



Planning and Development Acts 2000 to 2018

Planning Authority: Laois County Council

Planning Register Reference Number: 17/218

APPEAL by Jacinta and Ned Brennan care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 1st day of November, 2017 by Laois County Council to grant subject to conditions a permission to Patrick Lalor care of Environmental Agricultural Consultants of 7 Kellyville Park, James Fintan Lalor Avenue, Portlaoise, County Laois.

Proposed Development (1) Retention and completion of slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steel uprights at slatted feeding area and all associated works and services, (2) permission to cut back steel uprights at slatted feeding area, and (3) construct new crush in collecting yard, all at Grenan, Attanagh, County Laois.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. Having regard to the scale and intensive nature of the proposed development to be retained and completed, and the proximity to the adjoining residential property, it is considered that the proposed development would seriously injure the residential amenities of this property due to noise, traffic and odour. Furthermore, the Board is not satisfied, on the basis of the submissions made in relation to the planning application and the appeal, that the proposed location of the large structure has been adequately justified. The retention and completion of the development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and the appeal, and in the absence of an appropriate assessment screening report, the Board cannot be satisfied that the proposed development, either individually, or in combination with, other plans or projects, would not be likely to have a significant effect on European sites, the River Barrow And River Nore Special Area of Conservation, (Site Code 002162), and River Nore Special Protection Area, (Site Code 004233), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

Eugene Nixon

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.