

An
Bord
Pleanála

Board Direction
BD-019891-25
ABP-320690-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/06/2025.

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

Having regard to the nature, scale and extent of the proposed development and to its location and relationship within an established farmyard, it is considered that the development proposed to be retained is in accordance with adopted local policy and objectives of the Kildare County Development Plan 2023-2029, most notably Objective RD O2 in facilitating agriculture development at an appropriate rural location, it would not pose a significant risk to the environment or have any significant negative effects on water quality and it would not have a significant negative impact on the residential amenities of adjoining property, subject to compliance with the conditions set out below. The proposed development therefore would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be completed and retained 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 30th July 2024, 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. (a) A detailed Boundary Treatment Scheme for the full extent of the site's eastern boundary, undertaken by a suitably qualified person, shall be submitted to, and agreed in writing with, the planning authority within 3 months of this decision. This scheme shall include a plan to scale of not less than 1:250 showing –
 - (i) Existing trees, hedgerows, mounds and fences specifying which are proposed for retention as features of the site landscaping
 - (ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
- (b) The approved Boundary Treatment Scheme shall provide a screen along the eastern boundary consisting predominantly of hedging and trees of indigenous species along with appropriate stock-proof fencing. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the decision of this permission.

(c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity and residential amenity.

3. The external colour of the buildings to be retained, including the store, straw bedded housing, calf creep area and feed passage shall be dark grey, green or dark green, dark brown, dark red or in finished concrete natural. Roof colours shall be darker than wall colours. Details of the above requirements shall be submitted to and agreed in writing by the planning authority.

Reason: In the interest of visual amenity.

4. The development hereby permitted shall be used for agricultural related purposes only. The structures permitted shall not be used for any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

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. In this regard-

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment)

Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.

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

6. (a) Within 3 months of the decision date, a management schedule for the operation of the slatted shed shall be submitted to the planning authority.
- (b) The management schedule shall comply with the requirements of the European Union (Good Agricultural Practices for the Protection of Waters) Regulations 2022, or as otherwise updated.

(c) The management schedule shall provide for:

- the number, age and types of animals to be housed,
- arrangements for the disposal of slurry arrangements for the storage and disposal of manure and
- the cleansing of buildings and structures, including the public road, where relevant.

Reason: In order to prevent pollution and in the interest of amenity.

7. (a) 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.

(b) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations.

(c) Where a third party removes the slurry or manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.

8. Within 90 days of this decision, the applicant/developer shall carry out works at the site's vehicular entrance as shown on the submitted plans and particulars, received by the Planning Authority on the 30 July 2024 and to the written satisfaction of the Planning Authority.

Reason: In the interest of road safety and the proper planning and sustainable development of the area.

9. (a) Roadside drainage shall be provided at the entrance which shall discharge to soakways or water system on site, unless otherwise agreed with the Planning Authority.

(b) The roadside drainage along the road frontage shall not be impaired and no surface water runoff from the site shall be discharged onto the public road.

Reason: In the interest of traffic safety and to prevent interference with existing roadside drainage.

10. In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or ground waterbody, the Planning Authority and Inland Fisheries Ireland, shall be notified as soon as is practicable. A copy of the clean-up plan shall be submitted to the Planning Authority.

Reason: In the interest of public health.

11. All soiled waters and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

Reason: In the interest of public health.

12. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

13. 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.

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

14. Noise arising from operational activity on this site shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits:

(a) 55 dB(A) between the hours of 0700 and 1800 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time, and

(b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.

Reason: In the interest of public health and proper planning.

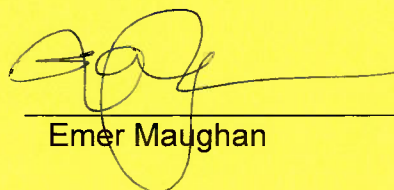
15. External lighting shall be directed onto the farmyard and away from adjacent housing and road. The lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and roads.

Reason: In the interest of residential amenity and traffic safety.

16. 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 within 3 months of the decision date of this permission 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 or 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


Emer Maughan

Date: 11/06/2025