

An
Bord
Pleanála

Board Order
ABP-314803-22

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 22/505

Appeal by Shona Foyle, Kiltinan, Fethard, County Tipperary against the decision made on the 27th day of September, 2022 by Tipperary County Council to grant subject to conditions a permission to Allez Farms care of ORS Consulting Engineers of Marlinstown Office Park, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a stable building consisting of 48 number stables, foaling boxes, internal corridors and ancillary storage areas; a single storey building consisting of reception, staff office & facilities along with a security staff and employee accommodation quarters; ancillary building consisting of saw dust store, hay barn and covered dungstead area; 2 number roofed horse walker; 1 number roofed lunging ring; demolition of existing derelict /disused building/stable/shed/structure and construction of new 6 number stables with two-storey section containing storage and staff welfare facilities; reclad existing shed to existing yard; modification of the existing entrance yard to the northern boundary and the creating of a new entrance to the western boundary; and all associated site development works including

loading ramp, internal roads, car-parking, effluent tank, treatment systems with associated and percolation areas, yards and all associated site works above and below ground all at Sladagh, Lisronagh, Clonmel, County Tipperary.

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, extent and location of the proposed development on existing farmland and, in particular, the objective stated in Section 8.4.2 of the Tipperary Development Plan 2022-2028 which seeks to protect, promote and enhance the development of the equine industry in the county, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its environmental and traffic impacts and would otherwise be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

Following an Appropriate Assessment, the Board was satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Suir Special Area of Conservation (Site Code 002137) or any other European site, in view of the site's conservation objectives. This conclusion was based on a complete assessment of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application including the contents and mitigation measures set out in the Natura Impact Statement, Archaeological Impact Assessment and Flood Risk Assessment, except as may otherwise be required in order to comply with the conditions set out below. 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.

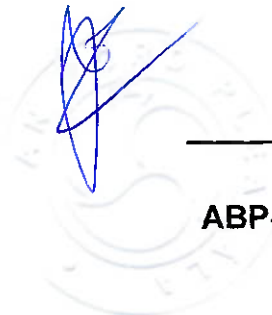
Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall enter into a water and / or wastewater connection agreement with Uisce Eireann.

Reason: In the interest of public health.

3. Water supply and drainage arrangements, including the attenuation and 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.

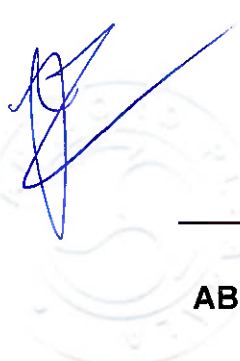


4. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended.

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

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation, including hydrological and geotechnical investigations, relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.



Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

7. The staff/security accommodation shall be used for purposes associated with the adjoining equine enterprises and shall not be used, sub-let or sold separately as an independent dwelling unit.


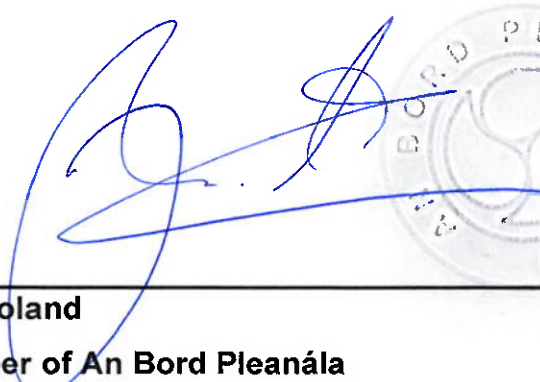
Reason: In the interest of orderly development.

8. The developer shall comply fully with the recommendations of the Clonmel Borough Engineer dated 27th September 2022 regarding entrance arrangements, both East and West of the Northern entrance. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to completion of development.

Reason: In the interest of traffic safety.

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 paid 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.



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

Dated this *20th* day of *December* 2023.