



Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithé
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel (0404) 20148
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Suiomh / Website www.wicklow.ie

Brock McClure Planning & Development Consultants
63 York Road
Dun Laoghaire
Co. Dublin

12th January 2026

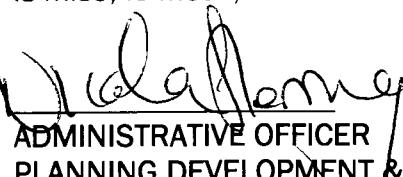
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 122/2025 for Helen Clarke**

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT





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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT
2000 AS AMENDED

Applicant: Helen Clarke

Location: Rosanna Lower & Newrath, Rathnew, Co. Wicklow

Reference Number: EX 122/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/28

A question has arisen as to whether “Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use” at Rosanna Lower & Newrath, Rathnew, Co. Wicklow is or is not exempted development.

Having regard to:

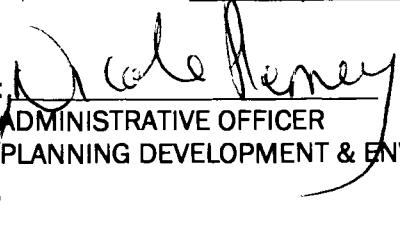
- (a) Section 5 application details submitted.
- (b) An Bord Pleanála References ABP-315532-2, RL 3609, RL3540, RL2987 and RL3034.
- (c) Section 2,3 and 4 of the Planning and Development Act 2000(as amended).
- (d) Article 8 C, Article 9, and Schedule 2: Part 3: Class 11 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

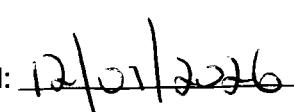
- i. The importation and spreading of soil/ subsoil for the purpose of reclamation / re-contouring of land constitutes works, and is, therefore, development as defined in Section 2 and Section 3, respectively, of the Planning and Development Act, 2000, as amended,
- ii. The proposed works would not comply with Condition and Limitation number 1 of Class 11 of Part 3 of Schedule 2 (Land Reclamation) of the Planning and Development Regulations, 2001, as amended.
- iii. The development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001(as amended) as the development involves the bringing in of soils/ subsoils, which are a byproduct of the residential development currently under construction on the adjoining land holding and therefore the material proposed to be imported is a waste material noting that the recovery of excavated inert soil, for the purpose of the improvement or development of land, is identified as a waste activity in the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended). In addition, while the lands are within the same landholding, the lands from which the soil is been taken are not in agricultural use, are under development for residential use and therefore cannot be considered to be part of the single farm holding.

The Planning Authority considers that “Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use” at Rosanna Lower & Newrath, Rathnew, Co. Wicklow **is development and is NOT exempted development.**

Signed:


Helen Clarke
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated:


12/01/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/28

Reference Number: EX 122/2025

Name of Applicant: Helen Clarke

Nature of Application: Section 5 Referral as to whether “: Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use” is or is not development and is or is not exempted development.

Location of Subject Site: Rosanna Lower & Newrath, Rathnew, Co. Wicklow

Report from: Patrice Ryan, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether “Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use” at Rosanna Lower & Newrath, Rathnew, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- (a) Section 5 application details submitted.
- (b) An Bord Pleanála References ABP-315532-2, RL 3609, RL3540, RL2987 and RL3034.
- (c) Section 2,3 and 4 of the Planning and Development Act 2000(as amended).
- (d) Article 8 C, Article 9, and Schedule 2: Part 3: Class 11 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

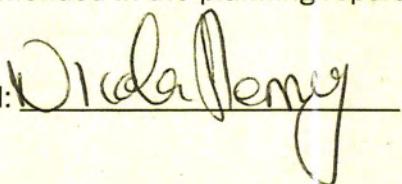
- i. The importation and spreading of soil/ subsoil for the purpose of reclamation / re-contouring of land constitutes works, and is, therefore, development as defined in Section 2 and Section 3, respectively, of the Planning and Development Act, 2000, as amended,
- ii. The proposed works would not comply with Condition and Limitation number 1 of Class 11 of Part 3 of Schedule 2 (Land Reclamation) of the Planning and Development Regulations, 2001, as amended.
- iii. The development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001(as amended) as the development involves the bringing in of soils/ subsoils, which are a byproduct of the residential development currently under construction on the adjoining land holding and therefore the material proposed to be imported is a waste material noting that the recovery of excavated inert soil, for the purpose of the improvement or development of land, is identified as a waste activity in the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended). In addition, while the lands are within the same landholding, the lands from which the soil is been taken are not in

agricultural use, are under development for residential use and therefore cannot be considered to be part of the single farm holding.

Recommendation

The Planning Authority considers that “Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use” at Rosanna Lower & Newrath, Rathnew, Co. Wicklow is development and is NOT exempted development as recommended in the planning reports.

Signed:



Dated:

12/01/2026

ORDER:

I HEREBY DECLARE:

That “Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use” at Rosanna Lower & Newrath, Rathnew, Co. Wicklow **is development and is NOT exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:



Dated:

12/1/2026

T/Senior Planner

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL
Planning Department
Section 5 – Application for declaration of Exemption Certificate

Section 5 Application Reference EX 122/2025

Date: 08/01/2025
Applicant: Helen Clarke
Address: Rossanna Lower and Newrath, Rathnew, Co. Wicklow

Question: Whether or not:

Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Further Information was sought in relating to the following:

Item 1

There is disparity in the details submitted noting that Page 6 of the supporting statement prepared by Brock Mc Clure refers to the importation of 32,000 cubic metres of soil while page 7 of the same report refers to the infilling of the site with c. 10,000 cubic metres of soil. Clarity is required in this regard.

Response

The applicant has submitted that they are now proposing to import 18,000 cubic metres.

Item 2

It is stated that the recontouring is required to improve the condition of the land for future agricultural use and minimise the risk of poaching from livestock so the site can be used for livestock foraging. No Agricultural Consultant Report have been submitted with the Section 5 Declaration outlining details of the size, nature and location of the full farm landholding and demonstrating why these lands are currently not of a suitable standard for livestock and agriculture and why there is a risk of poaching of livestock.

Response

The applicant has submitted an Agricultural Assessment Report prepared by Agri Planning Services Ltd. The following is noted in this report:

- The area to be infilled comprises of an uneven, low-lying section within the field with dips in the ground level.
- The surrounding land in the locality is predominantly permanent pasture of high agricultural value, characterised by fertile, dry, well-draining fine loamy mineral soil and areas of river alluvium. The local subsoil comprises till type subsoils.
- The historic and current use of this agricultural field is for improved grassland for grazing cattle and sheep. This field forms part of a wider agricultural landholding.
- The planned use post improvement is for permanent pasture for livestock grazing and hay/silage production.
- The proposal will allow for the levelling out of this area to merge with the surround ground contours. It is submitted that the extent of infill proposed will avoid lower-level restoration or sudden changes to

ground level which could cause ponding of water on the site. It is further submitted that the more even ground contours will allow for effective field drainage and a better-quality topsoil layer which will improve soil quality and fertility leading to increased grass growth rates and improve agricultural productivity of the land.

- The levelling of the area will also improve animal welfare on the holding and allow for safer vehicle and machinery operations.
- The extent of the infilling is deemed necessary to effectively integrate the site with the existing surrounding topography and to ensure viable long-term drainage and farm operations following the improvements works.

Item 3

The details submitted state that the soil to be used is to be taken from the adjoining field to the west of the site, however it is noted that the adjoining field to the west does not appear to be in the ownership of the applicant and the drawings, details and cross sections do not show where the material is to be taken from and the impact the removal of this material will have on the levels and agricultural viability of the field to the west.

- a) The applicant is requested to submit details including a revised OS map, clearly showing the field from where soil is to be removed from and cross sections showing the impact this will have on the removal site in terms of level difference.
- b) The site from where the soil is to be removed from shall be included in the Agricultural Consultant Report outlining how the works will improve the site in question also making it more viable for agricultural use.

NOTE: Having regard to the above, while the site as indicated is not located within or adjoining any Natura 2000 site, and is sufficient distance from any rivers or streams in so far as it is not hydrologically connected to any Natura 2000 site, noting the applicant has indicated that material is to be removed from an adjoining field to the west but has not provided any detail on this field, the need for AA cannot be fully screened out in the absence of this information.

Response

In response to Item 3(a) the applicant has submitted that there was an error in noting the location of the field in the initial Section 5 application. An OS Map has been submitted showing the area from where soil is to be removed from along with cross sections showing the impact this will have on existing and proposed level differences.

In this regard it is noted from the OS Map Submitted that the soil is to be taken from the adjoining site to the southeast which is currently under construction on foot of grant of permission PRR23/854 for the development of 80 dwellings. The cross sections submitted indicate an infill of up to 3 metres depth at its deepest.

In response to Item 3 (b) the details outlined in the Agricultural Assessment Report prepared by Agri Planning Services Ltd are noted. It is further noted that the soil is to be taken from a residential development site and not another active agricultural site as previously indicated. It is noted that this residential site was formally part of the overall agricultural land holding of the applicant and is indicated as still within the ownership of the applicant but is not in agricultural use and is a residential development site .

The soil for importation, while within the same landholding, is considered to be a by-product of a residential development and not taken from lands within the agricultural landholding and therefore cannot be considered to be exempt development.

The development of this adjoining site was subject to Appropriate Assessment Screening where the need for a NIA was screened out. The overall site is therefore a sufficient distance from any rivers or streams in so far as it is not hydrologically connected to any Natura 2000 site.

Item 4

Insufficient details have been submitted with regard to the scale of the works, or to show that they would not come within the description or scale of works requiring EIA as set out in Part 2 of Schedule 5 : Other Projects - (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule. Noting that the details submitted indicated that the soil is to be taken from an adjoining field to the west, details of the tonnage of soil to be imported from this adjoining field and the total combine site area shall be submitted.

Response

The following is noted in the applicant's response to Item 4:

- It is clarified that the soil is to be taken from the development site to the east and not the agricultural site to the west.
- The total intake of soil is indicated at 18,000 cubic metres or 13,500- 22,500 tonnes depending on the density of the soil.

This is below the annual 25,000 tonnes threshold and therefore an EIA is not required.

It is considered that the applicant has now provided sufficient information to allow for the Assessment of this Section 5 Declaration.

Assessment

The declaration queries whether the recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use is or is not development or is or is not exempted development.

The first question to be asked is whether reclamation/ re-contouring of lands is or is not development. In this regard soils/subsoil are being brought onto site, and ground levels are being raised by up to c.3m. Such operations would come within the definition of work as set out in Section 2 of the Planning and Development Act 2000(as amended) and would therefore fall within the definition of development as set out in Section 3 of that Act.

As the works refer to the recontouring and reprofiling of existing agricultural land, they would not come within the provisions of Section 4(1)(l) of the Planning and Development Act States that the following shall be exempted developments for the purposes of this Act—

"development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced F53[or works consisting of land reclamation or reclamation of estuarine marsh land and of callows, referred to in section 2 of that Act.]"

Article 8c of the Planning and Development Regulations 2001(as amended) provides that;

"Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development".

From the referrals to An Bord Pleanála/An Comisiún Pleanála for similar works of infilling/ recontouring it is evident that the exemption provided for by Article 8C of the Regulations, only applies to soils sourced within the same farm-holding.

In this instance the soils sourced are within the same land holding, which was formally the same farm holding, however the lands from which the soils are been taken from are no longer in agricultural use and have not been in agricultural use for some time and are currently being developed for residential use as permitted under PRR23/854 on foot of outline permission Grant PRR21/1195. The commencement notice submitted indicates that development commenced on site on the 16/11/2024, over 1 year ago. This site is therefore no longer considered to be part of the farm holding. The soils to be imported are therefore considered to be a by-product/waste product of a development site and are a consequence of the residential development permitted and currently under construction on these adjoining lands.

In this regard, the use of a by-product i.e soils/ subsoils even where an Article 27 Notification has issued would still be considered waste, as identified in Referrals ABP-315532-23, RL 3609, RL3540 and RL2987. An Bord Pleanála has identified that the bringing in of soils / subsoil would be considered a waste material as the recovery of excavated inert soil, for the purpose of the improvement or development of land, is identified as a waste activity in the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended).

The works would also not come within the provisions of Schedule 2: Part 3: Class 11, as the works involve an area in excess of 0.1ha. The details submitted stated that the site measures 1.914.

Conclusion:

Having regard to the assessment above, it is considered that the works comprising of the recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use is development and is not exempted development.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether the:

Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use at Rosanna Lower and Newrath, Rathnew, Co. Wicklow,

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that:

the recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use over an area of 1.914ha that are part of applicant's land holding but are a by-product of the residential development currently under construction on this adjoining land holding is **Development and is Not Exempted Development** as the lands from which the soil is been taken are not in agricultural use and cannot be considered to be part of the single farm holding.

Main Considerations with respect to Section 5 Declaration:

- (a) Section 5 application details submitted.
- (b) An Bord Pleanála References ABP-315532-2, RL 3609, RL3540, RL2987 and RL3034
- (c) Section 2,3 and 4 of the Planning and Development Act 2000(as amended).
- (d) Article 8 C, Article 9, and Schedule 2: Part 3: Class 11 of the Planning and Development Regulations 2001(as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The importation and spreading of soil/ subsoil for the purpose of reclamation / re-contouring of land constitutes works, and is, therefore, development as defined in Section 2 and Section 3, respectively, of the Planning and Development Act, 2000, as amended,
- ii. the proposed works would not comply with Condition and Limitation number 1 of Class 11 of Part 3 of Schedule 2 (Land Reclamation) of the Planning and Development Regulations, 2001, as amended.
- iii. The development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001(as amended) as the development involves the bringing in of soils/ subsoils, which are a byproduct of the residential development currently under construction on the adjoining land holding and therefore the material proposed to be imported is a waste material noting that the recovery of excavated inert soil, for the purpose of the improvement or development of land, is identified as a waste activity in the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended). In addition, while the lands are within the same landholding, the lands from which the soil is been taken are not in agricultural use, are under development for residential use and therefore cannot be considered to be part of the single farm holding.



Senior Executive Planner
08/01/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Patrice Ryan
Senior Executive Planner** **FROM: Nicola Fleming
Staff Officer**

RE:- EX122/2025 - Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended)

I enclose herewith for your attention application for Section 5 Declaration received 23/10/2025 along with FI received on 19/12/2025.

The due date on this declaration is the 18/01/2026.

Staff Officer Planning Development & Environment

nicola Fleming

From: Nicola Fleming
Sent: Monday 22 December 2025 09:46
To: 'Kathy McNally'
Subject: RE: Section 5 Declaration

Hi Kathy,

I wish acknowledge receipt of the Further Information requested for EX122/2025 and to advise a decision is due on 18/01/2026.

Regards,

Nicola Fleming
Oifigeach Foirne - Staff Officer
Pleanáil, Forbairt Eacnamaíoch & Tuaithe - Planning, Economic & Rural Development -

Comhairle Contae Chill Mhantáin, Halla an Chontae, Bóthar an Stáisiúin, Cill Mhantáin, A67 FW96
Wicklow County Council, County Building, Station Road, Wicklow Town, A67 FW96

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Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin
Wicklow County Council

From: Kathy McNally <kathy@brockmcclure.ie>
Sent: Friday 19 December 2025 13:15
To: Planning - Planning and Development Secretariat <plandev@wicklowcoco.ie>
Subject: Re: Section 5 Declaration
Importance: High

Some people who received this message don't often get email from kathy@brockmcclure.ie. [Learn why this is important](#)

**External Sender - From: (Kathy McNally
<kathy@brockmcclure.ie>)**
This message came from outside your organisation.

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CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam

As per the attached further information request received 17th November 2025, please find attached full response.

If you require anything further please don't hesitate to contact me.

Regards,
Kathy

Kathy McNally
Senior Planner
Brock McClure
Planning and Development Consultants
63 York Road, Dun Laoghaire, Co. Dublin

kathy@brockmcclure.ie
brockmcclure.ie
+353 86 083 3889
+353 1 559 3859



From: Kathy McNally <kathy@brockmcclure.ie>
Date: Wednesday, 22 October 2025 at 17:56
To: plandev@wicklowcoco.ie <plandev@wicklowcoco.ie>
Subject: Section 5 Declaration

Dear Sir / Madam

Please find attached Section 5 Declaration application pack. Once received please contact me on the mobile number below for payment of the prescribed fee €80.

Any issues please don't hesitate to contact me.

Regards,
Kathy

Kathy McNally
Senior Planner
Brock McClure
Planning and Development Consultants
63 York Road, Dun Laoghaire, Co. Dublin

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www.brockmcclure.ie

Senior Administrative Officer,
Planning Department,
Wicklow County Council,
County Buildings,
Whitegates,
Wicklow Town,
A67 FW96.

19 December 2025

Further Information Response

for an application for Certification of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) (Ref EX 122/2025) on lands at Rosanna Lower & Newrath, Rathnew, Co. Wicklow.

Dear Sir / Madam,

We, Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin are instructed by our client, **Helen Clarke, Rossanagh, Rathnew, Co. Wicklow**, to lodge this response to a Further Information request to Wicklow County Council. This relates to Further Information requested by Wicklow County Council on 17th November 2025 on an application relating to an application for a Certification of Exemption under Section 5 of the Planning and Development Acts 2000.

As confirmed with Wicklow County Council, this Further Information response has been emailed to the Planning Authority at plandev@wicklowcoco.ie. The following inputs are provided as part of this application:

No	Items	Consultant
1	BMC Planning FI Response Letter	Brock McClure
2	Revised Drawings	PD Lane Associates
3	Updated AA Screening	Altemar Environmental
4	Agricultural Assessment Report	Agri Planning

We confirm that we act for **Helen Clarke, Rossanagh, Rathnew, Co. Wicklow** and request that all future correspondence in relation to this matter be directed to this office. We trust that you will find everything in order.

RECEIVED 19 DEC 2025

1.0 Introduction

Helen Clarke, Rossanagh, Rathnew, Co. Wicklow have instructed Brock McClure Planning and Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin, to prepare this Further Information Response Report to address a Further Information Request issued by Wicklow County Council under Reg. Ref. EX122/2025 on 17th November 2025.

This report is a planning response document prepared to respond to the overall Further Information Request and should be read in conjunction with all other material prepared and submitted by the wider design team as part of this formal Further Information response submission. In this regard, reference is made within this report to specific material prepared by other consultants which should be referred to where directed.

The formal request issued sought Further Information in relation to 4 no items.

A response to the Further Information request is now set out herein as follows:-

Section 2 - Response to Further Information Request

- Item 1 (Clarification of cubic metres)**
- Item 2 (Agricultural Report)**
- Item 3 (Updated Drawings)**
- Item 4 (Clarification of tonnage of Soil to be imported)**

Section 3 - Conclusion

The applicant and design team has endeavoured to positively respond to each of the items requested. We confirm that the concerns of the Planning Authority have now been fully addressed by the following contributors:

- Helen Clarke - Applicant
- Brock McClure Planning and Development Consultants (BMC)
- PD Lane Associates (PD Lane)
- Altemar Environmental Consultants (Altemar)
- Argi Planning Services (Argi Planning)

We consider that all items have been adequately addressed to the satisfaction of the Planning Authority.

2.0 Response to Further Information Request

2.1 ITEM 1

There is disparity in the details submitted noting that Page 6 of the surrounding statement prepared by Brock McClure refers to the importation of 32,000 cubic metres of soil while page 7 of the same report refers to the infilling of the site with c.10,000 cubic metres of soil. Clarify is required in this regard.

APPLICANT RESPONSE

In response to Item no. 1, the applicant wishes to clarify the cubic metres of soil to be imported. Following extensive consultation with the client, we are now proposing to import only 18,000 cubic metres. See snip of the attached Site Layout Plan drawing prepared by PD Lane Associates submitted with this FI Response.

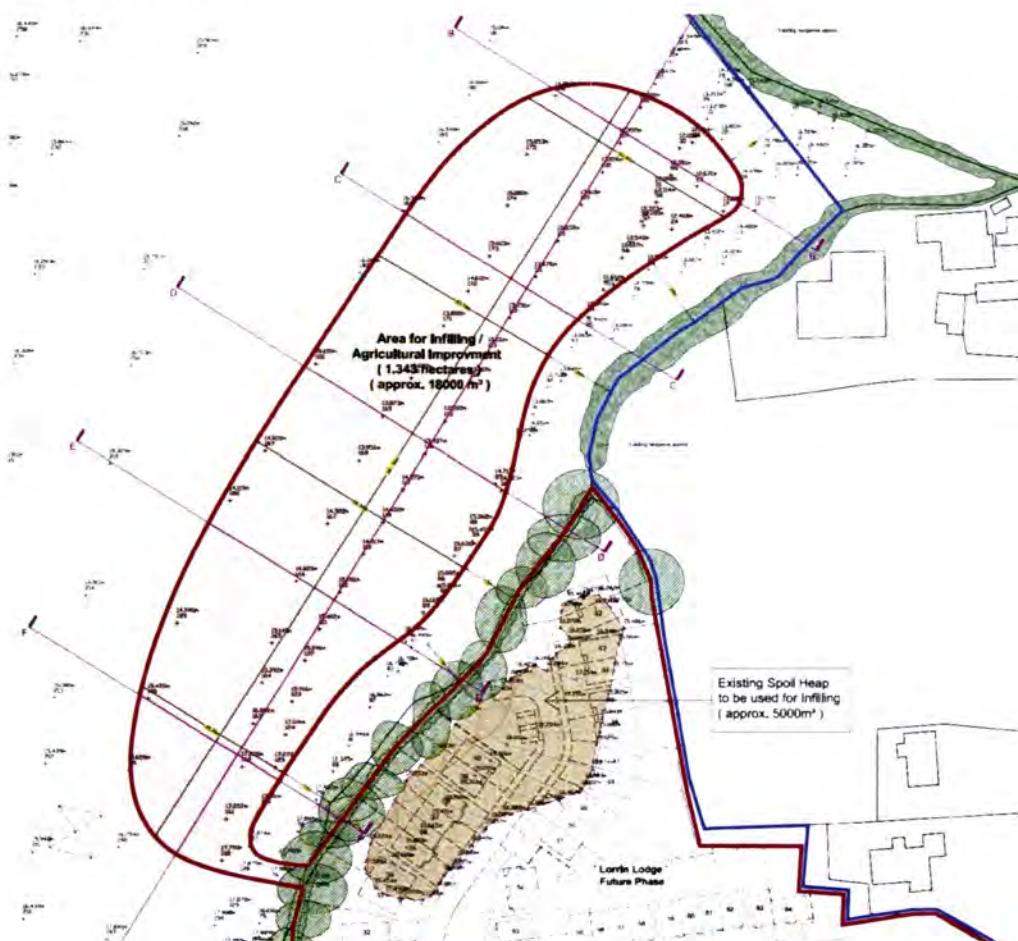


Figure 1 - Clarity of cubic metres of soil for infilling.

As noted above, it is proposed to import approximately 18,000 cubic metres of soil. The soils will be deposited, and ground levels will be finished as shown on the accompanying detailed drawings and cross-sections prepared by PD Lane.

We trust that this response is satisfactory to the Planning Authority.

ITEM 2

It is stated that the recontouring is required to improve the condition of the land for future agricultural use and minimise the risk of poaching from livestock so the site can be used for livestock foraging. No Agricultural Consultant Report have been submitted with the Section 5 Declaration outlining details of the size, nature and location of the full farm landholding and demonstrating why these lands are currently not of a suitable standard for livestock and agricultural any why there is a risk of poaching of livestock.

APPLICANT RESPONSE

In response to Item no. 2, please find attached Agricultural Assessment Report prepared by Agri Planning Services Ltd. Agri Planning Services Ltd conducted a site and field visit on 6th January to establish the baseline agricultural conditions. As noted in this report the proposed infill area comprises an uneven, low-lying section within an agricultural field of permanent pasture, with dips in ground level. The surrounding land in the locality is predominantly permanent pasture of high agricultural value and is characterised by fertile, dry, well-draining, fine loamy mineral soil and areas of river alluvium. The local subsoil consists of till-type subsoils.

The proposals relate to infilling the subject site with subsoil and topsoil to improve the land for agricultural grazing and silage/hay production. The surrounding land in the locality is predominantly of high agricultural value and is characterised by fertile, dry, well-draining, fine loamy mineral soil and areas of river alluvium. The local subsoil consists of till-type subsoils. The historic and current land use of the agricultural field is improved grassland, used for grazing bovines and sheep, and forms part of a block of agricultural pasture lands and wider agricultural landholding. The planned land use following the proposed improvement works remains as permanent pasture for livestock grazing and hay/silage production.

The infill area is currently ‘low-lying’ relative to the surrounding land topography. The proposals, including the scale, depth of infill and finished site topography, will allow a more even merge of ground contours with the adjoining land and avoid a lower-level restoration, which could lead to wet soils and drainage problems. The extent of infill proposed will avoid a lower-level restoration or sudden changes in ground levels, which could cause potential ‘ponding’ of water on the subject site.

The finished topography will provide more even ground contours and will allow for the incorporation of effective field drainage and a quality topsoil layer. This will provide improved soil quality and fertility and will lead to increased grass growth rates and improved agricultural productivity of the land.

Under the proposals, the agricultural productivity of the land will be increased. This will increase the agricultural value of the subject lands and ultimately lead to increased farm productivity, profitability and viability for the holding.

Agri Planning have concluded that the proposed land reclamation works will provide for increased farm productivity, profitability and viability. The proposals will also provide additional environmental protection, improve animal welfare for livestock on the holding and allow safer vehicle and machinery operations. The extent of the proposal including proposed infill depths, is considered necessary to effectively integrate the finished site with the existing topography of the surrounding land and to ensure viable long-term drainage and farm operations following the improvement works. They also noted that the proposed improvement works will benefit the agricultural lands and will promote the sustainable agricultural operations of the wider farm enterprise.

We trust that this response is to the satisfaction of the Planning Authority.

ITEM 3

The details submitted state that the soil to be used us to be taken from the adjoining field to the west does not appear to be in the ownership of the applicant and the drawings, details and cross sections do not show where the material is to be taken from and the impact of removal of this material will have on the levels and agricultural viability of the field to the west.

Lands at Rathnew, Co. Wicklow – **Section 5 Declaration F1 Response.**

- a. The applicant is requested to submit details including a revised OS Map clearing showing the field from where the soil is to be removed from and cross sections showing the impact this will have on the removal site in terms of level difference.**

APPLICANT RESPONSE

In response to Item no.3a , we would firstly like to clarify there was an error in noting the location of the field on the initial application. Please see attached OS Map which clearly show the area from where the soil is to be removed from and accompanying cross sections showing the impact this will have on the removal site in terms of level difference.

- b. The site from where the soil is to be removed from shall be included in the Agricultural Consultant Report outlining how the works will improve the site in question also making it more viable for agricultural use.**

APPLICANT RESPONSE

In response to Item no.3b , please see attached Agricultural Consultant Assessment Report which confirms that the proposed land reclamation works will provide for increased farm productivity, profitability and viability. In addition, they have noted that the proposal would also provide additional environmental protection, improve animal welfare for livestock on the holding and allow safer vehicle and machinery operations.

The Agricultural Consultant has confirmed that the extent of the proposal including proposed infill depths, is considered necessary to effectively integrate the finished site with the existing topography of the surrounding land and to ensure viable long-term drainage and farm operations following the improvement works.

Therefore, it has been concluded that the proposed improvement works will benefit the agricultural lands and will promote the sustainable agricultural operations of the wider farm enterprise.

Note: Having regard to the above, while the site as indicated is not located within or adjoining any Natura 2000 sites, and is sufficient distance from any rivers or streams in so far as it is not hydrologically connected to any Natura 2000 site, noting the applicant has indicated that materials is to be removed from an adjoining field to the west but has not provided any detail on this field, the need for AA cannot be fully screened out in the absence of this information.

APPLICANT RESPONSE

In response to the note above, please find updated AA Screening prepared by Altemar Environmental Consulting. As noted in the AA Screening Report, the closest European site is the Murrough Wetlands SAC (1.2 km). There is no direct hydrological connection between the subject site and any European sites.

There are two nearby watercourses; the River Vartry which is located c. 200 m northwest of the site, and the Rathnew Stream which is located c. 400m south of the site. As the current site consists of an agricultural field, there is no existing surface water or foul water drainage on site, and none will be installed as part of the proposed works. Surface water will drain naturally over land and infiltrate through the soil before reaching any watercourse. No foul water will be produced as result of the proposed works. Therefore, there are no direct or indirect hydrological pathways for effects on European sites as a result of the proposed works, and in the absence of mitigation measures, no significant effects on any European site are foreseen from the proposed works.

Having taken into consideration the surface water drainage from the site of the proposed works, the distance between the proposed works to designated conservation sites, the lack of direct hydrological pathway or biodiversity corridor link to conservation sites, it is concluded that the proposed works would not give rise to any significant effects to designated sites. The proposed works will not impact on the conservation objectives of qualifying interests of European sites.

Lands at Rathnew, Co. Wicklow – **Section 5 Declaration FI Response.**

The attached AA Screening report presents a Stage 1 Appropriate Assessment Screening for the proposed works, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the proposed works, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or European site.

We trust that this response is to the satisfaction of the Planning Authority.

ITEM 4

Insufficient details have been submitted with regard to the scale of the works or to show that they would not come within the description or scale of works requiring EIA as set out in Part 2 of Schedule 5: Other Projects – (b) installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule. Noting that the details submitted indicated that the soil is to be taken from an adjoining field to the west, details of the tonnage of soil to be imported from this adjoining field and the total site area shall be submitted.

APPLICANT RESPONSE

In response to Item no. 4, the applicant wishes to clarify as noted previous above that there was an error on the previous application documentation indicating that soil was to be taken from an adjoining field to the west. As per figure 1 above the soil will be taken from within the applicants landholding which includes full details of the amount of soil to be imported.

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

We trust that this response is to the satisfaction of the Planning Authority.

ITEM 5

Given that the structure is a Protected Structure, the applicant is requested to clarify if any fit-out works and changes to the service runs are required to accommodate for the provision of a café/restaurant at this selected location and clarify the internal layout on a revised ground floor plan. Should these works be required, a Heritage Impact Assessment shall be submitted given that the structure is a Protected Structure and no such report was submitted which is a minimum requirement for protected structure.

APPLICANT RESPONSE

In response to Item no. 5, the applicant wishes to clarify that no fit-out works or changes to service runs are required to accommodate for the provision of a café/restaurant in the existing unit. JA Gorman have prepared a set of Existing and Proposed Ground Floor Plans which show that there are no fit-out or service works to the unit. No works are proposed internally or externally to the Protected Structure, thus we submit that there is no requirement for a Heritage Impact Assessment.

We trust that this response is to the satisfaction of the Planning Authority.

Lands at Rathnew, Co. Wicklow – **Section 5 Declaration FI Response.**

3.0 Conclusion

The applicant has made every attempt to address all items raised as part of the Further Information request and we trust that the Planning Authority will duly consider this submission in full in their assessment.

Having regard to the scale and extent of works in question, we submit that the works fall under the exemption provided for in section 4(1)(l) of the Planning and Development Act, 2000, as amended.

In summary, the development is required to improve the site conditions to enable the lands viable for agriculture uses and accessibility and the material will be non-hazardous, sourced from within our clients landholding only.

We confirm that we act for **Helen Clarke**, and request that all future correspondence in relation to this matter be directed to this office. We trust that you will find everything in order.

Yours sincerely,



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Agricultural Assessment Report

Rycroft RW Limited

Proposed Land Improvement Works at
Rossana Lower,
Rathnew,
Co. Wicklow

16/12/2025

Agri Planning Services Ltd

www.agriplanningservices.ie



Client Name: Rycroft RW Limited

Project Number: A254-410

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Quality Assurance – Approval Status

This document has been prepared and approved in accordance with Agri Planning Services Integrated Management System.

Issue	Date	Prepared by	Reviewed by	Approved by
1.0	16/12/2025			

Comments:

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Executive Summary

Agri Planning Services Ltd (APS) were commissioned by Rycroft RW Limited to carry out an agricultural assessment for proposed land improvement works involving the importation and infilling of inert soil within an existing agricultural field at Rossana Lower, Rathnew, Co. Wicklow.

A site visit and field survey of the subject site and wider landholding was carried out by APS on 6th December 2025 to establish the current baseline agricultural conditions on site.

The proposed infill area comprises an uneven, low-lying section within an agricultural field of permanent pasture, with dips in ground level. The surrounding land in the locality is predominantly permanent pasture of high agricultural value and is characterised by fertile, dry, well-draining, fine loamy mineral soil and areas of river alluvium. The local subsoil consists of till-type subsoils.

The proposed land reclamation works will provide for increased farm productivity, profitability and viability. The proposals will also provide additional environmental protection, improve animal welfare for livestock on the holding and allow safer vehicle and machinery operations.

The extent of the proposals, including proposed depths of infill, is considered necessary to effectively merge the finished site with the existing topography of the surrounding land and ensure viable long-term drainage and farm operations, following the improvement works.

It has been concluded that the proposed improvement works will benefit the agricultural lands and promote the sustainable agricultural operations of the wider farm enterprise.

Recommendations and mitigation measures have been specified to ensure proper soil handling during stripping, infilling, and finishing works, to avoid damaging or contaminating valuable soil resources, minimise impacts on nearby waterbodies, and optimise the productivity of the finished farmland.

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1. Introduction

1.1 Introduction

Agri Planning Services Ltd (APS) were commissioned by Rycroft RW Limited to undertake an Agricultural Assessment in respect of proposed agricultural land improvement works, involving the importation and infilling of inert soil within an existing agricultural field at Rossana Lower, Rathnew, Co. Wicklow.

The assessment aimed to establish the current land use and baseline agricultural conditions on site, appraise the proposed land improvement works in the context of agriculture and land use, and provide recommendations as necessary.

2. Site Description

2.1 Site Description & Proposed Infill Area

The infill site is located at Rossana Lower, Rathnew, Co. Wicklow, approximately 1km north of Rathnew Village. The M11 Motorway is located approximately 200m to the west of the proposed infill site.

The proposed infill area is ca. 1.3 ha and is shown in Figure 2-1. The proposed infill area forms part of an agricultural field adjacent to a residential development currently under construction. The proposed infill area comprises an uneven, low-lying section within the field, with dips in ground level relative to the surrounding field topography.

The agricultural field is approximately 10.5 ha in total, delineated by mature hedgerows & treelines. The R772 Regional Road runs along the southern field boundary, with a motor garage located immediately southeast of the agricultural field. The Vartry River runs along the northern field boundary, approximately 200m from the proposed infill works.

2.2 Land-Use & Agricultural Landholding

The surrounding land in the locality is predominantly of high agricultural value and is characterised by fertile, dry, well-draining, fine loamy mineral soil and areas of river alluvium. The local subsoil consists of till-type subsoils.

The historic and current land use of the agricultural field is improved grassland, used for grazing bovines and sheep, and forms part of a block of agricultural pasture lands and wider agricultural landholding. The planned land use following the proposed improvement works remains as permanent pasture for livestock grazing and hay/silage production.

2.3 Site Visit & Field Survey

A site visit and field survey was undertaken by Agricultural Consultant James Orohoe, on 06/12/2025 to establish the current land use and baseline condition of the site, and extent of the agricultural land holding, in order to allow an evaluation of the proposed land reclamation works. James is a Department of Agriculture, Food and the Marine (DAFM) approved agricultural advisor with over 10 years' experience providing agricultural consultancy services to clients throughout Ireland. James holds an honours degree in Agricultural Science from University College Dublin and is a member of the Agricultural Consultants Association (ACA).



Figure 2-1 Proposed Infill Area (PD Lane)

3. Proposed Land Improvement Works

3.1 Overview & Methodology

The proposals relate to infilling the subject site with subsoil and topsoil to improve the land for agricultural grazing and silage/hay production.

It is proposed to import approximately 18,000 cubic metres of soil. The soils will be deposited, and ground levels will be finished as shown on the accompanying detailed drawings and cross-sections prepared by PD Lane.

As outlined in Section 2.2, the final land use following the reclamation works will be permanent pasture for grazing bovines and sheep.

All works will be carried out in dry weather conditions. The site will be fenced and secured, with access restricted. Topsoil will be stripped. Subsoils will be imported and mixed on site, then spread and finished with a final topsoil layer, levelled and graded. Stones will be removed from the finished surface, and any compacted soil and tracks/ruts dealt with. Soil samples will then be taken for analysis to establish the fertility levels of the soil. Certified grass seed will be used, with clover included to aid grass establishment and soil structure.

Further recommendations to allow for proper soil handling during the proposed works are provided in Section 4.

3.2 Assessment of Proposed Land Improvement Works

The proposed land improvement works have been evaluated under the following headings, with regard to the baseline condition and land use of the site, and planned agricultural operations of the landholding.

3.2.1 Evaluation of the Infill

As shown in the accompanying cross-sections (PD Lane drawing ref: M-166-216), the proposed importation of 18,000 cubic metres of soil over the proposed infill area of ca. 1.3 ha will result in a maximum change in ground level of approximately +3 m, and the finished ground levels will provide a more even and level agricultural field, following improvement works.

The infill area is currently 'low-lying' relative to the surrounding land topography. The proposals, including the scale, depth of infill and finished site topography, will allow a more even merge of ground contours with the adjoining land and avoid a lower-level restoration, which could lead to wet soils and drainage problems. The extent of infill proposed will avoid a lower-level restoration or sudden changes in ground levels, which could cause potential 'ponding' of water on the subject site.

3.2.2 Agricultural Productivity

The finished topography will provide more even ground contours and will allow for the incorporation of effective field drainage and a quality topsoil layer. This will provide improved soil quality and fertility and will lead to increased grass growth rates and improved agricultural productivity of the land.

The level topography will provide for reduced risk of 'ponding' within dips in ground contours, and will reduce the risk of 'poaching' of soils by livestock during wet periods, which will allow for a longer grazing season, improved livestock performance and improved hay/silage production. This will also allow livestock to be maintained in better conditions, on dry land without the risk of ponding, which

will reduce the risk of infection and disease within the herd. The improved land productivity and quality of grazing will also provide for nutritional benefits for the herd.

Under the proposals, the agricultural productivity of the land will be increased. This will increase the agricultural value of the subject lands and ultimately lead to increased farm productivity, profitability and viability for the holding.

3.3.3 Environmental Impact

It is expected that the proposals will reduce the risk of pollution to nearby water bodies.

The current ground contours, with notable dips in ground level, are likely to lead to overland flow of water and agricultural runoff and 'ponding' of water during wet periods.

The proposals, including the proposed topography, enhanced subsoil and topsoil layers, improved drainage, and increased vegetation cover, would slow surface water flows and reduce the risk of agricultural runoff and contaminants, including animal excrement, running into nearby waterbodies.

3.3.4 Health & Safety and Animal Welfare

The proposals will allow farm machinery to operate safely and efficiently on level ground and will allow vehicles and machinery to operate safely and manoeuvre appropriately around the land with better visibility. This will reduce the risk of accidents occurring during vehicle/machinery operations, including fertiliser applications and hay/silage production.

3.3 Discussion

The extent of the proposed reclamation works, including proposed depths of infill, is considered beneficial in the context of agriculture, effectively merging the proposed infill area with the existing topography of the land surrounding the site, and ensuring viable drainage and farm operations, following the improvement works.

With regard to the site's current land use and the wider agricultural operations of the landholding, the proposed land reclamation works will increase farm productivity, profitability, and viability. The proposals will also provide additional environmental protection, improve animal welfare for livestock on the holding and allow safer vehicle and machinery operations.

4. Recommendations and Mitigation Measures

The following recommendations and mitigation measures should be implemented to allow for proper soil handling during the stripping, infilling and finishing works, avoid impacts to nearby waterbodies and optimise the productivity of the finished farmland:

4.1 Topsoil Stripping

Topsoil is a finite resource and a critical component of agricultural production. It provides an anchorage and oxygen for plant roots, slowly releases nutrients, and, in conjunction with the underlying subsoil, retains moisture to sustain plant growth during dry periods. The following measures are recommended during topsoil stripping:

- Before commencing work on site, suitable plant and machinery should be selected. Topsoil from all areas that are to be disturbed by construction activities or driven over by vehicles should be stripped by suitable earthmoving plant that is appropriate to the size of the site, the volume of soil to be stripped and haul distances. Tracked equipment should be used wherever possible to reduce compaction.
- Topsoil stripping should be undertaken in the driest condition possible.
- Vegetation should not be incorporated into the topsoil to be stored. Remove surface vegetation by blading off, by scarification and raking, or kill off by application of a suitable non-residual herbicide applied not less than two weeks before stripping commences.
- To minimise damage to topsoil, the transport vehicle should be restricted to designated temporary haul routes and should run on the basal layer under subsoil if subsoil is also to be stripped. If only topsoil is to be stripped, the vehicle should run on the subsoil layer.
- Stripping should be undertaken by the excavator standing on the surface of the topsoil, digging the topsoil to its maximum depth and loading transport vehicles.
- Topsoil will normally be stripped to a thickness defined by depth below the surface and/or a distinct colour change. Topsoil should not be stripped too deeply so that subsoil becomes incorporated, which will reduce its quality and fertility.
- Topsoil should not be removed from below the spread of trees to be retained.

4.2 Importation, Storage and Protection of Soil

Any imported soils should be inert and free of contamination. The primary objective when temporarily storing soil in stockpiles is to maintain soil quality and minimise damage to the soil's physical (structural) condition, so that it can be easily reinstated once respread. Additionally, stockpiling soil should not cause soil erosion, pollute watercourses, or increase the risk of flooding in the surrounding area.

The following measures should be implemented to allow for proper soil handling during the works:

- Soil should be stored in an area of the site where it can be left undisturbed and will not interfere with site operations. Ground to be used for storing the topsoil should be cleared of vegetation and any waste arising from the development (e.g. rubble and fill materials).
- Soil should be maintained inert and free from contamination.
- Soil should not be compacted or covered with impermeable materials.
- Subsoil and topsoil should be stored separately and should not be mixed.
- Topsoil should first be stripped from any land that is to be used for storing subsoil.

- Soil should only be moved in dry weather when the soil is not too wet.
- When stored, soil should be bunded to keep soil aerated, reduce erosion, runoff and ponding and should:
 - be no more than 3m high for topsoil and 5m high for subsoil
 - be located on dry level ground
 - not disrupt natural surface drainage and be stored away from watercourses
 - be stable structures with side slopes between 25 degrees and 45 degrees

4.3 Reinstatement/Finishing

The following measures should be implemented during the final reinstatement/finishing of final of the agricultural lands:

- The final landform should ideally consist of a minimum of 30 cm topsoil and 90 cm subsoil.
- Appropriate field drainage should be incorporated during the improvement works. Field drainage should be carried out in accordance with the guidance outlined in the Teagasc Manual on Drainage and Soil Management¹.
- The general principles outlined in 4.1 should be followed during spreading, with subsoil spread prior to topsoil and no mixing of topsoil and subsoil.
- The compaction of soil should be avoided where possible and remedied prior to seeding through ploughing, aeration, etc.
- Remove stones from reinstated topsoil to avoid danger to livestock and damage to machinery.
- Boundary hedgerows and trees should be maintained to provide erosion control and provide water infiltration, nutrient cycling and carbon storage.
- Seeding grassland should be carried out following topsoil reinstatement, and incorporate the following:
 - Prepare a firm, fine seedbed.
 - Seed quickly after topsoil to avoid soil erosion.
 - Choose the most appropriate and profitable seed varieties using the Teagasc Pasture Profit Index.
 - Soil samples should be undertaken to establish the nutrient status, organic matter content, and pH of soils.
 - Spread lime and N,P and K, as required.
 - Roll after sowing and ensure the land is fenced stockproof.
 - Graze at a low cover and avoid silage/hay production for the first year.
 - Post-emergence spray 5-6 weeks after seeding

¹ Teagasc Manual on Drainage and Soil Management, 2nd Edition, Teagasc 2022

5. Conclusion

Agri Planning Services Ltd have undertaken an agricultural assessment for proposed land improvement works involving the importation and infilling of inert soil within an existing agricultural field at Rossana Lower, Rathnew, Co. Wicklow.

A site visit & field survey of the subject site and wider landholding was carried out by APS on 06th December 2025 to establish the current baseline agricultural conditions on site.

With regard to the current land use of the site and agricultural operations of the wider landholding, the proposed land reclamation works will provide for increased farm productivity, profitability and viability. The proposals will also provide additional environmental protection, improve animal welfare for livestock on the holding and allow safer vehicle and machinery operations.

The extent of the proposals, including proposed infill depths, is considered necessary to effectively integrate the finished site with the existing topography of the surrounding land and to ensure viable long-term drainage and farm operations following the improvement works.

It has been concluded that the proposed improvement works will benefit the agricultural lands and will promote the sustainable agricultural operations of the wider farm enterprise.

Recommendations and mitigation measures have been specified to ensure proper soil handling during stripping, infilling, and finishing works, to avoid damaging or contaminating valuable soil resources, minimise impacts on nearby water bodies, and optimise the productivity of the finished farmland.

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**Appropriate Assessment Screening for the Proposed Agricultural Land
Improvement at Rossana Lower, Rathnew, Co. Wicklow**



4th December 2025

Prepared by: Bryan Deegan (MCIEEM) of Altemar Ltd.

On behalf of: Helen Clarke

Document Control Sheet			
Project	Appropriate Assessment Screening for the Proposed Agricultural Land Improvement at Rossana Lower, Rathnew, Co. Wicklow		
Report	Appropriate Assessment Screening		
Date	04/12/2025		
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Planning	Kalvin Townsend-Smyth		04/12/2025

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Project: Infilling/Agricultural Land Improvement
Location: Rathnew, Co. Wicklow
Date: 04/12/2025
Drawn By: Kalvin Townsend Smyth (Altemar)

ALTEMAR
Multi-Agency Environmental Consultancy



Introduction

An Appropriate Assessment is an assessment of the potential effects of a proposed project or plan, on its own, or in combination with other plans or projects, on one or more European sites (Special Areas of Conservation (SAC) or Special Protection Areas (SPA)).

The following Appropriate Assessment (AA) (Screening Stage) has been prepared by **Altemar Ltd.** at the request of Helen Clarke. The proposed works relate to proposed agricultural land improvement at Rossana Lower, Rathnew, Co. Wicklow.

The AA Screening stage examines the likely significant effects of the proposed works, either on its own, or in combination with other plans and projects, upon a European site and considers whether, on the basis of objective scientific evidence, it can be concluded, in view of best scientific knowledge and the conservation objectives of the relevant European sites, that there are not likely to be significant effects on any European site.

Altemar Ltd.

Since its inception in 2001, Altemar has been delivering ecological and environmental services to a broad range of clients. Operational areas include residential, infrastructural, renewable, oil & gas, private industry, local authorities, EC projects and State/semi-State Departments. Bryan Deegan is the managing director of Altemar. Bryan is an environmental scientist and marine biologist with 30 years' experience working in Irish terrestrial and aquatic environments, providing services to the State, Semi-State and industry. Bryan Deegan (MCIEEM) holds a MSc in Environmental Science, BSc (Hons.) in Applied Marine Biology, NCEA National Diploma in Applied Aquatic Science and a NCEA National Certificate in Science (Aquaculture). Bryan Deegan carried out all elements of this Appropriate Assessment Screening.

Background to the Appropriate Assessment

The Habitats Directive 92/43/EEC (together with the Birds Directive (2009/1477/EC)) forms the cornerstone of Europe's nature conservation policy. The Directive protects over 1000 animals and plant species and over 200 "habitat types" which are of European importance. In the Habitats Directive, Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA, 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive. Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect European sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [EUROPEAN] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the component 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."

As outlined in "Managing European sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" (European Commission, 21 November 2018) *"The purpose of the appropriate assessment is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in combination with other plans or projects. The conclusions should enable the competent authorities to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus of the appropriate assessment is therefore specifically on the species and/or the habitats for which the European site is designated."*

As outlined in the EC guidance document on Article 6(4) (January 2007)¹:

"Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field."

Assessment procedures of plans or projects likely to affect European sites should guarantee full consideration of all elements contributing to the site integrity and to the overall coherence of the network, both in the definition of the baseline conditions and in the stages leading to identification of potential impacts, mitigation measures and residual impacts. These determine what has to be compensated, both in quality and quantity. Regardless of whether the provisions of Article 6(3) are delivered following existing environmental impact assessment procedures or other specific methods, it must be ensured that:

- *Article 6(3) assessment results allow full traceability of the decisions eventually made, including the selection of alternatives and any imperative reasons of overriding public interest.*
- *The assessment should include all elements contributing to the site's integrity and to the overall coherence of the network as defined in the site's conservation objectives and Standard Data Form, and be based on best available scientific knowledge in the field. The information required should be updated and could include the following issues:*
 - *Structure and function, and the respective role of the site's ecological assets;*
 - *Area, representativity and conservation status of the priority and nonpriority habitats in the site;*
 - *Population size, degree of isolation, ecotype, genetic pool, age class structure, and conservation status of species under Annex II of the Habitats Directive or Annex I of the Birds Directive present in the site;*
 - *Role of the site within the biogeographical region and in the coherence of the European network; and,*
 - *Any other ecological assets and functions identified in the site.*
- *It should include a comprehensive identification of all the potential impacts of the plan or project likely to be significant on the site, taking into account cumulative impacts and other impacts likely to arise as a result of the combined action of the plan or project under assessment and other plans or projects.*
- *The assessment under Article 6(3) applies the best available techniques and methods, to estimate the extent of the effects of the plan or project on the biological integrity of the site(s) likely to be damaged.*
- *The assessment provides for the incorporation of the most effective mitigation measures into the plan or project concerned, in order to avoid, reduce or even cancel the negative impacts on the site.*
- *The characterisation of the biological integrity and the impact assessment should be based on the best possible indicators specific to the European assets which must also be useful to monitor the plan or project implementation."*

¹ European Commission. (2007). Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission;

Stages of the Appropriate Assessment

This Appropriate Assessment screening was undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC, 2001), Part XAB of the Planning and Development Act 2000, as amended, in addition to the December 2009 publication from the Department of Environment, Heritage and Local Government; 'Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities' and the European Communities (Birds and Natural Habitats) Regulations 2011. In order to comply with the above Guidelines and legislation, the Appropriate Assessment process must be structured as follows:

1) Screening stage:

- Description of plan or project, and local site or plan area characteristics;
- Identification of relevant European sites, and compilation of information on their qualifying interests and conservation objectives
- Identification and description of individual and combination effects likely to result from the proposed project;
- Assessment of the likely significance of the effects identified above. Exclusion of sites where it can be objectively concluded that there will be no likely significant effects; and,

Conclusions

2) Appropriate Assessment (Natura Impact Statement):

- Description of the European sites that will be considered further;
- Identification and description of potential adverse impacts on the conservation objectives of these sites likely to occur from the project or plan; and,
- Mitigation Measures that will be implemented to avoid, reduce or remedy any such potential adverse impacts
- Assessment as to whether, following the implementation of the proposed mitigation measures, it can be concluded, beyond all reasonable scientific doubt, that there will be no adverse impact on the integrity of the relevant European Site in light of its conservation objectives"
- Conclusions.

If it can be demonstrated during the AA screening phase (Stage 1), that the proposed project will not have a significant effect, whether alone or in combination with other plans or projects, on the conservation objectives of a European site, then no further AA (Stage 2) will be required. It is important to note that there is a requirement to apply a precautionary approach to AA screening. Therefore, where effects are possible, certain or unknown at the screening stage, AA will be required.

In addition, it should be noted that Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an AA of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

Stage 1 Screening Assessment

Management of the Site

The proposed works are not directly connected with, or necessary to, the management of European sites.

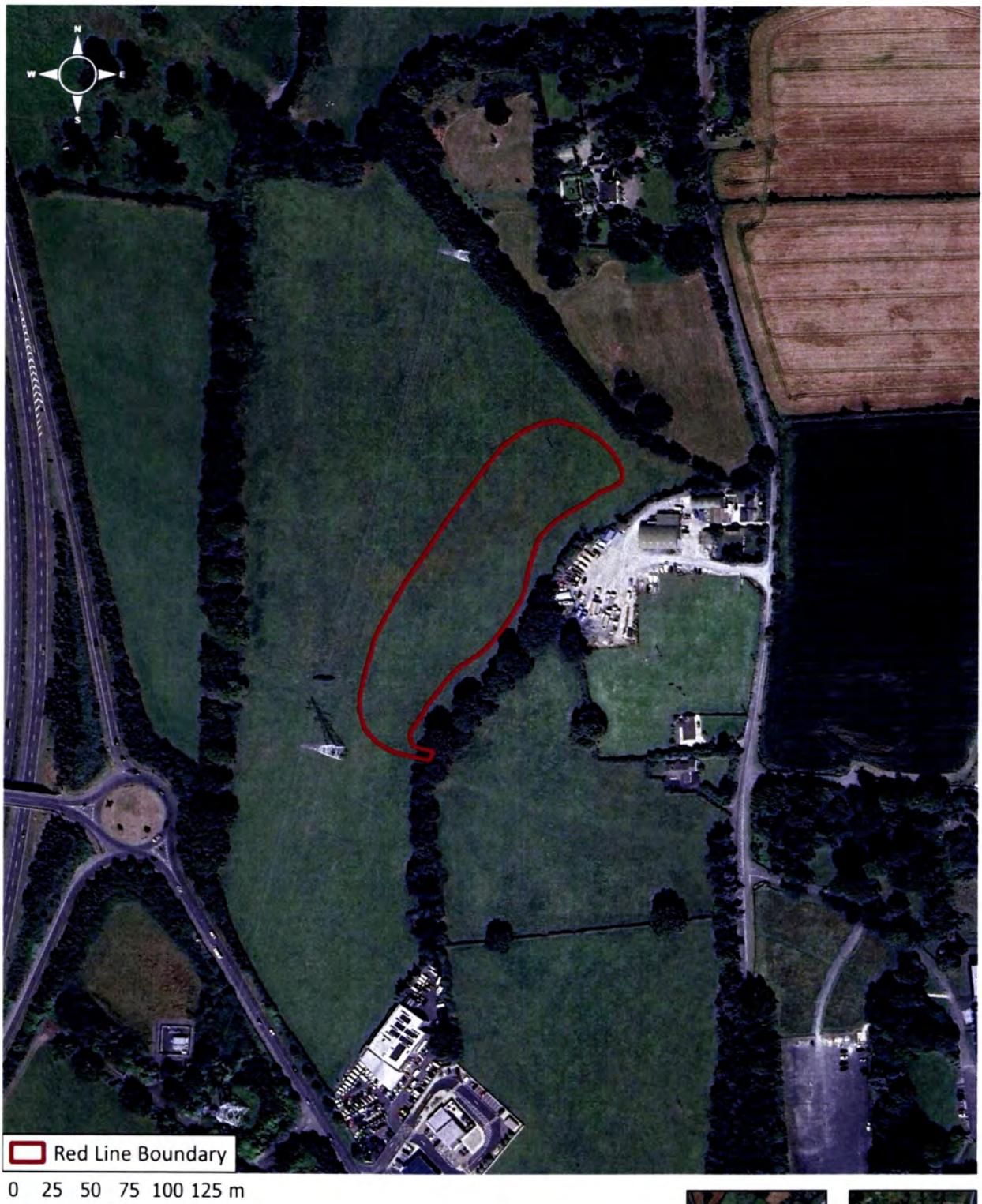
Description of the Proposed Works

The proposal is for the recontouring of agricultural land by the removal of topsoil and sub soil from an area within the landholding and infilling the areas to improve the future agriculture use of the land at Rathnew, Co. Wicklow, in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

The site outline and site location are shown in Figures 1 & 2. The site layout plan and site cross sections are shown in Figures 3 & 4.



Figure 1. Site outline



Project: Infilling/Agricultural Land Improvement
Location: Rathnew, Co. Wicklow
Date: 04/12/2025
Drawn By: Kelvin Townsend Smyth
(Altemar)

ALTEMAR
Marine & Environmental Consultancy



Figure 2. Site location

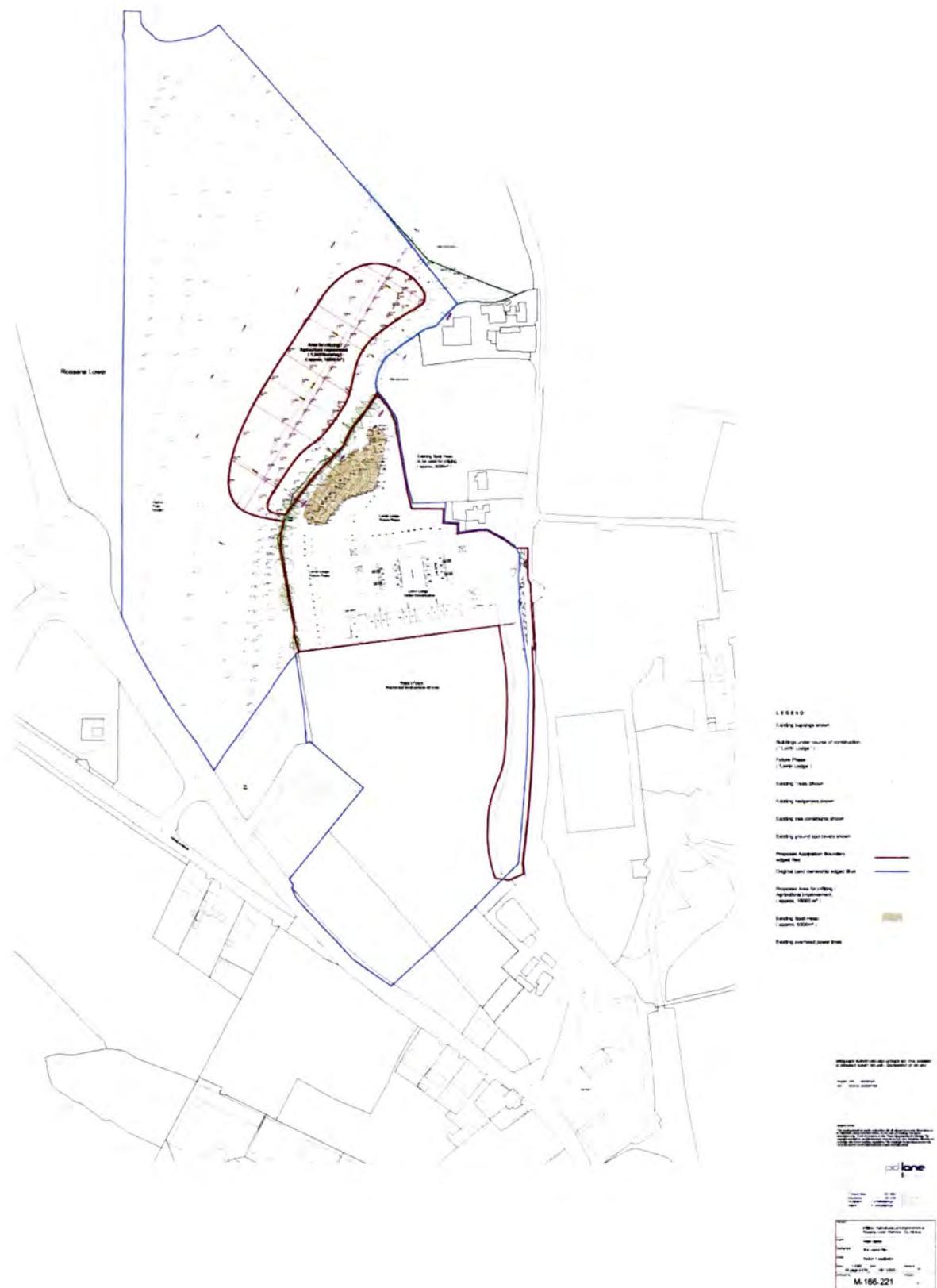


Figure 3. Site layout plan.

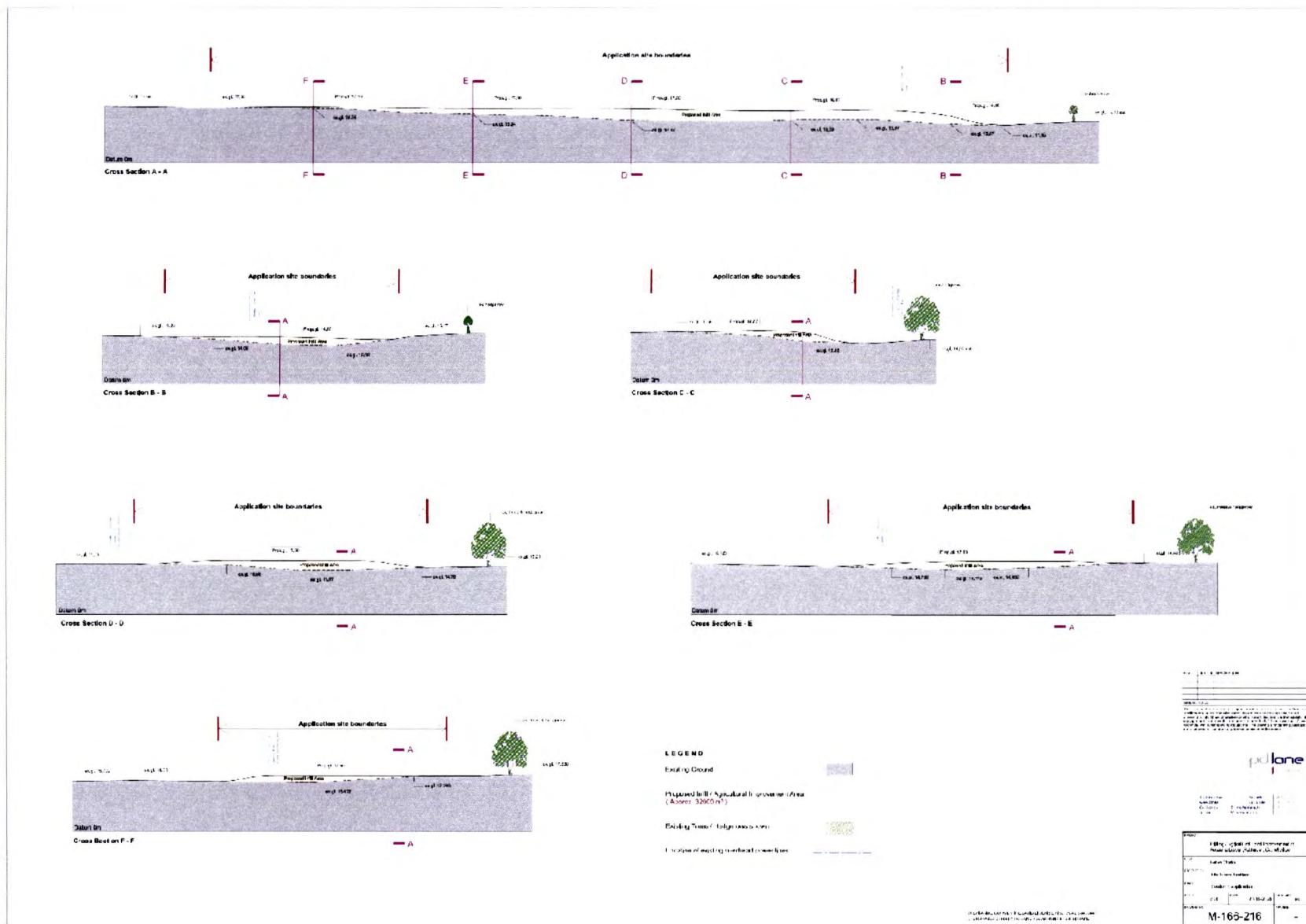


Figure 4. Site cross sections.

Field Survey

A field survey of the site of the proposed works was carried out by Altemar Ltd. on the 15th October 2025 by Kalvin Townsend-Smyth. Kalvin has over 6 years of experience in ecological consultancy including surveying for terrestrial mammals and invasive species for a range of development types in a variety of different environments. The purpose of the field surveys was to identify rare and protected species including terrestrial mammals such as badger (*Meles meles*) and otter (*Lutra lutra*), in addition to invasive species listed under the First Schedule of the European Union (Invasive Alien Species) Regulations 2024 (S.I. No. 374/2024). The survey was conducted within the optimal survey season for terrestrial mammals, however it was sub-optimal timing for invasive plant species. All areas of the site were accessible and there are no limitations seen in relation to the surveys.

Survey Findings

Terrestrial Mammals

No signs of badger or otter were identified on site, however a recently established fox den was identified immediate adjacent to the works area on the eastern side. The location of this den is displayed in Figure 1A in Appendix A. Photos of this den and other evidence of fox are also displayed in Appendix A (Plates 3-5).

Invasive Species

An extensive and well-established stand for Japanese Knotweed (*Reynoutria japonica*) was identified between the River Vartry and the northern boundary of the site. This is at an approximate distance of 200m from the edge of the proposed works. The extent and location of this infestation is displayed in Figure 1A. Photos are also displayed in Appendix A (Plate 6).

Identification of Relevant European Sites

The site of the proposed works is not within a European site. As outlined in 'OPR Practice Note PN01; Appropriate Assessment Screening for Development Management' by the Office of the Planning Regulator (2021) "*The zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. This should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15 km).*"

A key factor in the consideration as to whether a particular European site is likely to be affected by the proposed works is its distance from the location of the works. It is generally, but not necessarily, the case that the greater the distance from the plan or project the smaller the likelihood of impacts. The nearest European site is the Murragh Wetlands SAC located 1.3 km to the east of the site (Figures 5 and 7). There is no direct hydrological connection between the subject site and any European site. There are two nearby watercourses; the River Vartry which is located c. 200 m northwest of the site, and the Rathnew Stream which is located c. 400m south of the site (Figure 7). As the current site consists of an agricultural field, there is no existing surface water or foul water drainage on site, and none will be installed as part of the proposed works. Surface water will drain naturally over land and infiltrate through the soil before reaching any watercourse. No foul water will be produced as result of the proposed works. Therefore, there are no direct or indirect hydrological pathways for effects on European sites as a result of the proposed works, and in the absence of mitigation measures, no significant effects on any European site are foreseen from the proposed works.

The Zol of the proposed works would be seen to be restricted to the site outline, with potential for minor localised noise, and air quality impacts during the works which do not extend significantly beyond the site outline nor are they likely to have any significant effects on any European sites. Despite a lack of a direct hydrological connection to European Sites, but in the interest of carrying out a thorough assessment in line with both the Habitats Directive, and the precautionary principle, the area of assessment was expanded beyond the Zol to include designated sites within 15km of the site of the proposed works, and sites beyond 15km with the potential for a hydrological connection. This was done in the interest of ensuring that any pathways, however

indirect or remote, were considered. All European sites within 15km are listed in Table 1. The qualifying interests, and the potential impact of the proposed works on each European site and qualifying interest, are screened out in Table 2. No potential impacts are foreseen on European sites beyond 15km as there is no direct or indirect pathways to these sites.

SACs and SPAs within 15km of the site of the proposed works are demonstrated in Figures 5 and 6. Waterbodies and European sites located proximate to the proposed works are demonstrated in Figures 7.

Table 1. Proximity to designated sites of conservation importance within the ZOI of the proposed project

European Site	Code	Distance	Direct Hydrological / Biodiversity Connection
Special Areas of Conservation			
The Murragh Wetlands SAC	IE002249	1.3 km	No
Wicklow Reef SAC	IE002274	6.5 km	No
Deputy's Pass Nature Reserve SAC	IE000717	6.9 km	No
Magherabeg Dunes SAC	IE001766	8.6 km	No
Vale of Clara (Rathdrum Wood) SAC	IE000733	9.2 km	No
Wicklow Mountains SAC	IE002122	11.5 km	No
Buckroney-Brittias Dunes and Fen SAC	IE000729	11.7 km	No
Carriggower Bog SAC	IE000716	12.1 km	No
Glen of the Downs SAC	IE000719	13.9 km	No
Special Protection Areas			
The Murrough SPA	IE004186	1.2 km	No
Wicklow Head SPA	IE004127	5.2 km	No
Wicklow Mountains SPA	IE004040	13.3 km	No

Table 2. Initial screening of European sites within 15km and European sites beyond 15km with potential of hydrological connection to the proposed works.

European Site Code	Name	Screened IN/OUT	Details/Reason
Special Areas of Conservation			
IE002249	The Murragh Wetlands SAC	OUT	<p>Conservation Objectives To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] Alkaline fens [7230]</p> <p>Potential Impact The site of the proposed works is located approximately 1.3 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse. Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE002274	Wicklow Reef SAC	OUT	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Reefs [1170]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 6.5km km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000717	Deputy's Pass Nature Reserve SAC	OUT	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 6.9 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC, and the Qualifying Interest of this SAC are terrestrial.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE001766	Magherabeg Dunes SAC	OUT	<p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Annual vegetation of drift lines [1210]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 8.6 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000733	Vale of Clara (Rathdrum Wood) SAC	OUT	<p>Conservation Objectives</p> <p>To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 9.2 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC, and the Qualifying Interest of this SAC are terrestrial.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE002122	Wicklow Mountains SAC	OUT	<p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 11.5 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000729	Buckroney-Brittias Dunes and Fen SAC	OUT	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Alkaline fens [7230]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 11.7 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000716	Carriggower Bog SAC	OUT	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Transition mires and quaking bogs [7140]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 12.1 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC, and the Qualifying Interest of this SAC are terrestrial.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000719	Glen of the Downs SAC	OUT	<p>Conservation Objectives</p> <p>To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 13.9 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC, and the Qualifying Interest of this SAC are terrestrial.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
Special Protection Areas			
IE004127	Wicklow Head SPA	OUT	<p>Conservation Objectives</p> <p>To restore the favourable conservation condition of the Annex I species for which the SPA has been selected.</p> <p>Qualifying Interests</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Potential Impact</p> <p>The site of the proposed works is located 5.2 km from this SPA. There is no direct or indirect hydrological pathway from the proposed works to this SPA. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>grassland and infiltrate through the soil before reaching this watercourse. The site of the proposed works does not provide any suitable <i>ex-situ</i> foraging habitat for the Qualifying Interest of this site.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SPA. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE004186	The Murrough SPA	OUT	<p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I species and associated wetland habitat for which the SPA has been selected.</p> <p>Qualifying Interests</p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001] Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Teal (<i>Anas crecca</i>) [A052] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Herring Gull (<i>Larus argentatus</i>) [A184] Wigeon (<i>Mareca penelope</i>) [A855] Little Tern (<i>Sternula albifrons</i>) [A885] Wetland and Waterbirds [A999]</p> <p>Potential Impact</p> <p>The site of the proposed works is located 1.2 km from this SPA. There is no direct or indirect hydrological pathway from the proposed works to this SPA. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse. While the site does provide suitable habitat for <i>ex-situ</i> foraging Light-bellied Brent Goose, there are no records for this species within or adjacent to the location of the proposed works held by the National Biodiversity Data Centre. Furthermore, the wider landscape in which the proposed works will take place is largely agricultural, with an abundance of suitable foraging habitat for this species, most of which would be of higher quality and in closer proximity to the SPA.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SPA. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE004040	Wicklow Mountains SPA	OUT	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the Annex I species for which the SPA has been selected.</p> <p>Qualifying Interests</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Potential Impact</p> <p>The site of the proposed works is located 13.3 km from this SPA. There is no direct or indirect hydrological pathway from the proposed works to this SPA. Furthermore, the site of the proposed works does not provide suitable <i>ex-situ</i> foraging or breeding habitat for the Qualifying Interests of this SPA.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SPA. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>

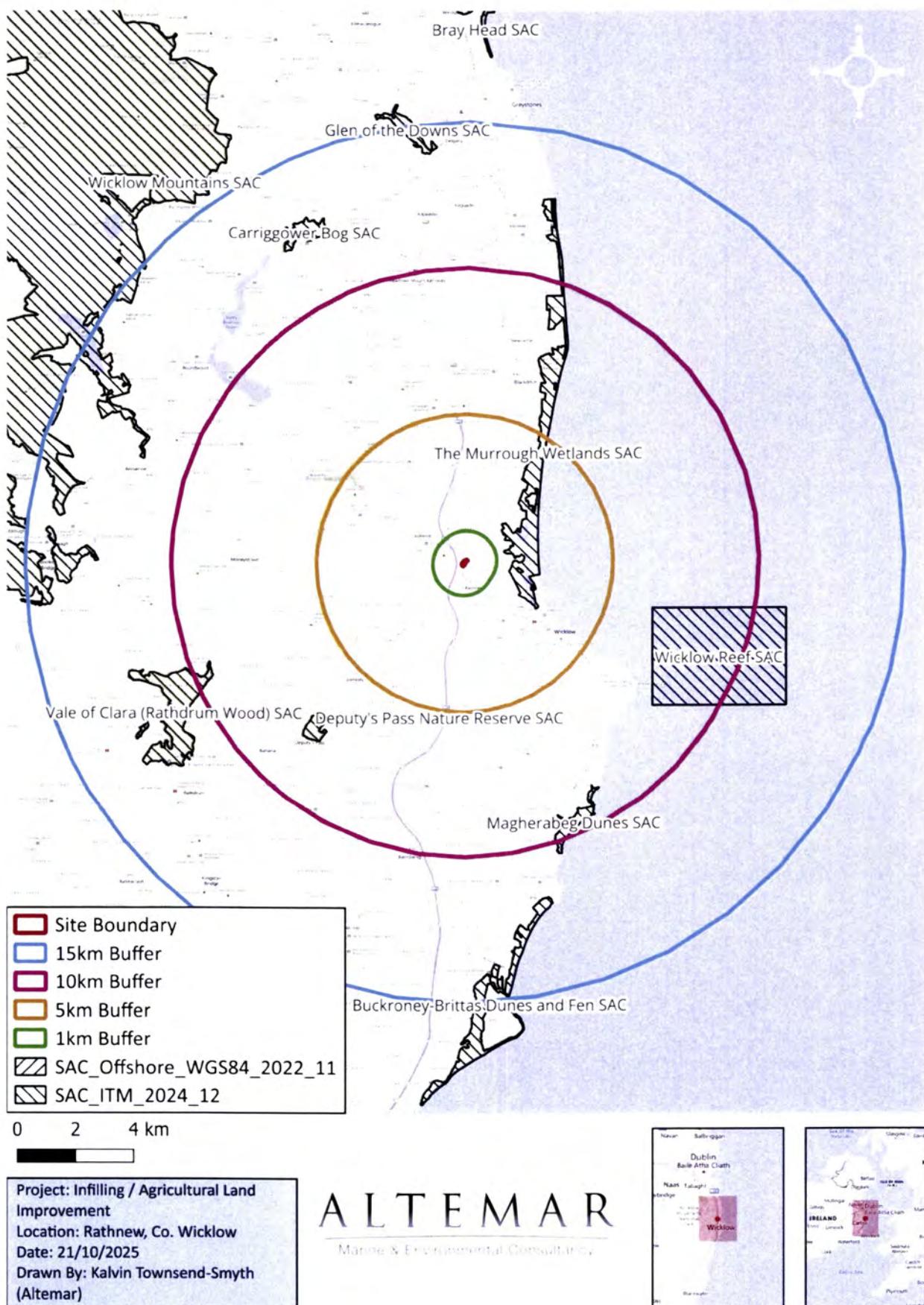


Figure 5. SACs within 15km of the subject site

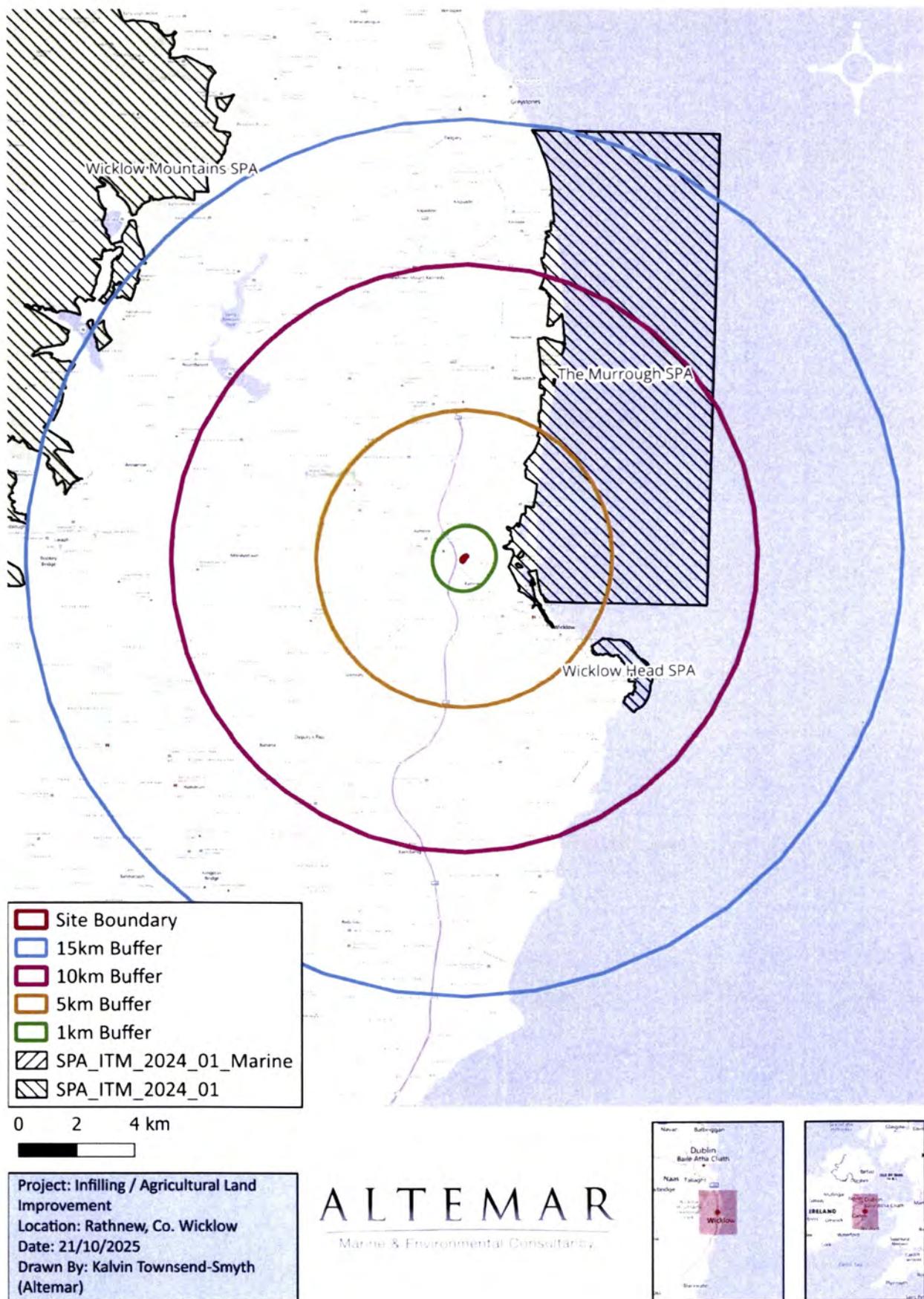


Figure 6. SPAs within 15km of the subject site.



Figure 7. Watercourses and SACs within 1km of the subject site.

In-Combination Effects

There are several development proposals located in the areas surrounding the subject site (last 5 years) that have been assessed for potential in-combination effects through the examination of planning documentation. It is noted that much of the development within the vicinity of the site relate to applications for single private dwelling extensions and small-scale works. The larger scale residential developments are either completed or largely completed. The following is a list of planning application(s) as identified on the Department of Housing, Local Government and Heritage's 'National Planning Application Database' portal:

Table 3. Approved planning applications proximate to the subject site

Ref. No.	Address	Proposal
23854	Site at Rossana Lower and Newrath, Rathnew, Co. Wicklow	Proposed 80 No. residential units (64 No. houses and 16 No. duplexes) and childcare facility of 196 sq.m together with all associated site development works including estate roads, footpaths, car parking, bins and storage, boundary treatment, services infrastructure including watermains, foul sewerage, surface water sewerage and on-site attenuation tanks. The proposed development includes for measures to upgrade and realign the Newcastle Road (R761) which will provide for turning lanes at the entrance to the proposed development and Wicklow County Campus (Clermont) and a new uncontrolled pedestrian crossing. A sloped landscaped area located between the existing Clermont demesne wall and the new road realignment is proposed, and a partial demolition of Clermont demesne wall to facilitate the proposed realignment. A new two-way shared pedestrian/ cyclist path is proposed along the western side of the proposed realignment from the site entrance to the roundabout junction at the Rathnew Relief Road. A new surface water open drain is proposed from the proposed development along the western side of the proposed new public footpath/ cycle lane which is then piped further south under the proposed realignment Newcastle Road (R761), and out onto Tighe avenue (R772) where it will drain further south to an existing surface water manhole on Main Street. Watermain and foul sewerage connections are proposed into the existing public mains in the vicinity. The proposed foul sewerage will be piped under the Newcastle Road (R761) up to the existing public sewer on Tighe Avenue (R772).
2460722	Maxol Service Station Rathnew Tighe Avenue, Rossana Lower, Wicklow	The proposed development will consist of: alterations to car parking provision (total car parking will reduce from 45 No. to 34 No. plus 6 No. EV charging spaces); construction of a roofed EV shelter and associated plant and substation within a 2.9m high fence; associated signage (6 No. x 2.5 sq m EV charge point signs, and an internally illuminated 4.8m high double-sided freestanding sign (total 19 sq m)); and hard and soft landscaping and all associated site development works above and below ground.
21849	Maxol Building , Tighe Avenue , Rosanna Lower	Development will consist of alterations to the layout of the existing Maxol building, incorporating the re-arrangement of the existing hot and cold food preparation areas, food serving counter layout and associated dining areas, for the continued sale for consumption on or off the premises of hot and cold food including pizza preparation and takeaway, together with revisions to the paving/landscaped areas adjacent to the Southern and Western facades as granted permission under Pla. Ref No. 18/784 at Tighe Avenue, Rosanna Lower.
201170	Maxol Rathnew, Tighe Avenue Rossana Lower, Rathnew Co. Wicklow	Off-license area of 12.00m ² within, and subsidiary to the existing retail area of 100m ² , and for Retention Permission of the following (a) a 1 tonne LPG over ground tank, (b) a car wash plant & solid fuel store (area 19.00m ²), (c) a mechanical plant room & water tank storage shed (area 15.00m ²), (d) a store room shed (area 12m ²), (e) an electrical room (area 4.00m ²) and (f) the as-built divide between the retail and seating areas as permitted under Con.5 of Reg Ref 18/784.
20952	Newrath, Rathnew, Co. Wicklow	Relocation of an existing agricultural entrance to the west of the existing entrance.
191378	Wicklow County Campus, Rathnew, Co. Wicklow	Enterprise hub which will consist of alteration and refurbishment of the courtyard cottage and conversion to office use. Alterations include formation of additional window openings and enclosing the carriage arch to create a new stairwell, upgrading of the courtyard storage outbuildings including reslating and improvements to the roof structure, demolition of redundant farm outbuildings

Ref. No.	Address	Proposal
		to the north of the courtyard to facilitate construction of new 2 storey office building with main entrance to the Enterprise Hub, roof mounted PV solar array and link element to the refurbished courtyard office, associated services, set down bay, accessible car parking, e car parking posts, hard and soft landscaping, refurbishment of section of former dormitory 2nd floor level of the school block and conversion to office use, alterations and refurbishment of former school chapel and conversion to conference centre, new foul effluent pumping station to serve Wicklow County Campus with rising main to the public sewer.
24447	west of M11 Junction 16, Rosanna Upper, Ashford	Part 8 for a strategic Park & Ride facility located to the west of M11 Junction 16 at Rosanna Upper in the village of Ashford. The proposed development comprises a car park with a capacity of 210 parking spaces, including 13 spaces for mobility impaired users and 21 spaces for charging of electric vehicles. The project includes the construction of a new bus area that consists of two bus bays, two passenger shelters, and a designated turning circle. A new all-movement junction is proposed at Fassaroe Lane, incorporating a dedicated lane for right-turning traffic. The development also plans to incorporate paved areas for bike shelters and lockers, facilitating connections for active travel and ancillary works (for submission details please see the development site notice).
2360219	Site of c.16.8ha, at Tinakilly, Rathnew	LARGE SCALE RESIDENTIAL DEVELOPMENT - (a) Construction of 352 no. residential units (b) The proposed development will connect to the Tinakilly Park residential development and Rathnew Village via a new section of the Rathnew Inner Relief Road. The proposed road will join the constructed/under construction elements permitted under WCC Ref. 17/219/ ABP Ref. PL27.301261 and amended under WCC Ref. 22/837 to the south with a section of the link road to the northwest of the site at the R761 roundabout in Rathnew granted under WCC Ref. 21/1333. This includes all associated vehicular and pedestrian access, carriageways, paths and junctions. (c) No proposed works to Tinakilly Country House Hotel (a protected structure Reference No. 25-15) save for works to close the western portion of Tinakilly avenue to vehicular traffic and the provision of a new vehicular entrance and gates along the eastern portion of Tinakilly Avenue off the Rathnew Inner Relief Road to facilitate access to Tinakilly House and other properties to the east of the site accessed from Tinakilly Avenue. (d) All associated site development works, service provision, infrastructural and drainage works, provision of esb substations, bin stores, bicycle stores, car parking, public lighting, landscaping, open space, and boundary treatment works. (e) The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement. The application site is generally bounded to the north by greenfield lands, to the east by Tinakilly Country House Hotel (which is a Protected Structure RPS No. 25-15), to the west/southwest by commercial development, the R750 Wicklow – Rathnew Road and Rathnew Village; and to the south by the Tinakilly Park residential development currently under construction.
211333	Rathnew , (generally bounded by the Clermont Campus to the north and east; the R761 to the north west; and the R772 and an existing dwelling to the west) , Co Wicklow	Amendments to permitted development WCC Reg. Ref. 16/1444 for the permitted (undeveloped) residential element comprising 36 no. units consisting of 16 no. houses ranging from c.110sqm to 165sqm each and 20 no. apartments ranging from c.74sqm to c.120sqm each. Permission is sought to replace the 36 no. permitted units with 41 no. houses and 4 no. apartments (consisting of 34 no. 3-4 bedroom semi detached 2 storey houses c. 111sqm - c.130sqm each; 7 no. 2-3 bedroom terraced 2 storey houses c.85sqm - c.111sqm each; 4 no. 1 bedroom apartments arranged over 2 storeys c. 52sqm- c.58sqm each and all associated private rear gardens). Since the granting of permission under Ref. 16/1444, a section of the new link road extending east from the new roundabout has been redesigned and permission is now sought for these changes. No changes are proposed to the balance of development comprising the fully constructed, completed, and occupied village centre. All associated site development works, services provision, new vehicular and pedestrian access from the new link road to the north of the site, pedestrian access from the proposed plaza to the south west of the site and all internal roads and footpaths, open space provision including 3 no. residential open spaces, public plaza and the existing woodland,

Ref. No.	Address	Proposal
		landscaping, boundary treatment works, tree removal, 84 no. car parking spaces and bin stores. This application is accompanied by a Natura Impact Statement.

In relation to planning ref. 23854, the planning report states the following in relation to Appropriate Assessment:

'Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development'

In relation to planning ref. 23854, the planning report states the following in relation to Appropriate Assessment:

'Having regard to the existing development on site and the nature, scale and location of the proposed development it is considered that the proposed development would not give rise to any adverse impacts on the qualifying interests and conservation objectives of Natura 2000 sites in the vicinity. The proposed development, therefore, not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.'

In relation to planning ref. 20952, the planning report states the following in relation to Appropriate Assessment:

'Having regard to the nature and scale of the proposed development, the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site and therefore a Stage 2 Appropriate Assessment is not therefore required.'

In relation to planning ref. 191378, the AA Screening report prepared by Moore Group Environmental Services and submitted as part of the application concluded the following:

'It has been objectively concluded by Moore Group Environmental Services that:

1. *The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.*
2. *The proposed Project is unlikely to indirectly significantly affect the Qualifying Interests or Conservation Objectives of the European sites considered in this assessment.*
3. *The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.*
4. *It is possible to conclude that significant effects can be excluded at the screening stage.*

'It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.'

In relation to planning ref. 24447, the AA Screening report prepared by Doherty Environmental Consultants Ltd. and submitted as part of the application concluded the following:

'In light of the findings of this report it is the considered view of the authors of this Screening Report for Appropriate Assessment that it can be concluded by Wicklow County Council that the project is not likely, alone or in combination with other plans or projects, to have a significant effect on any European sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.'

In relation to planning ref. 2360219, Nature Impact Statement prepared by Scott Cawley Ltd. and submitted as part of the application concluded the following:

'It has been objectively concluded by Scott Cawley Ltd., following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development, and the effective implementation of the mitigation measures prescribed that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.'

In relation to planning ref. 211333, the AA Screening report prepared by Altemar Ltd. and submitted as part of the application concluded the following:

'Following the implementation of the mitigation measures outlined, the construction and presence of this development would not be deemed to have a significant impact. No significant impacts are likely on Natura 2000 sites, alone or in combination with other plans or projects based on the implementation of standard construction phase mitigation measures. ... No significant effects are likely on Natura 2000 sites, their qualifying interests or conservation objectives. The proposed project will not adversely affect the integrity of European sites.'

In conclusion, upon examination of the above listed plans and projects, it is considered that in combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant and localised. It is concluded that there is no potential for any other plan or project to adversely affect the integrity of any European sites in-combination with the proposed works.

Conclusions

The site of the proposed works is located within an agricultural environment and is bounded to the east by active construction of a residential development. The nearest European site is the Murrough Wetlands SAC (1.2 km). There is no direct hydrological connection between the subject site and any European site. There are two nearby watercourses; the River Vartry which is located c. 200 m northwest of the site, and the Rathnew Stream which is located c. 400m south of the site. As the current site consists of an agricultural field, there is no existing surface water or foul water drainage on site, and none will be installed as part of the proposed works. Surface water will drain naturally over land and infiltrate through the soil before reaching any watercourse. No foul water will be produced as result of the proposed works. Therefore, there are no direct or indirect hydrological pathways for effects on European sites as a result of the proposed works, and in the absence of mitigation measures, no significant effects on any European site are foreseen from the proposed works.

Having taken into consideration the surface water drainage from the site of the proposed works, the distance between the proposed works to designated conservation sites, the lack of direct hydrological pathway or biodiversity corridor link to conservation sites, it is concluded that the proposed works would not give rise to any significant effects to designated sites. The proposed works will not impact on the conservation objectives of qualifying interests of European sites.

This report presents a Stage 1 Appropriate Assessment Screening for the proposed works, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the proposed works, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or European site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the proposed works, individually or in combination with other plans or projects is likely to have a significant effect on any European site.

Data Used for AA Screening

NPWS site synopses and Conservation objectives of sites within 15km were assessed. The most recent SAC and SPA boundary shapefiles were downloaded and overlaid on road maps and satellite imagery. Data obtained from a site visit was also used to inform this assessment.

Findings of No Significant Effects Report

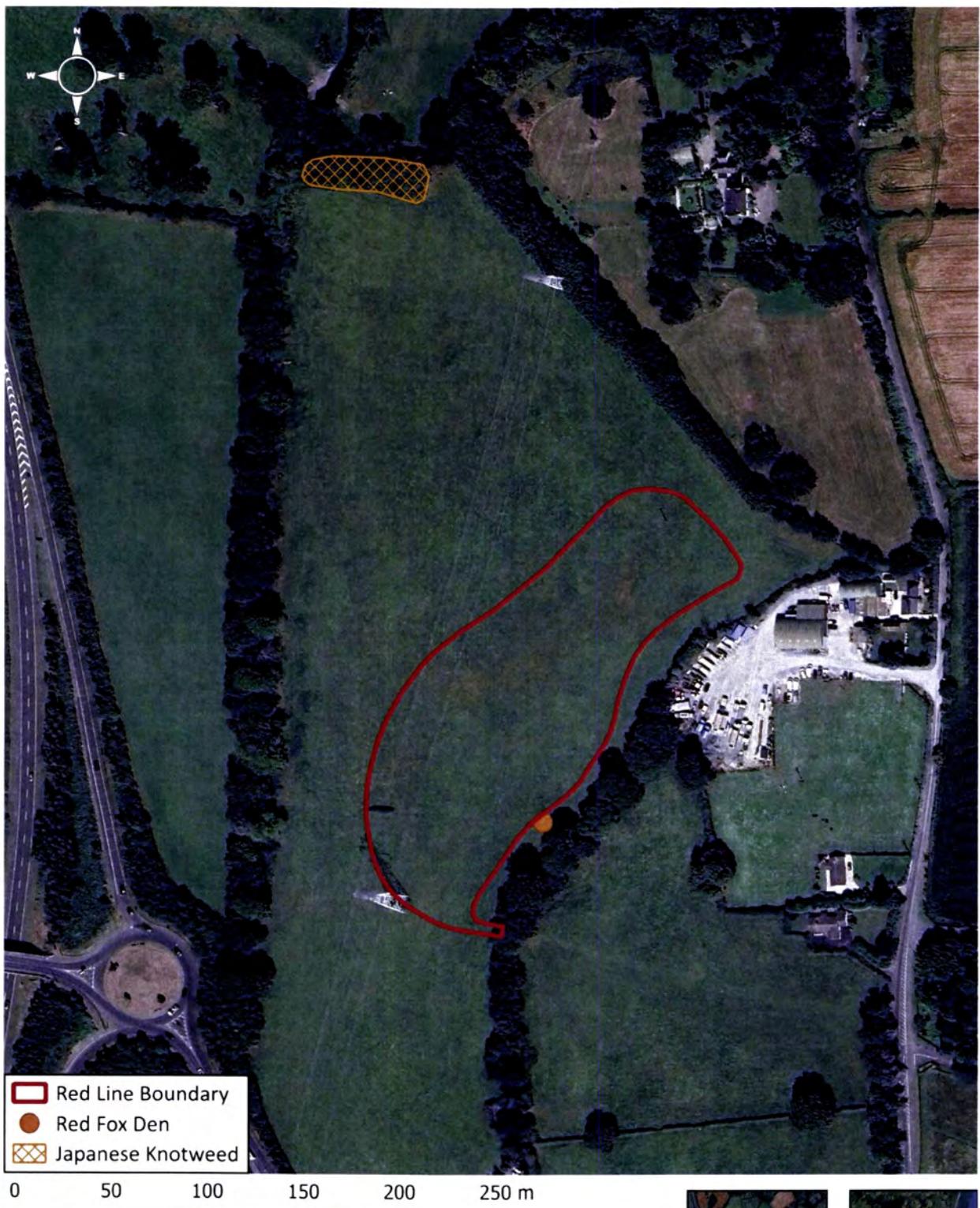
Details of Project	Appropriate Assessment Screening for the Proposed Agricultural Land Improvement at Rossana Lower, Rathnew, Co. Wicklow
Name of European Sites Within 15km	<p>The Murragh Wetlands SAC Wicklow Reef SAC Deputy's Pass Nature Reserve SAC Magherabeg Dunes SAC Vale of Clara (Rathdrum Wood) SAC Wicklow Mountains SAC Buckrone-Brittias Dunes and Fen SAC Carriggower Bog SAC Glen of the Downs SAC The Murrough SPA Wicklow Head SPA Wicklow Mountains SPA</p>
Project Description	The proposal is for the recontouring of agricultural land by the removal of topsoil and sub soil from an area within the landholding and infilling the areas to improve the future agriculture use of the land at Rathnew, Co. Wicklow, in accordance with Section 5 of the Planning and Development Act 2000 (as amended).
Is the Project directly connected with the management of the European site?	No
Details of any other projects or plans that together with this project could affect the EUROPEAN site	None
The assessment of significant effects	
Describe how the project is likely to affect the EUROPEAN site	No Impact Predicted
Response to consultation	N/A
Data collected to carry out the assessment	Supporting NPWS data and field survey data.
Who carried out the assessment	Altemar Ltd.
Sources of data	Field survey, NPWS website, standard data form, conservation objectives data of the site and references outlined in the AA Screening Report.
Explain why the effects are not considered significant	No European sites are within the zone of influence of these works. There is no direct or indirect hydrological pathway for pollutants to European sites. The proposed works are set back from the nearest watercourse (the River Vartry) at an approximate distance of 200m. Therefore, any surface water on site during the proposed works will drain naturally across open grassland and infiltrate through the soil before reaching any watercourse. Having taken into consideration the surface and foul water discharge from the proposed development, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway to conservation sites and the dilution effect and treatment of effluent and surface runoff, it is concluded that the proposed development would not give rise to any significant effects to designated sites.
Level of assessment completed	Stage 1 Screening
Overall conclusions	On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best

	scientific knowledge and in view of the conservation objectives of the relevant European sites, the proposed works, individually or in combination with other plans or projects is likely to have a significant effect on any European site.
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13. NPWS (2017) Conservation Objectives: Wicklow Mountains SAC (Site Code: 002122). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage..
14. NPWS (2017) Conservation Objectives: Buckronny-Brittias Dunes and Fen SAC (Site Code: 000729). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage..
15. NPWS (2019) Conservation Objectives: Carrigower Bog SAC (Site Code: 000716). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
16. NPWS (2020) Conservation Objectives: Glen of the Downs SAC (Site Code: 000719). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
17. NPWS (2024) Conservation Objectives: The Murrough SPA (Site Code: 004186). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
18. NPWS (2024) Conservation Objectives: Wicklow Head SPA (Site Code: 004127). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
19. NPWS (2024) Conservation Objectives: Wicklow Mountains SPA (Site Code: 004040). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

Appendix A - Survey Findings



ALTEMAR
Marine & Environmental Consultancy



Figure 1A. Survey findings.



Plate 1. Northwestern view of the site of the proposed works.



Plate 2. Northeastern view of the site of the proposed works.



Plate 3. Fox den.



Plate 4. Signs of feeding/scavenging and fox scat.



Plate 4. Fox print.



Plate 6. Stand of Japanese Knotweed.



Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

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FAO Kathy McNally
Brock McClure Planning &
Development Consultants
63 York Road
Dun Laoghaire
Co. Dublin

17th of November 2025

Re: Application for Certificate of Exemption under Section 5 of the Planning & development Acts 2000 (as amended) - EX122/2025

A Chara,

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended) received on the 23rd of October 2025, as to whether “*the recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use*” at Rosanna Lower and Newrath, Rathnew, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

To fully assess the Section 5 query, you are requested to submit further details concerning the proposed development, as follows:

1. There is disparity in the details submitted noting that Page 6 of the supporting statement prepared by Brock Mc Clure refers to the importation of 32,000 cubic metres of soil while page 7 of the same report refers to the infilling of the site with c. 10,000 cubic metres of soil. Clarity is required in this regard.
2. It is stated that the recontouring is required to improve the condition of the land for future agricultural use and minimise the risk of poaching from livestock so the site can be used for livestock foraging. No Agricultural Consultant Report have been submitted with the Section 5 Declaration outlining details of the size, nature and location of the full farm landholding and demonstrating why these lands are currently not of a suitable standard for livestock and agriculture and why there is a risk of poaching of livestock.
3. The details submitted state that the soil to be used is to be taken from the adjoining field to the west of the site, however it is noted that the adjoining field to the west does not appear to be in the ownership of the applicant and the drawings, details and cross sections do not show where the material is to be taken from and the impact the removal of this material will have on the levels and agricultural viability of the field to the west.
 - a) The applicant is requested to submit details including a revised OS map, clearly showing the field from where soil is to be removed from and cross sections showing the impact this will have on the removal site in terms of level difference.

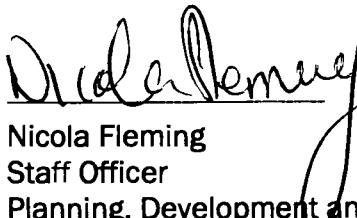


b) The site from where the soil is to be removed from shall be included in the Agricultural Consultant Report outlining how the works will improve the site in question also making it more viable for agricultural use.

NOTE: Having regard to the above, while the site as indicated is not located within or adjoining any Natura 2000 site, and is sufficient distance from any rivers or streams in so far as it is not hydrologically connected to any Natura 2000 site, noting the applicant has indicated that material is to be removed from an adjoining field to the west but has not provided any detail on this field, the need for AA cannot be fully screened out in the absence of this information.

4. Insufficient details have been submitted with regard to the scale of the works, or to show that they would not come within the description or scale of works requiring EIA as set out in Part 2 of Schedule 5 : Other Projects - (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule. Noting that the details submitted indicated that the soil is to be taken from an adjoining field to the west, details of the tonnage of soil to be imported from this adjoining field and the total combine site area shall be submitted.

Mise, le meas


Nicola Fleming
Staff Officer
Planning, Development and Environment

Section 5 Application Reference EX 122/2025

Date : 14/11/2025

Applicant : Helen Clarke

Address : Rossanna Lower and Newrath, Rathnew, Co. Wicklow

Exemption Whether or not :

Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Relevant Legislation

Planning and Development Act 2000 (as amended)

Section 2 of the Planning and Development Act 2000:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and “agricultural” shall be construed accordingly;

“land” includes any structure and any land covered with water (whether inland or coastal);

“structure” means any building, structure, excavation, or other thing constructed or

made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 :

3.—(1) In this Act, “development” means, except where the context otherwise requires “development” means

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021.

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

(a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or

(b) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

(ii) the storage of caravans or tents, or

(iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders’ waste, rubbish or debris, the use of the land shall be taken as having materially changed.

Section 4(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

(l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced or works consisting of land reclamation or reclamation of estuarine marsh land and of callows, referred to in section 2 of that Act.]

Section 4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—
(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
(b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

Planning and Development Regulations 2001(as amended).

Article 5

“Wetlands” means natural or artificial areas where biogeochemical functions depend notably on constant or periodic shallow inundation, or saturation, by standing or flowing fresh, brackish or saline water.

Article 8

8 Works specified in a drainage scheme confirmed by the Minister for Finance under Part II of the Arterial Drainage Act 1945 (No. 3 of 1945) or the Arterial Drainage (Amendment) Act 1995 (No. 14 of 1995), carried out by, on behalf of, or in partnership with, the Commissioners, with such additions, omissions, variations and deviations or other works incidental thereto, as may be found necessary by the Commissioners or their agent or partner in the course of the works, shall be exempted development

8C Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development

Article 6 (3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article

Development to which article 6 relates shall not be exempted development for the purposes of the Act—
(a) if the carrying out of such development would—

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

CLASS 11

Development consisting of the carrying out of drainage and/or reclamation of wetlands

Limitations

1. The area to be affected shall not exceed 0.1 hectares.
2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.

Land reclamation Act 1949

S(1)

works" refers to the following or any of them:—

- (a) field drainage;
- (b) land reclamation;
- (c) the construction and improvement of watercourses;
- (d) the removal of unnecessary fences;
- (e) the construction of new fences and the improvement of existing ones;
- (f) improvement of hill grazing;
- (g) reclamation of estuarine marsh land and of callows;
- (h) any operations ancillary to the foregoing.

Relevant Referrals

ABP-315532-23

An Bord Pleanala concluded that the construction of an agricultural shed (194.5 square metres) with access roadway and land improvement works that involve importing 9000 cubic metres of topsoil and subsoil (stated to be imported from building sites) over a two year period used to raise the site by up to 500 millimetres and all associated services at Cloghaun, Claregalway, County Galway is development and is not exempted development as

- As the intended agricultural structure, as measured on the submitted site layout plan, would be sited closer than 100 metres of the closest house, where there is no evidence that it is the house of the person providing the agricultural shed structure and where the consent of either the owner or occupier or person in charge thereof has not been provided, this element of the development set out in the referral question does not come within the Condition and Limitation 6 of Class 6 of Part 3 of Schedule 2 to article 6 of the Planning and Development Regulations 2001, as amended, and therefore, the proposed agricultural shed is not exempted development,
- No evidence has been provided in relation to effluent storage facilities being adequate and therefore, it cannot be ascertained that Condition and Limitation 3 of Class 6 of Part 3 of Schedule 2 to article 6 of the Planning and Development Regulations 2001, as amended is met and therefore, the new agricultural shed is not exempted development,
- The works comprising infilling of land, by importing material (stated to be topsoil and subsoil from building sites) does not include any evidence that the material is not a 'waste' and is, therefore, presumed as comprising a waste and the importation of a waste material does not come within the meaning of the term 'land reclamation', as set out in article 8C of Part 2 of the Planning and Development Regulations, 2001, as amended, and therefore, the importation of soils and stone material from building sites as described does not constitute exempted development
- As the possibility exists that the construction of the stated proposed land improvements through importation of material (stated to be topsoil and subsoils from building sites and hereby presumed to be waste) to the site may lead to a loss of water quality in the Lough Corrib Special Area of Conservation and Special Protection Area, under the precautionary principle, appropriate assessment cannot be excluded, and therefore, under section 4(4) of the Planning and Development Act 2000, as amended, these improvements are not exempted development.

RL 3609

An Bord Pleanala concluded that the spreading of clean topsoil and subsoil on lands for agricultural use and the importing of that soil for recontouring of land at Oldcourt Lane, Oldcourt, Ballycullen, Dublin is development and is not exempted development:

- (a) the importation and spreading of soil for the purpose of recontouring land constitutes works, and is, therefore, development as defined in Section 2 and Section 3, respectively, of the Planning and Development Act, 2000, as amended,
- (b) the proposed works would not comply with Condition and Limitation number 1 of Class 11 of Part 3 of Schedule 2 (Land Reclamation) and with the provisions set out within Article 6(3) of the Planning and Development Regulations, 2001, as amended. The proposed works would not, therefore, comprise exempted development under Article 6(3),
- (c) having regard to the nature of the proposed development, which entails the importation of material to the site which the Board is not satisfied is not waste material, the development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001, as amended, in respect of Land Reclamation, and does not, therefore, comprise exempted development under Article 8C, and
- (d) land reclamation comes within the scope of works referred to in the Land Reclamation Act, 1949, and would normally constitute exempted development as set out in section 4(1)(l) of the Planning and Development Act, 2000, as amended. However, the works in question, comprising infilling of land, by imported material which the Board is not satisfied is not waste material, do not come within the meaning ascribed to land reclamation, as set out in article 8C of the Planning and Development Regulations, 2001, as amended, and therefore, do not constitute exempted development under section 4(1)(l) of the Act.

RL 3540

An Bord Pleanála, has concluded that the recovery of surplus excavated inert soil and the importing of that soil for infilling low lying area at Dunancory, Virginia, County Cavan is development and is not exempted development for the following reasons :

- (a) the importation of soil for the purpose of infilling a low lying area of land constitutes 'works' and alteration of that land, and therefore 'development' as defined in section 2 and section 3, respectively, of the Planning and Development Act, 2000, as amended,
- (b) the development does not come within the scope of the exemption set out under section 4(1)(l) of the Planning and Development Act 2000, as amended by the Environment (Miscellaneous Provisions) Act 2011,
- (c) the development does not come within the scope of the exemption set out in Article 8C of the Planning and Development Regulations, 2001, as amended, in respect of Land Reclamation, because it is proposed to import material from outside the landholding in order to carry out the development, and furthermore the material proposed to be imported is a waste material (noting that the recovery of excavated inert soil, for the purpose of the improvement or development of land, is identified as a waste activity in the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended),
- (d) the development does not come within the scope of Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, (Land Reclamation - infilling of wetlands) because of non compliance with the Conditions and Limitations Column 1 of that Class, as the area in question exceeds the 0.1 hectares, and
- (e) as no exemptions are available for the development in question, it is not necessary for the Board to examine whether appropriate assessment issues or traffic hazard issues arise:

RL2987 –

WHEREAS a question has arisen as to whether the importation of inert soils and overburden materials for spreading on agricultural land at Barntick, Clarecastle, County Clare is or is not development or is or is not exempted development:

An Bord Pleanála, concluded that the said importation of inert soils and overburden materials for spreading on agricultural land at Barntick, Clarecastle, County Clare is development and is not exempted development as

- (a) the importation of soils and overburden for spreading on agricultural land constitutes development as defined in Section 3 of the Planning and Development Act 2000, as amended, and
- (b) the soils and overburden materials to be imported to the farm holding constitute 'waste'. The activity does not, therefore, come within the scope of Article 8 (c) of the Planning and Development Regulations, 2001, as amended:

RL 3034

WHEREAS the question has arisen as to whether works involving the re-contouring of land for the purposes of land reclamation for agricultural purposes, is or is not development and is or is not exempted development

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the importation of soil for infilling on lands constitutes "works" as defined in section 2(1) of the Planning and Development Act 2000,
- (b) the infilling of soil constitutes development by reference to section 3(1) of the Planning and Development Act, 2000,
- (c) Article 8C of the Planning and Development Regulations 2001, as amended, does not provide an exemption for the importation of soil to a farm holding for the purposes of re-contouring of land from external sources. The exemption under Article 8C of the Planning and Development Regulations, 2001, as amended, is confined to land reclamation works including infilling of soil (but not waste material) within a farm holding, and
- (d) it is not possible to state beyond reasonable doubt that the infilling of soil on this particular site would not have a significant negative impact on European Sites. The proposed infilling of soil on this site may not be considered to be exempted development by reference to section 17(1)(b) of the Environmental (Miscellaneous Provisions) Act 2011, which amends section 4(4) of the Planning and Development Act, 2000.

RL3604

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the reinstatement of land by the importation of 94,683 cubic metres of non-waste/by-product soil and stones, consisting of 43,900 cubic metres of topsoil and 50,783 cubic metres of subsoil, sourced from greenfield development sites in the Dublin Region at Basketstown, Summerhill, County Meath is development and is not exempted development as

- (a) the importation of soil and subsoil for infilling on lands constitutes 'works' as defined in Section 2(1) of the Planning and Development Act, 2000, as amended and is, therefore, development,
- (b) it has not been established that the soil and subsoil does not constitute 'waste' and, therefore, the development does not fall within the scope of Section 4 (1)(l) of the Planning and Development Act, 2000, as amended, and does not come within the meaning of the term 'land reclamation' as set out in Article 8 of the Planning and Development Regulations, 2001, as amended,

- (c) in such circumstances, the development would require environmental impact assessment and would come within the scope of Section 4 (4) of the Planning and Development Act, 2000, as amended, and would, therefore, not be exempted development,
- (d) if it could be established that the soil and subsoil was not waste, then the development in question would be classified as land reclamation, but would not come within the scope of Article 8C of the Planning and Development Regulations, 2001, as amended, because this exemption relates only to land reclamation works including infilling of soil within a farm holding and does not provide an exemption for importation of soil to a farm holding for the purposes of re-contouring of land from external sources (as in the current case), and, therefore, the development in question would not be exempted development:

ABP-301484-18

An Bord Pleanala hereby decides that the laying of crushed stone to a depth of 100 millimetres and the laying of gravel above the crushed stone to a depth of 50 millimetres constitutes development which is exempted development as

- (a) the excavation of lands and the laying of crushed stone and gravel constitutes works under the definition of the Act,
- (b) the act of excavation and the laying of crushed stone and gravel fell within the definition of structure as set out in the Act,
- (c) the excavation and layout of crushed stone and gravel constitute works for the maintenance, improvement or other alteration of any structure as defined in Section 4(1)(h) of the said Act and having regard to the nature, scale, extent and location of the said works these works do not materially affect the external appearance of the existing windfarm so as to render the appearance inconsistent with the character of the windfarm and that of neighbouring structures,
- (d) having regard to the nature, scale and extent of the proposed storage area in the context of the existing windfarm any change of use in the said lands are not considered to be material in the context of the existing windfarm,
- (e) the proposed works would not be likely to have a significant effect, either individually or in combination with other plans and projects on any European Sites and therefore do not require an appropriate assessment. (f) Furthermore, having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, the proposed works undertaken do not require the submission of an Environmental Assessment Report.

Assessment :

The declaration queries whether the Recontouring of land and the infilling and reprofiling of existing depressions to improve lands for future agricultural use is or is not development or is or is not exempted development.

The details submitted stated that the site measures 1.914 ha ad that the proposed area for infilling and agricultural improvement is c. 32,000s cubic metres

The submission identifies that –

"The proposal consist of the infilling and recontouring of the existing agricultural land by the removal of topsoil and sub soil from the area within the landholding and infilling the areas to improve the future agricultural use of the land .

It is submitted that the current site will be infilled with c. 10,0000 cubic square metres of topsoil and subsoil, taken from the adjoining field west of the subject site only. The lands will then be seeded with agricultural grass. Once the soil is stabilised and the sward has established, the risk of poaching from livestock will be minimised and the site can be used for livestock foraging".

I note that there is a disparity in the details submitted noting that Page 6 of the supporting statement prepared by Brock Mc Clure refers to 32,000 cubic metres and 32,000 square metres while page 7 of the same report refers to the infilling of the site with c. 10,000 cubic metres of topsoil

Cross-sections, mapping, photographs and an Appropriate Assessment Screening prepared by Altemar has been submitted, in addition to a supporting statement prepared by Brock Mc Clure Planning Consultatns. No Agricultural Consultant Report have been submitted with the Section 5 Declaration.

The site is located in the townland of Rossanna Lower/Newrath. The field where the site is located does not have road frontage and appears to be accessed via adjoining farm lands however this is not clear from the details submitted. It is noted that the applicant has submitted that the soil to be used is to be taken from the adjoining field to the west of the site, however it is noted that the adjoining field to the west does not appear to be in the ownership of the applicant and the drawings, details and cross sections do not show where the material is to be taken from and the impact the removal of this material will have on the field to the west.

From the referrals to An Bord Pleanala of similar works of infilling/ reclamation it is evident that the exemption provided for by Article 8C of the Regulations, only applies to soils sourced within the same farm-holding. In addition the use of a by-product i.e. soils/ subsoils even where an Article 27 Notification has issued would still be considered a waste , as identified in Referrals ABP-315532-23, RL 3609 , RL3540 and RL2987. In this regard An Bord Pleanala has identified that the bringing in of soils / subsoil would be considered a waste material as the recovery of excavated inert soil, for the purpose of the improvement or development of land, is identified as a waste activity in the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended).

Further information is therefore required in order to allow the planning authority to make a determination with regard to this Section 5.

Screening for EIA/ AA

No information has been submitted to the scale of the works, or to show that they would not come within the description or scale of works requiring EIA as set out in Part 2 of Schedule 5 : Other Projects -

(b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

The site as indicated is not located within or adjoining any Natura 2000 site, and is sufficient distance from any rivers or streams in so far as it is not hydrologically connected to any Natura 2000 site, however noting the applicant has indicated that material is to be removed from an adjoining field to the west but has not provided any detail on this field, the need for AA cannot be fully screened out in the absence of this information.

Conclusion :

Further Information is required.

Recommendation : Further Information:

Request for further information to be issued to Brock Mc Clure Planning and Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin on behalf of the applicant Helen Clarke.

1. There is disparity in the details submitted noting that Page 6 of the supporting statement prepared by Brock Mc Clure refers to the importation of 32,000 cubic metres of soil while page 7 of the same report refers to the infilling of the site with c. 10,000 cubic metres of soil. Clarity is required in this regard.
2. It is stated that the recontouring is required to improve the condition of the land for future agricultural use and minimise the risk of poaching from livestock so the site can be used for livestock foraging. No Agricultural Consultant Report have been submitted with the Section 5 Declaration outlining details of the size, nature and location of the full farm landholding and demonstrating why these lands are currently not of a suitable standard for livestock and agriculture and why there is a risk of poaching of livestock.
3. The details submitted state that the soil to be used is to be taken from the adjoining field to the west of the site, however it is noted that the adjoining field to the west does not appear to be in the ownership of the applicant and the drawings, details and cross sections do not show where the material is to be taken from and the impact the removal of this material will have on the levels and agricultural viability of the field to the west.
 - a) The applicant is requested to submit details including a revised OS map, clearly showing the field from where soil is to be removed from and cross sections showing the impact this will have on the removal site in terms of level difference.
 - b) The site from where the soil is to be removed from shall be included in the Agricultural Consultant Report outlining how the works will improve the site in question also making it more viable for agricultural use.

NOTE: Having regard to the above, while the site as indicated is not located within or adjoining any Natura 2000 site, and is sufficient distance from any rivers or streams in so far as it is not hydrologically connected to any Natura 2000 site, noting the applicant has indicated that material is to be removed from an adjoining field to the west but has not provided any detail on this field, the need for AA cannot be fully screened out in the absence of this information.

4. Insufficient details have been submitted with regard to the scale of the works, or to show that they would not come within the description or scale of works requiring EIA as set out in Part 2 of Schedule 5 : Other Projects - (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule. Noting that the details submitted indicated that the soil is to be taken from an adjoining field to the west, details of the tonnage of soil to be imported from this adjoining field and the total combine site area shall be submitted.



Patrice Ryan SEP
14/11/2025

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Patrice Ryan
Senior Executive Planner

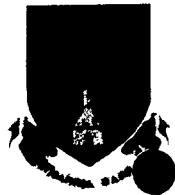
FROM: Aoife Kinsella
Clerical Officer

**RE:- EX122/2025 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

I enclose herewith for your attention application for Section 5 Declaration received 23/10/2025.

The due date on this declaration is the 19/11/2025.

Aoife Kinsella
Clerical Officer
Planning Development & Environment



ComhAIRLE Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Súiomh / Website www.wicklow.ie

**Brock McClure Planning
& Development Consultants**
63 York Road
Dun Laoghaire
Co. Dublin

23rd of October 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX122/2025 for Helen Clarke, Rossanagh,
Rathnew, Co. Wicklow**

A Chara

I wish to acknowledge receipt on 23/10/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 19/11/2025.

Mise, le meas

Aoife Kinsella
Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



Tá an dociú mead seo ar fáil i bhformáid eile ar láirínas
This document is available in other native formats on request

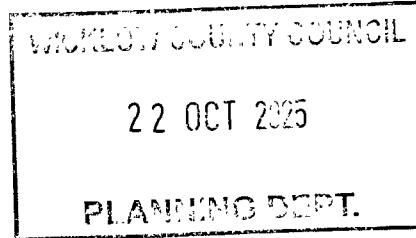
Ba chóir gach comhfheireagras a sheoladh chug an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development





YORK ROAD
DUN LAOGHAIRE
DUBLIN 12
www.brockmcclure.ie

Senior Administrative Officer,
Planning Department,
Wicklow County Council,
County Buildings,
Whitegates,
Wicklow Town,
A67 FW96.



22 October 2025

**Re: Section 5 Declaration Application
For lands at Rossana Lower and Newrath, Rathnew, Co. Wicklow**

Dear Sir/Madam,

We, **Brock McClure, Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin**, have been instructed by our client, **Helen Clarke, Rossanagh, Rathnew, Co. Wicklow** to lodge this Section 5 Declaration application to Wicklow County Council.

A declaration is sought as to "**Whether the recontouring of land and the infilling and reprofiling of existing depressions to improve the lands for future agricultural use constitutes exempted development within the meaning of the Planning and Development Act, 2000 (as amended)**"

We have enclosed the following details in assist in the Planning Authority forming their decision:-

- Completed Section 5 Application Form
- The prescribed fee of €80.00 (Please call the mobile number below for payment)
- Section 5 Declaration Report – BMc Planning Consultants
- Site Location Map 1:2500 – PD Lane Associates
- Site Location Map : 1:10560 - PD Lane Associates
- Site Sections - PD Lane Associates
- AA Screening by Altermar Environmental Consultants
- Tree Protection Plan by Felim Sheridan





Lands at Rathnew, Co. Wicklow – **Section 5 Declaration**

We confirm that we act for **Helen Clarke**, and request that all future correspondence in relation to this matter be directed to this office. We trust that you will find everything in order.

If you have any queries, please contact this office at the address or number below.

Yours sincerely,

Kathy McNally – Senior Planner
BSc Spatial Planning MRTPI
kathy@brockmcclure.ie
Ph: +383 86 083 3889

Wicklow County Council
County Buildings
Wicklow
0404-20100

23/10/2025 10 03 07

Receipt No L10/353539

BROCK & MCCLURE
63 YORK RD
DUN LAOGHAIRE
CO DUBLIN

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
 Total	80 00 EUR

Tendered	
Credit Card	80 00

Change	0 00
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**Wicklow County Council
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Office Use Only

22 OCT 2005

Date Received	_____
Fee Received	_____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: Helen Clarke, _____

Address of applicant: Rossanagh, Rathnew, Co. Wicklow

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Kathy McNally-
Brock McClure Planning and Development Consultants.

Address of Agent : 63 York Road, Dun Laoghaire, Co.Dublin

Note Phone number and email to be filled in on separate page.

3. Declaration Details

i. Location of Development subject of Declaration _____

Rossana Lower and Newrath, Rathnew, Co. Wicklow

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or
occupier _____

N/A

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration

See Attached Separate Submission

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

See Attached Submission

Section 4(1)(l) of the Planning and Development Act, 2000, as amended.

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? No

vii. List of Plans, Drawings submitted with this Declaration Application

- Site Location Map 1:2500
- Site Location Map 1:0560
- Site Layout Plan 1:500
- Tree Protection Plan
- AA Screening Report
- BMC Section 5 Report

viii. Fee of € 80 Attached ? Please call Kathy McNally for payment
086 083 3889



Signed : _____ Dated : 22 October 25

Agent: Kathy McNally Brock McClure, Planning and Development Consultants
086 083 3889

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

Section 5 Declaration

**For lands at Rossana Lower
and Newrath,
Rathnew, Co. Wicklow**

On behalf of
Helen Clarke, Rossanagh,
Rathnew, Co. Wicklow.

October 2025



www.brockmcclure.ie



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1 Introduction

We, Brock McClure Planning and Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin have been instructed by our client, Helen Clarke, Rossanagh, Rathnew, Co. Wicklow, owner of the subject lands, to submit this request for a Declaration as per the provision of Section 5 (2) (a) of the *Planning & Development Act, 2000 (as amended)*.

1.1 Summary of Outcome Sought in this Declaration Request

We request Wicklow County Council to issue a Declaration on whether the following is or is not 'development' and is or is not 'exempted development'?:

'Whether the recontouring of land and the infilling and reprofiling of existing depressions to improve the lands for future agricultural use constitutes exempted development within the meaning of the Planning and Development Act, 2000 (as amended)'

It is our professional planning opinion that the proposal outlined above that the applicant would intend to carry out would represent 'development' and be 'exempted development' in accordance with Part 2 of Schedule 2 under Class 1 of the *Planning and Development Regulations, 2001 (as amended)*.

The rationale for this Opinion and extent of proposed works is set out in detail in Section 5 below.

1.2 Enclosures

This request for a Declaration comprises this Planning Report, along with the following inputs:

- Completed Section 5 Declaration Form;
- Site Location Map, Layout Plan and Section drawings prepared by PD Lane and Associates
- AA Screening by Altermar Environmental Consultants
- Tree Protection Plan by Felim Sheridan



2 Site Location & Context

The subject site measuring 1.914ha is located in the townland of Rossana Lower and Newrath, Rathnew, Co. Wicklow and is currently in agricultural use. There are 2 existing dwellings located to the north of the site and a car dealership to the south. The area to the south east is currently under construction Reg Ref 25/60628 for 80 no. residential dwellings and childcare facility and the. The remainder of the site is bounded by open fields and is in close proximity for the M11. The grounds/estate of Clermont House, a protected structure, is located to the east of the site on the opposite side of the R761. The approximate subject site outline is identified in red below for the purpose of this report.



Figure 1- Aerial View of subject site outlined in red

The application site is not located in and nor does it adjoin a Natura 2000 site. The closest European site is the Murragh Wetlands SAC located 1.3 km to the east of the site. There is no direct hydrological connection between the subject site and any European site. There are two nearby watercourses; the River Vartry which is located c. 200 m northwest of the site, and the Rathnew Stream which is located c. 400m south of the site. As the current site consists of an agricultural field, there is no existing surface water or foul water drainage on site, and none will be installed as part of the proposed works. Therefore, there are no direct or indirect hydrological pathways for effects on European sites as a result of the proposed works, and in the absence of mitigation measures, no significant effects on any European site are foreseen from the proposed works.

3 Planning History

A brief synopsis of the planning history pertaining to the subject site is now set out below for the convenience of the Planning Authority.

Reg. Ref. 21/1195

Outline Permission was **GRANTED** on 26 June 2026 for 90 no. residential units (64 no. houses and 26 no. duplexes) and childcare facility of 196 sq.m together with all associated site development works including estate roads, footpaths, car parking, bins & bicycle storage, boundary treatment, services infrastructure including water mains, foul sewerage, surface water sewerage and on-site attenuation tanks. The proposed development includes for measures to upgrade and realign the Newcastle Road (R761) which will provide for turning lanes at the entrance to the proposed development and Wicklow County Campus (Clermont) and new uncontrolled pedestrian crossing. A sloped landscaped area located between the existing Clermont demesne wall and the new road realignment is proposed, and a partial demolition of Clermont demesne wall to facilitate the proposed realignment. A new two-way shared pedestrian / cyclist path is proposed along the western side of the proposed realignment from the site entrance to the roundabout junction at the Rathnew Relief road. A new surface water open drain is proposed from the proposed development along the western side of the proposed new public footpath / cycle lane which is then piped further south under the proposed realigned Newcastle Road (R761) to connect into the existing surface water main near the roundabout junction along the Rathnew Relief Road. Water main and foul sewerage connections are proposed into the existing public mains in the vicinity. The proposed foul sewerage will be piped under the Newcastle Road (R761) up to the existing public sewer on Tighe Avenue (R772).

Reg. Ref 23/854

Planning Consequent was **GRANTED** on 07th March 2024 for proposed 80 No. residential units (64 No. houses and 16 No. duplexes) and childcare facility of 196 sq.m together with all associated site development works including estate roads, footpaths, car parking, bins and storage, boundary treatment, services infrastructure including watermains, foul sewerage, surface water sewerage and on-site attenuation tanks. The proposed development includes for measures to upgrade and realign the Newcastle Road (R761) which will provide for turning lanes at the entrance to the proposed development and Wicklow County Campus (Clermont) and a new uncontrolled pedestrian crossing. A sloped landscaped area located between the existing Clermont demesne wall and the new road realignment is proposed, and a partial demolition of Clermont demesne wall to facilitate the proposed realignment. A new two-way shared pedestrian/ cyclist path is proposed along the western side of the proposed realignment from the site entrance to the roundabout junction at the Rathnew Relief Road. A new surface water open drain is proposed from the proposed development along the western side of the proposed new public footpath/ cycle lane which is then piped further south under the proposed realignment Newcastle Road (R761), and out onto Tighe avenue (R772) where it will drain further south to an existing surface water manhole on Main Street. Watermain and foul sewerage connections are proposed into the existing public mains in the vicinity. The proposed foul sewerage will be piped under the Newcastle Road (R761) up to the existing public sewer on Tighe Avenue (R772).



Reg. Ref 25/60628

Permission was **GRANTED** on 08th October 2025 for modifications to housing development (currently under the course of construction) previously granted outline permission under Ref. 21/1195 & permission consequent on grant of outline permission under Ref. 23/854 to provide for: Revised Site Layout on permitted Site Nos 41 to 51 (11 No. units within Phase 2: northern corner of development site): comprising change in location of Site Nos. 41-46 from along the north-western boundary of the development site to along the north-eastern boundary of the development site, and the change in location of Site Nos. 47-51 along the north-eastern site boundary of the development site together with revised estate road and services layout to serve proposed houses 41 to 51 inclusive. Change of house types on permitted Site Nos. 41 to 51 (11 No. units within Phase 2: northern corner of development site): comprising on Site Nos. 41-46 from 3 No. 2.5 storey semi-detached 3-bedroom units (House Type C5) & 3 No. 2 storey semi-detached 3-bedroom units (House Type G1) to 6 No. 2.5 storey semi-detached 4-bedroom units (House Types A3) and on Site Nos. 47-51 from 2 No. 2.5 storey 3-bedroom terraced units (House Type C6), 2 No. 2 storey 2-bedroom terraced units (House Type C7), & 1 No. 2 storey 4-bedroom detached unit (House Type E2) to 3 No. 2.5 storey 3-bedroom terraced units (House Types H2 & H3) & 2 No. 2.5 storey 4-bedroom semi-detached units (House Type A3). The proposed change in house types will result in 8 No. 2.5 storey 4-bedroom semi-detached units (House Type A3) & 3 No. 3-bedroom 2.5 storey terraced units (Types H2 & H3) with an additional gross floor area of circa 253.7 sq. metres from that permitted under Ref. Nos. 21/1195 & 23/854.



4 Section 5 Declaration Question

4.1 Declaration Question

We are requesting that Wicklow County Council issue a Declaration on the following question:

'Whether the recontouring of land and the infilling and reprofiling of existing depressions to improve the lands for future agricultural use constitutes exempted development within the meaning of the Planning and Development Act, 2000 (as amended)'.

4.2 Proposed Works

The subject site measures 1.914ha and as set out in figure 2 below, the proposed area for infilling and Agricultural Improvement is c.32000sqm.



Figure 2 - Site Layout Plan showing area for infilling



The proposal consists of the infilling and recontouring of the existing agricultural land by the removal of topsoil and sub soil from an area within the landholding and infilling the areas to improve the future agriculture use of the land in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

The current site will be infilled with c.10,000m³ of topsoil and subsoil, taken from the adjoining field west of the subject site only. The lands will then be seeded with agricultural grass. Once the soil has stabilised and the sward has established, the risk of poaching from livestock will be minimised and the site can be used for livestock foraging.

We can confirm there will be no risk of contaminated materials. The applicant proposed to use inert subsoils and topsoil taken directly from within their current landholding. The use of the lands as agricultural has already been established and, ipso facto, remains acceptable.

4.3 Planning and Development Act, 2000 (as amended)

4.3.1 Interpretations

Section 2(1) of the Act defines the following:

'development' has the meaning assigned to it by Section 3, and 'develop' shall be construed accordingly;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature for the kept for the production of food, wool, skins of fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and "agricultural" shall be construed accordingly.

"Alterations" - alterations include (a) the plastering or painting or the removal of plaster or stucco or the replacement of a door, window or roof that materially alters the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structure.

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure"

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and-

(a) where the context so admits, includes the land on, in or under which the structure is situate, and "Use" in relation to land does not include the use of the land for the carrying out of any works thereon.

4.3.2 Development

In accordance with Section 3 (1) of the Planning and Development Act, 2000 (as amended), 'development' is defined as follows:

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works, on, in, over or under land of the making of any material change in the use of any structures or other land."

4.3.3 Exempted Development

Section 4(1) of the Planning and Development Act, 2000 (as amended), sets out various forms and circumstances in which development is exempt development for the purposes of the 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;



(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works that affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

(l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced.

Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations, 2001.

Section 1 of the Land Reclamation Act, 1949, lists activities that constitute "works" under the Act and these include the term "land reclamation".

4.4 Planning and Development Regulations, 2001 (as amended)

Article 6(1) of the Regulations states as follows: - "(a) Subject to article 9, development consisting 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.

Article 8 of the Regulations, provides that certain works specified in a drainage scheme shall be exempted development. These include:

- Article 8B relates to field drainage for agriculture, other than reclamation of wetlands.
- Article 8C relates to land reclamation works, other than reclamation of wetlands, consisting of recontouring of land, including infilling of soil (but not waste material), within a farm holding, shall be exempted development'.

Article 9 of the Regulations, sets out a number of circumstances in which development to which article 6 relates shall not be exempted development.

In summary, this includes:

- Where the development would interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan (article 9(1)(a)(vi))
- Comprise alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan (article 9(1)(a)(vii)).
- It comprises development for which the Board or a planning authority is the competent authority, and which would require appropriate assessment (article 9(1)(a)(viiB)).
- If the development is of a type to which Part 10 applies, environmental impact assessment (article 9(1)(c)).

4.5 Proposed Works Constitute Development

Having regard to the statutory definition of the terms 'works' and 'development', referred to above, which define works as, amongst other things, any act or 'operation of construction' or 'alteration' and development as the 'carrying out of works on land', it is considered that the filling in a depression and reprofiling of the land form by importation of uncontaminated by-product would comprise both 'works' and 'development', as defined in the Planning and Development Act, 2000 (as amended).

4.6 Proposed Works Constitute Exempted Development

Section 4(1)(l) provides that development consisting of the carrying out of any of the works referred to in the Land Reclamation Act 1949 (excluding the reclamation of estuarine marsh land or callows), is exempted development. Section 1 of the Land Reclamation Act, 1949, lists activities that constitute 'works' under the Act and these 'land reclamation'. However, the term land reclamation is not defined in the Act of 1949 but it is referred to and described in Article 8 of the Planning and Development Regulations, 2001 (as amended).

Specifically, Article 8C states:

'Land reclamation works (other than reclamation of wetlands) consisting of recontouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development'.

The proposal comprises the infilling and reprofiling of land within the applicant's farm holding. The lands are not wetland in nature. The works consist of land reclamation given the current depressions at this location. The proposal will enable the applicant efficient usage of these lands. It is proposed to import c. 10,000m³ of topsoil and subsoil from the adjoining field west of the subject site only. No other material will be imported from any other sites.

Based on the foregoing, we are of the professional opinion that the levelling of agricultural lands by importing approximately 10,000m³ of inert soil from the adjoining site is exempted development pursuant to Article 8c of the Planning and Development Regulations.

Having regard to the above, we submit that whilst the works would lead to limited changes in appearance, such changes can be entirely allowable within the scope of planning exemptions.

4.7 Summary

Having regard to the nature, scale, extent and context of works proposed, we submit that it is considered that the works fall under the exemption provided for in Section 4(1)(l) of the Planning and Development Act 2000 (as amended). In summary,

- The infilling and reprofiling of produce (non-waste) constitute 'works' and 'development' as defined by Section 2(1) and Section 3(1) respectively of the Planning and Development Act 2000 (as amended).
- The infilling and reprofiling activity proposed constitutes land reclamation on the applicant's farm holdings. The activity is consistent with the provisions of section 4(1)(l) of the Planning and Development Act, 2000, as amended.

5 Environmental Assessment

5.1 Appropriate Assessment

An Appropriate Assessment (AA) Screening Report has been prepared by Altemar Environmental Consulting in respect of the proposed development subject of this section 5 reference.

The AA Screening concludes that there would be no significant impacts on Natura 2000 sites and, therefore, Appropriate Assessment is not required.

The site of the proposed works is located within an agricultural environment and is bounded to the east by active construction of a residential development. The nearest European site is the Murrough Wetlands SAC (1.2 km). There is no direct hydrological connection between the subject site and any European site. There are two nearby watercourses; the River Vartry which is located c. 200 m northwest of the site, and the Rathnew Stream which is located c. 400m south of the site. As the current site consists of an agricultural field, there is no existing surface water or foul water drainage on site, and none will be installed as part of the proposed works. Surface water will drain naturally over land and infiltrate through the soil before reaching any watercourse. No foul water will be produced as result of the proposed works. Therefore, there are no direct or indirect hydrological pathways for effects on European sites as a result of the proposed works, and in the absence of mitigation measures, no significant effects on any European site are foreseen from the proposed works.

Having taken into consideration the surface water drainage from the site of the proposed works, the distance between the proposed works to designated conservation sites, the lack of direct hydrological pathway or biodiversity corridor link to conservation sites, it is concluded that the proposed works would not give rise to any significant effects to designated sites. The proposed works will not impact on the conservation objectives of qualifying interests of European sites.

This Stage 1 Appropriate Assessment Screening Report included with this application, works, outlines the information required for the competent authority to screen for appropriate assessment and to determine whether or not the proposed works, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or European site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the proposed works, individually or in combination with other plans or projects is likely to have a significant effect on any European site.



6 Conclusion

The contents of this report are offered in assistance to providing the Declaration within the 4-week period of receipt of this request. Having regard to the works proposed and the provisions of the Planning and Development Regulations, 2001 (as amended) in our professional planning opinion this should be considered 'development' and is considered 'exempted development'.

Having regard to the scale and extent of works in question, we submit that the works fall under the exemption provided for in section 4(1)(l) of the Planning and Development Act, 2000, as amended.

In summary, the development is required to improve the site conditions to enable the lands viable for agriculture uses and accessibility and the material will be non-hazardous, sourced from greenfield sites only, located in the landholding. Full Analysis of the by-product material will be submitted to the EPA as part of the Article 27 notification system for the declaration of a by-product.

If further information is required to assist in the Declaration, Brock McClure Consultants will respond accordingly.

We look forward to an early and favourable response in this regard.



7 Appendix 1 – Site Photos







Appropriate Assessment Screening for the Proposed Agricultural Land
Improvement at Rossana Lower, Rathnew, Co. Wicklow



21st October 2025

Prepared by: Bryan Deegan (MCIEEM) of Altemar Ltd.

On behalf of: Helen Clarke

Document Control Sheet

Project	Appropriate Assessment Screening for the Proposed Agricultural Land Improvement at Rossana Lower, Rathnew, Co. Wicklow		
Report	Appropriate Assessment Screening		
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Planning	Kalvin Townsend-Smyth	Bryan Deegan	21/10/2025



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Introduction

An Appropriate Assessment is an assessment of the potential effects of a proposed project or plan, on its own, or in combination with other plans or projects, on one or more European sites (Special Areas of Conservation (SAC) or Special Protection Areas (SPA)).

The following Appropriate Assessment (AA) (Screening Stage) has been prepared by **Altemar Ltd.** at the request of Helen Clarke. The proposed works relate to proposed agricultural land improvement at Rossana Lower, Rathnew, Co. Wicklow.

The AA Screening stage examines the likely significant effects of the proposed works, either on its own, or in combination with other plans and projects, upon a European site and considers whether, on the basis of objective scientific evidence, it can be concluded, in view of best scientific knowledge and the conservation objectives of the relevant European sites, that there are not likely to be significant effects on any European site.

Altemar Ltd.

Since its inception in 2001, Altemar has been delivering ecological and environmental services to a broad range of clients. Operational areas include residential, infrastructural, renewable, oil & gas, private industry, local authorities, EC projects and State/semi-State Departments. Bryan Deegan is the managing director of Altemar. Bryan is an environmental scientist and marine biologist with 30 years' experience working in Irish terrestrial and aquatic environments, providing services to the State, Semi-State and industry. Bryan Deegan (MCIEEM) holds a MSc in Environmental Science, BSc (Hons.) in Applied Marine Biology, NCEA National Diploma in Applied Aquatic Science and a NCEA National Certificate in Science (Aquaculture). Bryan Deegan carried out all elements of this Appropriate Assessment Screening.

Background to the Appropriate Assessment

The Habitats Directive 92/43/EEC (together with the Birds Directive (2009/1477/EC)) forms the cornerstone of Europe's nature conservation policy. The Directive protects over 1000 animals and plant species and over 200 "habitat types" which are of European importance. In the Habitats Directive, Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA, 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive). Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect European sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [EUROPEAN] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the component 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."

As outlined in "Managing European sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" (European Commission, 21 November 2018) *"The purpose of the appropriate assessment is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in combination with other plans or projects. The conclusions should enable the competent authorities to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus of the appropriate assessment is therefore specifically on the species and/or the habitats for which the European site is designated."*

As outlined in the EC guidance document on Article 6(4) (January 2007)¹:

"Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field."

Assessment procedures of plans or projects likely to affect European sites should guarantee full consideration of all elements contributing to the site integrity and to the overall coherence of the network, both in the definition of the baseline conditions and in the stages leading to identification of potential impacts, mitigation measures and residual impacts. These determine what has to be compensated, both in quality and quantity. Regardless of whether the provisions of Article 6(3) are delivered following existing environmental impact assessment procedures or other specific methods, it must be ensured that:

- *Article 6(3) assessment results allow full traceability of the decisions eventually made, including the selection of alternatives and any imperative reasons of overriding public interest.*
- *The assessment should include all elements contributing to the site's integrity and to the overall coherence of the network as defined in the site's conservation objectives and Standard Data Form, and be based on best available scientific knowledge in the field. The information required should be updated and could include the following issues:*
 - *Structure and function, and the respective role of the site's ecological assets;*
 - *Area, representativity and conservation status of the priority and nonpriority habitats in the site;*
 - *Population size, degree of isolation, ecotype, genetic pool, age class structure, and conservation status of species under Annex II of the Habitats Directive or Annex I of the Birds Directive present in the site;*
 - *Role of the site within the biogeographical region and in the coherence of the European network; and,*
 - *Any other ecological assets and functions identified in the site.*
- *It should include a comprehensive identification of all the potential impacts of the plan or project likely to be significant on the site, taking into account cumulative impacts and other impacts likely to arise as a result of the combined action of the plan or project under assessment and other plans or projects.*
- *The assessment under Article 6(3) applies the best available techniques and methods, to estimate the extent of the effects of the plan or project on the biological integrity of the site(s) likely to be damaged.*
- *The assessment provides for the incorporation of the most effective mitigation measures into the plan or project concerned, in order to avoid, reduce or even cancel the negative impacts on the site.*
- *The characterisation of the biological integrity and the impact assessment should be based on the best possible indicators specific to the European assets which must also be useful to monitor the plan or project implementation."*

¹ European Commission. (2007). Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission;

Stages of the Appropriate Assessment

This Appropriate Assessment screening was undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC, 2001), Part XAB of the Planning and Development Act 2000, as amended, in addition to the December 2009 publication from the Department of Environment, Heritage and Local Government; 'Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities' and the European Communities (Birds and Natural Habitats) Regulations 2011. In order to comply with the above Guidelines and legislation, the Appropriate Assessment process must be structured as follows:

1) Screening stage:

- Description of plan or project, and local site or plan area characteristics;
- Identification of relevant European sites, and compilation of information on their qualifying interests and conservation objectives
- Identification and description of individual in combination effects likely to result from the proposed project;
- Assessment of the likely significance of the effects identified above. Exclusion of sites where it can be objectively concluded that there will be no likely significant effects; and,
Conclusions

2) Appropriate Assessment (Natura Impact Statement):

- Description of the European sites that will be considered further;
- Identification and description of potential adverse impacts on the conservation objectives of these sites likely to occur from the project or plan; and,
- Mitigation Measures that will be implemented to avoid, reduce or remedy any such potential adverse impacts
- Assessment as to whether, following the implementation of the proposed mitigation measures, it can be concluded, beyond all reasonable scientific doubt, that there will be no adverse impact on the integrity of the relevant European Site in light of its conservation objectives"
- Conclusions.

If it can be demonstrated during the AA screening phase (Stage 1), that the proposed project will not have a significant effect, whether alone or in combination with other plans or projects, on the conservation objectives of a European site, then no further AA (Stage 2) will be required. It is important to note that there is a requirement to apply a precautionary approach to AA screening. Therefore, where effects are possible, certain or unknown at the screening stage, AA will be required.

In addition, it should be noted that Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an AA of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

Stage 1 Screening Assessment

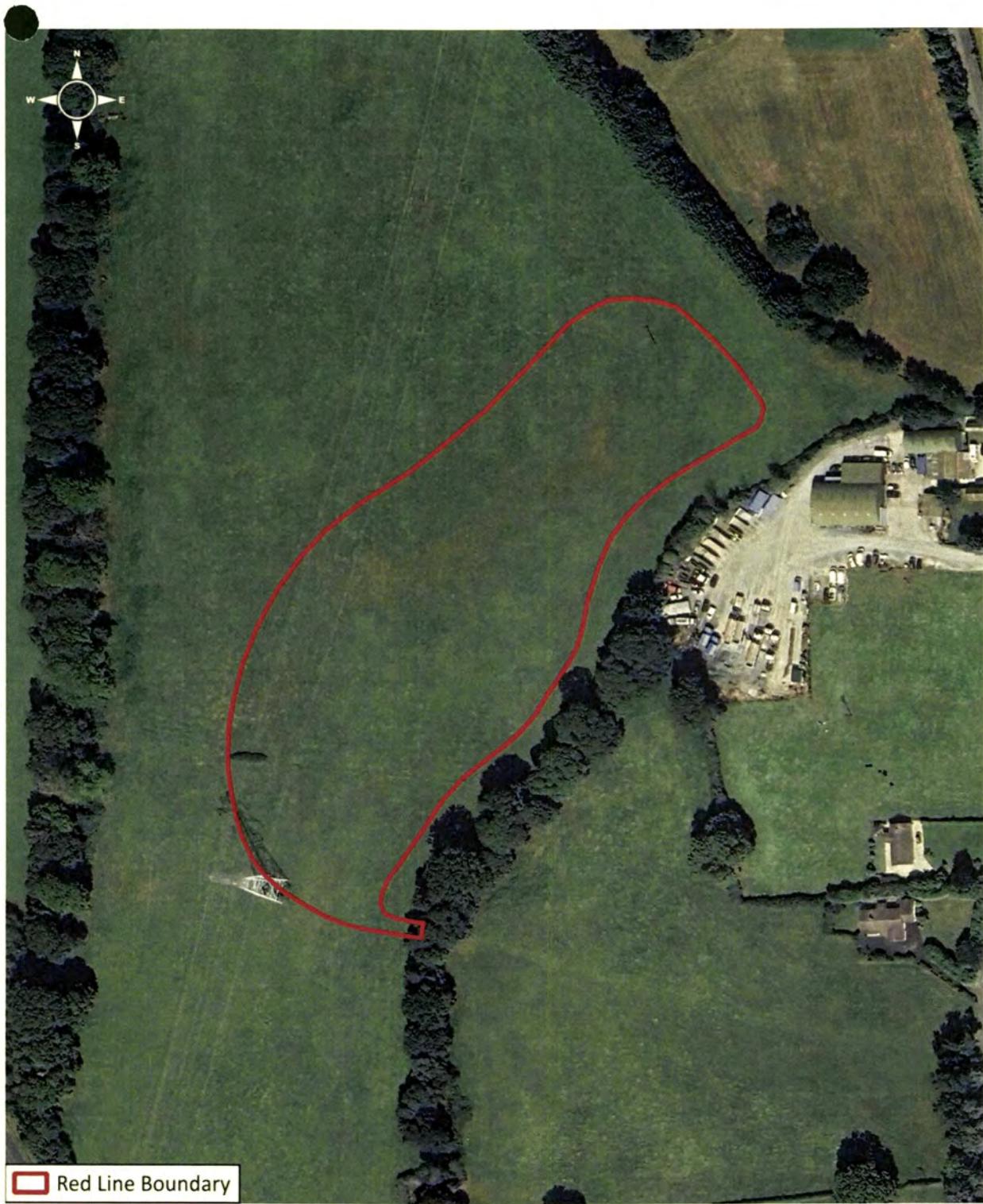
Management of the Site

The proposed works are not directly connected with, or necessary to, the management of European sites.

Description of the Proposed Works

The proposal is for the recontouring of agricultural land by the removal of topsoil and sub soil from an area within the landholding and infilling the areas to improve the future agriculture use of the land at Rathnew, Co. Wicklow, in accordance with Section 5 of the Planning and Development Act 2000 (as amended).

The site outline and site location are shown in Figures 1 & 2. The site layout plan and site cross sections are shown in Figures 3 & 4.



Red Line Boundary

0 20 40 60 80 100 m

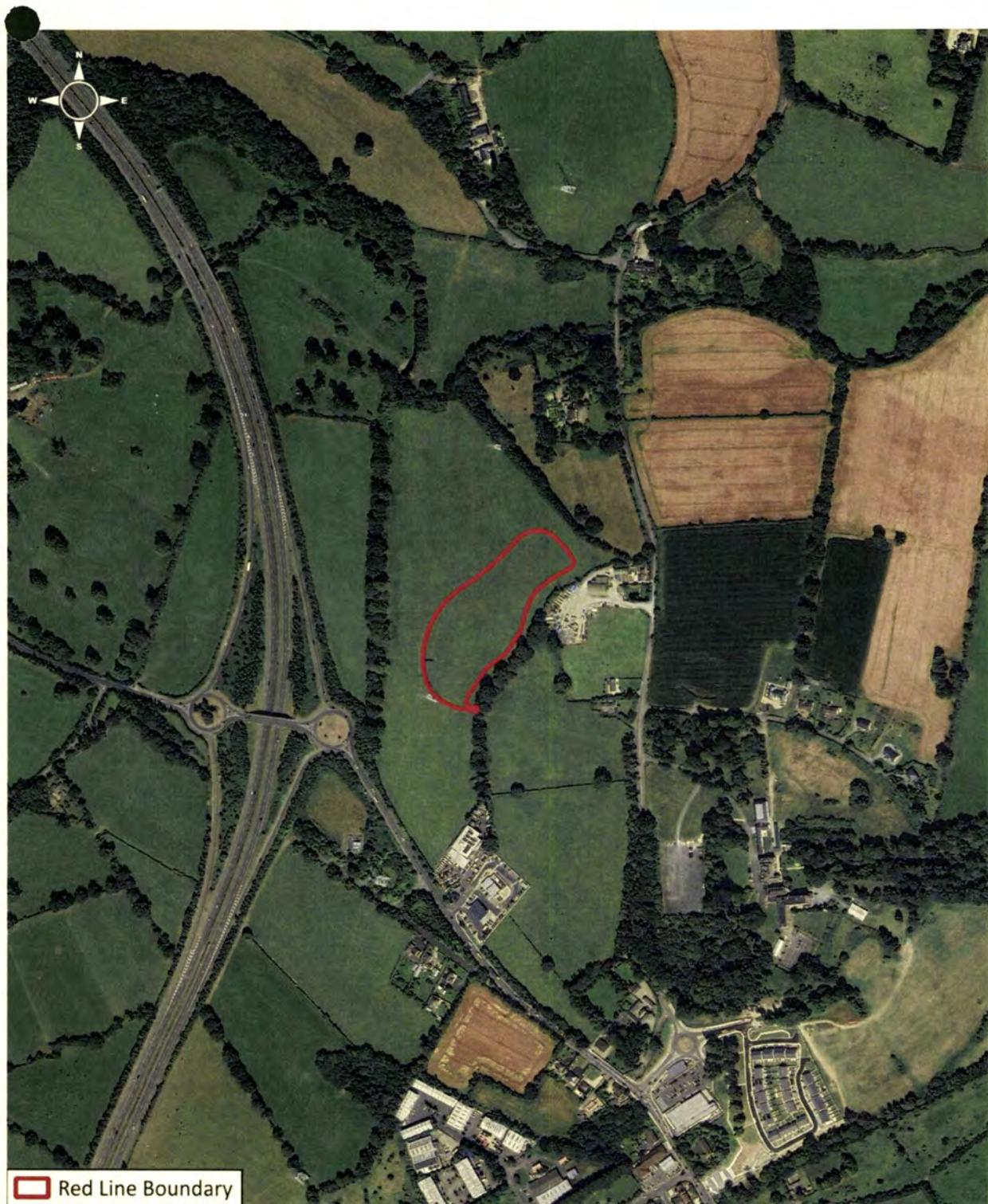


Project: Infilling / Agricultural Land Improvement
Location: Rathnew, Co. Wicklow
Date: 21/10/20258
Drawn By: Kelvin Townsend-Smyth
(Altemar)

ALTEMAR
Marine & Environmental Consultancy



Figure 1. Site outline



■ Red Line Boundary

0 100 200 m

Project: Infilling / Agricultural Land Improvement
Location: Rathnew, Co. Wicklow
Date: 21/10/20258
Drawn By: Kelvin Townsend-Smyth
(Altemar)

ALTEMAR
Marine & Environmental Consultancy



Figure 2. Site location



Figure 3. Site layout plan.

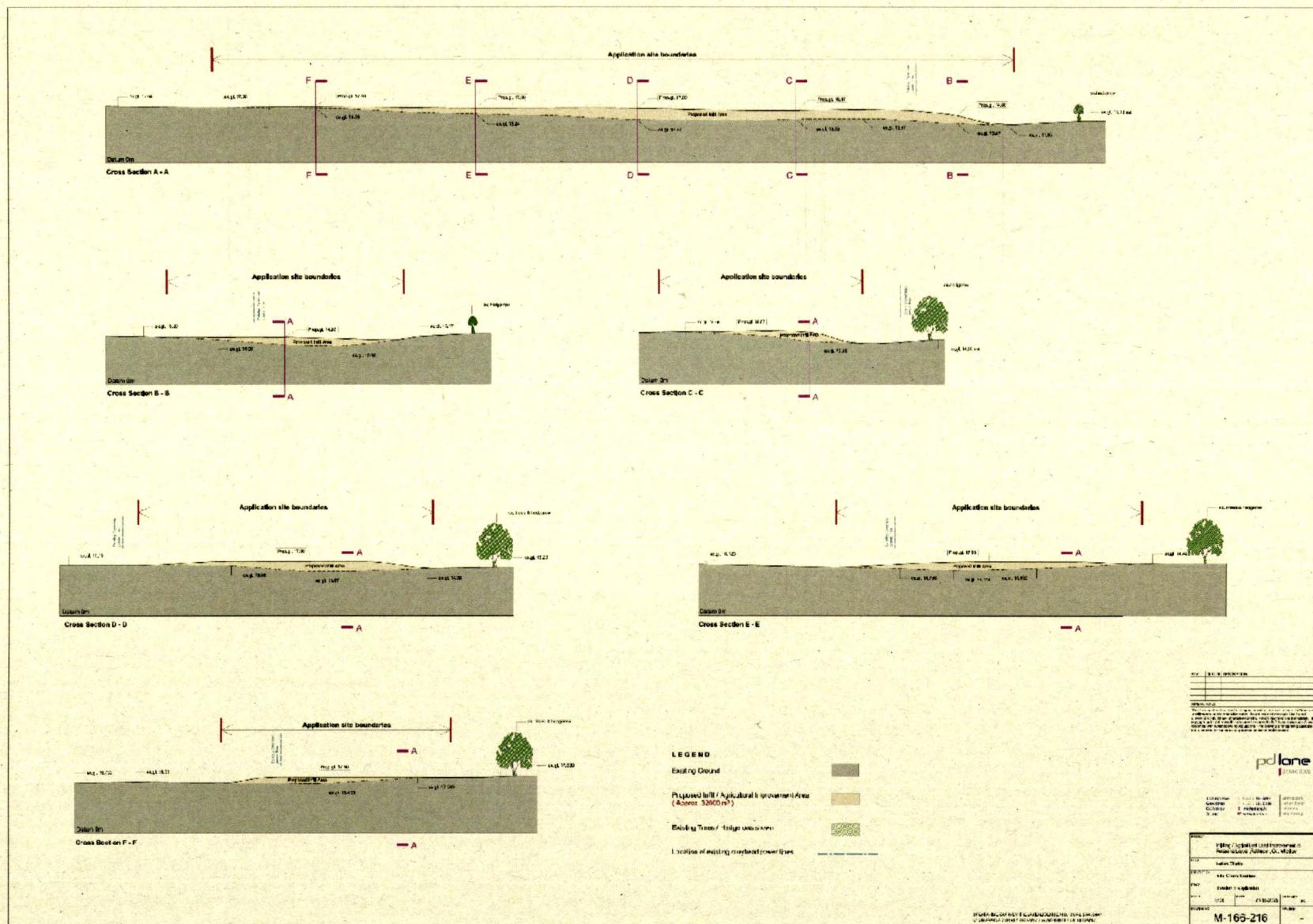


Figure 4. Site cross sections.

Field Survey

A field survey of the site of the proposed works was carried out by Altemar Ltd. on the 15th October 2025 by Kalvin Townsend-Smyth. Kalvin has over 6 years of experience in ecological consultancy including surveying for terrestrial mammals and invasive species for a range of development types in a variety of different environments. The purpose of the field surveys was to identify rare and protected species including terrestrial mammals such as badger (*Meles meles*) and otter (*Lutra lutra*), in addition to invasive species listed under the First Schedule of the European Union (Invasive Alien Species) Regulations 2024 (S.I. No. 374/2024). The survey was conducted outside the optimal survey season for terrestrial mammals, however it was as the latter stage of the survey season for invasive plant species. All areas of the site were accessible and there are no limitations seen in relation to the surveys.

Survey Findings

Terrestrial Mammals

No signs of badger or otter were identified on site, however a recently established fox den was identified immediate adjacent to the works area on the eastern side. The location of this den is displayed in Figure 1A in Appendix A. Photos of this den and other evidence of fox are also displayed in Appendix A (Plates 3-5).

Invasive Species

An extensive and well-established stand for Japanese Knotweed (*Reynoutria japonica*) was identified between the River Vartry and the northern boundary of the site. This is at an approximate distance of 200m from the edge of the proposed works. The extent and location of this infestation is displayed in Figure 1A. Photos are also displayed in Appendix A (Plate 6). No works are proposed in this area.

Identification of Relevant European Sites

The site of the proposed works is not within a European site. As outlined in 'OPR Practice Note PN01; Appropriate Assessment Screening for Development Management' by the Office of the Planning Regulator (2021) "*The zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. This should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15 km).*"

A key factor in the consideration as to whether a particular European site is likely to be affected by the proposed works is its distance from the location of the works. It is generally, but not necessarily, the case that the greater the distance from the plan or project the smaller the likelihood of impacts. The nearest European site is the Murragh Wetlands SAC located 1.3 km to the east of the site (Figures 5 and 7). There is no direct hydrological connection between the subject site and any European site. There are two nearby watercourses; the River Vartry which is located c. 200 m northwest of the site, and the Rathnew Stream which is located c. 400m south of the site (Figure 7). As the current site consists of an agricultural field, there is no existing surface water or foul water drainage on site, and none will be installed as part of the proposed works. Surface water will drain naturally over land and infiltrate through the soil before reaching any watercourse. No foul water will be produced as result of the proposed works. Therefore, there are no direct or indirect hydrological pathways for effects on European sites as a result of the proposed works, and in the absence of mitigation measures, no significant effects on any European site are foreseen from the proposed works.

The ZOI of the proposed works would be seen to be restricted to the site outline, with potential for minor localised noise, surface water runoff and air quality impacts during the works which do not extend significantly beyond the site outline nor are they likely to have any significant effects on any European sites. Despite a lack of a direct hydrological connection to European Sites, but in the interest of carrying out a thorough assessment in line with both the Habitats Directive, and the precautionary principle, the area of assessment was expanded beyond the ZOI to include designated sites within 15km of the site of the proposed works, and sites beyond 15km with the potential for a hydrological connection. This was done in the interest of ensuring that any

pathways, however indirect or remote, were considered. All European sites within 15km are listed in Table 1. The qualifying interests, and the potential impact of the proposed works on each European site and qualifying interest, are screened out in Table 2. No potential impacts are foreseen on European sites beyond 15km as there is no direct or indirect pathways to these sites.

The SACs and SPAs within 15km of the site of the proposed works are demonstrated in Figures 5 and 6. Waterbodies and European sites located proximate to the proposed works are demonstrated in Figures 7.

Table 1. Proximity to designated sites of conservation importance within the ZOI of the proposed project

European Site	Code	Distance	Direct Hydrological / Biodiversity Connection
The Murragh Wetlands SAC	IE002249	1.3 km	No
Wicklow Reef SAC	IE002274	6.5 km	No
Deputy's Pass Nature Reserve SAC	IE000717	6.9 km	No
Magherabeg Dunes SAC	IE001766	8.6 km	No
Vale of Clara (Rathdrum Wood) SAC	IE000733	9.2 km	No
Wicklow Mountains SAC	IE002122	11.5 km	No
Buckroney-Brittias Dunes and Fen SAC	IE000729	11.7 km	No
Carriggower Bog SAC	IE000716	12.1 km	No
Glen of the Downs SAC	IE000719	13.9 km	No
The Murrough SPA	IE004186	1.2 km	No
Wicklow Head SPA	IE004127	5.2 km	No
Wicklow Mountains SPA	IE004040	13.3 km	No

Table 2. Initial screening of European sites within 15km and European sites beyond 15km with potential of hydrological connection to the proposed works.

European Site Code	Name	Screened IN/OUT	Details/Reason
IE002249	The Murragh Wetlands SAC	OUT	<p>Conservation Objectives</p> <p>To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] Alkaline fens [7230]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 1.3 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE002274	Wicklow Reef SAC	OUT	<p>Conservation Objectives To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests Reefs [1170]</p> <p>Potential Impact The site of the proposed works is located approximately 6.5km km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse. Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000717	Deputy's Pass Nature Reserve SAC	OUT	<p>Conservation Objectives To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Potential Impact The site of the proposed works is located approximately 6.9 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC, and the Qualifying Interest of this SAC are terrestrial. Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE001766	Magherabeg Dunes SAC	OUT	<p>Conservation Objectives To maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p>

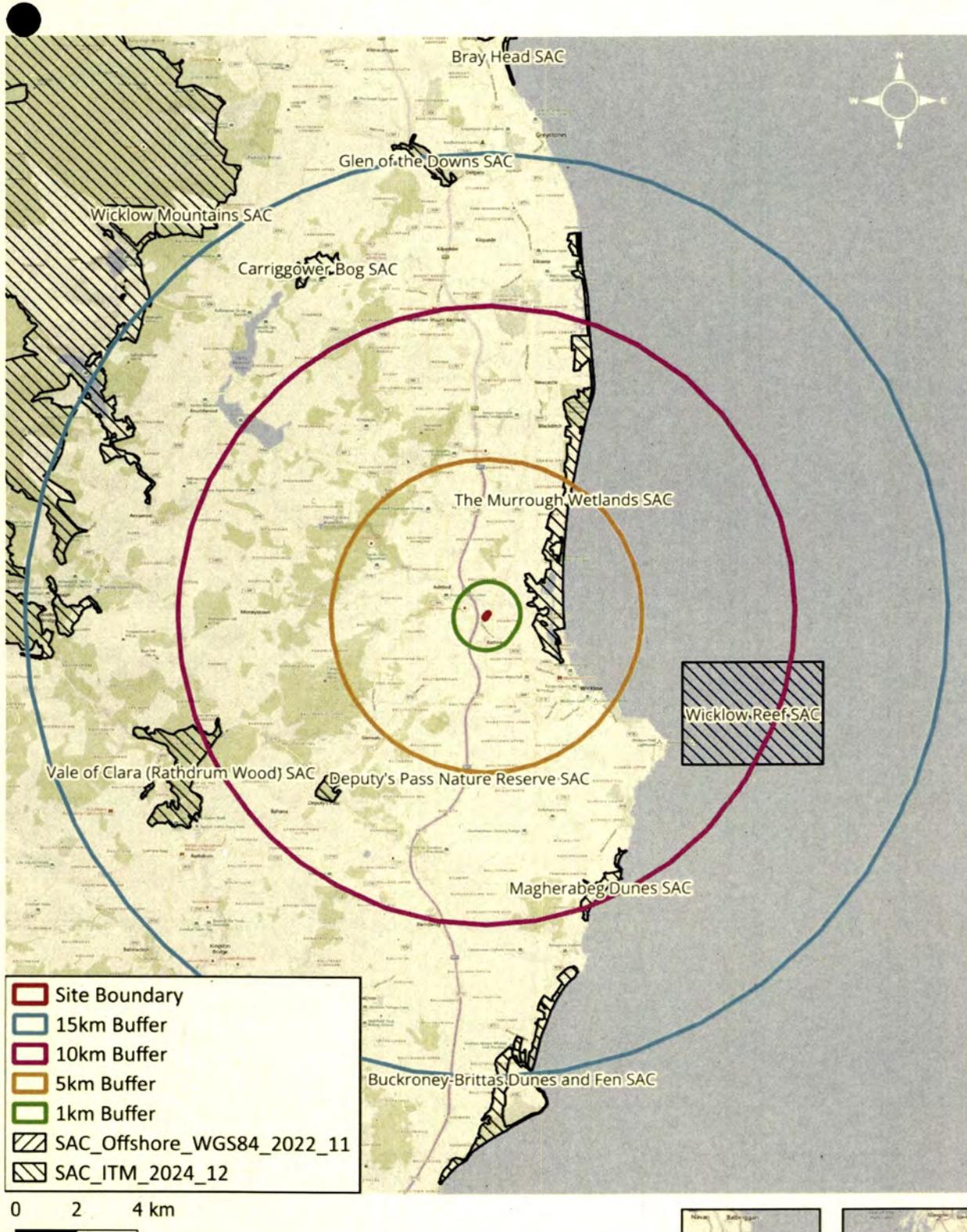
European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 8.6 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000733	Vale of Clara (Rathdrum Wood) SAC	OUT	<p>Conservation Objectives</p> <p>To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91AO]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 9.2 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC, and the Qualifying Interest of this SAC are terrestrial.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE002122	Wicklow Mountains SAC	OUT	<p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorellatalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminaliae</i> [6130]</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 11.5 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000729	Buckroney-Brittias Dunes and Fen SAC	OUT	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Alkaline fens [7230]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 11.7 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000716	Carriggower Bog SAC	OUT	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Transition mires and quaking bogs [7140]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 12.1 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC, and the Qualifying Interest of this SAC are terrestrial.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE000719	Glen of the Downs SAC	OUT	<p>Conservation Objectives</p> <p>To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Potential Impact</p> <p>The site of the proposed works is located approximately 13.9 km from this SAC. There is no direct or indirect hydrological pathway from the proposed works to this SAC, and the Qualifying Interest of this SAC are terrestrial.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SAC. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE004127	Wicklow Head SPA	OUT	<p>Conservation Objectives</p> <p>To restore the favourable conservation condition of the Annex I species for which the SPA has been selected.</p> <p>Qualifying Interests</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Potential Impact</p> <p>The site of the proposed works is located 5.2 km from this SPA. There is no direct or indirect hydrological pathway from the proposed works to this SPA. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>grassland and infiltrate through the soil before reaching this watercourse. The site of the proposed works does not provide any suitable <i>ex-situ</i> foraging habitat for the Qualifying Interest of this site.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SPA. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE004186	The Murrough SPA	OUT	<p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I species and associated wetland habitat for which the SPA has been selected.</p> <p>Qualifying Interests</p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Little Tern (<i>Sternula albifrons</i>) [A885]</p> <p>Wetland and Waterbirds [A999]</p> <p>Potential Impact</p> <p>The site of the proposed works is located 1.2 km from this SPA. There is no direct or indirect hydrological pathway from the proposed works to this SPA. The River Vartry which is located c. 200m northwest of the site is hydrologically connected to this SAC, however surface water on site will drain naturally over open grassland and infiltrate through the soil before reaching this watercourse. While the site does provide suitable habitat for <i>ex-situ</i> foraging Light-bellied Brent Goose, there are no records for this species within or adjacent to the location of the proposed works held by the National Biodiversity Data Centre. Furthermore, the wider landscape in which the proposed works will take place is largely agricultural, with an abundance of suitable foraging habitat for this species, most of which would be of higher quality and in closer proximity to the SPA.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SPA. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>
IE004040	Wicklow Mountains SPA	OUT	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of the Annex I species for which the SPA has been selected.</p> <p>Qualifying Interests</p>

European Site Code	Name	Screened IN/OUT	Details/Reason
			<p>Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Potential Impact</p> <p>The site of the proposed works is located 13.3 km from this SPA. There is no direct or indirect hydrological pathway from the proposed works to this SPA. Furthermore, the site of the proposed works does not provide suitable <i>ex-situ</i> foraging or breeding habitat for the Qualifying Interests of this SPA.</p> <p>Therefore, no potential impact is foreseen. There is no direct or indirect pathways for effects from this site to the SPA. The proposed works will not impact on the conservation interests of the site.</p> <p>No significant effects are likely.</p>

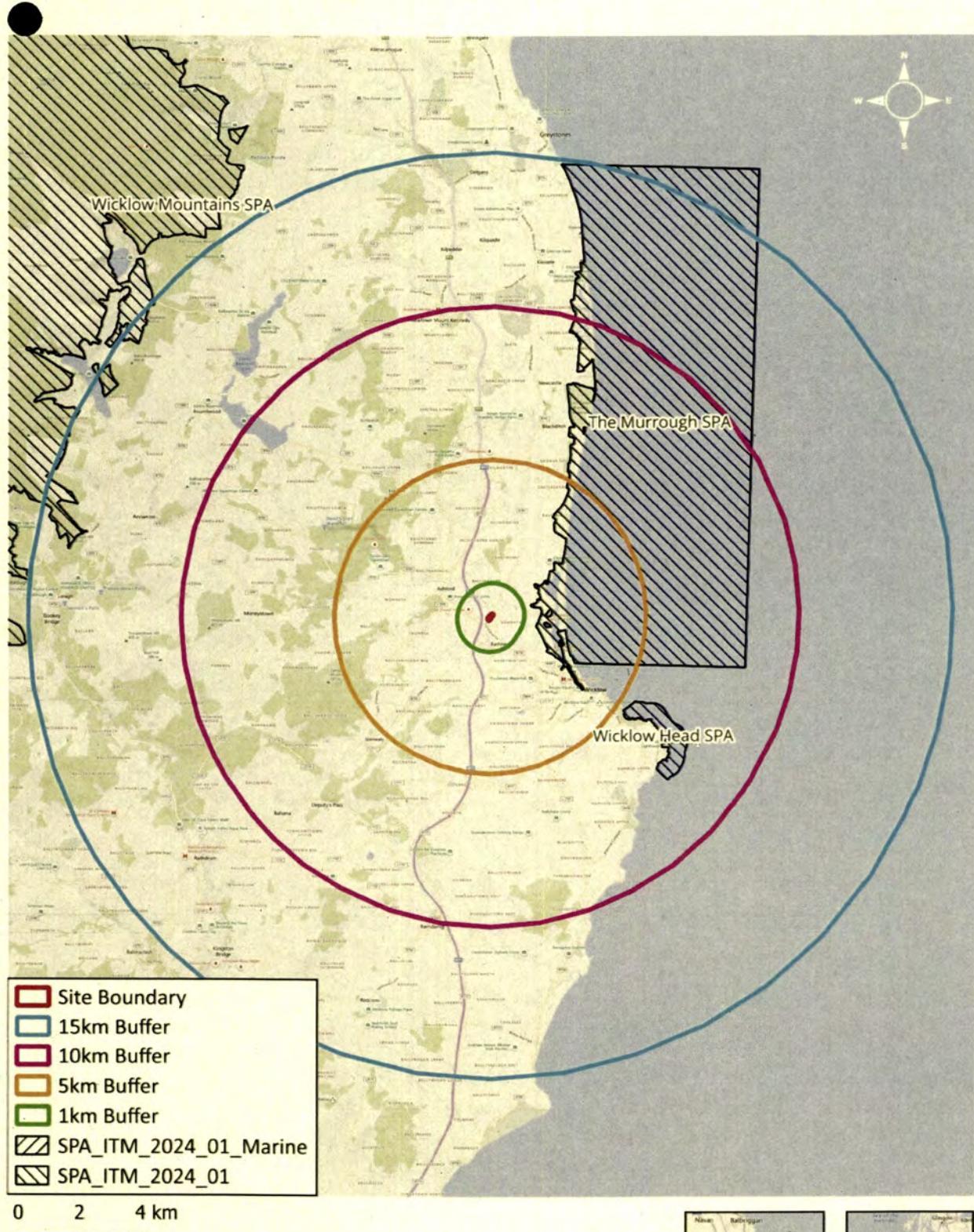


Project: Infilling / Agricultural Land Improvement
Location: Rathnew, Co. Wicklow
Date: 21/10/2025
Drawn By: Kalvin Townsend-Smyth
 (Altemar)

ALTEMAR
Marine & Environmental Consultancy



Figure 5. SACs within 15km of the subject site



Project: Infilling / Agricultural Land Improvement
 Location: Rathnew, Co. Wicklow
 Date: 21/10/2025
 Drawn By: Kalvin Townsend-Smyth
 (Altemar)

ALTEMAR
 Marine & Environmental Consultancy

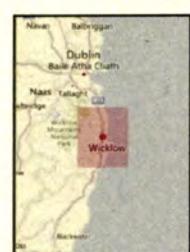


Figure 6. SPAs within 15km of the subject site.



Project: Infilling / Agricultural Land Improvement
 Location: Rathnew, Co. Wicklow
 Date: 21/10/2025
 Drawn By: Kalvin Townsend-Smyth
 (Altemar)

ALTEMAR
 Marine & Environmental Consultancy



Figure 7. Watercourses and SACs within 1km of the subject site.

In-Combination Effects

There are several development proposals located in the areas surrounding the subject site (last 5 years) that have been assessed for potential in-combination effects through the examination of planning documentation. It is noted that much of the development within the vicinity of the site relate to applications for single private dwelling extensions and small-scale works. The larger scale residential developments are either completed or largely completed. The following is a list of planning application(s) as identified on the Department of Housing, Local Government and Heritage's 'National Planning Application Database' portal:

Table 3. Approved planning applications proximate to the subject site

Ref. No.	Address	Proposal
23854	Site at Rossana Lower and Newrath, Rathnew, Co. Wicklow	Proposed 80 No. residential units (64 No. houses and 16 No. duplexes) and childcare facility of 196 sq.m together with all associated site development works including estate roads, footpaths, car parking, bins and storage, boundary treatment, services infrastructure including watermains, foul sewerage, surface water sewerage and on-site attenuation tanks. The proposed development includes for measures to upgrade and realign the Newcastle Road (R761) which will provide for turning lanes at the entrance to the proposed development and Wicklow County Campus (Clermont) and a new uncontrolled pedestrian crossing. A sloped landscaped area located between the existing Clermont demesne wall and the new road realignment is proposed, and a partial demolition of Clermont demesne wall to facilitate the proposed realignment. A new two-way shared pedestrian/ cyclist path is proposed along the western side of the proposed realignment from the site entrance to the roundabout junction at the Rathnew Relief Road. A new surface water open drain is proposed from the proposed development along the western side of the proposed new public footpath/ cycle lane which is then piped further south under the proposed realignment Newcastle Road (R761), and out onto Tighe avenue (R772) where it will drain further south to an existing surface water manhole on Main Street. Watermain and foul sewerage connections are proposed into the existing public mains in the vicinity. The proposed foul sewerage will be piped under the Newcastle Road (R761) up to the existing public sewer on Tighe Avenue (R772).
2460722	Maxol Service Station Rathnew Tighe Avenue, Rossana Lower, Wicklow	The proposed development will consist of: alterations to car parking provision (total car parking will reduce from 45 No. to 34 No. plus 6 No. EV charging spaces); construction of a roofed EV shelter and associated plant and substation within a 2.9m high fence; associated signage (6 No. x 2.5 sq m EV charge point signs, and an internally illuminated 4.8m high double-sided freestanding sign (total 19 sq m)); and hard and soft landscaping and all associated site development works above and below ground.
21849	Maxol Building , Tighe Avenue , Rosanna Lower	Development will consist of alterations to the layout of the existing Maxol building, incorporating the re-arrangement of the existing hot and cold food preparation areas, food serving counter layout and associated dining areas, for the continued sale for consumption on or off the premises of hot and cold food including pizza preparation and takeaway, together with revisions to the paving/landscaped areas adjacent to the Southern and Western facades as granted permission under Pla. Ref No. 18/784 at Tighe Avenue, Rosanna Lower.
201170	Maxol Rathnew, Tighe Avenue Rossana Lower, Rathnew Co. Wicklow	Off-license area of 12.00m2 within, and subsidiary to the existing retail area of 100m2, and for Retention Permission of the following (a) a 1 tonne LPG over ground tank, (b) a car wash plant & solid fuel store (area 19.00m2), (c) a mechanical plant room & water tank storage shed (area 15.00m2), (d) a store room shed (area 12m2), (e) an electrical room (area 4.00m2) and (f) the as-built divide between the retail and seating areas as permitted under Con.5 of Reg Ref 18/784.
20952	Newrath, Rathnew, Co. Wicklow	Relocation of an existing agricultural entrance to the west of the existing entrance.
191378	Wicklow County Campus, Rathnew, Co. Wicklow	Enterprise hub which will consist of alteration and refurbishment of the courtyard cottage and conversion to office use. Alterations include formation of additional window openings and enclosing the carriage arch to create a new stairwell, upgrading of the courtyard storage outbuildings including reslating and improvements to the roof structure, demolition of redundant farm outbuildings



Ref. No.	Address	Proposal
		to the north of the courtyard to facilitate construction of new 2 storey office building with main entrance to the Enterprise Hub, roof mounted PV solar array and link element to the refurbished courtyard office, associated services, set down bay, accessible car parking, e car parking posts, hard and soft landscaping, refurbishment of section of former dormitory 2nd floor level of the school block and conversion to office use, alterations and refurbishment of former school chapel and conversion to conference centre, new foul effluent pumping station to serve Wicklow County Campus with rising main to the public sewer.
24447	west of M11 Junction 16, Rosanna Upper, Ashford	Part 8 for a strategic Park & Ride facility located to the west of M11 Junction 16 at Rosanna Upper in the village of Ashford. The proposed development comprises a car park with a capacity of 210 parking spaces, including 13 spaces for mobility impaired users and 21 spaces for charging of electric vehicles. The project includes the construction of a new bus area that consists of two bus bays, two passenger shelters, and a designated turning circle. A new all-movement junction is proposed at Fassaroe Lane, incorporating a dedicated lane for right-turning traffic. The development also plans to incorporate paved areas for bike shelters and lockers, facilitating connections for active travel and ancillary works (for submission details please see the development site notice).
2360219	Site of c.16.8ha, at Tinakilly, Rathnew	LARGE SCALE RESIDENTIAL DEVELOPMENT - (a)Construction of 352 no. residential units (b) The proposed development will connect to the Tinakilly Park residential development and Rathnew Village via a new section of the Rathnew Inner Relief Road. The proposed road will join the constructed/under construction elements permitted under WCC Ref. 17/219/ ABP Ref. PL27.301261 and amended under WCC Ref. 22/837 to the south with a section of the link road to the northwest of the site at the R761 roundabout in Rathnew granted under WCC Ref. 21/1333. This includes all associated vehicular and pedestrian access, carriageways, paths and junctions. (c) No proposed works to Tinakilly Country House Hotel (a protected structure Reference No. 25-15) save for works to close the western portion of Tinakilly avenue to vehicular traffic and the provision of a new vehicular entrance and gates along the eastern portion of Tinakilly Avenue off the Rathnew Inner Relief Road to facilitate access to Tinakilly House and other properties to the east of the site accessed from Tinakilly Avenue. (d) All associated site development works, service provision, infrastructural and drainage works, provision of esb substations, bin stores, bicycle stores, car parking, public lighting, landscaping, open space, and boundary treatment works. (e) The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement. The application site is generally bounded to the north by greenfield lands, to the east by Tinakilly Country House Hotel (which is a Protected Structure RPS No. 25-15), to the west/southwest by commercial development, the R750 Wicklow – Rathnew Road and Rathnew Village; and to the south by the Tinakilly Park residential development currently under construction.
211333	Rathnew , (generally bounded by the Clermont Campus to the north and east; the R761 to the north west; and the R772 and an existing dwelling to the west) , Co Wicklow	Amendments to permitted development WCC Reg. Ref. 16/1444 for the permitted (undeveloped) residential element comprising 36 no. units consisting of 16 no. houses ranging from c.110sqm to 165sqm each and 20 no. apartments ranging from c.74sqm to c.120sqm each. Permission is sought to replace the 36 no. permitted units with 41 no. houses and 4 no. apartments (consisting of 34 no. 3-4 bedroom semi detached 2 storey houses c. 111sqm - c.130sqm each; 7 no. 2-3 bedroom terraced 2 storey houses c.85sqm - c.111sqm each; 4 no. 1 bedroom apartments arranged over 2 storeys c. 52sqm- c.58sqm each and all associated private rear gardens). Since the granting of permission under Ref. 16/1444, a section of the new link road extending east from the new roundabout has been redesigned and permission is now sought for these changes. No changes are proposed to the balance of development comprising the fully constructed, completed, and occupied village centre. All associated site development works, services provision, new vehicular and pedestrian access from the new link road to the north of the site, pedestrian access from the proposed plaza to the south west of the site and all internal roads and footpaths, open space provision including 3 no. residential open spaces, public plaza and the existing woodland,

Ref. No.	Address	Proposal
		landscaping, boundary treatment works, tree removal, 84 no. car parking spaces and bin stores. This application is accompanied by a Natura Impact Statement.

In relation to planning ref. 23854, the planning report states the following in relation to Appropriate Assessment:

'Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development'

In relation to planning ref. 23854, the planning report states the following in relation to Appropriate Assessment:

'Having regard to the existing development on site and the nature, scale and location of the proposed development it is considered that the proposed development would not give rise to any adverse impacts on the qualifying interests and conservation objectives of Natura 2000 sites in the vicinity. The proposed development, therefore, not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.'

In relation to planning ref. 20952, the planning report states the following in relation to Appropriate Assessment:

'Having regard to the nature and scale of the proposed development, the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site and therefore a Stage 2 Appropriate Assessment is not therefore required.'

In relation to planning ref. 191378, the AA Screening report prepared by Moore Group Environmental Services and submitted as part of the application concluded the following:

'It has been objectively concluded by Moore Group Environmental Services that:

1. *The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.*
2. *The proposed Project is unlikely to indirectly significantly affect the Qualifying Interests or Conservation Objectives of the European sites considered in this assessment.*
3. *The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.*
4. *It is possible to conclude that significant effects can be excluded at the screening stage.*

'It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.'

In relation to planning ref. 24447, the AA Screening report prepared by Doherty Environmental Consultants Ltd. and submitted as part of the application concluded the following:

'In light of the findings of this report it is the considered view of the authors of this Screening Report for Appropriate Assessment that it can be concluded by Wicklow County Council that the project is not likely, alone or in combination with other plans or projects, to have a significant effect on any European sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.'

In relation to planning ref. 2360219, Nature Impact Statement prepared by Scott Cawley Ltd. and submitted as part of the application concluded the following:

'It has been objectively concluded by Scott Cawley Ltd., following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development, and the effective implementation of the mitigation measures prescribed that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.'

In relation to planning ref. 211333, the AA Screening report prepared by Altemar Ltd. and submitted as part of the application concluded the following:

'Following the implementation of the mitigation measures outlined, the construction and presence of this development would not be deemed to have a significant impact. No significant impacts are likely on Natura 2000 sites, alone or in combination with other plans or projects based on the implementation of standard construction phase mitigation measures. ... No significant effects are likely on Natura 2000 sites, their qualifying interests or conservation objectives. The proposed project will not adversely affect the integrity of European sites.'

In conclusion, upon examination of the above listed plans and projects, it is considered that in combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant and localised. It is concluded that there is no potential for any other plan or project to adversely affect the integrity of any European sites in-combination with the proposed works.

Conclusions

The site of the proposed works is located within an agricultural environment and is bounded to the east by active construction of a residential development. The nearest European site is the Murrough Wetlands SAC (1.2 km). There is no direct hydrological connection between the subject site and any European site. There are two nearby watercourses; the River Vartry which is located c. 200 m northwest of the site, and the Rathnew Stream which is located c. 400m south of the site. As the current site consists of an agricultural field, there is no existing surface water or foul water drainage on site, and none will be installed as part of the proposed works. Surface water will drain naturally over land and infiltrate through the soil before reaching any watercourse. No foul water will be produced as result of the proposed works. Therefore, there are no direct or indirect hydrological pathways for effects on European sites as a result of the proposed works, and in the absence of mitigation measures, no significant effects on any European site are foreseen from the proposed works.

Having taken into consideration the surface water drainage from the site of the proposed works, the distance between the proposed works to designated conservation sites, the lack of direct hydrological pathway or biodiversity corridor link to conservation sites, it is concluded that the proposed works would not give rise to any significant effects to designated sites. The proposed works will not impact on the conservation objectives of qualifying interests of European sites.

This report presents a Stage 1 Appropriate Assessment Screening for the proposed works, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the proposed works, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or European site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the proposed works, individually or in combination with other plans or projects is likely to have a significant effect on any European site.

Data Used for AA Screening

NPWS site synopses and Conservation objectives of sites within 15km were assessed. The most recent SAC and SPA boundary shapefiles were downloaded and overlaid on road maps and satellite imagery. Data obtained from a site visit was also used to inform this assessment.

Findings of No Significant Effects Report

Details of Project	Appropriate Assessment Screening for the Proposed Agricultural Land Improvement at Rossana Lower, Rathnew, Co. Wicklow
Name of European Sites Within 15km	<p>The Murragh Wetlands SAC Wicklow Reef SAC Deputy's Pass Nature Reserve SAC Magherabeg Dunes SAC Vale of Clara (Rathdrum Wood) SAC Wicklow Mountains SAC Buckroney-Brittias Dunes and Fen SAC Carriggower Bog SAC Glen of the Downs SAC The Murrough SPA Wicklow Head SPA Wicklow Mountains SPA</p>
Project Description	The proposal is for the recontouring of agricultural land by the removal of topsoil and sub soil from an area within the landholding and infilling the areas to improve the future agriculture use of the land at Rathnew, Co. Wicklow, in accordance with Section 5 of the Planning and Development Act 2000 (as amended).
Is the Project directly connected with the management of the European site?	No
Details of any other projects or plans that together with this project could affect the EUROPEAN site	None
The assessment of significant effects	
Describe how the project is likely to affect the EUROPEAN site	No Impact Predicted
Response to consultation	N/A
Data collected to carry out the assessment	Supporting NPWS data and field survey data.
Who carried out the assessment	Altemar Ltd.
Sources of data	Field survey, NPWS website, standard data form, conservation objectives data of the site and references outlined in the AA Screening Report.
Explain why the effects are not considered significant	No European sites are within the zone of influence of these works. There is no direct or indirect hydrological pathway for pollutants to European sites. The proposed works are set back from the nearest watercourse (the River Vartry) at an approximate distance of 200m. Therefore, any surface water on site during the proposed works will drain naturally across open grassland and infiltrate through the soil before reaching any watercourse. Having taken into consideration the surface and foul water discharge from the proposed development, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway to conservation sites and the dilution effect and treatment of effluent and surface runoff, it is concluded that the proposed development would not give rise to any significant effects to designated sites.
Level of assessment completed	Stage 1 Screening
Overall conclusions	On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best

scientific knowledge and in view of the conservation objectives of the relevant European sites, the proposed works, individually or in combination with other plans or projects is likely to have a significant effect on any European site.

References

1. Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government 2009; http://www.npws.ie/publications/archive/NPWS_2009_AA_Guidance.pdf
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15. NPWS (2019) Conservation Objectives: Carrigower Bog SAC (Site Code: 000716). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
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17. NPWS (2024) Conservation Objectives: The Murrough SPA (Site Code: 004186). Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.
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Appendix A - Survey Findings



ALTEMAR
Marine & Environmental Consultancy



Figure 1A. Survey findings.



Plate 1. Northwestern view of the site of the proposed works.



Plate 2. Northeastern view of the site of the proposed works.



Plate 3. Fox den.



Plate 4. Signs of feeding/scavenging and fox scat.



Plate 4. Fox print.



Plate 6. Stand of Japanese Knotweed.

A compass rose with a red arrow pointing upwards, labeled with the letter 'N' at the top, indicating the direction of North.

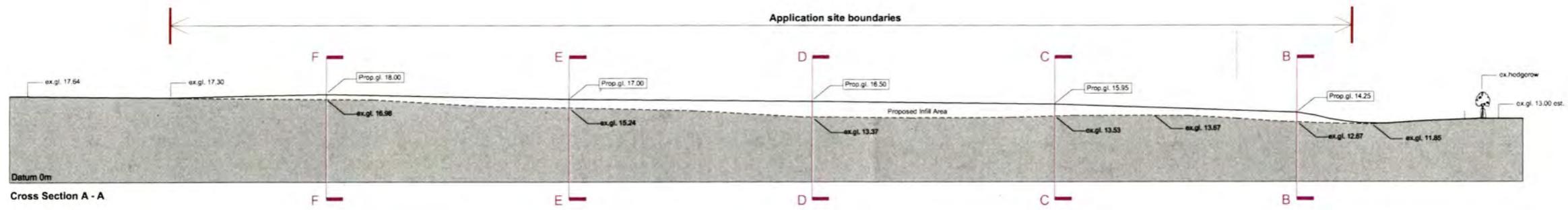
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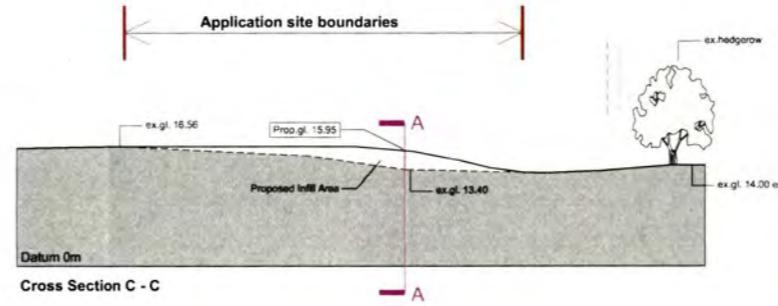
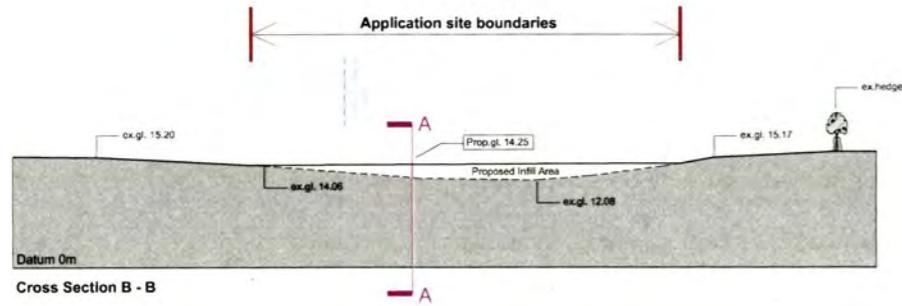


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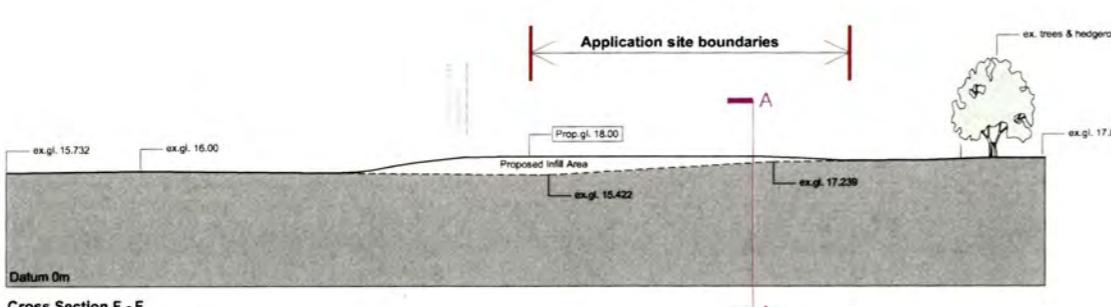
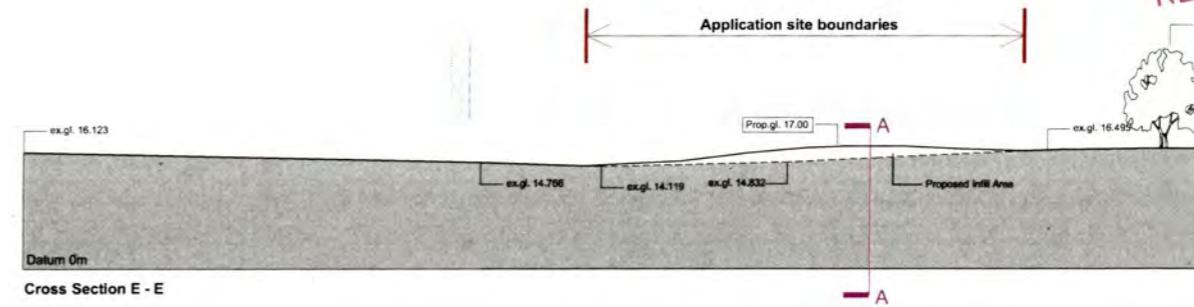
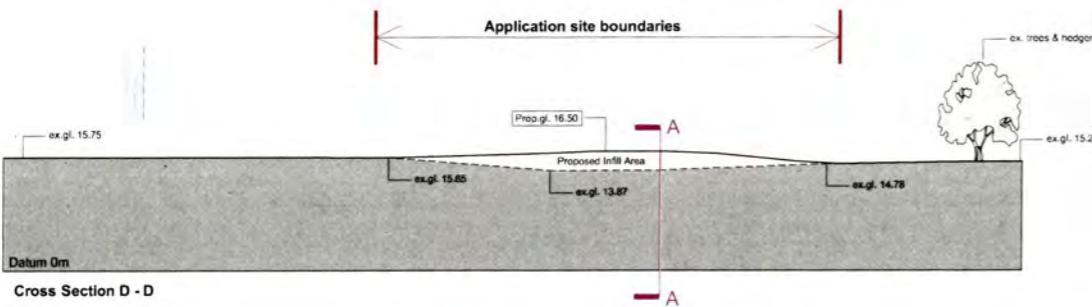
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Client:	Miller Clark		
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Scale:	Section 5, 1:4000		
Print Date:	11/00/2025	Printed by:	SC
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LEGEND

Existing Ground



Proposed Infill / Agricultural Improvement Area
(Approx. 18000 m³)



Existing Trees / Hedgerows shown



Location of existing overhead power lines



REV 00-00-00 DESCRIPTION
A 26-11-25 RED LINE BOUNDARY & FILL AREA LEVEL

GENERAL NOTES

Drawing is to be read in conjunction with all relevant documents. Dimensions are in metres unless otherwise stated. Do not scale off drawing. Use figures and dimensions only. Check dimensions on site. Report discrepancies immediately. The right to use the drawing is reserved to the author. All works are to comply with building regulations. This drawing is for planning purposes only and is not to be used for construction purposes unless otherwise stated.

pd lane

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Greystones
Co Wicklow
Ireland

287 5697
287 0109
info@pdlane.ie
www.pdlane.ie

PROJ: Infilling / Agricultural Land Improvement at Rossana Lower, Rathnew, Co. Wicklow

CLIENT: Helen Clarke

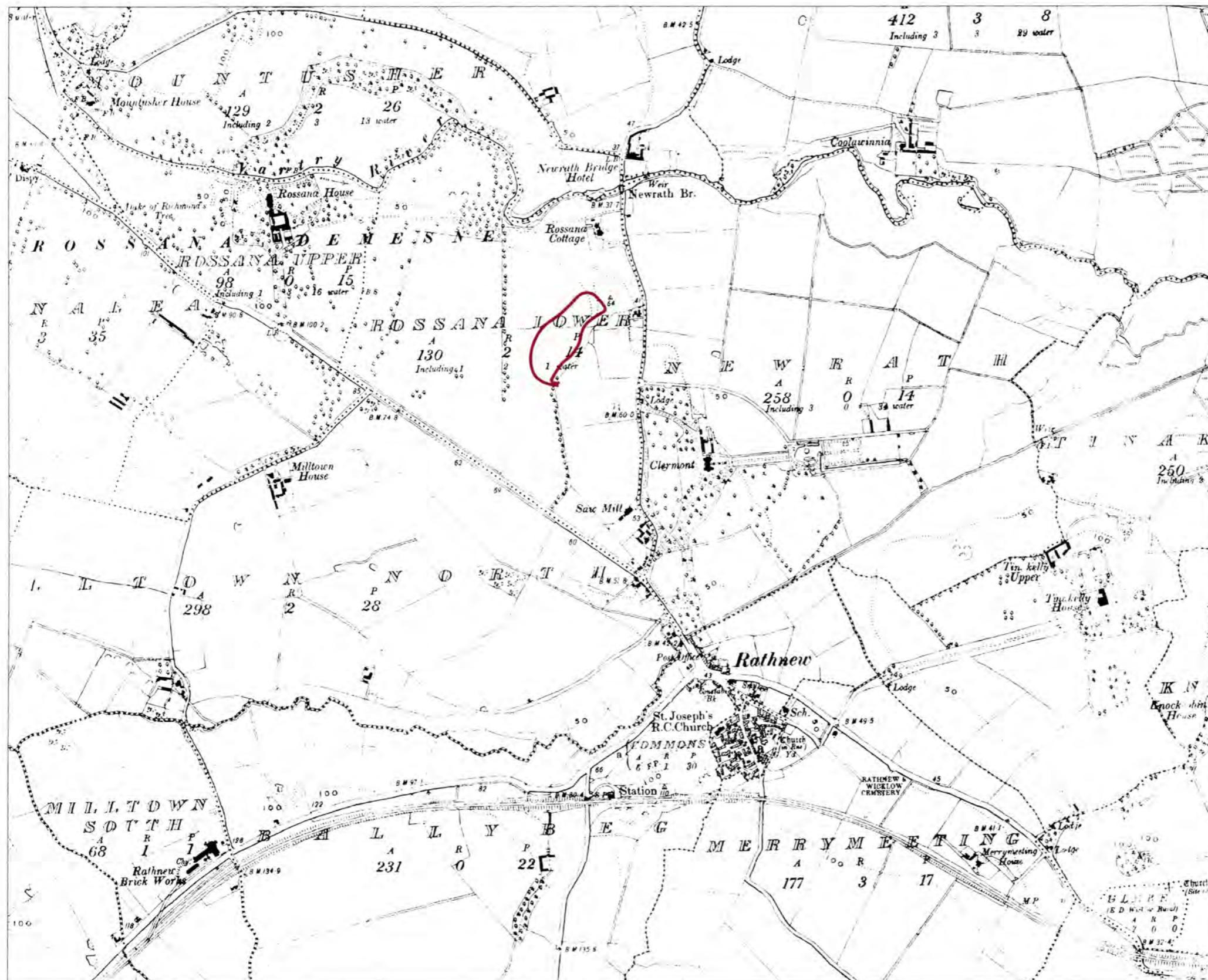
DESCRIPTION: Site Cross Sections

STAGE: Section 5 application

SCALE: 1:500 DATE: 21-10-2025 DRAWN BY: ac

DRAWING NO: M-166-216 REVISION: A

ORDNANCE SURVEY IRELAND LICENCE NO. CYAL 50458647
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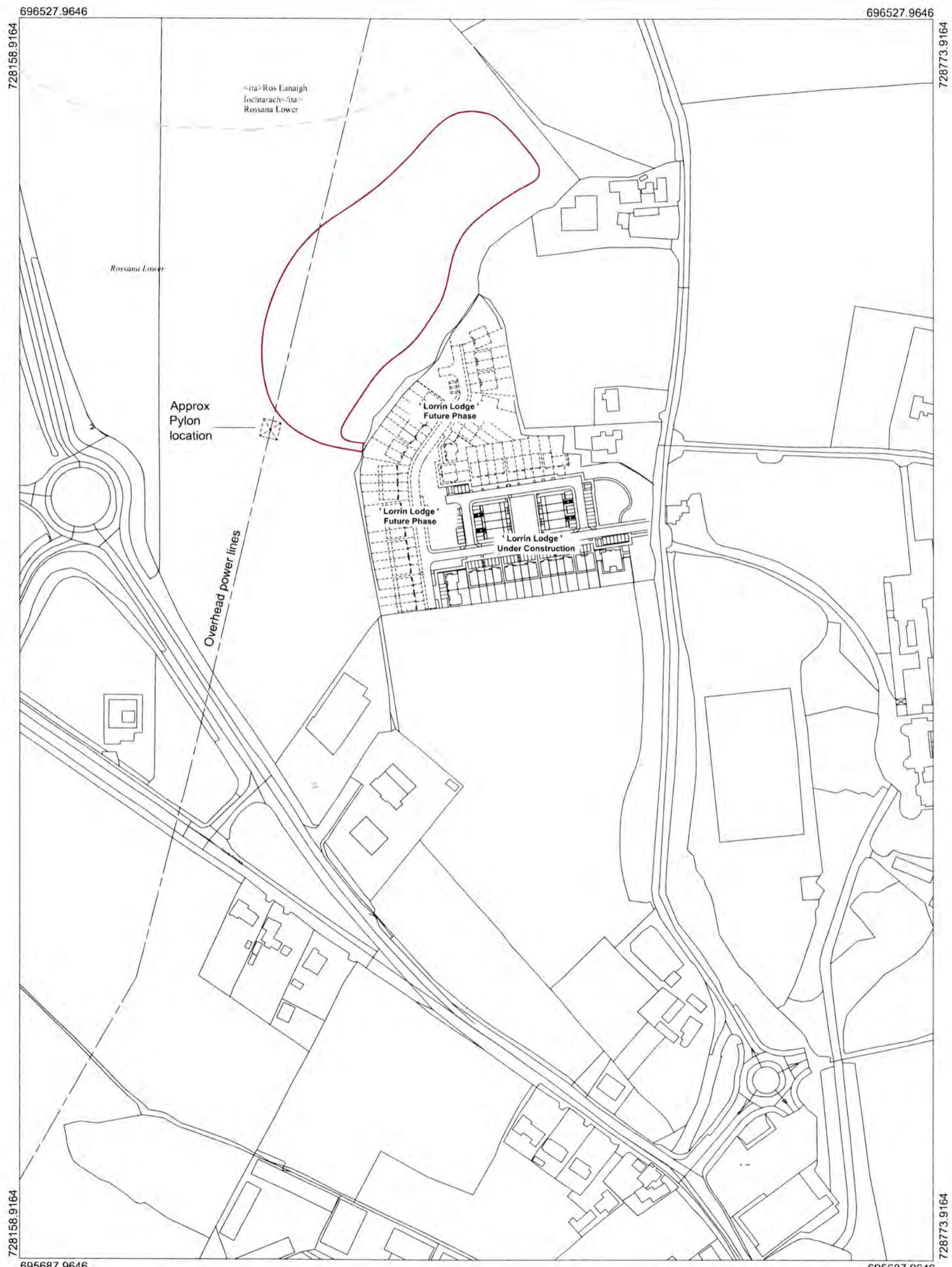
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 WW025 Revision Date = Survey Date = 31-Dec-1910
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 Data Extraction Date: 17-Feb-2023
 Product Version: 1.3
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APPLICATION SITE BOUNDARY

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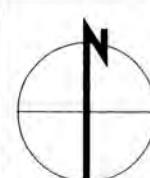
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				DESCRIPTION	Location Map
				STAGE	Section 5 Application
				SCALE	1:10560 (A3 sheet)
					DRAWN BY AC





Application Boundary Edged Red
(area = 1.914 hectares)

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PROJECT Infilling / Agricultural Land Improvement at

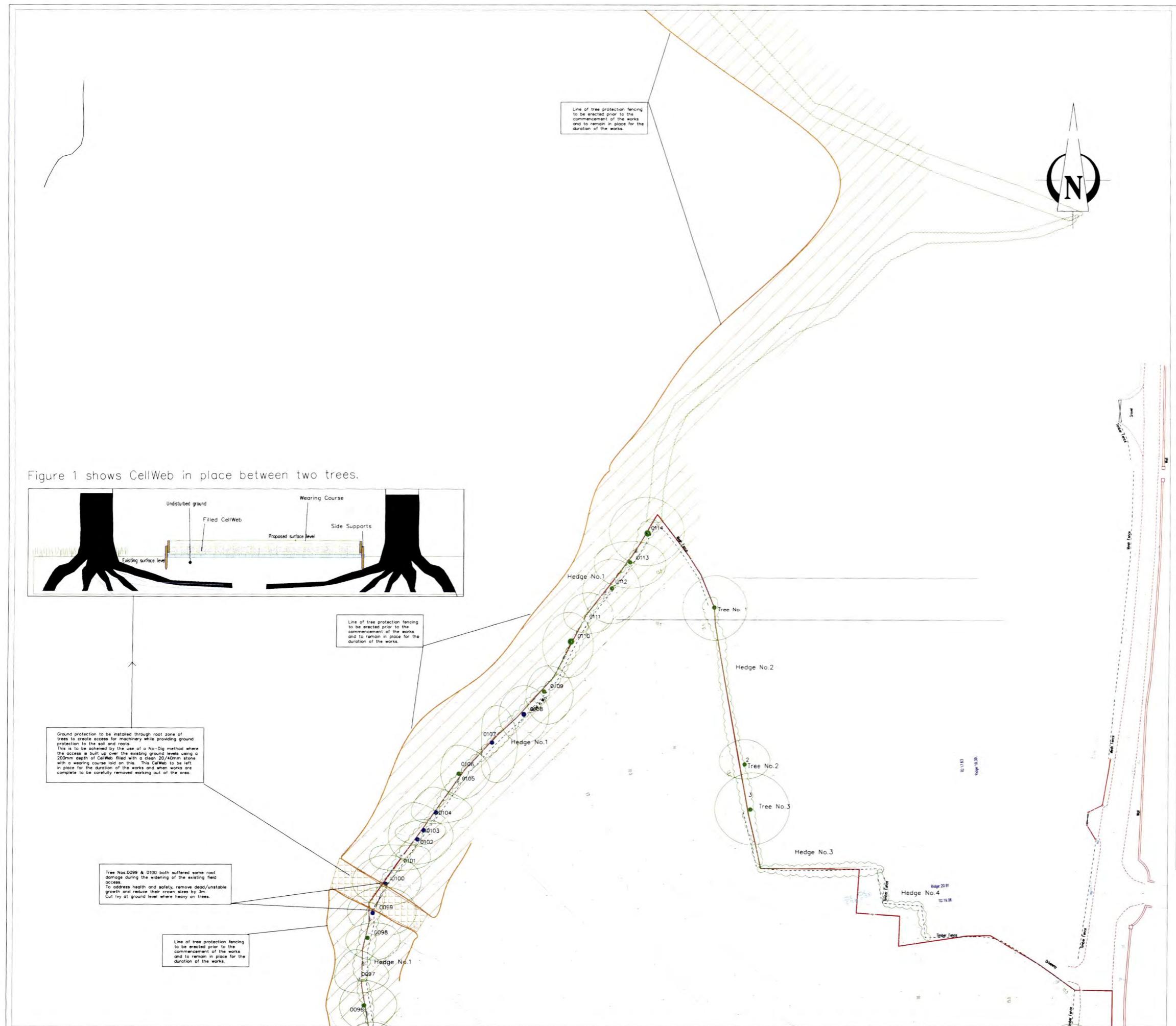
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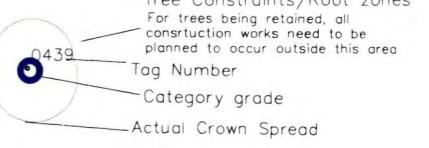
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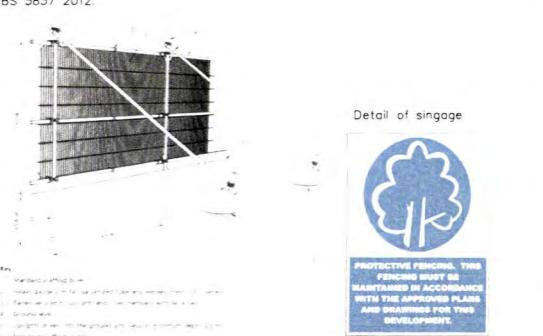
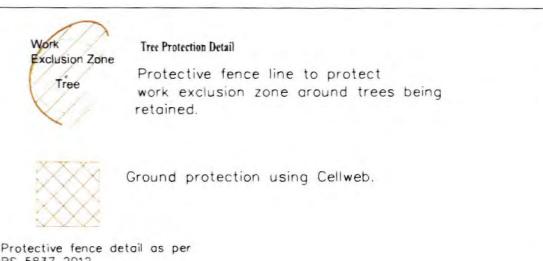


Notes:



Schedule of events

Works	Schedule
Site Meeting	Prior to any works commencing.
Tree Works – Felling & Pruning	Prior to any construction works commencing.
Tree Protection	After tree removal and pruning is complete and prior to any construction works commencing. The erection and removal of the protective fencing is to be scheduled in accordance with the phasing of the construction works.
Site Monitoring	Ongoing throughout the construction works.
Removal of Tree Protection	Once all the main construction works are completed and in order to incorporate the area into the finished development.
Tree Review and Certification	Once all works are complete.



The tree protection fencing is to be erected enclosing the root protection areas around the trees being retained as shown on this drawing and appendix 1.

constructed in accordance with figure 2 of BS 5837:2012 (see detail on drawing & appendix 1) using vertical and horizontal scaffold bars or similar well braced together with the verticals spaced out at a maximum of 3m centres. Onto this, weld mesh panels (harris feche panels) are to be securely fixed with wire or scaffold clamps.

Signs are to be attached to these fences warning people that this is a protective area and that the fencing must be maintained in good condition in accordance with the approved plans and drawings for this development.

Once the protective fence line is erected, then the main construction works can commence on site.

- c. Protect tree root systems from damage caused by runoff or spillage of

- o noxious materials while mixing, placing, or storing construction materials.
- o Protected roots from ponding, eroding, or excessive wetting caused by flooding.
- o Do not store construction materials, debris, or excavated material inside tree protection zones. When excavating, place excavated soil on opposite side of trench away from the tree.
- o Do not permit vehicles or foot traffic within tree protection zones, prevent soil compaction over root systems.
- o Do not allow fires under or adjacent to remaining trees or other plants.
- o Do not attach notice boards, cables or other services to any part of the tree.
- o Do not use neighbouring trees as anchor points.
- o Do not use high machinery such as Tele-porters, cranes or other equipment close to trees to avoid damage to the crown or any other parts.

ABBOREST ASSOCIATES LTD

ARBORIST ASSOCIATES LTD.

TEL: 01-2742011 / 087-2629589

TITLE: Tree Protection Plan

Site : 'Rosanna' Rathnew, Co. Wicklow

DATE: Draw. No. BBW003 Scale 1:500 © A0



Site Area = 1.914 hectares

LEGEND

Existing buildings shown	
Buildings under course of construction (<i>'Lorn Lodge'</i>)	
Future Phase (<i>'Lorn Lodge'</i>)	
Existing Trees Shown	
Existing hedgerows shown	
Existing tree constraints shown	
Existing ground spot levels shown	
Proposed Application Boundary edged Red	
Proposed Area for Infilling/ Agricultural Improvement (approx 32000 m ²)	

Existing overhead power lines

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