



Planning and Development Acts 2000 to 2019

Planning Authority: Laois County Council

Planning Register Reference Number: 19/264

Appeal by Niamh Fenelon of Guileen Lodge, Stradbally, County Laois against the decision made on the 13th day of November, 2020 by Laois County Council to grant subject to conditions a permission to Philip Hendy care of JK Design, Tullamoy, Stradbally, County Laois in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construct an underslat effluent storage tank in existing shed, necessary refurbishment to same shed, proposed 2.4 metres-high boundary wall, holding yard, cattle handling facility and hardcore yard for bale silage storage. Retention permission to retain concrete yard as laid and full planning to extend same and associated site works, all at Guileen, Stradbally, County Laois, as revised by the further public notice received by the planning authority on the 22nd day of October, 2019.

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 design of the proposed development, to the existing development on site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention, would not seriously injure the amenities of the area or of property in the vicinity, would be an acceptable use in this rural area and would be in accordance with the relevant provisions of the Laois County Development Plan 2017-2023. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would be an appropriate agricultural use in this rural area, would not lead to an adverse visual impact on the landscape, would not seriously injure the residential amenities of property in the vicinity and would not endanger public safety by reason of traffic hazard.

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 9th day of October, 2019, 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 materials and finishes for the shed structure and the proposed boundary wall shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

3. Design details for the proposed vehicular entrance, including surface water proposals to ensure no ponding on the public road, and details to ensure maintenance of adequate sightlines and associated landscaping, including grassed areas up to the metalled edge of the road, shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: To prevent interference with existing roadside drainage and in the interests of traffic and pedestrian safety.

4. 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 interests of environmental protection and public health.

5. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended.

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

6. (a) During the development works the developer shall not permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the roadway in a neat, tidy and safe condition.

- (b) During the construction stage of the proposed development, the developer shall comply with the document titled “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects” issued by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of the reduction and best practice management of construction waste from the proposed development, public health, pollution control and traffic safety.

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

Dated this day of 2020.