

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/906

Appeal by Gary Sherwood care of Edmondson Associates Architects of 15 Upper Baggot Street, Dublin against the decision made on the 11th day of August, 2021 by Kildare County Council to refuse a permission to Gary Sherwood for the proposed development.

Proposed Development: Retention of existing barn structure for stabling five horses and retain alterations and excavations to original site levels, and planning permission to install a dungstead for effluent storage and a wastewater treatment plant with filter bed, all at Oughterard, Boston Hill, 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 agricultural/equine use of the barn structure for which retention is sought, to the results of the Archaeological Impact Assessment and Visual Impact Assessment submitted by the applicant on the 8th day of June, 2022, and to the location of the development below the brow of the hill upon which the National Monuments are located, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the visual amenity of the area, would not affect the setting of the National Monuments and would not impact on the scenic route. 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on 3rd day of September, 2021 and on the 8th day of June, 2022, 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 barn structure shall be used for agricultural purposes only.

Reason: In the interest of orderly development.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping which shall incorporate the mitigation measures set out in Section 5 of the Visual Impact Assessment received by An Bord Pleanála on the 8th day of June, 2022, and details of which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
 - (i) Existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping,
 - (ii) The measures to be put in place for the protection of these landscape features during the construction of the dungstead and wastewater treatment plant with filter bed,
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs,
 - (iv) Details of screen planting planted in groups and clusters along the western and southern aspects of the site comprising Scot's Pine (*Pinus sylestris*), Rowan (*Sorbus aucuparia*), Oak (*Quercus robus*),

- (b) Specifications for developing earthen bunds on site, and
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

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 prior to the 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.

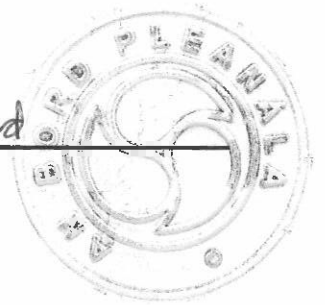
DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 30th day of Aug. 2022.