

Planning and Development Act 2000, as amended

Planning Authority: Laois County Council

Application for Substitute Consent by Mark Rochford in accordance with Section 177E of the Planning and Development Act 2000, as amended by the insertion of Section 57 of the Planning and Development (Amendment) Act, 2010, as amended.

Location of development: Agricultural development at Forest Lower, Mountmellick, County Laois.

Decision

The Commission, in accordance with Section 177K of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, decided to GRANT substitute consent in accordance with the following conditions.

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

In coming to its decision, the Commission had regard to the following:

- (a) the provisions of the Planning and Development Act 2000, as amended, and in particular Part XA,
- (b) the applicable national, regional and local planning policy, including in particular the provisions of the Laois County Development Plan 2021-2027,
- (c) the remedial Natura Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (d) the submissions and observations received by the Commission,
- (e) the planning history of the site,
- (f) the pattern of development in the area,
- (g) the nature and scale of the development the subject of this application for substitute consent, and
- (h) the report of the Commission's Inspector, including in relation to potential significant effects on the environment.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that River Barrow and River Nore Special Area of Conservation (Site Code 002162) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the remedial Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on River Barrow and River Nore Special Area of Conservation (Site Code 002162), in view of the site's conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the site using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of its conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Proper Planning and Sustainable Development:

Having regard to the nature, scale and extent of the development on a large established farm in an area designated as "Lowland Agricultural Area" within Flood Zone "C" and to the acceptability of the environmental effects, and noting that the integrity of the European Site was not adversely affected in view of the relevant sites' conservation objectives as set out above, and subject to compliance with the conditions set out below, the Commission is satisfied that to grant substitute consent for the development is in accordance with the proper planning and sustainable development of the area

Conditions

1. The grant of substitute consent shall be in accordance with the plans and particulars received by An Coimisiún Pleanála with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 25th day of November, 2024, 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the Remedial Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. (a) Slurry generated by the development shall be disposed of by spreading on land, or by other means acceptable in writing with 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 S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended.
- (b) Where slurry or manure generated by the development is moved to other locations, details of such movements shall be notified to the Department of Agriculture, Food & the Marine in accordance with the European Union S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended.
- (c) Where slurry or manure is removed by a third party, by agreement, to be land spread elsewhere, details of such an agreement (to include the name of the third party, lands to be spread, amounts of material) shall be furnished to the planning authority in which said lands are located.

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

4. All soiled waters and slurry generated by the development shall be conveyed through properly constructed channels to the existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road. The storage facilities shall be properly maintained to the planning authority's satisfaction and emptied as required to prevent the discharge of polluting matter to any watercourse or aquifer and to comply with the requirements of the European Union S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended.

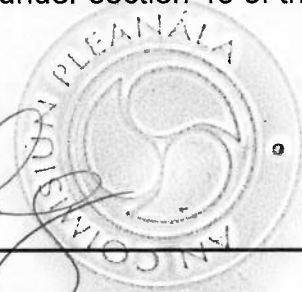
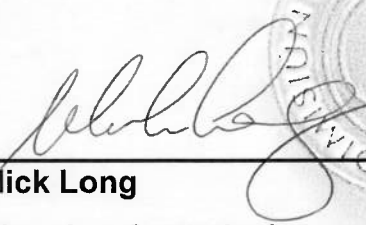
Reason: In the interest of public health and to prevent water pollution.

5. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks is reserved for their specific purposes.

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 within three months of the date of this order 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 Coimisiún 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.



Mick Long

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this

9th day of September 2026.