



An
Bord
Pleanála

Board Direction
BD-006392-20
ABP-306090-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/09/2020.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the rural location of the proposed development which comprises an Equestrian Centre, to Policy EQ3 off the Kildare County Development Plan 2017-2023, which seeks to ensure equine based developments are located on suitable and viable landholdings, the Board considered that the proposed development was an appropriate enterprise for this rural location and considered that the extent and nature of the landholding adjacent to a forest ensured that the proposed development was in accordance with the policy objectives of the Kildare Development Plan 2017-2023. Furthermore, the proposed development which is set back away from the road boundary and adjacent dwellings would not seriously injure the visual and residential amenities of the area, would not pose a risk to pollution and would be acceptable in terms of pedestrian and traffic safety and convenience. It is considered therefore that the proposed development is in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the extent of the proposed development within the context of the overall Blackwood Equestrian Centre Business Plan and the extent and capacity of

the overall landholding adjacent to a forested area to facilitate the centre. It noted that it was proposed that additional elements of the proposed Equestrian Centre including the indoor arena, the café and the tack shop could, subject to the required planning, be provided in later phases and considered that these were outside the scope of the proposed application. In particular, the Board noted that the viability of the proposed development was not dependent on the later additions of a café and tack shop as it was anticipated that these would be financially viable businesses in their own right and therefore did not consider that the proposed development would constitute a piecemeal, unviable and unsustainable development. It is considered therefore, that the proposed development is in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 04 day of December, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

3. Details on the sizing/volume and location of the dungstead and the effluent tank for the proposed development shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development. These shall be sized and located in accordance with the

specifications outlined in the Teagasc Report submitted to the planning authority on 16 September 2019.

Reason: In the interest of public health.

4. The proposed septic tank drainage system and percolation area shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. All surface water, rainwater and storm water from the development shall be collected on site and disposed of to the surface water system. No surface water runoff shall discharge onto the public road.

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

6. Details of the finishes of the buildings, the location of fencing of paddocks and other areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

7. Car parking and cycle parking facilities shall be provided in accordance with the requirements of the Kildare County Development Plan 2017-2023. Details of the layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate off-street parking provision is available to serve the proposed development.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 03/09/2020

Maria FitzGerald