



An
Bord
Pleanála

Board Order ABP-317652-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1449

Appeal by Martin Wall of Woodbine House, Pollardstown, Curragh, County Kildare against the decision made on the 20th day of July, 2023 by Kildare County Council to grant subject to conditions a permission to Seattle Slew Limited care of Genesis Planning Consultants of Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of a horse exercise and walking structure which consists of walls and associated roof canopy and all associated site works, all at Seven Springs Stud, Pollardstown, Curragh, County Kildare.

Decision

GRANT permission for the above 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 policies and objectives of the Kildare County Development Plan 2023-2029, the rural context, the established use of the site, and the design of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential amenities of the area or of property in the vicinity, would constitute an acceptable form of development at this location, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4th day of July, 2023, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All foul effluent and slurry generated in the development and stud farm shall be conveyed through properly constructed channels to the existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

3. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains or adequate soakpits 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. (a) The developer shall submit to the planning authority for written agreement a revised landscaping plan that includes the existing wall on part of the southern boundary of the site.
- (b) New planting at the site shall comprise plant species listed in Table 15.1(a) of the Kildare County Development Plan 2023-2029. All planting shall take place in the next planting season. Any trees or plants which die or become seriously damaged or diseased within the first five years shall be replaced in the next planting season.

Reason: To protect the amenities of property in the vicinity.

5. The use of the equestrian exercise structure shall be confined to the hours of 0900 to 1600 Mondays to Saturdays, inclusive, and 0930 to 1600 hours on Sundays and public holidays. Any alterations to these times shall be subject to the prior written agreement of the planning authority.

Reason: To protect the residential amenity of the area.

6. 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 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.



Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 17th day of June 2024.