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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kildare County Council**

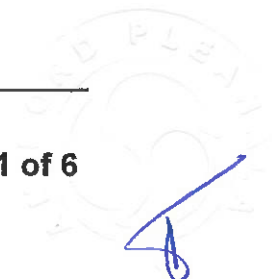
**Planning Register Reference Number: 20/1441**

**Appeal** by Rhonda Mulroy of Ballyhagen, Carbury, County Kildare against the decision made on the 4<sup>th</sup> day of March, 2021 by Kildare County Council to grant subject to conditions a permission to James Mulally care of Cross Chartered Building Surveyor of 11 An Crois, Allenwood Cross, Allenwood, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (A) Retention permission for a partial constructed steel clad, single span with lean-to, shed for agricultural use, (B) planning permission to complete a partial constructed steel clad, single span with lean-to, shed for agricultural use and (C) planning permission to carry out improvements to existing vehicular entrance and all associated site works at Ballyhagan, Carbury, 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 provisions of the Kildare County Development Plan 2017-2023, and to the nature and scale of the proposed development, 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 be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further particulars submitted on the 10<sup>th</sup> day of February 2021, 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.

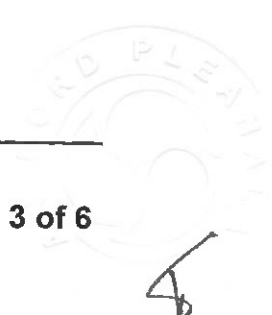
**Reason:** In the interest of clarity.

2. The development shall be used for agricultural purposes only and shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming.

**Reason:** In the interests of orderly development and the amenities of the area.

3. All uncontaminated roof water from the building 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.



4. Any slurry/waste 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, 2017, as amended.

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

5. 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 surface shall be maintained in a painted condition at all times.

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

6. The developer shall enter into a water/wastewater connection agreement(s) with Irish Water, prior to commencement of development, if required.

**Reason:** In the interest of public health.

7. The permitted hours of operation during the construction phase and for deliveries shall be between 0700 hours to 1800 hours Monday to Friday and 0800 hours to 1400 hours on Saturdays. Work shall not be permitted on Sundays and on public holidays.

**Reason:** In order to safeguard the residential amenities of properties in the area.

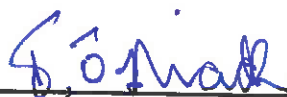
8. (a) Sight visibility at the entrance to the site shall conform to the Design Manual for Road and Bridges.
- (b) The development shall not interfere with the existing road and land drainage.
- (c) All surface water generated on site shall be disposed of on site and not allowed onto the public road.
- (d) The developer shall be responsible for the relocation of all existing services/utilities as required to facilitate the proposed development.
- (e) The roadside hedge/verge shall be maintained by the owner so as not to impede lines of sight at the entrance as provided in accordance with the Transport Infrastructure Ireland document DN-GEO-03060.

**Reason:** In the interest of safety, maintaining drainage and to ensure the development does not impact on the public road.



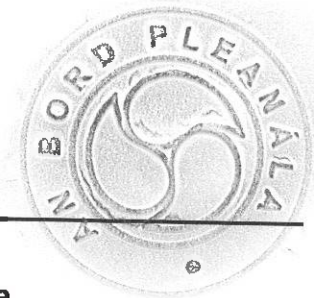
9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be 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.



Terry O Niadh

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



Dated this 14<sup>th</sup> day of October, 2021.