



An
Coimisiún
Pleanála

Commission Order
ABP-321062-24

Planning and Development Act 2000, as amended

Planning Authority: Carlow County Council

Planning Register Reference Number: 2460070

Appeal by Peter Sweetman care of Wild Ireland Defense CLG of North Allihies, Beara, County Cork against the decision made on the 4th day of October, 2024 by Carlow County Council to grant, subject to conditions, a permission to Derek Deane care of Denis Brennan of Aclare, Gaignamanagh, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of a roofed dungstead and associated site works at Tombeagh, Hacketstown, Count Carlow.

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 Commission 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 and scale of the proposed development, within an established agricultural farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not be prejudicial to public health, would be acceptable in terms of environmental sustainability and would comply with the relevant provisions of the Carlow County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Commission completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted to the planning authority and the Inspector's report and submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

Conditions

1. The development shall be carried in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 11th day of September 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. All oxidisable surfaces shall be painted in a colour to match the existing farm buildings on site, and shall be maintained in perpetuity.

Reason: In the interests of visual amenity.

4. 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.


Mary Henchy

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

Dated this 9th day of September 2025.

