

An  
Bord  
Pleanála

Board Order  
ABP-316420-23

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 23/54**

**Appeal** by Wild Ireland Defence Clg care of Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 13<sup>th</sup> day of April, 2023 by Laois County Council to grant subject to conditions a permission to James Malone care of Patrick J. Knowles of Crissard Lodge, Woflhill, County Laois in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention permission sought for the cattle house with slatted underground tank, feed passage, straw bedded area, associated walled dungsteds and all ancillary site works at Ballinrahin, Ballickmoyler, 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.**

## **Reasons and Considerations**

Having regard to Chapter 9 of the Laois County Development Plan 2021-2027 relating to rural Laois and particularly Section 9.2.1 relating to sustainable food production as well as development management standard DM RL 1 which sets out general considerations which apply to agricultural buildings as well as the pattern of development in the area where agriculture is the predominant land use, the Board considers that the development to be retained would not impact on the amenities of the area, would not give rise to the risk of pollution to any watercourse, would not create a traffic hazard or otherwise impact on the natural heritage of the area. Therefore, subject to compliance with the conditions hereunder, the development to be retained would be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites: River Barrow and River Nore Special Area of Conservation (site code 002162) or any other European site, in view of the site's conservation objectives and that an Appropriate Assessment is not, therefore, required. This screening determination is based on the distance of the proposed development from the

European site and the lack of any meaningful ecological connections to the site.

The Board further noted that this screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European site.

## **Environmental Impact Assessment**

The Board shared the view of the planning authority that the proposed development to be retained is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and, in addition, having regard to the nature, size and location, would not have significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

## **Conditions**

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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. All uncontaminated surface water run-off from the proposed development shall be collected separately from soiled water and shall be disposed of directly in a sealed system to adequate stoned filled soakpits, or to a drain, located within the lands or alternatively, shall be recycled for use in the proposed development. A monitoring chamber (manhole) shall be provided for the monitoring of uncontaminated surface/roof water prior to such water entering any soakaway or drain. All soakaways shall be designed in accordance with BRE Digest 365-Soakaway Design. No contaminated storm water shall be discharged to any storm water drain or watercourse.

**Reason:** To minimise soiled water in the interests of environmental protection and pollution control.

3. The removal of organic waste material and its spreading on land by the applicant shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to National regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by Nitrates from agricultural sources.

**Reason:** In the interest of environmental protection.

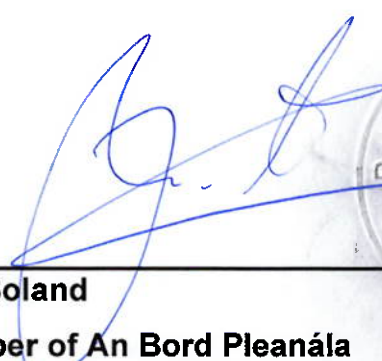
4. All storage facilities for farmyard effluent (slatted underground tank and dungstead) shall:
  - (a) be so constructed, maintained and managed as to prevent run-off or seepage, directly or indirectly, into groundwater or surface water of any effluent produced, and

- (b) comply with such construction specifications for those facilities as may be approved by the Minister for Agriculture, Food and the Marine.

**Reason:** In the interests of environmental protection and pollution control.

5. All effluent and soiled water, including run- off from soiled yard areas, shall be collected and stored on-site in adequately sized watertight structures and shall be disposed of by land spreading in accordance with the systems of regulatory control implemented by the competent authorities in relation to National regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by Nitrates from agricultural sources.

**Reason:** In the interests of environmental protection and pollution control.



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**Joe Boland**

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

Dated this 15<sup>TH</sup> day of October 2024.