



Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/21

Appeal by Anne McGill and Patrick O'Connor of Macushla, Castlewarden, Straffan, County Kildare against the decision made on the 4th day of May, 2021 by Kildare County Council to grant subject to conditions a permission to Mark Fitzpatrick care of Conor Furey and Associates Limited of Olde World Cottage, Rathasker Road, Naas, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of an existing concrete hardstand, the development is comprising of the construction of a 210.5 square metres concrete hardstand for storage purposes and construction of a soak pit, all at Conveyorbelt House, Castlewarden, Straffan, 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.

Reasons and Considerations

Having regard to the nature and design of the development, and to the nature of the site, topography and available screening, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained (concrete hardstand for storage purposes) and the proposed development (soakpit) as part of the current application would not seriously injure the amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard and would, otherwise, 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 noted the planning history on site which included an element of 'storage of conveyor belting used in agriculture and allied industries' and also noted that the current proposal for retention is solely for storage purposes. The Board also noted that the nature of the development that is the subject matter of the application for retention is small scale, that no enforcement history by the planning authority has been set out in the documentation on file, and the Board did not therefore consider that the development would facilitate the consolidation and/or intensification of an unauthorised use.

Noting the small scale nature of the development proposed and that proposed to be retained and the likely modest traffic that would be generated as a result, the Board did not consider that that the development that is proposed to be retained and completed would endanger public safety by reason of traffic hazard.

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 plans and particulars submitted on the on the 7th day of April 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 and the development shall be retained, carried out and completed in accordance with the agreed details.

Reason: In the interest of clarity.

2. Sightlines at the existing entrance shall be retained strictly in accordance with the requirements of the Transport Infrastructure Ireland's document, (DN-GEO-03060), June 2017.

Reason: In the interest of traffic safety.

3. The developer shall erect appropriate warning signage in the vicinity of the proposed entrance for the benefit of all those passing the entrance and those entering and exiting the site.

Reason: In the interest of traffic and pedestrian safety.

4. The disposal of surface water shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

5. 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 months 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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *24th* day of *June* 2022.

P.C.