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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 19/134**

**Appeal** by Patrick Phelan of The Cross, Rathduff, Ballyragget, County Kilkenny against the decision made on the 25<sup>th</sup> day of February, 2020 by Kilkenny County Council to grant subject to conditions a permission to Patsy Murphy care of Eamonn Hughes of Tir na Nog, Grangefertagh, Johnstown, County Kilkenny in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of: A. Construction of one bay extension to round roof shed, with one bay extensions to lean-to, at both sides. B. Construction of four-bay canopy over easy feeding system. C. Construction of dungstead with adjacent effluent tank. D. Demolition of portion of the existing entrance to the north. E. All associated site works. All at Rathduff, Ballyragget, County Kilkenny.

## **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, scale and use of the extension to the farm building and the proposed alterations to improve the entrance, the road type, speed limit and existing geometry at the subject site, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought, which is for agricultural use only, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30<sup>th</sup> day of January, 2020, 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 recommencement of development and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) This permission does not permit the retention of the existing northern entrance arrangement. Prior to commencing further work on the site, a revised design shall be submitted for the entrance to the north of the site which shall be no greater than 1.8 metres and shall be finished with materials suitable for this rural location. This revised design shall be submitted to, and agreed in writing with, the planning authority prior to recommencement of development.  
  
(b) Prior to commencing further work on the site, further design details of the proposed southern wall including height, which shall not exceed 1.8 metres, and finishes shall be submitted to, and agreed in writing with, the planning authority prior to recommencement of development.

**Reason:** In the interest of visual amenity.

3. The entrance shall be for agricultural use only.

**Reason:** In the interests of traffic safety and orderly development

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. No waste materials or waste products not associated with the operation of the farm that this development serves shall be placed or stored on the site.

**Reason:** In the interests of public health and the visual amenities of the area.

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 within three weeks of the date of this Order 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.

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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2020.**