

An
Bord
Pleanála

Board Order
ABP-320690-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 23/60441

Appeal by Lindsay McCrindle and Mary Wright care of Ballysooghan, Rathangan, County Kildare against the decision made on the 20th day of August, 2024 by Kildare County Council to grant subject to conditions a permission to Paul Fitzsimons care of Patrick J. Knowles, Architectural and Planning Consultant of Crissard Lodge, Wolfhill, Athy, County Laois in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of the existing farm buildings comprising of a workshop, fuel store, straw bedded loose housing, calf creep area, feed passage and slatted underground effluent tanks. Retention also sought for the existing silage base and unroofed slatted effluent tank with all ancillary works as constructed at Ballysooghan North, Rathangan, 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

The Board made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended; and
- the Climate Action Plan 2024 and Climate Action Plan 2025,

Having regard to the nature, scale and extent of the proposed development and to its location and relationship within an established farmyard, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be in accordance with adopted local policy and objectives of the Kildare County Development Plan 2023-2029, most notably Objective RD O2 in facilitating agriculture development at an appropriate rural location, would not pose a significant risk to the environment or have any significant negative effects on water quality and would not have a significant negative impact on the residential amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

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

Reason: In the interest of clarity.

2. (a) A detailed Boundary Treatment Scheme for the full extent of the site's eastern boundary, undertaken by a suitably qualified person, shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. This scheme shall include a plan to a scale of not less than 1:250 showing –
 - (i) Existing trees, hedgerows, mounds and fences specifying which are proposed for retention as features of the site landscaping.
 - (ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.



- (b) The approved Boundary Treatment Scheme shall provide a screen along the eastern boundary consisting predominantly of hedging and trees of indigenous species along with appropriate stock-proof fencing. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the decision of this permission.
- (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interests of visual and residential amenity.

- 3. The external colour of the buildings to be retained, including the store, straw bedded housing, calf creep area and feed passage shall be dark grey, green or dark green, dark brown, dark red or in finished concrete natural. Roof colours shall be darker than wall colours. Details of the above requirements shall be submitted to and agreed in writing by the planning authority.

Reason: In the interest of visual amenity.

4. The development hereby permitted shall be used for agricultural related purposes only. The structures permitted shall not be used for any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

5. 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. 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 shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.
 - (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.

6. (a) Within three months of the date of this order, a management schedule for the operation of the slatted shed shall be submitted to the planning authority.
- (b) The management schedule shall comply with the requirements of the European Union (Good Agricultural Practices for the Protection of Waters) Regulations 2022, or as otherwise updated.
- (c) The management schedule shall provide for:
- the number, age and types of animals to be housed,
 - arrangements for the disposal of slurry arrangements for the storage and disposal of manure, and
 - the cleansing of buildings and structures, including the public road, where relevant.

Reason: In order to prevent pollution and in the interest of amenity.



7. (a) 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.
- (b) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations.
- (c) Where a third party removes the slurry or manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

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

8. Within 90 days of the date of this order, the applicant/developer shall carry out works at the site's vehicular entrance as shown on the submitted plans and particulars, received by the planning authority on the 30th day of July 2024 and to the written satisfaction of the planning authority.

Reason: In the interest of road safety and the proper planning and sustainable development of the area.



9. (a) Roadside drainage shall be provided at the entrance which shall discharge to soakways or water system on site, unless otherwise agreed with the planning authority.
- (b) The roadside drainage along the road frontage shall not be impaired and no surface water runoff from the site shall be discharged onto the public road.

Reason: In the interest of traffic safety and to prevent interference with existing roadside drainage.

10. In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or ground waterbody, the planning authority and Inland Fisheries Ireland, shall be notified as soon as is practicable. A copy of the clean-up plan shall be submitted to the planning authority.

Reason: In the interest of public health.

11. All soiled waters and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and 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.

Reason: In the interest of public health.

12. 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 are reserved for their specific purposes.

13. 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.

14. Noise arising from operational activity on this site shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits:
- (a) 55 dB(A) between the hours of 0700 and 1800 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time, and
 - (b) there shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.

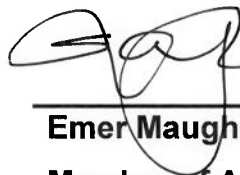
Reason: In the interest of public health and proper planning.

15. External lighting shall be directed onto the farmyard and away from adjacent housing and road. The lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and roads.

Reason: In the interest of residential amenity and traffic safety.

16. 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 or 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.

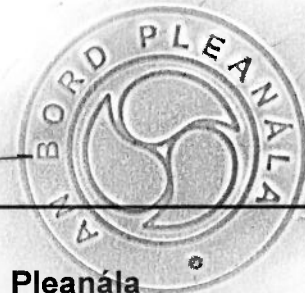
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Emer Maughan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**



Dated this 13th day of June 2025