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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 2460457**

**Appeal** by Michael and Catherine Purcell care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 26<sup>th</sup> day of November 2024 by Laois County Council to grant permission, subject to conditions, to Joseph O'Keefe of Drumneen, Stradbally, County Laois for the proposed development.

**Proposed Development:** The development will consist of retention of modified and extended agricultural shed and full planning permission to construct a block wall to the northern boundary of the shed, also to install a 3000-litre effluent tank beside the concrete apron and associated site works at Ballintubbert, Stradbally, County Laois.

**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.

P.C.

## Reasons and Considerations

Having regard to the nature of the agricultural activity to be accommodated within the shed, the evidence submitted which suggests that historically an agricultural shed existed at this location, together with the location of the shed within an area where agricultural activity predominates, it is considered that, subject to compliance with the conditions set out below, the proposed development would accord with the policies and provisions relating to agricultural structures set out in the Laois County Development Plan 2021-2027, would not seriously injure the residential amenities of the area or property in the vicinity, and would otherwise be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had specific regard to (a) the information submitted with the application including photographic evidence which suggests that historically, an agricultural shed was located at this location in such close proximity to the appellants dwelling and (b) the applicants response to the grounds of appeal which stated that the applicant would accept a condition which requires that the shed be used for farm storage exclusively. If such a condition were attached to any grant of planning permission it is considered that the appellants concerns, particularly in relation to noise and odour, would be addressed.

In relation to the observation submitted by the Department of Housing, Local Government and Heritage which noted the absence of an Appropriate Assessment Screening Report, the Board noted that with the imposition of a condition restricting the use of the shed to farm storage only and prohibiting the use of the shed for housing livestock, and considered that issues regarding potential impacts on European Sites will not arise and, as such, the need for a formal Appropriate Assessment screening exercise is not required in this instance.

P. C.

## Conditions

1. The development shall be retained 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 31<sup>st</sup> day of October 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 agricultural shed proposed for retention shall not be used for the housing of livestock.

**Reason** In the interest of adjoining residential amenity.

3. (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 interest of amenity, public health and to prevent pollution of waters.

- 4. 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.

5. Details of the finishes of the agricultural shed, the location of fencing of paddocks and other areas and the design, scale and finishes of the proposed feed silo shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The finished floor level of the building shall be not more than 300 millimetres above the existing ground level.

**Reason:** In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area before the development commences (and in the interest of orderly development).

6. The developer shall immediately inform the planning authority of any accidental spillage of wastewater, organic fertilizer, fuel or other substance which may threaten the water quality of any water course or groundwater body.

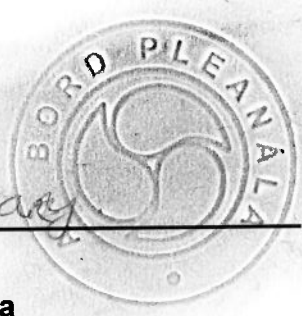
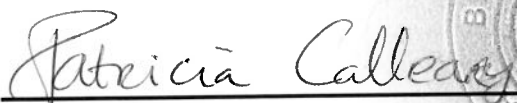
**Reason:** In the interest of environmental protection.

7. Any external lighting shall be cowled and directed away from adjoining residential dwellings.

**Reason:** In the interest of residential amenity.

8. 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.



**Patricia Calleary**

**Member of An Bord Pleanála**

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

Dated this 22 day of April 2025.