

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Carlow County

Planning Register Reference Number: 15/385

An Bord Pleanála Reference Number: PL 01. 247377

APPEAL by Thomas and Marie Harte of Wells, Bagenalstown, County Carlow and by John and Margaret Halpin care of Bluett and O'Donoghue Architects of Number 1 Chancery Street, Dublin against the decision made on the 14th day of September, 2016 by Carlow County Council to grant subject to conditions a permission to John Hanlon care of Gittens Murray Architects Limited of 5 William Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of a new cubicle shed and new agricultural store with associated dungstead, new horse walker, new bore hole well, new site entrance and all associated site development works at Wells, Bagenalstown, County Carlow.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed sheds and ancillary works which are located in an established agricultural area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms both of the amenities of the area and of the safety and convenience of traffic using the adjoining rural road. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the River Barrow and Nore Special Area of Conservation (Site Code 002162), and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector in relation to Appropriate Assessment, the Board concluded that, on the basis of the information available, the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European site or on any other European site in view of the site's conservation objectives.

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 submitted on the 27th day of May, 2016 and on the 18th day of August, 2016, 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. 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, and
 - (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The cubicle shed shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended, and shall provide at least for the following:
 - (1) Details of the number and types of animals to be housed.
 - (2) The arrangements for the collection, storage and disposal of manure.
 - (3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: In order to avoid pollution and to protect residential amenity.

4. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

5. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for written agreement prior to commencement of development. The agreed scheme shall be implemented within one year of the commencement of the proposed development.

Reason: In the interest of visual amenity.

6. 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 the 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.