



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/1031

Appeal by Blackwood Equestrian Centre care of John Madden and Associates of Blackhall Street, Mullingar, County Westmeath against the decision made on the 7th day of November, 2019 by Kildare County Council to refuse permission to Blackwood Equestrian Centre for the proposed development.

Proposed Development: Proposed two-storey stable block, consisting of six number horse stables and seven number pony stables, a wheelchair accessible toilet and two number stairwells at ground floor level, tack room, kitchen/dining/lounge area for refreshment purposes (for staff and patrons of the livery centre only), male and female changing rooms and toilets and an office at first floor level (total floor area 494.6 square metres), proposed horse walker (305.8 square metres) and horse lunge (305.8 square metres) with proposed dungheap/effluent tank (18.5 square metres). Existing concrete slab to be demolished and removed off site to authorised waste facility and to install proposed exercise area (1,732 square metres) to include six number floodlights and equine fencing along the existing driveway and proposed

exercise area. Permission is sought to install a septic tank and percolation area, eight number car parking spaces, gravel pathway to forest, proposed signage (two square metres) at existing gate and all associated site works. Permission is also sought to retain existing storage shed (24 square metres) and existing driveway, all at Blackwood Equestrian Centre, Derrymahon, Timahoe East, Coill Dubh, 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 rural location of the proposed development which comprises an Equestrian Centre, and to Policy EQ3 of the Kildare County Development Plan 2017 - 2023, which seeks to ensure equine based developments are located on suitable and viable landholdings, the Board considered that the proposed development was an appropriate enterprise for this rural location and considered that the extent and nature of the landholding adjacent to a forest ensured that the proposed development was in accordance with the policy objectives, as set out in the Development Plan. Furthermore, it is considered that the proposed development, which is set back away from the road boundary and adjacent dwellings, would not seriously injure the visual and residential amenities of the area, would not pose a risk to pollution, would be acceptable in terms of pedestrian and traffic safety and convenience and 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 had regard to the extent of the proposed development within the context of the overall Blackwood Equestrian Centre Business Plan and the extent and capacity of the overall landholding adjacent to a forested area to facilitate the centre. It noted that it was proposed that additional elements of the proposed Equestrian Centre including the indoor arena, the café and the tack shop could, subject to the required planning, be provided in later phases and considered that these were outside the scope of the proposed application. In particular, the Board noted that the viability of the proposed development was not dependent on the later additions of a café and tack shop as it was anticipated that these would be financially viable

businesses in their own right and, therefore, did not consider that the proposed development would constitute a piecemeal, unviable and unsustainable development. It is considered, therefore, that the proposed development would 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 received by An Bord Pleanála on the 4th day of December, 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. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

3. Details on the sizing/volume and location of the dungstead and of the effluent tank for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These shall be sized and located in accordance with the specifications outlined in the Teagasc Report submitted to the planning authority on the 16th day of September, 2019.

Reason: In the interest of public health.

4. The proposed septic tank drainage system and percolation area shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

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. All surface water, rainwater and storm water from the development shall be collected on site and disposed of to the surface water system. No surface water run-off shall discharge onto the public road.

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

6. Details of the finishes of the buildings and the location of fencing of paddocks and other areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Car parking and cycle parking facilities shall be provided in accordance with the requirements of the current Development Plan for the area. Details of the layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate off-street parking provision is available to serve the proposed development.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. 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.

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

Dated this day of 2020.