



An  
Coimisiún  
Pleanála

**Commission Order**  
**ACP-323621-25**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: 25/60254**

**Appeal** by Brendan Hynes against the decision made on the 14<sup>th</sup> day of August 2025, by Offaly County Council to grant, subject to conditions, a permission to Alan and Dara Bulfin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention permission for existing agricultural developments and all associated siteworks. These developments consist of milking parlour shed and silo, cow cubicle sheds, machinery/straw sheds, workshop, cow sheds with slatted effluent storage tanks, silage pits, lay-by and all associated siteworks, all at Carrigeen, Fivealley, Birr, County Offaly.

## **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

Having regard to the location of the development proposed to be retained, within an established farmyard, the agricultural activities currently carried out within the site, the nature and scale of the development proposed to be retained and to Policy REDP-04 and Objective REDO-03 of the Offaly County Development Plan 2021 – 2027, which support the development of agriculture and encourage the continuation of agriculture, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in a deterioration of water quality and would be acceptable in terms of traffic safety and convenience. The proposed development and the development proposed to be retained 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. 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, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority, within one month of a grant of retention permission, and
  - (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, shall be strictly adhered to.

**Reason:** In the interests of environmental protection and public health.

3. The structures to be retained shall be in accordance with the specifications, as issued by the Department of Agriculture, Farming and the Marine and referenced in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022.

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

4. 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 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.

*Patricia Calleary*

**Patricia Calleary**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**

Dated this *8<sup>th</sup>* day of *April* 2026.

