



An
Bord
Pleanála

Board Order ABP-319326-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 24/8

Appeal by Peter Sweetman on behalf of Wild Ireland Defence CLG of PO Box 13611, Bantry, County Cork against the decision made on the 28th day of February, 2024 by Kildare County Council to grant subject to conditions a permission to Peter and Aine Byrne of Newtown, Castledermot, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erect a cattle shed with two underground slatted effluent storage tanks, dungstead and all associated site works, all at Newtown, Castledermot, 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 Kildare County Development Plan 2023-2029, specifically Objective RD 02 which seeks to facilitate agriculture in appropriate locations subject to development management standards, and Objective RD 05 which sets out the criteria to be met for new buildings and structures, the rural location, and the scale and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with adopted local policy and objectives, most notably Objective RD 02 in the development plan, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Board agreed with the screening assessment and conclusion in the Inspector's report that, on the basis of the nature and scale of the proposed development, the nature of the receiving environment, the distances to the nearest European Sites, and the hydrological pathway considerations, and submissions on file, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) or the Slaney River Valley Special Area of Conservation (Site Code: 000781), or on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment was not, therefore, required.

Conditions

1. The proposed development shall be 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The slatted shed shall be used only in strict accordance with a management schedule, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2022, as amended, and shall provide at least for the following:

- (a) Details of the number and types of animals to be housed.
- (b) The arrangements for the collection and storage of slurry.
- (c) Arrangements for the cleansing of the buildings and structures, including the public road, where relevant.

Reason: In order to avoid pollution.



3. Water supply and 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.

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

4. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and 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.

5. The removal of organic waste material and its spreading on land by the developer 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.



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 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.



Martina Hennessy

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

Dated this 21st day of October 2024