



Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/1302

Appeal by Ian Valentine care of Conor Furey and Associates Limited of Olde World Cottage, Rathasker Road, Naas, County Kildare against the decision made on the 13th day of March, 2018 by Kildare County Council to grant subject to conditions a permission to William Masterson care of Brian Watchorn, Architect of 25 Tonlegee Lawns, Athy, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a 36.60 metre x 18.30 metre haybarn and associated site works at Rath House, Kilrush, Athy, County Kildare.

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 provisions of the Kildare County Development Plan 2017–2023, the nature and scale of the proposed development, and the suitability of the screening of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be 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 as amended by the further plans and particulars submitted on the 21st day of February 2018, 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. Prior to commencement of development the applicant shall set back the hedgerow to the north of the existing entrance to provide the required sight visibility in accordance with details submitted to the planning authority on the 21st day of February 2018. The sightlines shall be maintained by the applicant.

Reason: In the interest of road safety.

3. The development shall be used for agricultural purposes only and shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.

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

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

6. The roof and side panels of the structure shall be a dark green colour with a matt finish.

Reason: In the interest of visual amenities.

7. Details of road signage, warning the public of the entrance and of proposals for construction traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

8. Existing roadside drainage shall not be impaired and the existing recessed vehicular entrance area shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent flooding of the public road and in the interests of amenity and traffic safety.

9. Prior to commencement of development, the developer shall carry out a detailed pre-development survey of the roadside and submit this survey to the planning authority for written agreement. The survey shall include a photographic record and structural condition of the road for 25 metres each side of the entrance. A post development survey containing information on the above parameters shall be submitted to the planning authority within two months of works completion date. The developer shall carry out any works deemed necessary by the planning authority once the surveys are complete.

Reason: In the interest of orderly development.

10. 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.

Paul Hyde

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

Dated this day of 2018.