



An
Bord
Pleanála

Board Direction
BD-019360-25
ABP-312881-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/04/2025.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended,
- (b) the provisions of the Planning and Development Acts 2000, as amended, and in particular Part XA,
- (c) the provisions of the Laois County Development Plan 2021-2027,
- (d) the remedial Natura Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (e) the report and the opinion of the planning authority under Section 177I of the Planning and Development Act 2000, as amended, and the applicant's response to the report,
- (f) the submissions and observations received by the Board,

- (g) the planning history of the site,
- (h) the pattern of development in the area,
- (i) the nature and scale of the development the subject of this application for substitute consent, and
- (j) the Memorandum of the Board's Scientific Officer, and
- (k) the report of the Board's Inspector, including in relation to potential significant effects on the environment.

Appropriate Assessment: Stage 1

The Board agreed with the screening assessment carried out by the Inspector which concluded that the European Sites, River Barrow and River Nore Special Area of Conservation (site code 002162), and River Nore Special Protection Area (site code 004233) were those for which a Stage 2 Appropriate Assessment was required, and that significant effects on other European Sites can be ruled out.

Appropriate Assessment: Stage 2

The Board considered the remedial Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for River Barrow and River Nore Special Area of Conservation (site code 002162) and River Nore Special Protection Area (site code 004233) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered the likely direct and indirect impacts arising from the development, both individually or in combination with other plans or projects, the remediation and monitoring measures set out in the remedial Natura Impact Statement, and the conservation objectives for the European Sites.

The Board is satisfied that, subject to the implementation of the identified remediation and monitoring measures and on the basis of the information available, the development, either individually or in combination with other plans or projects, would not adversely affect the integrity of these European Sites or any other such European designated site, in view of the conservation objectives of any such site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

Proper Planning and Sustainable Development

Having regard to the nature, scale and extent of the development, and to the acceptability of the environmental effects and noting that the integrity of European Sites were not adversely affected, in view of the relevant sites' conservation objectives, as set out above, and subject to compliance with the conditions set out below, the Board is satisfied that to grant substitute consent for the development is, therefore, 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, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted remedial Natura Impact Statement shall be implemented.

Reason: To protect the integrity of European Sites.

3. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of

regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

4. Within three months of the date of this Order, the applicant shall submit to the planning authority the results of a leakage test on the slatted tank, carried out to the satisfaction of the planning authority. Use of the tank is conditional on the test successfully demonstrating that no leakage occurs.

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

5. Within three months of the date of this Order, the applicant shall submit to the planning authority for agreement, detailed proposals for the provision of a driveway, parallel to the existing laneway, along that part of the laneway which is in the vicinity of the adjoining dwelling, in order to provide for the partial re-routing of heavy goods vehicles traffic to the site. The details shall include screening to be provided between the new route and the existing laneway and the period for implementation.

Reason: In the interest of residential amenity.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. In this regard, uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways. Details in this regard shall be submitted to and agreed in writing with the planning authority within three months of the date of this Order.

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

Board Member

Eamonn James Kelly
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Date: 01/04/2025