

**An  
Bord  
Pleanála**

**Board Direction  
BD-015597-24  
ABP-317590-23**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2024.

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**

Having regard to the provisions of the Laois County Development Plan 2021-2027 and the established pattern of development on the site, it is considered that the development proposed for retention and permission would not detract from or be seriously injurious to the residential or visual amenities of the area, would not be prejudicial to public health, would not interfere with traffic safety and would therefore, accord with the proper planning and sustainable development of the area.

In deciding not to agree with the Inspectors recommended reason for refusal in respect of the retention of the storage containers, the Board did not share the Inspectors view that permitting the retention of the storage containers would facilitate what the Inspector described as an intensification of use of a constrained site. The Board shared the view of the Planning Authority, as expressed in the first planning report, that while the design and finish may not be of the highest standard, they are relatively small in scale and have been absorbed by the existing development within which they are located. The Board considered that they would be even more successfully absorbed into the existing complex of structures if they were painted the

same colour as the other structures on site and considered that this could be conditioned.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 7th day of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The storage containers shall be painted so as to match the existing structures on the site. This shall be completed within 3 months of the date of the date of this Order.

**Reason:** In the interest of visual amenity.

3. For the duration of use of the wastewater storage on site, a contract from an operator of a wastewater collection service for its maintenance, shall be submitted annually to the planning authority for written agreement.

**Reason:** In the interest of orderly development.

4. Proposals for the disposal of surface water, shall be submitted for the written agreement of the planning authority within three months of the date of this order.

Clean run-off shall be managed within the curtilage of the landholding via suitably sized soakaways designed in accordance with BRE Digest 365 – Soakaway Design.

Runoff shall be disposed of via petrol interceptors.

Contaminated storm water shall not be allowed to discharge to any storm water drain, watercourse, or to the on-site soakaways.

Inspection manhole chambers for monitoring storm water quality shall be provided between each interceptor and the point of discharge to the relevant soakaway.

The development shall not interfere with or impair the operation of any existing surface water drainage system or land or roadside drainage currently facilitating the application site. No run-off shall be allowed to flow onto the public road.

Only clean uncontaminated surface water from the development shall be discharged to the surface water system.

**Reason:** To prevent interference with existing land or drainage and in the interests of proper development and of sustainable drainage of the area.

5. All overground fuel/chemical storage tanks provided shall be adequately bunded to protect against spillage and leakage etc. Bunding shall be impermeable and shall be capable of retaining a volume equal to 1.5 times the capacity of the overground storage tank it is being provided for. Filling and off-take points shall be located within the bunded area.

**Reason:** To prevent water pollution.

6. Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the planning authority.


**Reason:** In the interest of orderly development.

7. No floodlighting shall be erected without prior planning permission.  
Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.  
**Reason:** In the interests of traffic safety and residential amenity.
  
8. No advertising signage shall be erected on the site, except in accordance with a further planning permission.  
**Reason:** In the interests of traffic safety and rural amenity.
  
9. 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.

Note:

Reference to Section 34(13) of the Act, as amended to be added.

**Board Member**

  
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Una Crosse

**Date:** 28/02/2024