



**Planning & Development
Consultants**

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PO Box 13658
Dublin 14

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

9 April 2024

Dear Sir/Madam,

Substitute Consent application in respect of 'Permission for retention of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application includes a Natura Impact Statement (NIS)' at Ballycrystal E.D., Rossard, County Wexford.

Thank you for your letter of the 4th of April 2024. Our second attempt at achieving validation was not successful under reg. ref. ABP-319427-24.

We had addressed the issue raised by the Board under the previous invalidation and we have now erected a new reworded site notice to address the current invalidation matter raised. This issue arose because the new December Regulations include a new site notice which is different to the previous one. Our notice met the requirements of the previous regulations.

We trust that this third attempt will achieve validation. Clearly Substitute Consent is a very complicated procedure. If there is any further issue, I would appreciate a phone call to discuss as each trip to the Board requires a full half day in the car, etc.

Finally, I note that to avoid further printing, etc, we are submitting everything else as per the previous application with only the new – attached to this letter – site notice amending the previous application.

If you require any further information, please contact BPS using the details on this letterhead.

Further copies of any of the documents and drawing provided can be made available on request.

With best wishes,

Brendan Buck

**Brendan Buck MIPI
Managing Director
BPS Planning Consultants Ltd**

| | |
|-------------------------|---------------------------------|
| AN BORD PLEANÁLA | |
| LDG- | <u>071180-24</u> |
| ABP- | _____ |
| 09 APR 2024 | |
| Fee: € | <u>900.00</u> Type: <u>CARD</u> |
| Time: | <u>14.32 pm</u> By: <u>HAND</u> |

APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT

SITE NOTICE

We, Cashwood Poles LTD, intend to apply for substitute consent for development at this site at Ballycrystal E.D., Rossard, County Wexford.

The development consists of the regularisation of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities.

The application is accompanied by a remedial Natura impact statement.

Submissions or observations may be made on the application, to An Bord Pleanála, 64 Marlborough Street, Dublin 1, www.pleanala.ie without charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Bord Pleanála and such submissions and observations will be considered by An Bord Pleanála in making a decision on the application. An Bord Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

The application for consent may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Bord Pleanála, or the relevant planning authority during its public opening hours.

Any enquiries relating to the application process should be directed to An Bord Pleanála (Tel. 01-8588100).

Signed: *Brendan Buck*

Brendan Buck MIPI (agent on behalf of Cashwood Poles LTD)
BPS Planning & Development Consultants LTD
PO BOX 13658 Dublin 14, D14 RW01
01-5394960/087-2615871

Date of erection of site notice: **9 April 2024**



FAMILY NOTICES

ACKNOWLEDGEMENTS

LANE, DAVID THOMAS

The Bay, Camolin, Co. Wexford, Y21WP74. (Formerly of Arklow) Died 22nd November 2023

David's wife Diana and children Sharon, Helen, Olwyn and Desmond, sons-in-law Clive and Philip, grandchildren, sisters Olive and Margaret, brothers-in-law John and Gordon, sister-in-law Dot and wider family would like to express our heartfelt appreciation to those who sympathised with us at the time of David's sudden death.

We want to express our deepest gratitude to our wonderful relations, very kind friends, great neighbours and the wider community. Those who sent messages, cards, letters, online condolences and to those that helped in any way through those difficult days. We were greatly touched by the outpouring of support.

Our sincere thanks to those who attended the wake and the funeral service in St. Edan's Cathedral, Ferns. Special thanks to Dean Paul Mooney, Dean Lesley Forest, Archdeacon Mark Hayden for officiating the funeral service and Rev Patrick Cushen for his support and prayers.

Special thanks to the paramedics who attended on the day, Flood's Funeral Directors for their professional support, gravediggers for preparing David's final resting place, organist for the uplifting music in the church, the service broadcaster for streaming the service which was followed by so many and Cois na hAbhann for the lovely meal. Trusting this will be accepted by all as our very sincere thank you.

It is a great source of comfort to know David was so fondly remembered.

IN MEMORIAM

WATERS, MOYRE 17th Anniversary

ACKNOWLEDGEMENTS

MC GEE, MARGARET

The Cools, Barntown Late of Sarshill, Kilmore

Acknowledgement and Month's Mind



Margaret's family would like to thank most sincerely all those who sympathised with them on their recent bereavement. Those who attended her wake and funeral mass and burial, sent mass and sympathy cards and left beautiful messages of condolences. A very special thank you to her friends who were a great support to her and us in her final days. To her colleagues in Bank of Ireland, where she worked for 46 years, thank you for being with us in such large numbers.

To Margaret's medical team Dr. Curtis's Practice, James Hospital,

ACKNOWLEDGEMENTS

ROBAN, UNA (née KELLY)

The Lyre, Milehouse, Enniscorthy, Co. Wexford.



The family of Una Roban would like to thank everyone who supported us after her sad and unexpected

passing. We are all heartbroken and miss her so much. But your support has helped us on our journey through our loss. We would like to thank our relatives, friends, colleagues and members of the wider community for all their help throughout. We are deeply grateful to all those who attended the wake and the funeral mass, for all the kind words and deeds, for all those who sent cards, for the lovely messages of condolence on RIP and indeed to those who remembered us in their prayers. It meant a lot for us to have the wake at home in the Milehouse. We would like to express our sincerest gratitude to all those who worked

CLASSIFIEDS

PUBLIC NOTICES

Public Notice - Event License Application

Wexford CCE and Fleadh Executive Committee, Fleadh Cheoil na hÉireann, give notice of intent to apply to Wexford County Council for a license to hold an outdoor music event in accordance with Part XVI of the Planning and Development Act 2000 (as amended).

Fleadh Cheoil na hÉireann is an annual series of events led by an Irish Traditional Music competition, run by Comhaltas Ceoltoirí Éireann. The Event will be held from the 4th to 11th August 2024 in Wexford, Co Wexford, with an anticipated cumulative attendance of up to 500,000 persons.

The license application may be inspected at the offices of Wexford County Council, Planning Section, County Hall, Carricklawn, Wexford, Co Wexford, Y35 WY93, during the hours of 9AM to 4PM and 2PM to 4PM Monday to Friday (Bank Holidays and Public Holidays excepted) for a 5-week period from date of receipt of application.

Submissions or observations may be made in writing to Wexford County Council within a 3-week period from the date of receipt of the application

Signed: Eddie Taaffe, Chairperson Fleadh Executive Committee (Wexford 2024)

SITES FOR SALE

Ryan's Bakery Bread Run for

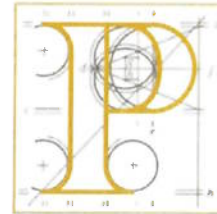
PLANNING

Application to An Bord Pleanála for Substitute Consent. We, Cashwood Poles LTD (c/o BPS Planning & Development Consultants LTD 01-5394960/087-2615871), intend to apply for substitute consent for development at this site at Ballycrystal E.D., Rossard, County Wexford. The development consists of the regularisation of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application is accompanied by a Remedial Natura Impact Statement (rNIS). The application and accompanying documentation may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Board and the relevant planning authority during its public opening hours and that a submission or application may be made to the Board in writing within the period of 8 weeks beginning on the date of receipt by the Board of the application.

WEXFORD COUNTY COUNCIL We Paul and Catherine Walker are applying to the above for permission to erect a dwelling house with services and domestic garage at Mounthoward Lower, E.D. Monamolin, Co. Wexford. This planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the

Your Case Number: ABP-319427-24

Your Reference: Cashwood Poles Limited



An
Bord
Pleanála

BPS Planning and Development Consultants
P.O. Box 13658
Dublin 14

Date: 04 April 2024

Re: Application for Substitute Consent for Stables with ancillary services, including open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities
Ballycrystal, Rossard, Bunclody, Co. Wexford.

Dear Sir / Madam,

Dear Sir / Madam, An Bord Pleanála has received your letter in which you intended to lodge an application for substitute consent under Section 177E of the Planning and Development Acts 2000 to 2023.

Following consideration of this application for substitute consent under section 177E of the Act, the Board considers that the application does not comply with the requirements of 177E(2)(f) as prescribed under section 177N (2)(c) of the Act requiring the applicant to publish a specified notice or notices, having regard to the provisions of articles 224 and 225 of the Planning and Development Regulations 2001, as amended. **The site notice does not mention the NIS which accompanies the application.** The application for substitute consent has been deemed invalid.

The documents lodged by you are enclosed and a cheque for the amount lodged will issue under separate cover.

Yours faithfully,

Eoin O'Sullivan
Executive Officer
Direct Line: 01-8737134

| | | |
|--------------------|---------|------------------|
| Tel | Tel | (01) 858 8100 |
| Glaó Áitiúil | LoCall | 1800 275 175 |
| Facs | Fax | (01) 872 2684 |
| Láithreán Gréasáin | Website | www.pleanala.ie |
| Ríomhphost | Email | bord@pleanala.ie |

| | |
|----------------------|-----------------------|
| 64 Sráid Maoilbhríde | 64 Marlborough Street |
| Baile Átha Cliath 1 | Dublin 1 |
| D01 V902 | D01 V902 |



**Planning & Development
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PO Box 13658

Dublin 14

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

28 March 2024

Dear Sir/Madam,

| | |
|-------------------------|-----------------|
| AN BORD PLEANÁLA | |
| LDG- | 070983-24 |
| ABP- | |
| 28 MAR 2024 | |
| Fee: € | €900 Type: Card |
| Time: 13:00 | By: Hand |

Substitute Consent application in respect of 'Permission for retention of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application includes a Natura Impact Statement (NIS)' at Ballycrystal E.D., Rossard, County Wexford.

BPS Planning Consultants Ltd, a firm of Irish Planning Institute accredited town planning consultants, has been instructed by Cashwood Poles Limited c/o Ennis Martin Architects, Main Street, Ferns, Co. Wexford to make a Substitute Consent application to An Bord Pleanála [hereafter "ABP"] for development at Ballycrystal E.D., Rossard, County Wexford comprising of:

Permission for retention of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application includes a Natura Impact Statement (NIS).

The rationale for making this Substitute Consent application is set out in Section 1.0. The content of the application is outlined in Section 2.0 (and all sections thereunder). Section 3.0 sets out our client's 'Application for Substitute Consent'.

We note that the legislative and regulatory amendments on substitute consent and design flexibility are in force, with effect from 16 December 2023. The Commencement Order is available online¹. Applications for substitute consent proper, such as this one, can now be accelerated, and can include permission for further development. We trust this is in order.

I The issue of the invalidation of ABP-318851-24

On the 12th of January 2024, BPS lodged an earlier version of this Substitute Consent application to ABP. This was accepted at your planning counter (having been delivered by hand) and the planning fee was drawn down from the BPS bank account.

In the weeks that followed, no acknowledgement letter arrived. BPS called ABP a number of times to ask what the reference number was, why there was no acknowledgement letter, etc. We were told that as the fee had been drawn down, it must be a valid application.

We then received your letter of the 26th of February. We have no difficulty with the invalidation. We made an error in not addressing the December 2023 Regulations and we accept this. The error arises because the consolidated version of the regulations had not been updated before we lodged the application and we had mistakenly worked from these. We should have worked to the source regulations (the Planning and Development (Amendment) (No. 4) Regulations 2023).

It is, with respect, an unreasonable length of time to take to invalidate an application arising from the wording of the notices. A planning authority would notice an incorrectly worded notice within days of a planning application being lodged, it would be reasonable to expect ABP to validate or invalidate within 1 or 2 weeks. BPS could have responded immediately in January to this issue had we been aware of it. This matter has caused our client some considerable stress and this delay would, with respect, not helped.

Having received your letters (copies attached), BPS has updated the wording of the notices, placed a new newspaper notice and erected a new site notice, and is now re-submitting this application. We would appreciate it if it could be validated/invalidated at your earliest opportunity.

¹ https://opac.oireachtas.ie/Data/Library3/Documents%20Laid/2023/pdf/HLGHdoclaid191223_140745.pdf

The invalidation issue of our referring to "5" and not "8" weeks has been addressed.

Given the time this has taken, ABP will understand that our client would prefer to proceed ASAP and not to undertake pre-planning. As offered in your letter (a process which has no associated statutory timeframe).

Finally, our client notes that this is a retention application, and he has sought at all times to regularise his property as quickly as possible. This recent delay should not reasonably impact the ongoing process of achieving this.

1.0 Reason for lodging a Substitute Consent application

On the Wednesday 15th of November 2023, our client lodged a retention planning application for development described as: "Permission for retention of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application includes a Natura Impact Statement (NIS)". This was the second² attempt our client had made to obtain retention planning permission at local level via Wexford County Council (see also reg. ref. 20230500).

On the 24th of November 2023, Wexford County Council issued a letter (copy attached in Appendix 1) which states:

Retention permission cannot be sought for a development that requires an NIS or Appropriate Assessment (Section 34(12)), In such cases, the applicant may seek leave to apply for substitute consent from An Bord Pleanála (Section 177C).

Section 34(12) A planning authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more than one of the following was carried out-

- (a) an environmental impact assessment,*
- (b) a determination as to whether an environmental impact assessment is required,*
- (c) an appropriate assessment.*

The application Ref. 20231371 for Permission for retention of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application includes a Natura Impact Statement (NIS) and therefore requires appropriate assessment to facilitate the consideration of mitigation, and in accordance with Section 34(12) of the Planning & Development Act 2000 (as amended) the planning authority shall refuse to consider this application.

Section 34(12B) Where the planning authority refuses to consider an application for permission under subsection (12) it shall return the application to the applicant, together with any fee received from the applicant in respect of the application, and shall give reasons for its decision to the applicant.

For the above reasons, and following receipt of the Wexford County Council decision letter by our client, BPS is now directed to make a Substitute Consent application to ABP (as per Section 177C of the Planning Act 2000 as amended). This application is both for leave to apply for Substitute Consent and an application for Substitute Consent.

The rationale for the planning application originally made to WCC is clearly set out in the attached cover letter produced by Ennis Martin Architects for the attention of WCC. It states:

I am retained by Cashwood Poles Limited to make a planning application on their behalf. This facility had to be built during Covid as no livestock/horses could be sold or traded during that time and the company had no choice than to build the facility to accommodate the horses they had acquired but couldn't sell on due to the Covid pandemic. The maximum amount of stock numbers held in this facility at any one time is approximately 50. The company employs 5-6 full time employees and some casual workers during the summer months.

We have calculated Manure storage based on 0.4 cubic meters/week/horse based on a 20 week storage period, therefore 400 cubic metres is required for manure which we have capacity for. Because my client has an uncovered manure pit he has an effluent storage tank to take the pit run off. The tank is to be emptied by a vacuum tanker every 7-10 days, the capacity required for this is 0.1 cubic metres per horse to Department of Agriculture Guidelines S. 108. We have also allowed for stable water wash in our siled water tank of 0.05 cubic meters per horse. This requires 7.5 cubic meters storage which our client currently has on site.

Cashwood Poles Limited has the following lands available for the spread of dung and manure effluent. Folio No. WX10156 containing 15.17 hectares and Folio No. WX11200 containing 28.76 hectares.

² An earlier 3rd planning application had been lodged but it was deemed invalid (reg. ref. 20231310).

Following a recent return of Planning Register No. 20230500 (refuse to consider) we are now enclosing a Natura Impact Statement (NIS)/appropriate assessment screening with this planning application.

We trust that the above statement provides an adequate explanation of the basis for this Substitute Consent planning application (as this is the same as that offered to WCC which refused to consider a submitted planning application).

2.0 Substitute Consent application under Section 177C of the Planning Act (amended)

Section 177C refers to an application for leave to apply for substitute consent where a notice is not served by a planning authority as is the case in this instance.

2.1 Section 177C of the Planning Act 2000 (as amended)

Section 177C of the Planning Act 2000 (as amended³) is as follows:

177C.— (1) A person who has carried out a development referred to in subsection (2), or the owner or occupier of the land as appropriate, to whom no notice has been given under section 177B, may apply to the Board for leave to apply for substitute consent in respect of the development

(2) A development in relation to which an applicant may make an application referred to in subsection (1) is a development which has been carried out where an environmental impact assessment, a determination as to whether an environmental impact assessment is required, or an appropriate assessment, was or is required, and in respect of which—

(a) the applicant considers that a permission granted for the development by a planning authority or the Board may be in breach of law, invalid or otherwise defective in a material respect, whether pursuant to a final judgment of a court of competent jurisdiction in the State or the Court of Justice of the European Union, or otherwise, by reason of—

(i) any matter contained in or omitted from the application for permission including omission of an [Act revised amended to include "environmental impact assessment report or a Natura impact statement or both that report and that statement, as the case may be, or inadequacy of an environmental impact assessment report or a Natura impact statement or both that report and that statement"], as the case may be, or

(ii) any error of fact or law or a procedural error,

or

(b) the applicant is of the opinion that exceptional circumstances exist such that it may be appropriate to permit the regularisation of the development by permitting an application for substitute consent.

(3) An applicant for leave to apply for substitute consent under subsection (1) shall furnish the following to the Board:

(a) any documents that he or she considers are relevant to support his or her application.

[Act amended to include: "in the case where a determination as to whether an environmental impact assessment was or is required, the information specified in Schedule 7A to the Planning and Development Regulations 2001, which shall be accompanied by any further relevant information on the characteristics of the development and its significant and likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account"]

(b) any additional information or documentation that may be requested by the Board, within the period specified in such a request.

[Act amended to include: (3A) The information furnished under subsection (3)(aa) may be accompanied by a description of the features, if any, of the development and the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the development.]

³ In the interests of clarity, we refer in this section to the version of the Planning Act 2000 which is set out in consolidated form at <https://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/pdf?annotations-true> and at <https://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html>

(4) Where an applicant for leave to apply for substitute consent under subsection (1) fails to furnish additional information or documentation within the period specified in a request under subsection (3)(b), or such additional period as the Board may allow, the application shall be deemed to have been withdrawn by the applicant.

(5) The Board may seek information and documents as it sees fit from the planning authority for the administrative area in which the development the subject of the application under this section is situated, including information and documents in relation to a permission referred to in subsection (2)(a) and in relation to any other development that may have been carried out by the applicant and the planning authority shall furnish the information not later than 6 weeks after the information is sought by the Board.

2.2 Basis for application under Section 177C of the Planning Act 2000 (as amended)

The following points concern the basis for our client's application submitted under Section 177C:

- Our client has carried out a development referred to in subsection (2), i.e. a development which has been carried out where an appropriate assessment, was or is required.
- Our client is the owner and occupier of the land, and no notice has been given under section 177B.

Consequently, our client may apply to the Board for leave to apply for substitute consent in respect of the development.

2.2.1 Content of application under Section 177C - Planning Act 2000 (as amended)

Section 177C (3) sets out the required content required from "An applicant for leave to apply for substitute consent under subsection (1)" and states that our client "shall furnish the following to the Board".

- ***(a) any documents that he or she considers are relevant to support his or her application***

(3A) The information furnished under subsection (3)(aa) may be accompanied by a description of the features, if any, of the development and the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the development.

Please find attached:

- 6 no. copies of this letter prepared by BPS Planning & Development Consultants LTD.
- 6 no. copies of the completed Planning Application Form submitted previously to Wexford County Council which includes details of the site, the size of the proposed development and all other standard details pertaining to a planning application. It is acknowledged that ABP does not require this; however, it is an effective way to provide a detailed list of relevant application specific information.
- 6 no. copies of the decision of Wexford County Council to refuse to consider the planning application made under planning application reg ref. 20230500.
- 6 no. copies of a covering letter and schedule of documents originally prepared by Ennis Martin Architects and submitted to WCC dated 15 November 2023 (for ABP's records).
- 6 no copies of Dwg. No. PD 230002 which includes
 - ❖ OS Site Location Plan Dwgs. (scales of 1:10560 & 1:2500), and
 - ❖ A 'Site Layout Plan' Dwg. (scale of 1:500).
- 6 no. copies of Dwg. No. PD 230001 which includes:
 - ❖ Floor plan (scale of 1:250).
 - ❖ Elevations A, B, C and D (scales of 1:250).
 - ❖ Sections A-A and B-B (scales of 1:250).
 - ❖ Detail A (scale of 1:100).
- 6 no. copies of a Remedial Natural Impact Statement - Screening for Appropriate Assessment Report and a follow-on Stage Two Natura Impact Assessment prepared by Gerry Tobin. A copy of Mr Tobin's Statement of Authority as an ecologist of national standing is attached to each copy. This report includes a description of the features of the development (as set out on the abovementioned drawings) and the measures incorporated and envisaged to avoid, prevent or reduce what might otherwise be or have been the "slight possibility" of adverse effects on the environment of the development.

A cheque for €900 which is the fee payable for this Substitute Consent planning application, 1 no. copy of each of the site and newspaper notices, and a copy of the Substitute Consent planning application form are also attached (see also Section 3.0 of this letter).

- **(b) any additional information or documentation that may be requested by the Board, within the period specified in such a request.**

Our client will respond to any request from ABP for additional information or documentation.

2.3 Information to support ABP's determination under s. 177D of the Act (as amended)

In this case, Wexford County Council has determined that AA at Stage 2 NIS being required means that our client must apply to ABP for leave to apply for Substitute Consent. ABP is required to follow the assessment process set out Section 177D.— (1) 'Decision of Board on whether to grant leave to apply for substitute consent' of the Act (as amended) states:

... the Board shall only grant leave to apply for substitute consent in respect of an application under section 177C where it is satisfied that an environmental impact assessment, a determination as to whether an environmental impact assessment is required, or an appropriate assessment, was or is required in respect of the development concerned and where it is further satisfied—

(b) that exceptional circumstances⁴ exist such that the Board considers it appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

[⁴"Exceptional circumstances" is defined under Section 26 of the Planning and Development, Maritime and Valuation (Amendment) Act 2022 as "exceptional circumstances" shall, other than in section 177K(2A)(b), be construed in accordance with section 177K(1J)].

Is Appropriate Assessment required at Stage 2?

As Wexford County Council has determined that Stage 2 Appropriate Assessment is required and our client had submitted this with his planning application, we submit that the matter of whether Appropriate Assessment was or was not required has been decided. AA is required at Stage 2 and as such the Substitute Consent process arises.

Do exceptional circumstances exist?

In considering whether 'exceptional circumstances'⁴ exist, Section 177D (2) of the Act (as amended) states: "the Board shall have regard to the following matters":

(a) whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive.

ABP is asked to review the attached Screening for Appropriate Assessment Report and a follow-on Stage Two Natura Impact Assessment prepared by Gerry Tobin who is a nationally respected ecologist with decades of experience.

Mr Tobin was asked by our client to undertake Appropriate Assessment following Wexford County Council's brief review of planning application, reg. ref. 20230500. While the planning authority refused to consider the planning application quoting Section 34(12) of the Act (as amended), it noted in its Planning Report how:

The application site is located 220 metres northeast of Blackstairs Mountains SAC, Inadequate effluent storage and soiled water facilities have been provided. The land parcel to the west of the application site which directly adjoins Blackstairs Mountain SAC is identified as lands for effluent spread.

This concern has now been fully addressed. The NIS states at page 8: "There is a slight possibility that water quality modification could occur should enrichment of water outflows enter the nearby SAC without attenuation". Mr Tobin therefore sets out "Measures at operational stage that will prevent negative impacts on the SAC within the possible impact zone".

BPS has discussed these measures with Mr Tobin by phone and email and we note his response: "These are standard conditions on previous jobs I worked on. I understand that this is a retention application ... These are measures I included in previous AA for a similar job". That is, the proposed mitigation measures either already exist or are proposed, but, in each instance, Mr Tobin has assessed them as part of the NIS. The mitigation measures form part of the planning application and would be conditioned by ABP in the event of a grant – either by way of Condition 1 or an additional specific condition pertaining to same.

⁴ As derived from An Taisce v. An Bord Pleanála (McQuaid Quarries) [2018] IEHC315, [640] [2019] IESCDET231, [2020] IESC39 & An Taisce & Sweetman, v. An Bord Pleanála (Ballysax) [2017] IEHC634, [2019] IEHC401 [2019] IESCDET216 and 217, [2020] IESC39.

Mr Tobin therefore concludes: "With the implementation of these measures at the operational stage of the development at Ballycrystal all potential negative impacts on nearby SACs and SPAs can be prevented. The current proposal will have no impact in combination with other plans or projects as it is of such a scale and close to an already serviced area".

Regarding Mr Tobin's conclusion regarding possible in combination impacts, BPS recommends that ABP review Fig. 1 which sets out all Wexford planning applications and other existing developments in the vicinity of the site. Mr Tobin is wholly correct in determining that the proposal is close to an already serviced area.

Finally, in reviewing this matter, BPS notes how (as set out below), were much of this development being used for agriculture only and not tourism, it would constitute exempted development such is its minor nature when sited within a rural area. Section 4(2)(a) of the Act refers to such exempted development stating: "The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that— (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development". The mitigation measures proposed by Mr Tobin are partly those which would apply to an agricultural development and partly additional to recognise the non-exempt nature of the tourism use.

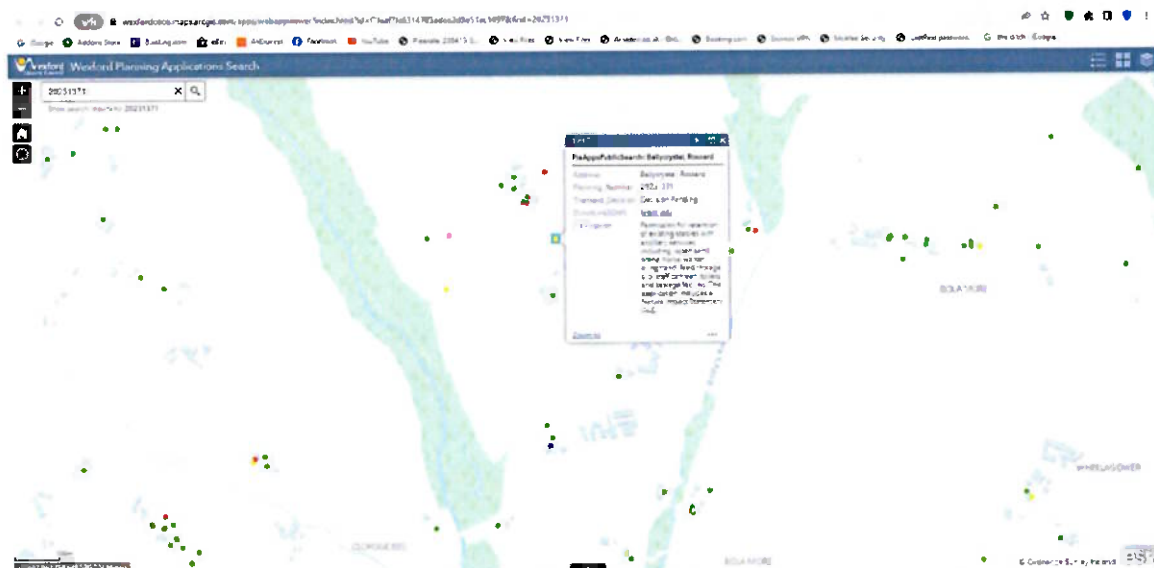


Fig. 1: Excerpt from Wexford County Council's Planning Application Search Viewer

(b) whether the applicant had or could reasonably have had a belief that the development was not unauthorised.

BPS has discussed this matter with our client. He states that the family have operated Ballycrystal Guest House at this location for decades. The business is listed with Bord Failte as offering horse related activities. The property comprises sufficient land to comprise a small farm. Over many years, the horse rising facilities have been improved. The existing stables, sand arena, horse walker, etc. were added by way of what our client considered to be exempted agricultural development under:

- Section 4(1)(a) of the Act which states: "The following shall be exempted developments for the purposes of this Act— (a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used" and
- SCHEDULE 2, Article 6, Part 1, Exempted Development — General of the Planning and Development Regulations 2001 (as amended) including:

Class 6: "Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage".

Class 7: "Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage".

Class 8: "Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage".

CLASS 9: "Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres".

CLASS 10 "The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface".

Having carried out these works over some years and using them to serve tourists/guests, our client was advised that the tourism/paying visitor use of what is a structure with areas for training horses, etc. does not constitute exempt development because the development must be used only for agriculture with Section 4(1)(a) of the Act referring to the "use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used" and Article 6(1) of the Planning and Development Regulations 2001 (as amended) stating: "Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1". In the cases of Classes 6, 7, 8, 9 and 10, the conditions and limitations state: "No such structure shall be used for any purpose other than the purpose of agriculture".

Our client accepts that retention permission is required and has, in good faith, sought in 2023 to obtain that permission having made a genuine error in his understanding of what did or did not constitute exempted development. We trust that this explains how our client had or could reasonably have had a belief that the development was not unauthorised.

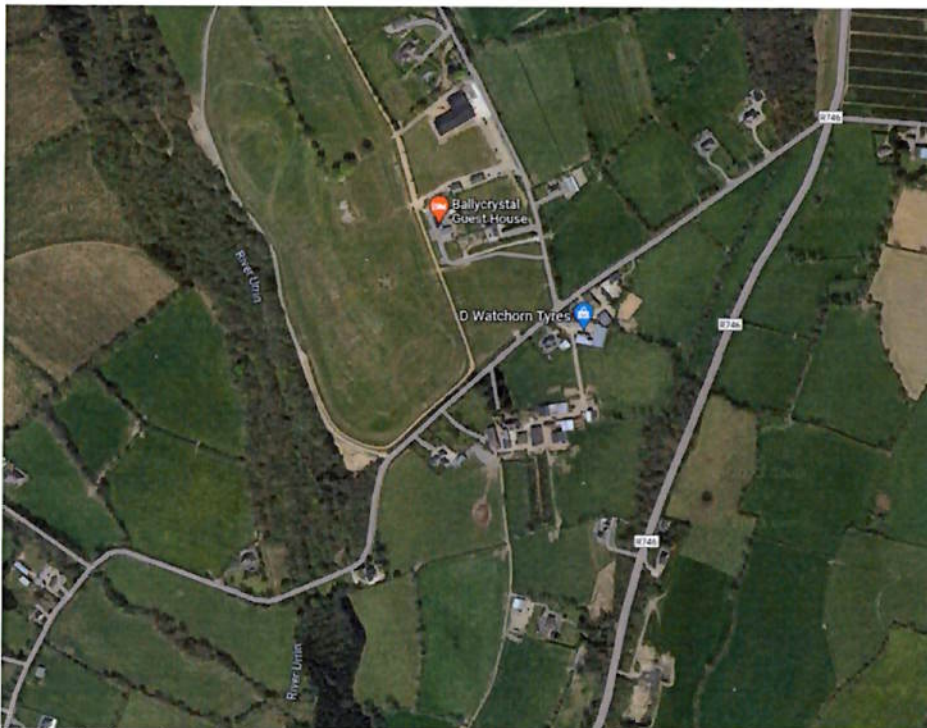


Fig. 2: The location of Ballycrystal Guest House (Source: Google Maps)



Fig. 3: The entrance to Ballycrystal Guest House (Source: Google Streetview)

(c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired.

BPS has discussed this matter with Mr Tobin, ecologist, who confirms that it is his opinion that the fact that the stables and other horse-related facilities are now in place, on rural lands within an area comprising considerable existing settlement and forming part of an existing tourism guest house facility, has not substantially impaired his ability to carry out his attached report. Indeed, he considers that having visited the site, he is in a beneficial position whereby it has been possible to determine precisely how the facilities are currently operating and to refer to existing and proposed mitigation measures – all standard – which will fully protect the SAC.

Regarding public participation, our client's gradual improvement of the existing facilities for horses within his property has never been the subject of any complaint to him made by any neighbour or other 3rd party and he has never received any correspondence from Wexford County Council such as a Warning Letter indicating that any 3rd party felt aggrieved at not having the opportunity to object to or make observations in regard to this development. Once our client became aware of the need to obtain retention planning permission, he has sought to make 3 no. planning applications to Wexford County Council in 2023. These include reg. refs. 20231371, 20230500 and 20231310. In each case, newspaper and site planning notices were issued advising the public that a planning application had been lodged regarding this matter. While one was invalidated and two were subject to refusals to assess under Section 34(12) of the Act (as amended), the matter was nonetheless fully advertised. Again, our client has not been contacted by any 3rd party following this advertising and is not aware of any person who maintains concerns regarding the proposals.

BPS has advised our client regarding *An Taisce v an Bord Pleanála*, *an Taisce v an Bord Pleanála*, *Sweetman v an Bord Pleanála* [2020] IESC 39

(d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development.

Please refer to Mr Tobin's attached Screening for Appropriate Assessment Report and a follow-on Stage Two Natura Impact Assessment. Mr Tobin report concludes: "With the implementation of these measures at the operational stage of the development at Ballycrystal all potential negative impacts on nearby SACs and SPAs can be prevented. The current proposal will have no impact in combination with other plans or projects as it is of such a scale and close to an already serviced area".

(e) the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated.

Having discussed this matter with Mr Tobin and having reviewed his attached report, we can confirm that there have been no significant effects on the environment. Regarding adverse effects on the integrity of a European site can be remediated, the attached NIS states at page 8: "There is a slight possibility that water quality modification could occur should enrichment of water outflows enter the nearby SAC without attenuation". Mr Tobin therefore sets out "Measures at operational stage that will prevent negative impacts on the SAC within the possible impact zone".

Mr Tobin therefore concludes: "With the implementation of these measures at the operational stage of the development at Ballycrystal all potential negative impacts on nearby SACs and SPAs can be prevented. The current

proposal will have no impact in combination with other plans or projects as it is of such a scale and close to an already serviced area".

(f) whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development.

BPS has reviewed the Planning Register regarding our client's property and discussed the planning status of the property with our client. We can confirm that our client's property is wholly regular regarding its planning status excepting the current development requiring retention (which he had mistakenly understood constituted exempted development).

(g) such other matters as the Board considers relevant.

Our client will submit any further information the Board considers relevant to its assessment. He asks ABP to note how the development is wholly rural in nature and appearance and is like an agricultural farm shed in its operation only it is used for horses. The mitigation measures currently in place and/or those proposed by Mr Tobin will be fully implemented and, in this regard, they could be required by way of condition, etc.

Consideration by ABP of information supplied under Sections 177C(3) and 3(A)

Section 177D(3) states: "In deciding whether it is prepared to grant leave to apply for substitute consent under this section the Board shall have regard to any information furnished by the applicant under section 177C(3) [Act amended to include information, if any, furnished under section 177C(3A)] and any information furnished by the planning authority under section 177C(5)".

Please therefore refer to Section 2.2.1 of this letter which provides a list of information (including drawings, report and a completed Wexford County Council Planning Application Form) submitted in response to Sections 177D(3) and (3A).

We submit that, in our professional opinion, it would be appropriate in this case for ABP to grant leave to apply for substitute consent under Section 177D.

3.0 Application for substitute consent

The 2022 Act has amended the Planning and Development Act 2000 (the Act) at Part VA to streamline substitute consent procedures for applications to regularise existing developments, such as our client's development, requiring retrospective Appropriate Assessment to provide for a single-stage application process, including by the deletion of the initial leave to appeal stage. These new provisions of the Act re now enacted. In the sections above, BPS has addressed the 'exceptional circumstances' provisions of the Act.

The following points set out our client's application for substitute consent as required by Part 19 of the Planning and Development Regulations 2001 to 2023:

- (1) A copy of the planning application made to Wexford County Council which was not accepted as Substitute Consent was deemed required (as referred to in Article 227. (2)(f) of the P & D Regulations 2001 (as amended).
- (2) A cheque for the euro 900 fee payable for the application as the fee which would be payable to Wexford County Council were a planning application to have been accepted by same.
- (3) In accordance with Article 227. (1) of the P & D Regulations 2001 (as amended), this application for substitute consent has been made in the form or a form substantially to the like effect set out at Form No. 7 of Schedule 3
- (4) In accordance with section 177E of the Act and Article 227. (2)(a) of the P & D Regulations 2001 (as amended), this application includes the relevant page of the Gorey Guardian newspaper that contains notice of the application. The date of publication was 27/3/2024. Notice of the application has therefore been published pursuant to article 223(1)(a), and a copy of the site notice erected or fixed on the land or structure pursuant to article 223(1)(b). This notice addresses the Planning and Development (Amendment) (No. 4) Regulations 2023 which altered "5 weeks" to "8 weeks".⁵
- (5) A copy of the site notice as required by Article 227. (2)(aa) of the P & D Regulations 2001 (as amended).. The site notice was erected on 27/3/2024 as set out on the notice. The position of the site notice on the site is shown on attached Dwg. No. PD230002. This notice addresses the Planning and Development (Amendment) (No. 4) Regulations 2023 which altered "5 weeks" to "8 weeks", BPS has cut and pasted the new form provided in the new regulations into a Word document and completed it.⁶

⁵ See <https://www.irishstatutebook.ie/eli/2023/si/648/made/en/print>

⁶ See <https://www.irishstatutebook.ie/eli/2023/si/648/made/en/print>

- (6) In accordance with Article 227, (2)(b) of the P & D Regulations 2001 (as amended), 6 copies of site location map – see attached Dwg. No. PD230002.
- (7) In accordance with Article 227, (2)(b) of the P & D Regulations 2001 (as amended), 6 copies of site or layout plan as appropriate – see attached Dwg. No. PD230002.
- (8) In accordance with Article 227, (2)(c) of the P & D Regulations 2001 (as amended), 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate – see attached Dwg. No. PD 230001 which includes:
- ❖ Floor plan (scale of 1:250).
 - ❖ Elevations A, B, C and D (scales of 1:250).
 - ❖ Sections A-A and B-B (scales of 1:250).
 - ❖ Detail A (scale of 1:100).
- (9) In accordance with Article 227, (2)(cb) of the P & D Regulations 2001 (as amended), please find attached 6 no. copies of a remedial Appropriate Assessment Screening Report and Natura Impact Statement and details of the ecologist's his competence and experience, including relevant qualifications in relation to the report. As noted by the PDR at Article 227, (2A) "The information furnished under sub-article (2)(cb) may be accompanied by a description of the features, if any, of the development or the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the development".

4.0 Finally

If you require any further information, please contact BPS using the details on this letterhead.

Further copies of any of the documents and drawing provided can be made available on request.

With best wishes,

Brendan Buck

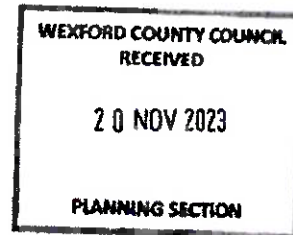
**Brendan Buck MIPI
Director
BPS Planning Consultants Ltd**

Appendix 1: Letter from Wexford County Council determining that planning application, reg. ref. 20231371 should be determined by way of a Substitute Consent planning application

MEMO

RE: Plan Ref: 20231371

Date 20/11/23



Retention permission may not be sought for a development that requires a NIS or Appropriate Assessment (Section 34(12)). In such cases, the applicant may seek leave to apply for substitute consent from An Bord Pleanála (Section 177C).

*Section 34(12) A planning authority **shall refuse to consider an application to retain** unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more than one of the following was carried out—*

- (a) an environmental impact assessment,*
- (b) a determination as to whether an environmental impact assessment is required, or*
- (c) an appropriate assessment*

The application Ref: 20231371 for Permission for retention of existing stables with ancillary services, including , open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application includes a Natura Impact Statement (NIS) and therefore requires Appropriate Assessment to facilitate the consideration of mitigation, and in accordance with Section 34(12) of the Planning & Development Act 2000 (as amended) the planning authority shall refuse to consider this application.

Section 34(12B) Where a planning authority refuses to consider an application for permission under subsection (12) it shall return the application to the applicant, together with any fee received from the applicant in respect of the application, and shall give reasons for its decision to the applicant.

A handwritten signature in blue ink, appearing to read "Niamh Lennon".

Niamh Lennon

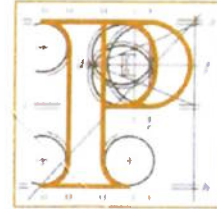
Executive Planner

A handwritten signature in blue ink, followed by the date "24/11/23".

Appendix 2: Letters from An Bord Pleanála invalidating the previous planning application

Our Case Number: ABP-318851-24

Our Reference: Cashwood Poles Limited



An
Bord
Pleanála

BPS Planning and Development Consultants
PO Box 13658
Dublin 14
D14 RW01

Date: 26 February 2024

Re: Stables with ancillary services, including open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities
Ballycrystal, Rossard, Bunclody, Co. Wexford.

Dear Sir / Madam,

An Bord Pleanála has received your letter in which you intended to lodge an application for substitute consent under Section 177E of the Planning and Development Acts 2000 to 2023.

Following consideration of this application for substitute consent under section 177E of the Act, the Board considers that the application does not comply with the requirements of 177E(2)(f) as prescribed under section 177N (2)(c) of the Act requiring the applicant to publish a specified notice or notices, having regard to the provisions of articles 224 and 225 of the Planning and Development Regulations 2001, as amended and in, particular, to the amendment of Article 231 of the Principal Regulations as set out in the Planning and Development (Amendment) (No. 4) Regulations 2023, substituting "8 weeks " for "5 weeks". The application for substitute consent has been deemed invalid.

Please be advised that it is open to you to request a pre application consultation. Details on how to apply are enclosed.

The documents lodged by you are enclosed and a cheque for the amount lodged will issue under separate cover.

Yours faithfully,

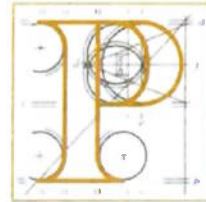
Mary Tucker
Executive Officer
Direct Line: 01-8737132

| | | |
|--------------------|---------|------------------|
| Teil | Tel | (01) 858 8100 |
| Glaó Áitiúil | LoCall | 1800 275 175 |
| Facs | Fax | (01) 872 2684 |
| Láithreán Gréasáin | Website | www.pleanala.ie |
| Ríomhphost | Email | bord@pleanala.ie |

| | |
|----------------------|-----------------------|
| 64 Sráid Maoilbhríde | 64 Marlborough Street |
| Baile Átha Cliath 1 | Dublin 1 |
| D01 V902 | D01 V902 |

Our Case Number: ABP-318851-24

Your Reference: Cashwood Poles Limited



**An
Bord
Pleanála**

BPS Planning and Development Consultants
PO Box 13658
Dublin 14
D14 RW01

Date: - 8 MAR 2024

Re: Application for Substitute Consent for Stables with ancillary services, including open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities Ballycrystal, Rossard, Bunclody, Co. Wexford.

Dear Sir / Madam,

I refer to An Bord Pleanála's letter dated 26th February 2024.

Please find enclosed a refund of €900.00

Yours faithfully,



Mary Tucker
Executive Officer
Direct Line: 01-8737132

BP97 Refund Letter

Teil
Glaó Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Application to An Bord Pleanála for Substitute Consent**APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT****BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form. **ADDITIONAL INFORMATION** It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form. Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Culture, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive). Commented [i803]: Form No.7 is substituted by Article 99(d) of S.I. No. 296/2018 European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018

DATA PROTECTION It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

APPLICATION FORM

| | |
|--|--|
| 1. NAME OF RELEVANT PLANNING AUTHORITY: | |
| Wexford County Council | |
| 2. Location of development: | |
| <i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i> | Ballycrystal E.D., Rossard, County Wexford. |
| <i>Ordnance Survey Map Ref No (and the Grid Reference where available) 1</i> | Copy Digital Map No. 4898 and Copy OS Map No. WX013, WX014. |
| 3. Applicant: | |
| <i>Names(s)</i> | Cashwood Poles LTD |
| | Address to be supplied at the end of this form (Question 19) |

| 4. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS): | |
|---|--|
| <i>Names(s) of company director(s)</i> | Cashwood Poles LTD Names of all company Directors: Tom O'Connor & Ger O'Connor. |
| <i>Registered Address (of company)</i> | Ballycrystal E.D., Rossard, County Wexford. |
| <i>Company Registration Number</i> | 284547 |

| 5. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY): | |
|--|--|
| <i>Names:</i> | Brendan Buck MIPI |
| | Address to be supplied at the end of this form (Question 20) |

| 6. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT: | |
|---|-------------------------|
| <i>Name</i> | Paul Martin |
| <i>Firm/Company</i> | Ennis Martin Architects |

| 7. DESCRIPTION OF DEVELOPMENT: | |
|--|---|
| <i>Brief description of nature and extent of development</i> | Permission for retention of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. |

| 8. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE: | | |
|--|---|--------------------|
| <i>Please tick appropriate box</i> | A. Owner <input checked="" type="checkbox"/> | B. Occupier |
| | C. Other | |
| <i>Where legal interest is 'Other', please expand further on your interest in the land or structure.</i> | | |

| 9. SITE AREA: | |
|---|----------------|
| <i>Area of site to which the application relates in hectares.</i> | 1.98 hectares. |

| 10. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS | |
|---|---------|
| <i>Gross floor space of existing building(s) in square metres</i> | 270sq.m |
| <i>Gross floor space of any demolition in square metres (if appropriate).</i> | n/a |

| 11. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT: | |
|---|--|
| <i>Class of development</i> | <i>Gross floor area in square metres</i> |
| n/a | n/a |

| 12. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX: | |
|--|--|
| <i>Number of:</i> | Studio/ 1Bed/2Bed/3Bed/4Bed/4+ Bed/ Total |
| <i>Houses</i> | n/a |
| <i>Apartments</i> | n/a |
| <i>Number of carparking spaces to be provided</i> | n/a Total |

| 13. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX: | | |
|---|-----|----|
| <i>Please tick appropriate box</i> | Yes | No |
| Does the development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage? | | X |
| Does the development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)? | | X |
| Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Ac, 1994? | | X |
| Does the application relate to work within or close to a European Site or a Natural Heritage Area? | X | |
| Does the development require the preparation of a remedial Environmental Impact Assessment Report? | X | |
| Does the application relate to a development which comprises or is for the purposes of an activity requiring a licence from the Environmental Protection Agency other than a waste licence? | | X |
| Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence? | | X |
| Do the Major Accident Regulations apply to the development? | | X |
| Does the application relate to a development in a Strategic Development Zone? | | X |
| Does the development involve the demolition of any structure? | | X |

| 14. SITE HISTORY |
|---|
| Details regarding site history (if known) |
| Has the site in question ever, to your knowledge, been flooded? |
| Yes [] No x |
| If yes, please give details e.g. year, extent. Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [] No x. If yes, please give details |
| Are you aware of any valid planning applications previously made in respect of this land/structure? |
| Yes [] No X [No valid planning applications] |
| NOTE: Two planning applications have been deemed invalid arising from the planning authority's opinion that the planning application must be made to An Bord Pleanála via the Substitute Consent process. See Wexford County Council planning application, reg. ref. 20231371. |
| If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known: |
| Reference No.: Date: |

| 15. SERVICES |
|--|
| Source of Water Supply |
| Public Mains X Group Water Scheme [] Private Well [] |
| Other (please specify): |
| Name of Group Water Scheme (where applicable): |
| Wastewater Management/Treatment |
| Public Sewer [] |
| septic tank system X |
| Other on-site treatment system [] |
| Please specify..... |
| Surface Water Disposal |
| Public Sewer/Drain [] Soakpit [] |

| |
|--|
| Watercourse <input checked="" type="checkbox"/> Other <input type="checkbox"/> Please specify..... |
|--|

| | |
|---|----------------|
| 16. DETAILS OF PUBLIC NOTICE: | |
| <i>Approved newspaper in which notice was published</i> | Gorey Guardian |
| <i>Date of publication</i> | 27/3/2024 |
| <i>Date on which site notice was erected</i> | 27/3/2024 |

| | |
|-----------------------------|----------|
| 17. APPLICATION FEE: | |
| Fee payable | 900 euro |
| Basis of calculation | Class 3 |

| | |
|--|---|
| 18. DECLARATION: | |
| I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder. | |
| Signed: <i>Brendan Buck</i> (Applicant or Agent as appropriate) | Brendan Buck (Agent) Date: 28/3/2024 |

CONTACT DETAILS — NOT TO BE PUBLISHED

| 19. APPLICANT ADDRESS/CONTACT DETAILS: | |
|---|-----------------------|
| Address | Cashwood Poles LTD |
| Email address | tom@cashwoodpoles.com |
| Telephone number (optional) | n/a |

| 20. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS: | |
|--|--------------------------|
| Address | PO BOX 13658. Dublin 14. |
| Email address | info@bpsplanning.ie |
| Telephone number (optional) | 01-5394960/087-2615871 |
| Should all correspondence be sent to the agent's address? Please tick appropriate box.(Please note that if the answer is 'No', all correspondence will be sent to the applicant's address) | |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |

A contact address must be given, whether that of the applicant or that of the agent.

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

ALL Applications:

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map
- 6 copies of site or layout plan as appropriate
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate
- The appropriate Fee

Where the disposal of wastewater for the development is other than to a public sewer:

Information on the on-site treatment system and evidence as to the suitability of the site for the system.

N/A (existing property is served for wastewater treatment by a conventional septic tank system which maintains full planning permission).

All relevant details are appended.

Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):

Photographs, plans and other particulars necessary to show how the development affects the character of the structure. **N/A**

Where an application requires an Environmental Impact Report or a Natura Impact Statement:

- An Environmental Impact Assessment Report, and
 - A copy of the confirmation notice received from the EIA portal in accordance with article 97B(2) of the permission regulations
- A Natura Impact Statement

CLASSIFIEDS

PLANNING

WEXFORD COUNTY COUNCIL, Valerie Porter am applying to Wexford County Council for permission to erect a serviced dwelling house and to carry out all associated ancillary site works at Ballyvadden, Wells, Gorey, Co. Wexford. This planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, Wexford County Council, Carricklawn, Wexford during the hours of 9.00a.m. to 1.00p.m. and 2.00p.m. to 4.00p.m. Monday - Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed on behalf of applicant by EMK Design Ltd. Tel (053) 93 89452.

PLANNING

WEXFORD COUNTY COUNCIL, Mangan Lower, Ballygarrett, Gorey, Co. Wexford. Planning Permission is sought from Wexford County Council for permission for the erection of an extension to an existing indoor games room to service an existing caravan park at Laburnam Caravan Park, Mangan Lower, Ballygarrett, Gorey, Co. Wexford. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during the hours of 9.00a.m.-1.00p.m. and 2pm-4.00p.m. Monday to Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed: John & Ann Hall PLANNING & DESIGN SERVICES Chartered Architectural Technologist Chartered Building Engineers Registered BCMS Surveyors

PLANNING

Wexford County Council, Jack Doyle am applying to the above for permission to erect a dwelling with services and all associated garage and all ancillary works at Clonganny, Cahore, Co. Wexford. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Carricklawn, Wexford, during the hours of 9.00a.m. to 1.00p.m. and 2:00p.m. to 4:00p.m. Monday - Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the Authority of the application and such submissions or observations will be considered by the planning authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed on behalf of the applicant by Enda O'Leary MCIOB, C. Build, McCabe, RIAI (Arch Tech), SCOSI Registered Building Surveyor | Assigned Certifier | Chartered Construction Manager | Chartered Building Engineer | Site Suitability Assessor, Arthur O'Leary & Associates Ltd, 81 Main Street, Gorey, Co. Wexford. Ph: 053 94 22216.

PLANNING

Wexford County Council, Dean O'Toole, am applying to Wexford County Council for planning permission for the construction of a dwelling and domestic garage with services and all associated site works at, Glengoe, Cooligreevy, Co. Wexford. This planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, County Hall, Wexford during the hours of 9.00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. Monday-Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of a fee of €20 within 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed: D. O'Sullivan Consulting Engineers Ltd., "Beara House", 11 Cluanin, Gorey, Co. Wexford. Tel. 053-9489888.

PLANNING

WEXFORD COUNTY COUNCIL We Ennis Martin Architecture are applying to the above on behalf of Cashwood Poles Limited for permission for retention of existing stables with ancillary services, including open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application includes a Natura Impact Statement (NIS) at Ballyvostal, E.D. Rossard, Co. Wexford. This planning application and Natura Impact Statement (NIS) may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, County Hall, Wexford during the hours of 9.00a.m. to 1.00p.m. and 2.00pm and 4.00 pm, Monday to Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of a fee of €20 within 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed on behalf of applicant(s) by Ennis Martin Architecture, Main Street, Ferns, Co. Wexford. Ph: 053-93-66779 emmartinarch@gmail.com

PLANNING

Wexford County Council We Puddle Lane Ltd co Mary Nolan are applying to Wexford County Council for Permission to alter the site boundaries to the rear of No 24 Ballycaneew Court (Planning Reg No 20002359) to accommodate the construction of a 57.9 sq/m detached classroom, associated toilets and office to rear of existing child care facility and permission to complete existing 24.2 sq/m partially build garage for use as an ancillary store at Puddle Lane Creche & Montessori, Puddle Lane, Ballycaneew, Gorey, Co Wexford. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, County Hall, Wexford, during the hours of: 9.00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. Monday to Friday. (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the Date of receipt by the authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed on behalf of the Applicant by Seamus O'Hagan, Court, Monamolin, Gorey, Co Wexford. 053-9989957 (087-6394987)

BOOKMAKERS LICENSE

NOTICE OF APPLICATION FOR A CERTIFICATE FOR A NEW SPIRIT RETAILERS OFF-LICENSE AND WINE RETAILERS OFF-LICENSE AND BEER RETAILERS OFF-LICENSE AN CHUIRIT DUICHTHE

WEXFORD COUNTY COUNCIL

We, P Nolan Planning & Design are applying to Wexford County Council on behalf of Edward Buckley & Agnes Fuchina for planning permission to construct a fully serviced dwelling house & garage with associated site works at Knockmore, Cairn, Enniscorthy, Co. Wexford. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, Carricklawn, Wexford during the

WEXFORD COUNTY COUNCIL

Laura Fyane am applying to Wexford County Council for permission for the erection of a single storey extension to side of existing dwelling house at Kellystown (E.D. Drinaigh), Co. Wexford. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during the hours of 9.00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. Monday to Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed

Wexford County Council

O'Driscoll Lynn Architects, on behalf of Liz Kavanagh c/o Craanford Community Centre, are applying for permission for the change of use of part of Craanford Community Centre from the Office to Community Shop/Coffee Shop, new shopfront, new extended outdoor sales area, new outdoor seating area with awning, new pedestrian access and new signage at Craanford Community Centre, Craanford

WEXFORD COUNTY COUNCIL

We Ennis Martin Architecture are applying to the above on behalf of Erik Nolan for permission to erect a dwelling house with services and domestic garage at Wheelaogower, E.D. Rossard, Ballynagagan, Co. Wexford. This planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, County Hall, Wexford during the hours of 9.00a.m. to 1.00p.m. and 2.00pm and 4.00 pm, Monday to Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of a fee of €20



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date of receipt by the Authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission or may refuse to grant permission. Signed on behalf of applicant(s) by Ennis Martin Architectural, Main Street, Ferns, Co. Wexford. Ph: 055-93-66779
 ennismartinarch@gmail.com

WEXFORD COUNTY COUNCIL, Pat Daly apply to the above for permission to erect a dwelling with services and domestic garage and all associated site and ancillary works at Clone West, Monamolin, Gorey Co Wexford. This planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, County Hall, Carricklawn, Wexford, during the hours of 9:00a.m. to 1:00p.m. and 2:00p.m. to 4:00p.m. Monday - Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the Authority of the application and such submissions or observations will be considered by the planning authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions or may refuse to grant permission.

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PETS

Miniature Jack Russell Pups for Sale
 Brown & White
 Microchipped, wormed and vet checked
 Call 087 3222914

LAND & GAMES

No hunting or shooting on my lands, at Ballyrory, Gorey, Co. Wexford. Joe Kinsella.

The lands of Courtracuddy and Cloheaddon, Cairn, are strictly preserved. No hunting, no shooting, or trespass. Signed David Peck.

receipt by the authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission or may refuse to grant permission. Signed on behalf of applicant(s) by Ennis Martin Architectural, Main Street, Ferns, Co. Wexford. Ph: 055-93-66779
 ennismartinarch@gmail.com

MISCELLANEOUS

FOR SALE/WANTED Aga Stanley & Rayburn Cookers wanted. Any condition, cash price paid. Full range of oil and solid fuel cookers for sale. Phone 056-7724300 986-2508198

LIVESTOCK

Calf Scour - Use 4in1 Bolus
 Rota, Corrona, Salmoneola, Ecoil.
 Crypto - Use Crypto Bolus.
 Slurry - Use Slurry Jest No Agitation
 Retains Fertiliser Value
 Mastitis, Cell Count & Drying Off - Use Bovine 26 Bolus
 and Seal with Teatguard.
 Warts, Ringworm, & Mortellera - Use the 2in1
 Spillane's Waterford
 087 2573645

of making a copy, at the offices of the Planning Authority, County Hall, Wexford, during the hours of 9:00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. Monday to Friday (Bank Holidays and Public Holidays accepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the authority, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed on behalf of the Applicant by Seamus O'Hagan, Court, Monamolin, Gorey, Co Wexford. 053-9389957 (087-6394987)

WEXFORD COUNTY COUNCIL

We, P Nolan Planning & Design are applying to Wexford County Council on behalf of Eileen Redmond for planning permission to construct 6 number fully serviced dwelling houses with all associated site works at Ballymurn Upper, Ballymurn, Enniscorthy, Co. Wexford. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority, Carricklawn, Wexford during the hours of 9.00a.m. - 1.00p.m. and 2.00p.m. - 4.00p.m. Monday to Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the planning application may be made in writing to the Planning Authority on payment of a fee of €20 within 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed on behalf of applicant by P. Nolan Planning & Design, 62 Weater Street, Enniscorthy, Co. Wexford. t: 053 9249444, m: 087 9176976, pnolanarchitect@gmail.com, www.pnolanarchitect.com.

of making a copy, at the offices of the Planning Authority, County Hall, Wexford, during the hours of 9:00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. Monday to Friday (Bank Holidays and Public Holidays accepted). A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the Authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions, or may refuse to grant permission. Signed on behalf of applicant by P. Nolan Planning & Design, 62 Weater Street, Enniscorthy, Co. Wexford. t: 053 9249444, m: 087 9176976.



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THE LICENSING ACTS 1835 TO 2008
AND IN PARTICULAR:
THE INTOXICATING LIQUOR ACT 2000, SECTION 18
AND IN THE MATTER OF:
THE INTOXICATING LIQUOR ACT 2008, SECTION 6, 7 AND 8
AND IN THE MATTER OF:
AN APPLICATION OF:
O'RAFFERTY'S XL LIMITED
APPLICANT: O'RAFFERTY'S XL LIMITED

TAKE NOTICE that the above named Applicant having its Registered Office at Forchester, Inch, Gorey in the County of Wexford will apply to Gorey District Court sitting at Gorey District Court, Gorey in the County of Wexford on Thursday the 14th day of December 2023 at 10.30 o'clock in the forenoon or so soon thereafter as this application may be taken in its order in the Court List for a Certificate entitling the Applicant to hold a Spirit Retailers Off Licence, a Wine Retailers Off Licence and a Beer Retailers Off Licence in respect of the premises known as O'Rafferty's and Daughters XL Shop and situate at Main Street, Coolgreaney, Gorey in the County of Wexford in the Court Area and District aforesaid and more particularly described and delineated on the map and plans of the premises accompanying the Application.
 Dated this 10th day of November 2023
 Signed: Doran W. O'Troole & Co. Solicitors for the Applicant
 Unit 3B Woodland Office Park, Southern Cross, Bray, Co Wicklow
 To all Statutory Notice Parties

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| Registered Date | 09-May-2023 |
| Date Received by Decisions Office |  |
| Due Date | 03/07/2023 |
| | |

Wexford County Council Planning Report

| | |
|---------------------------|--|
| Application No. | 20230500 |
| Applicant | Cashwood Poles Limited |
| Location | The site is located in Ballycrystal, Rossard |
| Description | Development Proposal: Permission for retention of existing stables with ancillary services, including open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. |
| Refuse to consider | <p>The application site is located 220 metres northeast of Blackstairs Mountains SAC. Inadequate effluent storage and soiled water facilities have been provided. The land parcel to the west of the application site which directly adjoins Blackstairs Mountain SAC is identified as lands for effluent spread.</p> <p>Section 34(12) of the Planning & Development Act 2000 (as amended) states that a Planning Authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more of the following was carried out:</p> <p>(a) An Environmental Impact Statement (b) A determination as to whether an Environmental Impact Assessment is required, or (c) <u>An Appropriate Assessment.</u></p> <p>Recommendation: Refuse to Consider</p> <p>Having regard to the nature and location of the development seeking retention located on a site which has a hydrological link to Blackstairs</p> |

| | |
|--|--|
| | Mountain Special Area of Conservation, it is the view of the Planning Authority that an Appropriate Assessment is required. Having regard to Section 34 12(c) the Planning Authority cannot consider this application for retention. |
|--|--|

| | |
|-----------------------------------|--|
| Recommendation | Refuse to Consider – Having regard to Section 34 12(c) the Planning Authority cannot consider this application for retention. |
| Comments of Senior Planner | |



Date: 30 June 2023

David Wall
A/Executive Planner

A/L

James Lavin
Senior Executive Planner

 30/6/23



ENNISMARTIN

ARCHITECTURE design & planning consultants

Main Street, Ferns, Co. Wexford

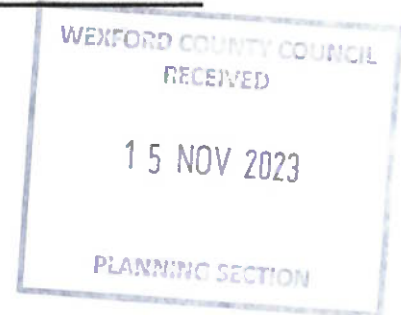
Tel: 053-9366779 Fax: 053-9367585

Email: ennismartinarch@gmail.com

20231371 J

SCHEDULE OF DOCUMENTS ENCLOSED

1. Contact Details
2. Application Form
3. Cover Letter
4. Newspaper Notice
5. Site Notice
6. Effluent Spread Maps
7. Location Map (Scale 1:10560)
8. Site Location Map (Scale 1:2500)
9. Site Layout Plan (Scale 1:500)
10. Drawings and specifications
11. *Nature Impact Statement (NIS)*





ENNISMARTIN
ARCHITECTURE design & planning consultants

Main Street, Ferns, Co. Wexford
Tel: 053-9366779 Fax: 053-9367585
Email: ennismartinarch@gmail.com

15th November, 2023

Applicant: Cashwood Poles Limited

Proposal: Permission for retention of existing stables with ancillary services, including, open sand arena, horse walker, dungstead, feed storage silo, staff canteen, toilets and sewage facilities. This application includes a Natura Impact Statement (NIS)

Location: Ballycrystal, E.D. Rossard, Co. Wexford.

TO WHOM IT MAY CONCERN:

I am retained by Cashwood Poles Limited to make a planning application on their behalf. This facility had to be built during Covid as no livestock/horses could be sold or traded during that time and the company had no other choice than to build the facility to accommodate the horses they had acquired but couldn't sell on due to the Covid pandemic. The maximum amount of stock numbers held in this facility at any one time is approximately 50. The company employs 5-6 full time employees and some casual workers during the Summer months.

We have calculated Manure storage based on 0.4 cubic meters/week/horse based on a 20 week storage period, therefore 400 cubic metres is required for manure which we have capacity for. Because my client has an uncovered manure pit he has an effluent storage tank to take the pit run off. The tank is to be emptied by a vacuum tanker every 7-10 days, the capacity required for this is 0.1 cubic meter per horse to Department of Agriculture Guidelines S.108. We have also allowed for stable wash water in our soiled water tank of 0.05 cubic meters per horse. This requires 7.5 cubic metres storage which our client currently has on site.

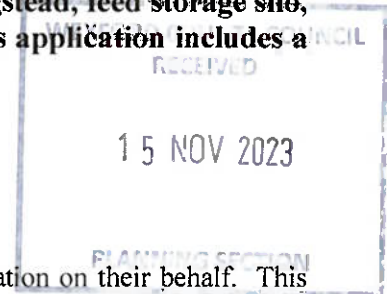
Cashwood Poles Limited has the following lands available for the spread of dung and manure effluent, Folio No. WX10156 containing 15.17 hectares and Folio No. WX11200 containing 28.76 hectares.

Following a recent return of Planning Register No. 20230500 (refuse to consider) we are now enclosing a Natura Impact Statement (NIS)/appropriate assessment screening with this application.

I hope the above is beneficial in reaching a decision.

Yours sincerely,

Paul Martin
Ennis Martin Architecture



Form No. 2 Article 22

Wexford County Council
Carricklawn, Wexford Y35 WY93
Planning Section Tel 053 9196000 (Option 2)
Planning Section Fax 053 9196095

202313717

15 NOV 2023

WEXFORD COUNTY COUNCIL
PLANNING SECTION RECEIVED

15 NOV 2023

PLANNING SECTION

202313717

Planning Application Form

BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING:

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to your application form.

ADDITIONAL INFORMATION

It should be noted that each Planning Authority has its own Development Plan, which sets out local development policies and objectives for its own area. The Authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Arts, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

1. Name of Relevant Planning Authority:

Wexford County Council

2. Type of planning permission

(please tick appropriate box):

Permission []
Permission for Retention [✓]
Outline Permission []
Permission consequent on Grant of Outline Permission []

3. Where planning permission is consequent on grant of outline permission:

Outline Permission Register Number:

Date of Grant of Outline Permission:

 / /

4. Applicant²: Name of Applicant

(person/entity seeking Planning Permission not an agent acting on his/her behalf)
(Address to be supplied at the end of this form - Question 24)

CASHWOOD POLES LIMITED

5. Location of Proposed Development:

(a) Postal Address or Townland or Location
(as may best identify the land or structure in question)

BALLYCRYSTAL, E.D. ROSSARD, CO.

WEXFORD.

(b) Ordnance Survey Map Ref No.
(and the Grid Reference¹ where available)

Copy Digital Map No. 4898 and Copy OS Map No. WX013, WX014

6. Where Applicant is a Company
(registered under the Companies Acts):

(a) Names of All Company Directors
TOM O'CONNOR, GER O'CONNOR

(b) Registered Address (of company)
BALLYCRYSTAL, BUNCLODY, CO.

WEXFORD.

(c) Company Registration Number
284547

7. (a) Person/Agent acting on behalf of the Applicant (if any):

PAUL MARTIN

(Address to be supplied at the end of form - Question 23)

(b) Correspondence to be sent to Agent
Yes [✓] No []

If the answer is no all correspondence will be sent to the Applicant's address

8. Person responsible for preparation of Drawings and Plans³:

(a) Name

PAUL MARTIN

(b) Firm/Company

ENNIS MARTIN ARCHITECTURE

9. Description of Proposed Development:

(Brief Description of nature and extent of development - this should correspond with the wording of the Newspaper Advert & Site Notice⁴)

PERMISSION FOR RETENTION OF EXISTING STABLES WITH ANCILLARY SERVICES, INCLUDING, OPEN SAND ARENA, HORSE WALKER, DUNGSTEAD, FEED STORAGE SILO, STAFF CANTEEN, TOILETS AND SEWAGE FACILITIES. THIS

APPLICATION INCLUDES A NATURAL IMPACT STATEMENT (NIS)

10. Legal Interest of Applicant in the Land or Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure

A Owner B Occupier
 *C Other D Prospective Purchaser

*Where legal interests is 'Other', please expand further on your interest in the land or structure **If you are not the legal owner**, please state the name and address of the owner and supply a letter from the owner of consent to make the planning application as listed in the accompanying documentation.

11. Site Area:

Area of site to which the application relates in hectares.

1.98 Ha

12. Where the application relates to a building or buildings:

Gross floor space⁵ of any existing building (s) in m² Existing Storage

Sheds: 270 m²

Gross floor space of proposed works m²

(a) _____ (b) _____ (c) _____ (d) _____ m²

Gross floor space of work to be retained in m²

(if appropriate) Building 1:

2076, Building 2: 156 m²

Gross floor space of any demolition m²

(if appropriate) _____ m²

If more than 4 units please attach a detailed schedule listing house types, no. of each house type and floor areas.

13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:

| Class of Development | Gross floor area in m ² |
|----------------------|------------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

14. In the case of residential development please provide breakdown of residential mix:

| Number of | Studio | 1 Bed | 2 Bed | 3 Bed | 4 Bed | 4+ Bed | Total |
|---|----------|----------|-------|-------|-------|--------|-------|
| Houses | | | | | | | |
| Apartments | | | | | | | |
| Number of car-parking spaces to be provided | Existing | Proposed | | Total | | | |

15. Where the application refers to a material change of use of any land or structure or the retention of such a material change of use:

Existing use⁶ (or previous use where retention permission is sought)

Proposed use (or use it is proposed to retain)

Nature and extent of any such proposed use (or use it is proposed to retain)

16. Social and Affordable Housing – Please tick appropriate box

Is the application an application for permission for development to which Part V of the Planning and Development Act 2000⁷ applies?

YES [] NO [✓]

If the answer to the above question is “yes” and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act including, for example,

(i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and

(ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act..

If the answer to the above question is “yes” but you consider the development to be exempt by virtue of Section 97 of the Planning and Development Act 2000⁸, a copy of the Certificate of Exemption under Section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).

If the answer to the above question is “no” by virtue of Section 96(13) of the Planning and Development Act 2000⁹, details indicating the basis on which Section 96(13) is considered to apply to the development should be submitted.

17. Development Details – Please tick as appropriate

| | YES | NO |
|--|-----|-----|
| Does the proposed development consist work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage? | [] | [✓] |
| Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA) ? | [] | [✓] |
| Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994 ¹⁰ | [] | [✓] |
| Does the proposed development require the preparation of an Environmental Impact Assessment Report ^{11& 12?} | [] | [✓] |
| Does the proposed development require the preparation of a Natura Impact Statement ^{13?} | [✓] | [] |
| Does the application relate to work within or close to an European Site (under S.I. No.94 of 1997) or a Natural Heritage Area ? | [] | [✓] |
| Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence ? | [] | [✓] |
| Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence ? | [] | [✓] |
| Do the Major Accident Regulations apply to the proposed development? | [] | [✓] |
| Does the application relate to a development in a Strategic | [] | [✓] |

Development Zone?

Does the proposed development involve the demolition of any habitable house? []

18. Site History – Details regarding site history (if known)

Has the site in question ever, to your knowledge, been flooded?

Yes [] No

If yes, please give details e.g. year, extent.

Are you aware of previous uses of the site e.g. dumping or quarrying?

Yes [] No

If yes, please give details

Are you aware of any valid planning applications previously made in respect of this land/structure?

Yes [] No

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known: Reference No.: _____

Date of Submission: _____

Do any Statutory Notices apply to the site/building at present? (e.g. Fire Safety, Enforcement, Dangerous Buildings, Derelict Sites, Building Control etc)

Yes [] No

If Yes Please give details:-

NOTE

If a valid planning application has been made in respect of this land or structure in the 6

months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2001 as amended.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development ¹⁴?

Yes [] No

An Bord Pleanála Reference No.:

19 Pre-application Consultation

Has a pre-application consultation taken place in relation to the proposed development ¹⁵?

Yes [] No

If yes, please give details

Reference No. (if any): _____

Please submit documentation

Date(s) of consultation: ____/____/____

Persons involved:

20 Services

Proposed Source of Water Supply

Existing connection New connection []

Public Mains Group Water Scheme []

Private Well []

Other (please specify):

Name of Group Water Scheme (where applicable)

Proposed Wastewater Management/Treatment

Existing New []

Public Sewer []

Conventional septic tank system

Other on-site treatment system

Please specify

Proposed Surface Water Disposal

Public Sewer/Drain

Soakpit

Watercourse

Other

Please specify

SEE ALSO PAGE 12

21. Details of Public Notice

Approved newspaper¹⁶ in which notice was published

The Enniscorthy Guardian

Date of publication 15/11/2023

Date on which site notice was erected
15/11/2023

22. Application Fee

Fee Payable: €900

Basis of Calculation:

CLASS 3

23. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Acts 2000, as amended, and the Regulations made there under:

Signed:



(Applicant or Agent as appropriate)

Date: 15/11/2023

20231371

SITE NOTICE WEXFORD COUNTY COUNCIL

I/WE

CASHWOOD POLES LIMITED

(Applicant's full name(s) required – initials not accepted)

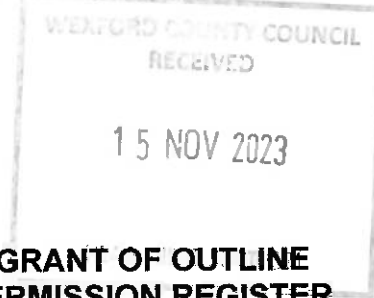
INTEND TO APPLY FOR

PERMISSION

PERMISSION FOR RETENTION

OUTLINE PERMISSION

PERMISSION CONSEQUENT ON THE GRANT OF OUTLINE
PERMISSION RELEVANT OUTLINE PERMISSION REGISTER
NO. _____



FOR DEVELOPMENT AT THIS SITE

BALLYCRYSTAL, E.D. ROSSARD, CO. WEXFORD.

THE DEVELOPMENT WILL CONSIST/CONSISTS OF

PERMISSION FOR RETENTION OF EXISTING
STABLES WITH ANCILLARY SERVICES, INCLUDING,
OPEN SAND ARENA, HORSE WALKER, DUNGSTEAD,
FEED STORAGE SILO, STAFF CANTEEN, TOILETS
AND SEWAGE FACILITIES. THIS APPLICATION
INCLUDES A NATURA IMPACT STATEMENT (NIS)

The planning application and Natura Impact Statement (NIS) may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, County Hall, Wexford, during the hours of 9.00am to 1.00pm and 2.00pm to 4.00pm Monday to Friday (Bank Holidays and Public Holidays excepted). A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions or may refuse to grant permission.

SIGNATURE OF APPLICANT OR SIGNATURE OF PERSON ACTING ON
BEHALF OF APPLICANT:

A handwritten signature in black ink, appearing to read "Paul Martin".

CONTACT ADDRESS OF PERSON ACTING ON BEHALF OF APPLICANT:
ENNIS MARTIN DESIGN AND PLANNING, MAIN STREET, FERNS,
CO. WEXFORD.

DATE OF ERECTION OF NOTICE 15th NOVEMBER, 2023

Land available for spread of manure and effluent

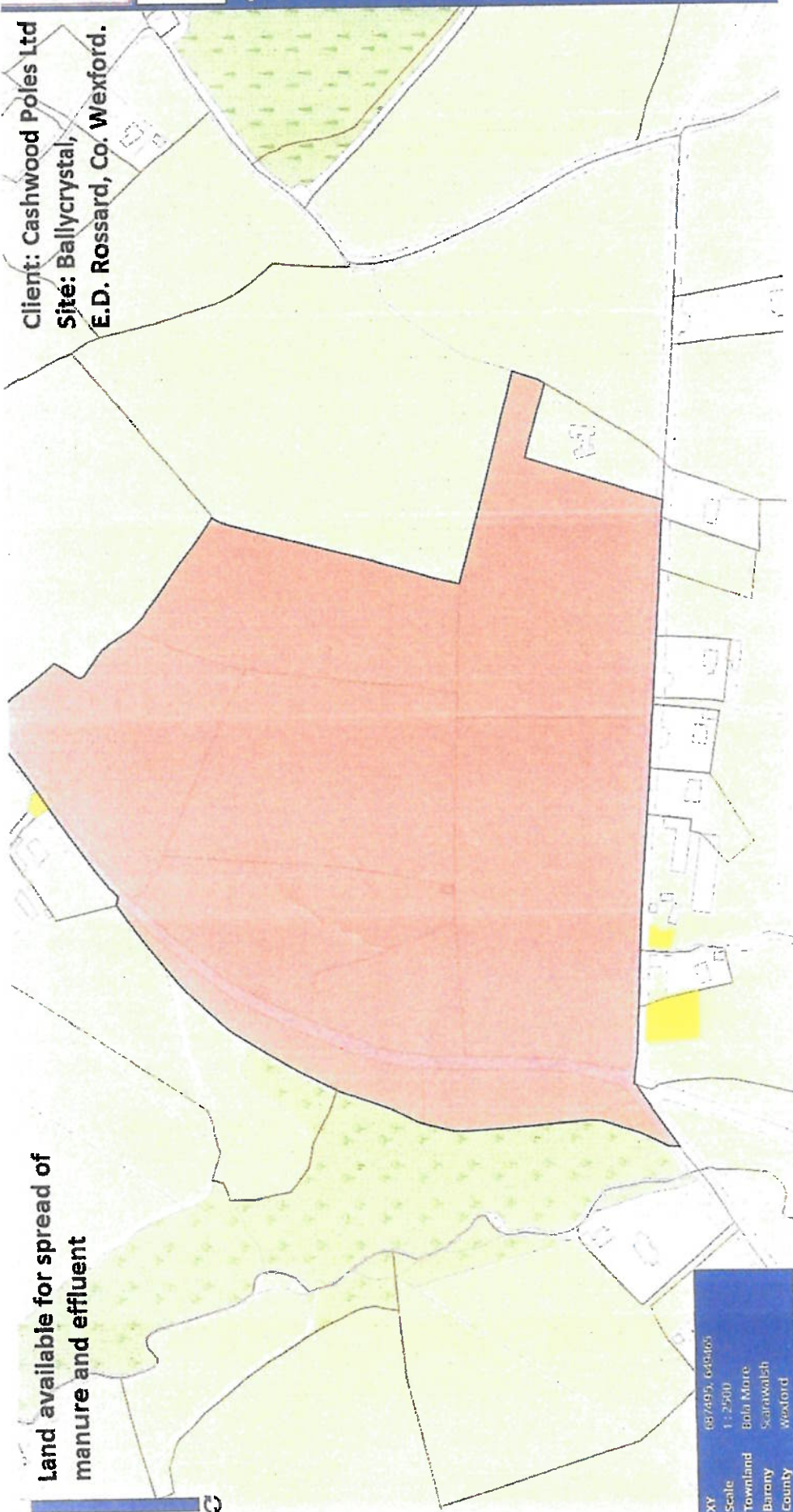
Client: Cashwood Poles Ltd
Site: Ballycrystal,
E.D. Rossard, Co. Wexford.

Property number
Area of selected plans 15.17 hectares.
Number of plans on this folio
Address
View folio
Not Available
Request Certified Copy

*PRA Boundaries and P an Area are not conclusive. See Section 52.2 of Registration of Land Act 2006 and Rules of the Land Registration Rules 2012.

Print Current View
Home

Please Note
Your current balance
€40



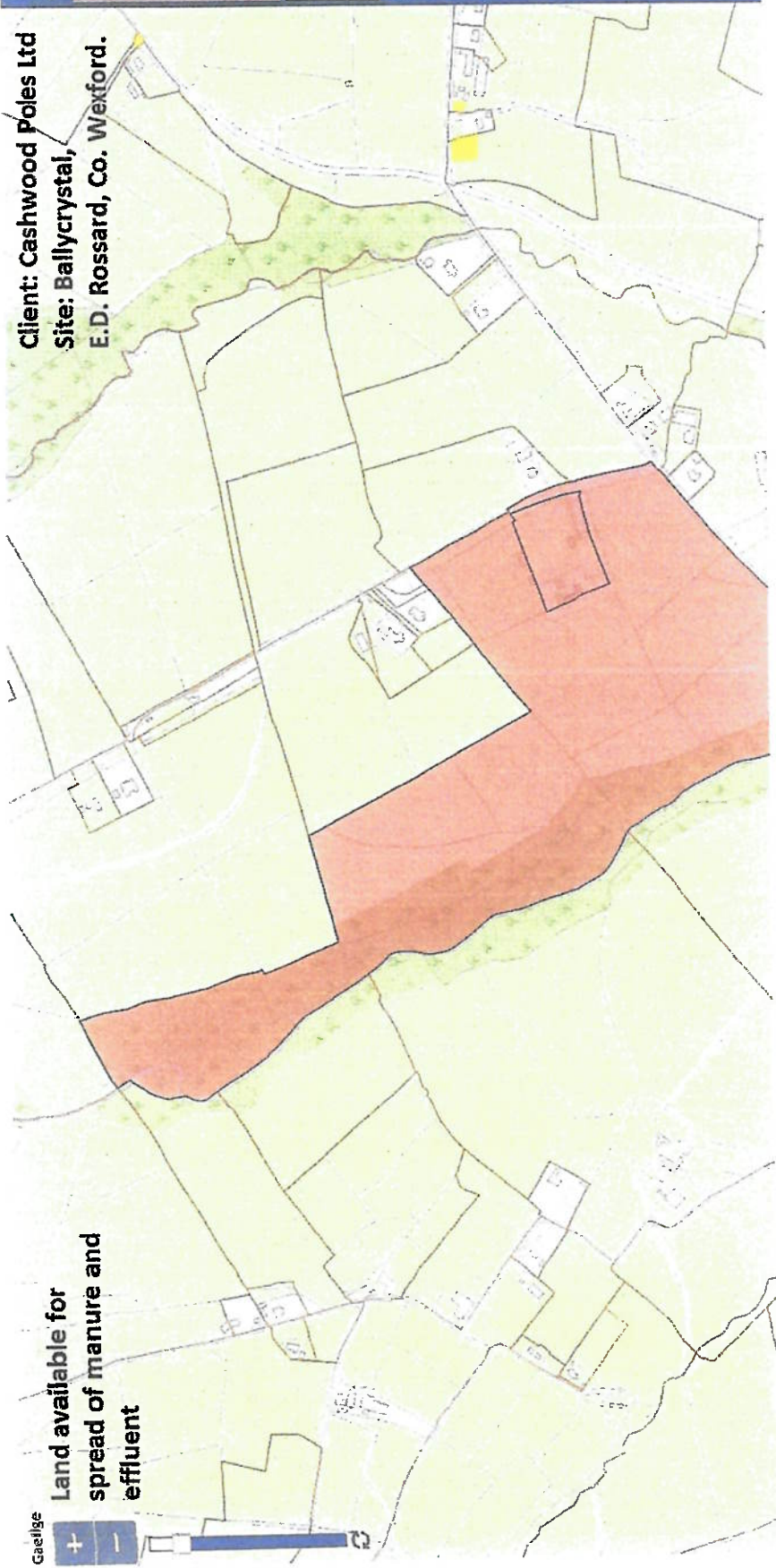
XY 687499, 648405
Scale 1 : 2500
Townland Bolla More
Barony Scallowish
County Wexford

20231371

WEXFORD COUNTY COUNCIL
RECEIVED
15 NOV 2023
PLANNING SECTION

[Back](#)
Folio Number WX1200
Title Level Freehold
Plan Number 1WNS
Property Number 1
Area of selected Plans 28.76hectares.
Number of Plans on this folio 2
Address Not Available
[View Folio PDI](#) [Request Landlord Copy](#)
 *PPA Boundaries for Plan Area are not conclusive. See Section 62(1) of the Land Registration Rules 2012.
[Print Current View](#) [Help](#)

Client: Cashwood Poles Ltd
Site: Ballycrystal,
E.D. Rossard, Co. Wexford.



WEXFORD COUNTY COUNCIL
 RECEIVED
 15 NOV 2023
 PLANNING SECTION

20231371

REMEDIAL NATURA IMPACT STATEMENT

COMPRISES COPIES OF NATURA IMPACT
STATEMENT/SCREENING FOR APPROPRIATE
ASSESSMENT AND STAGE TWO ASSESSMENT,
BALLYCRYSTAL, COUTY WEXFORD.

FOR SUBSTITUTE CONSENT FOR DEVELOPMENT AT
BALLYCRYSTAL, COUTY WEXFORD.

PREPARED BY GERARD TOBIN, BSC (ZOO), M.A.,
ECOLOGICAL CONSULTANT, ON BEHALF OF
CASHWOOD POLES LTD.

Statement of Authority for Gerard Tobin BSc. (Zoology) MA

Gerard Tobin, BSc (Zoo), M.A., is an Ecological Consultant with 25 years' experience. He is a member of the Ecologist Panel with N.P.W.S. and a member of the Bat Expert Panel with both N.P.W.S and the Heritage Council.

His sample client list includes Tipperary County Council, South Dublin County Council, McConville and Associates Landscape Architects, Heritage Council, NPWS, William McGarry Engineers, Muyliaert & Associates Environmental Consultants., Fewer Harrington Lawlor & Partners Architecture & Engineering Specialists, Bluett and O'Donoghue Architecture and Engineering Specialists, among others.

He has been an ecological consultant on Hen Harrier and Corn Crake Farm Plans administered by NPWS under the Rural Environmental Program.

He worked for two years with Conservation Education Trust (CET), an environmental NGO in South County Dublin, where he liaised with Dun Laoghaire Rathdown County Council's Parks Department.

He has advised South Dublin County Council on the control and management of Giant Hogweed and Japanese Knotweed in the area around Loughlinstown, Co. Dublin.

He has advised farmers in the Hen Harrier Farm Plan scheme and landowners with planning applications on the control of Japanese Knotweed.

He is currently under contract to Russell Environmental and Sustainability Services to provide ecological reports about bats, squirrels and owls.

He is currently providing in-house ecological services for Mount Juliet Estate in Kilkenny.

From 1998 to 2019 he was a visiting lecturer in UCD, in the Science and Archaeology Departments, lecturing at post graduate (Masters Degree) level to students in a Sustainable Development Module (MSc. World Heritage Management).



Introduction and Terms of Reference

Introduction

This is an appropriate assessment screening and NIS for a proposal to retain a development including sand arena, stables, yard, staff canteen, sewage facilities, dungstead and gallop at Ballycrystal, Rossard, Co. Wexford with all associated site works

This screening for appropriate assessment has been carried out in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and in line with the Guidance for Planning Authorities entitled "Appropriate Assessment of Plans and Projects in Ireland" as published by the Department of the Environment, Heritage and Local Government in December 2009.

The 1992 Habitats Directive requires member states to designate areas of their territory containing a representative sample of important habitats and species. These areas are known as Natura 2000 sites, and in Ireland they include Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's). Article 6(3) and (4) require that an Appropriate Assessment be carried out for these sites where projects, plans or proposals are likely to have an effect on the protected site.

Article 6(3) of the Habitats Directive states: 'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public'.

Article 6(4) states: 'if, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of economic or social nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which

may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest'.

Methodology

The methodology as set out in Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (December 2009) has been followed.

Stage 1: The aim of Stage 1, 'Screening' is to determine whether or not Stage 2, the Appropriate Assessment is required, i.e. to determine whether or not the Plan is likely to negatively affect the conservation objectives on any Natura 2000 site. This is done by examining the design of the proposed project; and the conservation objectives of any Natura 2000 sites that might potentially be affected.

Stage 2: The aim of the 'Appropriate Assessment' proper, is to identify any significant negative impacts that the plan might have upon Natura 2000 sites and to propose changes to the project design that will avoid any such negative impacts. The project design should then be amended accordingly, thereby avoiding the need to progress to Stage 3, which would require the implementation of measures to mitigate or compensate for the identified negative impacts on Natura 2000 sites. A key consideration of Appropriate Assessment is that the Plan or Project under consideration must take account of potential impacts on Natura 2000 sites 'in combination' with other plans or projects.

Stage 3: Alternative Solutions Following a Stage 2 negative result, that is, adverse effects cannot be excluded; an examination of alternative solutions or options, described in Article 6(4) of the Directive should be examined. These alternative solutions which should have been identified in the appropriate assessment stage should then return to be reassessed by a Stage 2 appropriate assessment, similar to a new plan or a variation of an existing plan. Alternatively, should no alternative solution which does not adversely effect a Natura 2000 site be identified, the 'least damaging' option should be considered with regard to Stage 4.

Stage 4: Imperative Reasons of Overriding Public Interest (IROPI) / Derogation Described as the derogation process of Article 6(4), this final stage allows for the plan or project to proceed in the knowledge that it will have adverse effects on the conservation objectives and as a consequence

Natura Impact Statement/Screening for Appropriate Assessment and Stage Two Assessment, Ballycrystal, Rossard, Co. Wexford.

the integrity of a Natura 2000 site. This is essentially an assessment of the compensatory measures which should be proposed to offset damage to the site and should be practical, implementable, enforceable and approved by the Minister and referred to the European Commission.

In accordance with this guidance, the following five steps have been used to produce this stage 1 screening statement and stage 2 assessment proper at which the necessary amendments to the proposed plan will be identified:

- Description of project and project area characteristics
- Identification of Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
- Assessment of Likely Effects
- Screening conclusion and statement.
- Stage two assessment and measures at design stage that will prevent negative impact on Natura Sites.

Stage 1 Screening

Description of project and project area characteristics

Site visit 17/08/2023.

Habitats were identified using "Guide to Habitats in Ireland", Fossitt J., Heritage Council 2000.

The proposed development subject of this appropriate assessment screening and stage two assessment is a proposal to retain a development including sand arena, stables, yard, staff canteen, sewage facilities, dungstead and gallop at Ballycrystal, Rossard, Co. Wexford with all associated site works

The proposed development occupies a site that is off a minor road and adjacent to Blackstairs Mountain SAC

The habitats on-site consists of:

Buildings and Artificial Surfaces(BL1),

Fauna:

Fauna was identified by visual, and spraint evidence and the probable presence of certain species was ascertained by the availability of suitable habitat. Terrestrial vertebrate and invertebrate fauna on-site can be assumed to be mobile and capable of movement between the various habitats available locally. This is not an exhaustive list as it consists only of those seen or heard during fieldwork. Timing of field work influences species found.

Invertebrates:

Honey Bee (*Apis mellifera* spp.)
Earwig (*Forficula auricularia*)
Ladybird (*Coccinella 7-punctata*)
Garden Spider (*Araneus diadematus*)
Woodlouse (*Oniscus asellus*)
Cranefly (*Tipula maxima*)

Birds:

Birds which were all seen, heard (or can be expected to occur);
Pied wagtail (*Motacilla alba*),
Thrush (*Turdus philomelos*),
Blackbird (*Turdus merula*),
Blue Tit (*Parus caeruleus*),
Great Tit (*Parus major*),
Chaffinch (*Fringilla coelebs*),
Greenfinch (*Carduelis chloris*),
Magpie (*Pica pica*),
Jackdaw (*Corvus monedula*), ,
Rook (*Corvus frugilegus*),(rookery present)
Robin (*Erithacus rubecula*),
Starling (*Sturnus vulgaris*),
Wren (*Troglodytes troglodytes*),
Dunnock (*Prunella modularis*),
Woodpigeon (*Columba palumbus*),
Goldcrest (*Regulus regulus*),
Bullfinch (*Pyrrhula pyrrhula*),
Greenfinch (*Carduelis chloris*)
House Sparrow (*Passer domesticus*).
Swallow (*Hirundo rustica*).
Pheasant (*Phasianus colchicus*)
Sparrowhawk (*Accipiter nisens*)
Buzzard (*Buteo buteo*)

Mammals: There are suitable roosting areas for Bats (Chiroptera) within the site (stables) and a bat foraging presence is likely in the area.

Rat (*Rattus norvegicus*),
Field mouse (*Apodemus sylvaticus*),
Fox (*Vulpes vulpes*)
Pygmy Shrew (*Sorex minutus*)
Stoat (*Mustela erminea*)
Rabbit (*Oryctolagus cuniculus*)
Hedgehog (*Erinaceus europaeus*)

can all be expected from a site such as this.

Identification of Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.

There is one Special Areas of Conservation (SAC) within the possible impact zone of 15km distance from the site, as set out for plans in the Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities;

| | Site Code | km |
|--------------------------|-----------|-------|
| Blackstairs Mountain SAC | 000770 | C.0.1 |

Generic Conservation objectives: Detailed objectives to follow.

Generic objectives can be stated as follows:

- Avoid deterioration of the habitats of the qualifying species and species of special conservation interest or significant disturbance to these species thus ensuring the integrity of the sites are maintained.
- To ensure for the qualifying species and species of special conservation interest that the following are maintained in the long-term:
 - (1) The population of the species as a viable component of the site
 - (2) The distribution and extent of habitats supporting the species
 - (3) The structure, function and supporting processes of habitats supporting the species.

Natura 2000 sites

| Site Name | Area reduction | Disturbance | Fragmentation | Density reduction | Water Quality Modification |
|--------------------------|------------------|------------------|------------------|-------------------|----------------------------|
| Blackstairs Mountain SAC | None anticipated | None anticipated | None anticipated | None anticipated | Potential |

Special Area of Conservation Blackstairs Mountain SAC 000770

Conservation Objectives:

- Avoid deterioration of the habitats of the qualifying species and species of special conservation interest or significant disturbance to these species thus ensuring the integrity of the sites are maintained.

- To ensure for the qualifying species and species of special conservation interest that the following are maintained in the long-term:
 - (1) The population of the species as a viable component of the site
 - (2) The distribution and extent of habitats supporting the species
 - (3) The structure, function and supporting processes of habitats supporting the species.

The Blackstairs Mountain SAC has been chosen as a Special Area of Conservation for the following Habitats and Species:

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

Northern Atlantic wet heaths with *Erica tetralix* [4010]

European dry heaths [4030]

There is a small potential for outflows from this development to the Blackstairs Mountain SAC whereby it can be negatively impacted.

Predicted and Residual impact of the proposal

No impact on the Natura 2000 sites is anticipated if the suggested mitigation measures are followed at operational stage.

In combination effects of the proposed development

There are no other developments planned for this area of Wexford so there are no "in combination" effects anticipated.

Assessment of Likely Effects

Potential negative impacts on Natura 2000 sites from the proposed development are not anticipated with mitigation measures in place at the design stage. The proposed development is to occur on an already degraded site and as such will not contribute to a change in any way that could affect the Natura sites.

Based on the available information and data there is a potential for negative impact from the proposed development on the SAC's or SPA's located within 15 km of the project site. It is, however, of such a scale that it will cause neither change nor have any significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites within the threshold distance with the implementation of mitigation measures at the design stage.

More specifically, there will be no reduction in habitat area; no disturbance of key species, habitat or species fragmentation; no reduction in species density; no changes in key indicators of conservation value, no change in water quality and no climate change brought about to the SAC and SPA sites within the 15 kms zone with the implementation of these mitigation measures.

Screening Conclusion and Statement

This process was carried out to ascertain if the project was likely to have significant effects on the Natura 2000 sites within the threshold distance of the project site.

Following the review of the project in accordance with the Guidance for Planning Authorities entitled "Appropriate Assessment of Plans and Projects in Ireland", this screening has established that the project poses potential for negative impacts, namely a potential increase in enrichment of the adjoining Blackstairs Mountain SAC and as such requires further appropriate assessment.

Gerry Tobin BSc, MA
Environmental Consultant

Natura Impact Statement

Stage 2 Appropriate Assessment. The aim of the 'Appropriate Assessment' proper is to identify any significant negative impacts that the plan might have upon Natura 2000 sites and to propose changes to the project operation that will avoid any such negative impacts.

Potential negative impacts:

There is a slight possibility that water quality modification could occur should enrichment of water outflows enter the nearby SAC without attenuation.

Measures at operational stage that will prevent negative impacts on the SAC within the possible impact zone:

1. Due to the possibility of runoff of enriched outflows during the operational phase of the development all activities and storage of materials will be carried out in such a way as to minimise impact. Surface water runoff will be intercepted and then attenuated through permeable soils. Wheel washing, of vehicles, will be carried out on site, when necessary, and grey water from this process will be attenuated before discharge. This will prevent fouling of road surfaces and subsequent discharge to gulley traps in the roads.
2. Runoff will be separated and managed to remove any potential negative impacts on watercourses.
3. Any drains or culverts will operate in such a way that water flow will be attenuated into the adjoining soils.
4. All vehicles will be refuelled on site on a bunded surface.
5. Drip trays will be used under any vehicles employed in the operation on site
6. No drains will be cleared unless flooding of the site is evident and cleared water will be attenuated through soils before discharge.
7. No unnecessary removal of vegetation.
8. All grey water will be directed to attenuation areas before discharge.
9. All foul water will be treated on site and away from the SAC area.
10. Netting will be erected around the site during the operational phase to intercept windblown debris.

11. All road gullies to be trapped.
12. No land spreading of dung or effluent within the SAC.
13. Dungsteads will not be located within the SAC.
14. Dungsteads will be located on a bunded surface.

All foul water will be treated on site and away from the riparian area. With the implementation of these measures at the operational stage of the development at Ballycrystal all potential negative impacts on nearby SAC's and SPA's can be prevented.

The current proposal will have no impact in combination with other plans or projects as it is of such a scale and close to an already serviced area

Best Practice Guidelines

Best practice procedure and guidelines and mitigation measures for the protection of the riparian and aquatic environment have been prepared for the protection of the conservation interests of the identified Natura 2000 sites. The proposed development works have been identified as having the potential to cause direct water quality impacts and indirect water quality impacts. The statement provides the details of how each process adheres to the mitigation measures: timing of works, limiting access outside of the proposed works area, biosecurity protocols and water quality protection measures.. The best practice methods included should have due regard to the relevant sections of the following guidelines:

- IFI, (2010) 'Biosecurity Protocol for Field Survey Work'
- IFI, (2016) 'Guidelines of protection of Fisheries during construction works in and adjacent to waters'
- NRA, (2010) 'The Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads'
- NRA, (2008) 'Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes'
- CIRIA (2006) 'Control of Water Pollution from Linear Construction Projects- Site Guide (C649)'
- CIRIA (2005) 'Environmental Good Practice – Site Guide (C650)'
Avoidance

Water quality protection

Any oiling or refuelling of machinery that may be required will be undertaken away from the site. Any oils or fuels that may be required for minor machinery used during the proposed works will be stored appropriately in bunded tanks in the site compound to ensure no spillages occur. The site compound will have security to deter vandalism, theft and unauthorised access. Machinery will be checked for leaks prior to its use on site and prior to working. All wash water, tool washings and any waste / grey water stored securely and removed; no waste will be stored on site;

Septic Tank and secondary effluent treatment system

The development is within an area of low probability of flooding as indicated by Geological Survey of Ireland (GSI) Flood risk assessment map at Flood info.ie.(2022).

Vulnerability of the SAC/SPA from effluent treatment on site is thus improbable.

Biosecurity

Biosecurity measures will follow NRA guidelines 'The Management of Noxious Weeds and Non-native Invasive Plant Species on National Roads' (NRA, 2010) and the IFI guidelines 'Biosecurity Protocol for Field Survey Work' (IFI, 2010).. All equipment to be used on site will be steam cleaned before dispatching to site, and all hired equipment will be treated on site with an approved biocide / cleaning agent.

IMPLICATIONS FOR CONSERVATION OBJECTIVES of nearby SAC/SPA

Favourable conservation status is defined for Annex I habitats and Annex II species in the Habitat Directive (1992): Article 1 (e) Conservation status of a natural habitat means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2. The conservative status of a natural habitat will be taken as 'favourable' when: its natural range and areas it covers within that range are stable or increasing, and the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future. Article 1 (i) Conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2; The conservation status will be taken as 'favourable' when: population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable

future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The Conservation Objectives for the Natura 2000 sites have been prepared by the National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht (NPWS,). The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and SACs and SPAs are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites. Site-specific conservation objectives aim to define favourable conservation condition for a particular habitat or species at that site. The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable: The favourable conservation status of a species is achieved when:
 - population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
 - the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
 - there is, and will probably continue to be, a sufficiently large habitat to maintain its population on a long-term basis.

In the document outlining the conservation objectives for the natura 2000 sites identified (NPWS,), each conservation interest is discussed separately as a conservation objective. Attributes and targets given in these conservation objectives were based on best available information at the time of writing. The existing development works at Ballycrystal have been identified as having the potential for water quality impacts due to the works on the proposed site. The implementation of the mitigation measures prescribed for the works will result in these impacts being reduced to imperceptible in scale. With mitigation there are no impacts arising from the works which would have the potential to affect the conservation status of the Annex I habitats or Annex II species listed as qualifying interests of the Natura 2000 sites identified. The proposed works will not affect the conservation objectives of these sites or have an adverse effect on the requirements to meet the conservation objectives with regard to the restoration of Annex I

habitats and Annex II species to favourable conservation status. Water quality is identified as a key sensitivity of the water-dependent qualifying interests of the SAC/SPA sites. Measures to protect water quality to avoid impacts affecting the habitats and fauna species of the SAC/SPA's have been included in the mitigations section of the current report. The provisions of Article 6 of the 'Habitats' Directive 92/43/EC (2000) defines 'integrity' as the: 'coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or population of species for which the site is or will be classified'. The proposed works are limited in scale and will comply with the required mitigations to ensure that there will be no further impacts arising which would affect the coherence of the SAC/SPA's ecological structure and function; particularly with regard to the Annex II populations recorded from within the study area. The proposed works are not identified as having the potential to adversely affect the conservation objectives of the identified Natura 2000 sites or with the integrity of the site affected, provided mitigation measures are followed.

CONCLUSION

The current NIS has been undertaken to evaluate the potential impacts of the proposed development with regard to the effects upon the conservation objectives and qualifying interests (including habitats and species) of both the identified Natura 2000 sites and the local environment. The proposed development is at Ballycrystal, Co. Wexford. This report details how the procedures will adhere to the mitigation measures (timing of works, biosecurity protocols and water quality protection measures). The statement includes details of the, site layout and other pollution prevention precautions. The protection measures will need to be applied to each exact procedure as relevant. Taking cognisance of the sensitivity of the water-dependent Annex II species listed as qualifying interests of the SAC/SPA's, mitigations must be implemented at the site during the proposed construction works at the site. Strict water quality protection measures will be implemented throughout the project to mitigate impacts on all aquatic Annex II species in the affected area, including the provisions of Article 6 of the 'Habitats' Directive 92/43/EC (2000) defines 'integrity' as the 'coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and / or population of species for which the site is or will be classified'. The mitigation measures proposed are considered to be sufficient to ensure that potential impacts regarding water quality, invasive species and disturbance are minimised. From the evidence presented in the current assessment, it is concluded that the potential direct, indirect and cumulative impacts that may arise from the proposed works do not have the potential to affect the integrity of the SAC. The proposed development is within an area of low probability of flooding as indicated by Geological Survey of Ireland (GSI) Flood risk assessment map at Flood info.ie.(2022). Vulnerability of the SAC from effluent treatment on site is thus classed as of low probability.

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With the implementation of these measures at the operational stage of the existing development all potential negative impacts on nearby SAC`s and SPA`s can be prevented.

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Appendix:

SITE SYNOPSIS SITE NAME:

Site Name: Blackstairs Mountains SAC Site Code: 000770

The Blackstairs Mountains are located along the border of the Counties Wexford and Carlow, forming a mountain chain that runs in a north-east/south-west direction for approximately 22 km, and includes six peaks over 520 m. The range has a core of granite, and on the Carlow side, erosion has cut deeply into the dome exposing successive layers of granite, giving a steeply stepped slope. On the east side some overlying Ordovician slates and sandstones are evident. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes): [4010] Wet Heath [4030] Dry Heath The site is important for extensive areas of dry heath. The higher, steeper slopes are covered with a dense, tall carpet dominated by Heather (*Calluna vulgaris*) and Bilberry (*Vaccinium myrtillus*), with small amounts of Crowberry (*Empetrum nigrum*), Bell Heather (*Erica cinerea*) and Cross-leaved Heath (*E. tetralix*). Occasionally Common Bent (*Agrostis capillaris*) and Mat-grass (*Nardus stricta*) are also found. Abundant moss cover is present, particularly in those areas which have escaped burning – species include *Racomitrium lanuginosum*, *Hypnum cupressiforme*, *Polytrichum commune*, *Hylocomnium splendens* and *Rhytidiadelphus squarrosus*. Stiff Sedge (*Carex bigelowii*) occurs on the stony ground on the west side of the range. Lower down the slopes the heath is dominated by Gorse (*Ulex europaeus*), with some of the species listed above, along with Heath Bedstraw (*Galium saxatile*) and Tormentil (*Potentilla erecta*). Bracken (*Pteridium aquilinum*) is also abundant on the lower slopes, particularly on the western flanks. Upland grassland is found on those slopes which have been heavily grazed. Grassland species include Mat-grass and Common Bent. Heath Bedstraw and the mosses *H. splendens* and *R. squarrosus* are also found. Wet heath occurs in mosaic with dry heath towards the base of some of the steeper slopes and is also found outside the western edge of the commonage. Typical species include Purple Moor-grass (*Molinia caerulea*), bog mosses such as *Sphagnum capillifolium* and *S. palustre*, and sometimes Bog Asphodel (*Narthecium ossifragum*). There are relatively extensive tracts of a peat/heath mosaic on the gentle slopes at the east of the southern section of the site and within the commonage. Cottongrasses (*Eriophorum* spp.) are dominant here, with small amounts of Purple Moor-grass and over 90% cover of bog mosses. Some very wet patches with Soft Rush (*Juncus effusus*) occur. A series of lowland bogs north of Mount Leinster and around Black Rock Mountain have recently been identified which have considerable local importance. These occur around Ballycrystal, south-

west of Black Rock Mountain, where the highest feeders of the Urrin River rise, and around Crann on the north of the Black Rock ridge, where feeders of the Clody River rise just south of the Wexford/Carlow border. In these bogs considerable populations of Cranberry (*Vaccinium oxycoccos*) occur. The Crann bogs also have abundant Bog-myrtle (*Myrica gale*), uncommon in the county. Other species of interest that occur in the Urrin and Clody bogs include Marsh St. John's-wort (*Hypericum elodes*), Pale Butterwort (*Pinguicula lusitanica*) and Lesser Skullcap (*Scutellaria minor*). The Crann bogs include quite extensive stands of Purple Moor-grass, and Water Horsetail (*Equisetum fluviatile*) is widespread. The bogs are reduced to fragments bordering improved grassland or forestry. Mount Leinster is the highest mountain of the range (795 m). On the east side of the summit a few plants with arctic or alpine affinities occur such as the scarce Starry Saxifrage (*Saxifraga stellaris*) and the Stag's-horn Clubmoss (*Lycopodium clavatum*). The headwaters of the Urrin River are included within the site. Habitats along it include patches of deciduous woodland dominated by Downy Birch (*Betula pubescens*). Further south the woodland becomes more dense and consists of Alder (*Alnus glutinosa*), willows (*Salix* spp.), Hazel (*Corylus avellana*) and Holly (*Ilex aquifolium*). The woodland in the south of the area is comprised of Sessile Oak (*Quercus petraea*). There are also patches of peaty marsh, with species similar to those listed for the lowland bog. The scarce species Ivy-leaved Bellflower (*Wahlenbergia hederacea*) and Mountain Fern (*Thelypteris limbosperma*) occur along the Urrin River, while Cowberry (*Vaccinium vitis-idaea*), also a scarce species, is found in heath in a number areas of the site. Small Cudweed (*Logfia minima*), a Red Data Book species that is protected under the Flora (Protection) Order, 1999, has been recorded in heathy grassland on the site. The rare, Red Data Book species Bird's-foot (*Ornithopus perpusillus*) is found in dry, sandy places at Knockroe in Co. Carlow. Small numbers of Red Grouse use the site – their numbers have declined here in recent years. Land use within the site is centred on grazing. Overall, sheep numbers are low, though there are some pockets where high numbers are found. In these areas there are patches of bare ground, an abundance of Mat-grass and in some places upland grassland replaces the heath. Burning of the Heather is carried out on what appears to be a rotational basis. Heather is regenerating in the burnt areas. From a distance the age structure is evident in the different hues of brown to be seen. Cattle are out wintered on the slopes just inside the boundary of the commonage. Severe poaching is associated with this, especially where supplementary feeding is carried out. Coniferous forestry is present over much of the slopes of the mountain (outside of the site), extending to a height of 640 m north of Mount Leinster. The Blackstairs Mountains SAC is the only example of moorland above 300 m in Counties Wexford and Carlow. It includes good examples of dry heath, a habitat listed on Annex I of the E.U. Habitats Directive. The plant and animal

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communities are typical of upland habitats, and the growth of Heather is particularly profuse, rivalling some of the larger areas of Heather cover in Co. Wicklow. The presence of rare and scarce species adds significantly to the conservation value of the site.

Plate 1 View of site



Plate 2 Overview of area location



Plate 3 View of existing gallop



