

An
Bord
Pleanála

Board Order ABP-319161-24

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 23/135

Appeal by Avril Jacob care of Building Design Associates of Ballinacarrig Road, Quinagh, Carlow against the decision made on the 1st day of February, 2024 by Laois County Council to grant subject to conditions a permission to Sorcha Hennessy care of Patrick J. Knowles of Crissard Lodge, Wolfhill, Athy, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain concrete base for use as a hard standing for the storage of silage/haylage bales, site entrance and all ancillary site works, all at Ballinrahin Lane, Ballickmoyler, County Laois, as revised by the further public notices received by the planning authority on the 10th day of January, 2024.

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

It is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would be acceptable in this rural setting, would not be prejudicial to public health, would not seriously injure the residential amenities of the area and would be in accordance with the relevant provisions of the Laois County Development Plan 2021-2027. The development proposed to be retained and completed would, therefore, 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 considered the totality of the file. The Board disagreed with the Inspector and shared the opinion of the planning authority that the development proposed to be retained and completed was acceptable having regard to the proposed use of the concrete base for the storage of silage/haylage bales. The proposed use is appropriate in this rural setting.

The Board considered the appeal submission. The Board noted:

- the environment section of the planning authority had no objection, subject to conditions,
- the distance from the appellant's property,
- the nature of the application, and
- the rural landscape and the agricultural activity in the area, as described by the Inspector.

The Board decided that the development is acceptable concurring with the planning authority's assessment.

The Board noted the reference by the appellant in the appeal that the development does not comply with Teagasc and An Bord Pleanála leaflets on Agriculture and Farm Development. The documents on file, refer to development that is exempt from planning which is not the case in this instance.

The Board noted the Inspector's consideration of the planning history; one of these permissions has now lapsed and the second permission, the decision date was the 7th of November, 2019, so is nearing its end of life. The applicant has identified their land holding in blue and outlined the agricultural use for which the concrete slab is intended. The Board concluded that the nature of the use is appropriate in this rural setting and is neither piecemeal nor haphazard.

The Board noted the Inspector's concern regarding the impact on the amenity of adjoining property. With regard to drainage issues, the Board considered the response received to the further information request and the fact that the environment section of the planning authority had no objection subject to conditions. The Board, therefore, concluded that the development proposed to be retained and completed would not be prejudicial to public health. The Board also considered the distance from the concrete slab to the boundary with the adjoining residential property, and had regard to the rural setting and the nature of the agricultural use proposed. The Board considered this separation distance to be adequate and that the development proposed to be retained and completed would not seriously injure residential amenities.

The Board considered that the development proposed to be retained and completed is compliant with the provisions of the Laois County Development Plan 2021-2027, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Board considered the information on the file and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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 the planning authority on the 30th day of November 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The concrete base, the subject of this retention application, shall not be used until the proposed effluent tank and soakaways have been constructed and evidence of same has been submitted to the planning authority. The concrete base to be retained shall be used only for the purpose as described in the public notice, a hard standing for the storage of silage/haylage bales.

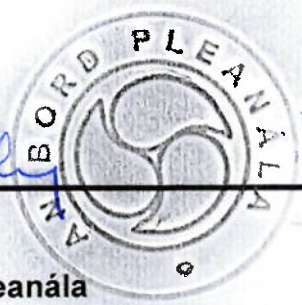
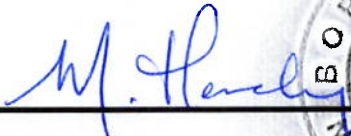
Reason: In the interest of orderly development.

3. The removal of organic waste material and its spreading on land by the applicant or third parties 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. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard –
- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways,
 - (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank in accordance with the requirements of the European Union Good Agricultural Practice for the Protection of Waters Amendment Regulations 2022, as amended, or to a slatted tank. Drainage details in this regard shall be submitted to, and agreed in writing with, the planning authority, and
 - (c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.

Reason: In the interest of environmental protection and public health.



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

Dated this 12th day of December 2024.