the habitat affected by disturbance. Vegetation structure: zonation - Maintain the range of coastal habitats, including transitional zones, subject to natural processes, including erosion and succession. Vegetation composition: communities and typical species - Maintain the typical species within the range of vegetated shingle communities. Vegetation composition: native negative indicator species - Native	This is a coastal ecosystem sensitive to development and negative indicator species. The subject development is located outside the range of this habitat. On account of the distances and lack of direct connection to this particular habitat no negative impacts are anticipated.	
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	negative indicator species cover in any individual monitoring stop should not be more than 25%; no negative indicator species should be present in more than 60% of monitoring stops. Vegetation composition: non native species - Non-native species cover in any individual monitoring stop should not be more than 1%; non-native species should not be present in more than 20% of monitoring stops; cover of non-native species across the whole site should not be more than 1%.		
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Conservation Condition: Restore Habitat area is stable or increasing, subject to natural processes, including erosion and succession. No decline in habitat distribution , subject to natural processes. Physical structure: hydrology - No human disturbance. Vegetation structure: plant height - Standard deviation of median plant height more than 5.	No direct impacts or indirect impacts. This is a costal ecosystem sensitive to development and negative indicator species. The proposed development is located outside the range of this habitat. Given the distances, mitigation measures together with dilution will deem any risks as insignificant.	

	Vegetation structure: disturbed ground - Cover of disturbed ground less than 5%. Vegetation structure: zonation - Adequate number of zones present, depending on geographical type of saltmarsh. Vegetation structure: transitions - No loss of natural transitions. Vegetation composition: typical species - Minimum of twelve typical species recorded across all plots. Negative species have not been recorded in the habitat and establishment should be prevented. No signs of infilling, reclamation, turf-cutting or pollution or other negative indicators. Indicators of local distinctiveness - No decline in distribution or population sizes of rare, threatened or scarce species associated with the habitat.		
Mediterranean salt meadows (Juncetalia maritimi) [1410]	Conservation Condition: Restore Habitat area increasing, subject to natural processes,	No direct impacts or indirect impacts. This is a saltmarsh habitat and the	

	including erosion and succession. No decline in habitat distribution, subject to natural processes. Physical structure: hydrology - No human disturbance. Vegetation structure: disturbed ground - Cover of disturbed ground less than 5%. Vegetation structure: transitions - No loss of natural transitions. Vegetation composition: typical species - Minimum of six typical species recorded across all plots; minimum two typical species in more than 25% of plots (excluding <i>Juncus maritimus</i>). Vegetation composition: No negative species recorded in the habitat in this SAC and establishment should be prevented. Other negative indicators - No signs of infilling, reclamation, turf-cutting or pollution or other negative indicators. Indicators of local distinctiveness - No decline in distribution	proposed development is located outside the range of this habitat. Given the distances, potential water quality deterioration is not considered to present an adverse impact on this QI.	
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	or population sizes of rare, threatened or scarce species associated with the habitat.		
Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]	Conservation Condition: Restore Habitat area is stable or increasing, subject to natural processes. Habitat distribution - No decline in habitat distribution, subject to natural processes. Ecosystem function: soil nutrients - Maintain soil pH and nutrient status within natural ranges. Ecosystem function: peat formation - Maintain active peat formation, where appropriate. Ecosystem function: hydrology - groundwater levels - Maintain, or where necessary restore, appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat. Ecosystem function: hydrology - surface water flow - Maintain, or where necessary restore, as close as possible to natural or semi-natural, drainage conditions.	The QI's for this habitat include water quality. There is a potential for deterioration of water quality during the construction and operation phases and the project site is hydrologically connected via the Rathnew Stream.	

	Ecosystem function: water quality - Maintain appropriate water quality, particularly pH and nutrient levels, to support the natural structure and functioning of the habitat. Vegetation composition: cover of Cladium mariscus - Cover of Cladium mariscus at least 25%. Vegetation composition: typical vascular plants - Maintain adequate cover of typical vascular plant species. Vegetation composition: native negative indicator species - Cover of native negative indicator species at insignificant levels. Vegetation composition: non native species - Cover of non-native species less than 1%. Vegetation composition: native trees and shrubs - Cover of scattered native trees and shrubs less than 10%. Vegetation composition: algal		
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	cover - Cover of algae less than 2%. Vegetation structure: vegetation height - At least 10% of live shoots more than 1m high. Physical structure: disturbed bare ground - Cover of disturbed bare ground not more than 10%. Physical structure: tufa formations - Disturbed proportion of vegetation cover where tufa is present is less than 1%. Indicators of local distinctiveness - No decline in distribution or population sizes of rare, threatened or scarce species associated with the habitat; maintain features of local distinctiveness, subject to natural processes. Transitional areas between fen and adjacent habitats - Maintain/restore adequate transitional areas to support/protect the Cladium fen habitat and the services it provides.		
Alkaline fens [7230]	Conservation Condition: Restore	The QI's for this habitat include water quality. There is a	

	Habitat area is stable or increasing, subject to natural processes. No decline in habitat distribution, subject to natural processes. Ecosystem function: soil nutrients - Maintain soil pH and nutrient status within natural ranges. Ecosystem function: peat formation - Maintain active peat formation, where appropriate. Ecosystem function: hydrology - groundwater levels - Maintain, or where necessary restore, appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat. Ecosystem function: hydrology - surface water flow - Maintain, or where necessary restore, as close as possible to natural or semi-natural, drainage conditions. Ecosystem function: water quality - Maintain appropriate water quality, particularly pH and nutrient levels, to support the natural structure and	potential for deterioration of water quality during the construction and operation phases and the project site is hydrologically connected via the Rathnew Stream.	
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	functioning of the habitat Vegetation composition: community diversity - Maintain variety of vegetation communities, subject to natural processes. Vegetation composition: typical brown mosses - Maintain adequate cover of typical brown moss species. Vegetation composition: typical vascular plants - Maintain adequate cover of typical vascular plant species. Vegetation composition: native negative indicator species - Cover of native negative indicator species at insignificant levels. Vegetation composition: non native species - Cover of non-native species less than 1%. Vegetation composition: native trees and shrubs - Cover of scattered native trees and shrubs less than 10%. Vegetation composition: algal		
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	cover - Cover of algae less than 2% Vegetation structure: vegetation height - At least 50% of the live leaves/flowering shoots are more than either 5cm or 15cm above ground surface depending on community type. Physical structure: disturbed bare ground - Cover of disturbed bare ground not more than 10%. Physical structure: tufa formations - Disturbed proportion of vegetation cover where tufa is present is less than 1%. Indicators of local distinctiveness - No decline in distribution or population sizes of rare, threatened or scarce species associated with the habitat; maintain features of local distinctiveness, subject to natural processes. Transitional areas between fen and adjacent habitats - Maintain/restore adequate transitional areas to support/protect the alkaline fen habitat and the services it provides.		
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The Murrough SPA (Site Code: 004186):

Summary of Key issues that could give rise to adverse effects:

- (i) Disturbance
- (ii) Invasive Species
- (iii) Water quality degradation

See Section 8 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Red-throated Diver (<i>Gavia stellata</i>)	Conservation Condition: Maintain Non-breeding population size - Long term SPA population trend is stable or increasing Spatial distribution - Sufficient number of locations/area and availability (in terms of timing and intensity of use) of suitable habitat to support population target. Disturbance - Occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution. Barriers - Do not significantly impact the site population's access to SPA or other ecologically important sites outside SPA. Forage spatial distribution, extent and abundance -	The bird species range from wintering birds to resident/visitor birds and are found in coastal and wetland habitats. As such, deterioration in water quality could indirectly affect these species.	As outlined above – Good construction practices; erection of silt fences; appropriate soil storage.

	Sufficient locations and areas of suitable habitat and available forage biomass to support population target. Roosting - Sufficient Locations and area of suitable habitat to support population target.		
Greylag Goose (<i>Anser anser</i>)	Conservation Condition: Restore Winter population trend - Long term winter population trend is stable or increasing. Winter spatial distribution - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support population target. Disturbance - Occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution. Barriers - Do not significantly impact wintering population access to SPA or other ecologically important sites outside SPA. Forage spatial distribution, extent and abundance -		

	Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target. Roosting - Sufficient locations/areas and availability of suitable roosting habitat to support population target. Supporting habitat: area and quality - Sufficient area of utilisable habitat available in ecologically important sites outside SPA.		
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)	Conservation Condition: Restore Long term winter population trend stable or increasing. Winter spatial distribution - Sufficient number of locations, area, and availability of suitable habitat to support population target. Disturbance - Occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution. There are no barriers to significantly impact the wintering population's access to the SPA or other		

	ecologically important sites outside SPA. Sufficient number of locations, area of suitable habitat and available forage biomass to support population target. Roosting - Sufficient number of roosting locations, area and availability to support population target. Sufficient area of utilisable habitat available in ecologically important sites outside SPA.		
Teal (<i>Anas crecca</i>)	Conservation Condition: Maintain Long term winter population trend is stable or increasing. Winter spatial distribution - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target. Disturbance at wintering site - Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution. Barriers - Do not significantly impact the wintering		

	population's access to SPA or other ecologically important sites outside SPA. Forage spatial distribution, extent and abundance - Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target. Roosting - Sufficient locations/areas and availability of suitable roosting habitat to support the population target. Supporting habitat: area and quality - Sufficient area of utilisable habitat available in ecologically important sites outside SPA.		
Black-headed Gull (<i>Chroicocephalus ridibundus</i>)	Conservation Condition: Maintain Winter population trend - Long term winter population trend is stable or increasing. Winter spatial distribution - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support population target.		

	Disturbance at wintering site - Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution. Barriers - Do not significantly impact the wintering population's access to SPA or other ecologically important sites outside SPA. Forage spatial distribution, extent and abundance - Sufficient number of locations, area of suitable habitat and available forage biomass to support population target. Roosting - Sufficient locations/areas and availability of suitable roosting habitat to support population target. Supporting habitat m- Sufficient area of utilisable habitat available in ecologically important sites outside SPA.		
Herring Gull (<i>Larus argentatus</i>)	Conservation Condition: Maintain Winter population trend - Long term winter population trend is stable or increasing.		

	Winter spatial distribution - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target. Disturbance at wintering site - Disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution. Barriers - Do not significantly impact the wintering population's access to the SPA or other ecologically important sites outside SPA. Forage spatial distribution, extent and abundance - Sufficient number of locations, area of suitable habitat and available forage biomass to support population target. Roosting - Sufficient locations/areas and availability of suitable roosting habitat to support population target. Supporting - Sufficient area of utilisable habitat available in ecologically important sites outside SPA.		
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Wigeon (<i>Mareca penelope</i>)	Conservation Condition: Maintain Winter population trend - Long term winter population trend is stable or increasing. Winter spatial distribution - Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population target. Disturbance - Occurs at levels that do not significantly impact the achievement of targets for population trend and spatial distribution. Barriers - Do not significantly impact the wintering population's access to SPA or other ecologically important sites outside SPA. Forage spatial distribution, extent and abundance - Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target. Roosting - Sufficient locations/areas and availability of suitable roosting habitat to		

	support population target. Supporting habitat: area and quality - Sufficient area of utilisable habitat available in ecologically important sites outside SPA.		
Little Tern (<i>Sternula albifrons</i>)	Conservation Condition: Maintain Breeding population size - Long term SPA population trend is stable or increasing. Productivity rate - Sufficient to maintain a stable or increasing population. Distribution: extent of available nesting options within the SPA - Sufficient availability of suitable nesting sites throughout the SPA to maintain a stable or increasing population. Forage spatial distribution, extent, abundance and availability - Sufficient number of locations, area of suitable habitat and available forage biomass to support population target. Disturbance (breeding site) - Occurs at levels that do not significantly impact on birds.		

	Disturbance at areas ecologically connected to the colony - Occurs at levels that do not significantly impact on breeding population. Barriers - No significant increase.		
Wetland and Waterbirds	Conservation Condition: Maintain No significant loss to wetland habitat within the SPA, other than that occurring from natural patterns of variation. No significant impact on the quality or functioning of the wetland habitat within the SPA, other than that occurring from natural patterns of variation.		

The above table is based on the documentation and information provided on the appeal file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

The mitigation measures are considered to be generally applicable in the protection of the above-named European Sites so as to ensure the conservation status of these habitats will remain unchanged.

I further note that the subject site, due to its setting, would be unlikely to result in significant impacts such as direct disturbance or damage to the habitat of the listed bird species but measures in terms of construction works have been outlined as part of the mitigation measures in the NIS.

Assessment of issues that could give rise to adverse effects view of conservation objectives of the abovenamed SAC and SPA.

(i) Water quality degradation

Water quality degradation could affect the habitats or species of the SAC and SPA. A hydrological pathway exists between the development site and The Murrough Wetlands SAC and The Murrough SPA. The surface water collection is to discharge into a swale and an integrated wetland before outfalling into the Rathnew Stream

which flows to Broadlough Estuary. There is potential, in the absence of any mitigation, for surface waters run off containing pollutants to enter the abovementioned watercourse and the abovenamed European Sites during the construction and operational phases. This could arise from poor and/or inadequate management of site run-off could result in sediment and/or pollutants reaching the Qualifying Interest habitats within The Murrough Wetlands SAC and The Murrough SPA.

(ii) Downstream Impacts

The proposed development is bounded to the east by the Rathnew Stream and partly to the north by the Glenealy North and to the south by the Moat 10. Both watercourses to the north and south flow into the Rathnew Stream which runs in a northeasterly direction where it is joined by a number of smaller tributaries along its course before entering the Broadlough Estuary which is in The Murrough Wetlands SAC and The Murrough SPA. Without the presence of mitigation measures, there is potential effects if quantities of pollution or silt entered the watercourse connecting these European Sites.

Mitigation measures and conditions

I note that the focus of proposed mitigation measures during construction and operation phases are guided at preventing ingress of pollutants and silt into surface water on-site and the nearby receiving watercourse. The measures will be achieved through the application of specific mitigation measures and monitoring effectiveness of said measures. Mitigation measures include the following:

- All works will be confined to the site and machinery confined to avoid disturbance.
- Silt fencing will be placed along any potential area where debris or sediment could enter a drainage ditch, the 25m buffer and spoil area and remain in-situ for the construction phase.
- Spoil will be covered or graded to avoid ponding or water saturation.
- Should water be encountered during excavation it will be pumped to a suitably located silt control feature e.g. lagoon/infiltration area/tank. Water must be filtered before discharging to a drainage ditch or watercourse.
- Fuels/Oils handled with care and stored in an appropriate area to avoid spillage or leakage. Spill kits for contaminants will be available.
- All personnel will be trained in good construction and environmental practices.
- Machinery and equipment will be maintained in good working order and checked/inspected regularly.
- No works undertaken during periods of heavy rainfall/weather warnings and development works planned for good spells of weather.
- Use of precast materials where possible.
- A 25m buffer zone will be maintained to northern drainage and no construction works will be undertaken within 25m of watercourses.
- Sandbags can be placed at base of steep gradients to slow the flow of runoff and prevent entering drainage ditches.

- Where protected fauna species (Otter or Badger) be found during construction phase, works will be halted and an investigation undertaken by a qualified individual.
- Vegetation/tree clearance should not take place between 1st March and 31st August. If a tree is required to be removed during nesting season it will be inspected by an ecologist.
- In the unlikely event of a suspected deterioration in water quality within the Rathnew stream due to construction works, works will immediately cease and the cause investigated with the relevant authorities informed.
- Any in-stream works, should the drainage ditch contain water should have appropriate setbacks from machinery and storage of materials. Careful excavation and appropriate filters installed to limit sediments entering the stream/drainage ditch and prevent potential disturbance.
- During operational phases spreading of manure should comply with the Nitrates Directive and relevant EU Regulations.

I note that there are a number of drainage measures proposed as part of the scheme development and I am of the view that surface water discharges have the potential to include hydrocarbons or sediment which would outfall from the site. That said, given the anticipated volumes of surface water-run off relative to the receiving environment and the associated potential for mixing, dilution and dispersion of any surface water run-off/ discharges in the receiving Rathnew Stream which flows to Broadlough Estuary, the effects on water quality from the operational phase of surface water discharge would not be significant.

I consider that there is no real likelihood of significant effects arising during the operational phase of the proposed development as a result of the wastewater treatment system proposed, drainage measures and methods of manure storage.

It is my view that the above are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's submitted and other elements of the documentation/drawings submitted with the file, and I do not consider that they include any specific measures that would be uncommon for a project of this nature.

I am also satisfied that preventative measures are aimed at interrupting the source-pathway-receptor are targeted at key threats to qualifying interests of The Murrough Wetlands SAC and The Murrough SPA. Moreover, by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

In terms of combination/cumulative effects of the proposed development with other known plans or developments in the vicinity of the site, I note the applications referred to by the applicant in the NIS and I have conducted a search on the Wicklow County Council planning website for other developments in the vicinity of the proposed development. It is my view that it is unlikely that there will be cumulative impacts or an in-combination

effect on The Murrough Wetlands SAC and The Murrough SPA as a result of the developments in terms of habitat loss/fragmentation; disturbance to species; air quality; or, deterioration of water quality.

Having regard to the above, I am satisfied that in-combination effects have been assessed adequately in the NIS. I am of the view that the applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the above-mentioned European sites.

Based on the information provided with the appeal file, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other pollutants outfalling to the nearby watercourse. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

In addition and in the interests of clarity, I note that landspreading does not form a specified part of this proposal but there will be manure arising from the housing of horses. The spreading of organic fertilisers is managed under the GAP Regulations 2025 and these regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied, subject to the adherence to the GAP Regulations 2025, that no in-combination or cumulative impacts arise from any land spreading associated with the proposed development.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of The Murrough Wetlands SAC and The Murrough SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on The Murrough Wetlands SAC and The Murrough SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations/submissions received, I consider that adverse effects on site integrity of The Murrough Wetlands SAC and The Murrough SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for The Murrough Wetlands SAC (Site Code: 002249) and The Murrough SPA (Site Code: 004186) or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS in the event of a grant of permission.

Appendix 5: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref.	PL-500766- WW-26	Townland, address	Ballymoat, Glenealy, Co. Wicklow
Description of project		Stud farm new entrance with access road stable blocks tack rooms and toilets and all associated site works.	
Brief site description, relevant to WFD Screening		The appeal site is located in the townland of Ballymoat which is approximately 1km to the northeast of the settlement of Glenealy in County Wicklow. The appeal site is in a rural area in the open countryside and has an indicated area of 31.32ha. The land is in grassland and comprises a number of fields, some of which have been divided into paddocks. The site boundaries contain a mix of hedgerows and is bounded by a watercourse on its eastern boundary and watercourses to part of the northern and southern boundaries. The surrounding area is rural and in the open countryside and is defined as being within the 'N11 Corridor - 4(a)' Landscape Area. The site is not located within or immediately adjoining any sensitive natural habitats with the nearest Natura 2000 sites being the Deputy's Pass Nature Reserve SAC (Site Code: 000717); The Murrough Wetlands SAC (Site Code: 002249; and, The Murrough SPA (Site Code: 004186) which are approximately 2.68km and 5.43km from the site respectively. The bedrock aquifer category is stated as being Locally Important and the groundwater vulnerability is states as being 'Low', 'Moderate' and 'High' across the site. The site is partially bounded to the north, east and south be watercourses. These watercourses are names as the Glenaly North (north), the Moat 10 (south) and the Rathnew Stream (east). The Rathnew Stream runs in a northeasterly direction where it is joined by a number of smaller tributaries along its course before entering the Broadlough Estuary and outflowing into the Irish Sea to the north of Wicklow town approximately 6.2km (as the crow flies) from the appeal site.	
Proposed surface water details		According to Question 20 on the Application Form, Proposed Surface Water Disposal is via soakpits and harvesting along with swales and Constructed Wetlands.	

Proposed water supply source & available capacity			According to Question 20 on the Application Form, the proposed source of water supply is a 'Private Well'. The precise location of the well has been demonstrated by the applicant and the Planning Authority has attached a condition in relation to the installation/maintenance of the well in accordance with Drinking Water Regulations 2023.				
Proposed wastewater treatment system & available capacity, other issues			The proposal is to be served by secondary wastewater treatment system with soil polishing filter.				
Others?			Manure Storage – The proposed manure storage shed has a floor area of 444sq.m with an indicated provision of approximately 400sq.m. On the assumption of storage height of 2.5m there would be storage for 1,000sq.m,				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	
River Waterbody	0 metres (forms eastern site boundary)	Rathnew Stream IE_EA_10R0 20600	Good	Not at Risk	None identified	Yes – potential via surface water run-off owing to proximity and topography.	
River Waterbody	0 metres (forms northern site boundary)	Glenealy North IE_EA_10R0 20600	Good	Not at Risk	None identified	Yes – potential via surface water run-off owing to proximity and topography.	
River Waterbody	0 metres (forms southern site boundary)	Moat 10 IE_EA_10R0 20600	Good	Not at Risk	None identified	Yes – potential via surface water run-off owing to proximity and topography.	
Groundwater Waterbody	Under-lying site	Wicklow	Good (Overall)	At Risk	Chemical, Chemical Quality Diminution for Salmonoid Waters	Yes – potential drainage to ground.	

						and Historically polluted sites.	
Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Rathnew Stream IE_EA_10R0 20600	Existing - surface water pathway over land (sloping site and undulating terrain). New – storm water indicated as connecting to range of surface water disposal features. New - proposed on-site	Water pollution: stormwater/ wastewater pollution.	Mitigation proposed in the submitted NIS. Standard Construction Measures / Conditions Implementation of a CEMP	No. Having regard to the scale of the works and requirement for appropriate construction management measures, I am satisfied that there would be no significant risk to this surface water.	Screened out

			wastewater treatment				
2.	Surface	Glenealy North IE_EA_10R0 20600	As above.	As above.	As above.	As above.	Screened out
3.	Surface	Moat 10 IE_EA_10R0 20600	As above.	As above.	As above.	As above.	Screened out
4.	Ground	Wicklow	Potential pathway exists via the ground.	Reduction in groundwater quality	As above.	No. Having regard to the scale of the development and the requirement for appropriate construction management measures, I am satisfied that there would be no significant risk to this ground water.	Screened out
OPERATIONAL PHASE							
1.	Surface	Rathnew Stream IE_EA_10R0 20600	Via sloping lands and potentially existing drains on and adjacent to site which outflow towards this watercourse.	Potential transmission from inadequately treated waste water. Inadequate collection and disposal of storm drainage features.	Mitigation proposed in the submitted NIS. Standard Construction Measures and Conditions	No. I am satisfied based on the particulars provided that the development could be adequately managed on site and that there will be no significant pollution risks to surface waterbodies.	Screened out

					Implementation of a CEMP		
2.	Surface	Glenealy North IE_EA_10R0 20600	As above.	As above.	As above.	As above.	Screened out
3.	Surface	Moat 10 IE_EA_10R0 20600	As above.	As above.	As above.	As above.	Screened out
4.	Ground	Wicklow	Pathway via wastewater treatment and on-site drainage	Reduction in groundwater quality from pollution or the failure of the collection and treatment systems.	As above.	No - I am satisfied based on the particulars provided that the proposed works could adequately manage water management on site and that there will be no significant pollution risks to groundwater.	Screened out
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A