

An
Bord
Pleanála

Board Order ABP-320987-24

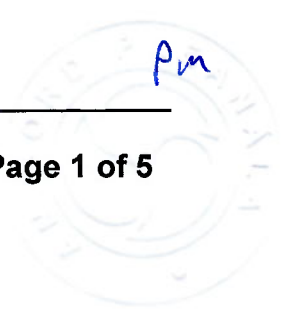
Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 24/60023

Appeal by O'Shea Shotblast and Painting Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 9th day of September, 2024 by Kildare County Council to grant subject to conditions a permission to James Cullen care of Peter Thompson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of extensions to an existing agricultural building comprising a machinery shed (265 square metres) and a hay store (134 square metres), two containers for feed storage, works to the existing entrance consisting of entrance widening, installation of automatic gate and fencing and all associated site works and permission to remove sections of ditch to achieve improved sightlines and erect fencing behind lines of visibility, all at Baltracey, Donadea, 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 nature, scale and extent of the development proposed to be retained and proposed development and its location and relationship with an established farmstead, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development would be in accordance with local policy and the objectives of the Kildare County Development Plan 2023-2029, in particular Objective RD O2 in facilitating agriculture development at an appropriate rural location, would not give rise to the creation of a traffic hazard, would not have a significant negative impact on the visual amenities of the area, would not have any significant effects on the ecology of the area, and 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, 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. All palisade fencing along both sides of the vehicular entrance mouth, and which is forward of the automated entrance gate, shall not be permitted under this permission. It shall be removed and replaced with post and wire fencing and native planting within the first planting season following this grant of permission.

Reason: In the interest of visual amenity, local biodiversity and the proper planning and sustainable development of the area.

3. 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.

4. The proposed development shall be operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2022, as amended.

Reason: In order to avoid pollution and to protect residential amenity.

5. The existing roadside hedge shall be removed in order to achieve the required sightlines attached to the subject vehicular entrance. Any removed hedgerow shall be replaced with native hedgerow species, full details of which shall be submitted to the planning authority for written agreement prior to commencement of development. Any hedging which dies, is removed or becomes seriously damaged or diseased, 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 the interest of visual amenity and biodiversity.

6. The developer shall provide a pavement overlay of stone mastic asphalt to the site's vehicular entrance to junction mouth with the R407 as recommended within the submitted Road Safety Audit.

Reason: In the interest of road safety.

7. 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.

8. All uncontaminated roof water from structures and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to 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.



Peter Mullan

Member of An Bord Pleanála

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

Dated this *10th* day of *March*, 2025.