

An
Bord
Pleanála

Board Order
ABP-309620-21

Planning and Development Acts 2000 to 2020

Planning Authority: Laois County Council

Planning Register Reference Number: 20/293

Appeal by Finola Lett of Castletown House, Castletown, Ballylynan, County Laois against the decision made on the 11th day of February, 2021 by Laois County Council to grant subject to conditions a permission to Paul Walshe care of Peter Bolger Consulting Limited of Newtown House, Bachelors Walk, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a straw bed cattle shed, walled silage pit with concrete apron and all associated site works at Castletown, Ballylinan, County Laois.

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 Laois County Development Plan 2017-2023, and to the nature and scale of the development within an established farmyard it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the rural environment of the site, would not seriously injure the residential amenities of properties in the vicinity and would not have any adverse impact on the nearby protected structure or the recorded monument. 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 October 2020 and 28th day of January 2021, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be constructed in accordance with the structural specification of the Department of Agriculture, Food and the Marine 'Farm Building and Structures Specifications'.

Reason: In the interests of orderly development and sustainable and for the protection of the environment.

3. (a) All soiled water, effluent and waste from the existing and proposed developments shall be discharged properly to the proposed/existing effluent storage tanks. The tanks shall be of suitable capacity, design and construction and shall be properly sealed to prevent any loss of leachate into the ground under or adjacent to it. There shall be no permitted discharges to ground or surface water resources of agricultural effluent or any polluting substances from the development site. The tanks shall be in accordance with the recommendations of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2018, amended, and shall be of such capacity that no overflow occurs between emptying operations.
- (b) All foul effluent, slurry and soiled water generated by the proposed development shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent, slurry or soiled water shall discharge or be allowed to discharge to any drain, stream, river, or watercourse, or to the public road.

Reason: In the interest of public health.

4. All uncontaminated roof water from buildings 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 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, 2018, as amended.

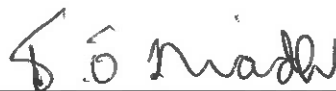
Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

6. All oxidisable and galvanised surfaces of the proposed structure shall be painted a dark green matt colour, unless otherwise agreed in writing with the planning authority prior to commencement of development, and the surfaces shall be maintained in a painted condition at all times.

Reason: In the interests of visual amenity and orderly development.

7. (a) The developer shall engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development.
- (b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action, that is, preservation in situ and/or excavation. The archaeologist shall be facilitated in recording any material found.
- (c) The Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.



Terry Ó Niadh

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

Dated this 17th day of August, 2021

