



Planning and Development Acts 2000 to 2020

Planning Authority: Carlow County Council

Planning Register Reference Number: 19/293

Appeal by Bernard Cloney care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 12th day of August, 2020 by Carlow County Council to grant subject to conditions a permission to John Ryan care of Byrne and McCabe Design of Upper Main Street, Graiguenamanagh, County Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of agricultural shed and all associated site works at Mullannagaun, Ballymurphy, Borris, County Carlow.

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 established agricultural use of the site, the nature, scale and extent of the development proposed to be retained, the nature of the receiving environment, the pattern of development in the vicinity and the relevant provisions of the Carlow County Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would constitute an acceptable use at this location. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the development on European Sites, taking into account the nature, scale and location of the development, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) or The Blackstairs

Mountains Special Area of Conservation (Site Code: 000770) or any other European Site, in view of the sites' conservation objectives and that an Appropriate Assessment and the submission of a Natura impact statement is not, therefore, required.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17th day of July, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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 within one month of the date of this Order to the planning authority for written agreement.

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

3. All foul effluent and slurry generated by the subject development shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

4. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soak-pits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

5. Slurry generated by the subject 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. 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 one month 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.

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

Dated this day of 2021.