



An  
Bord  
Pleanála

## Inspector's Report ABP315231-22

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<b>Development</b>	Construction of stable yard.
<b>Location</b>	Mill Lane, Leixlip, Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	22 /1115
<b>Applicant(s)</b>	John Waldron
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Decision
<b>Appellant(s)</b>	John Waldron
<b>Date of Site Inspection</b>	20 <sup>th</sup> April 2023
<b>Inspector</b>	Brendan McGrath

## **1.0 Site Location and Description**

- 1.1. The site is a 1.322 ha field currently in use as a temporary works depot for Irish Water contractors. The site, which is bounded by trees, hedgerows and fences is beside the River Liffey and slopes quite steeply down towards the river before levelling off. Leixlip Wastewater Treatment Plant is the east side of the site and there is an open field on the west side. Access is via a narrow, tree-lined lane from Leixlip village. The lane appears to be a popular walking route. The lane is Black Avenue, not Mill Lane, as advertised. There is an unpleasant pungent smell at the site, emanating from the treatment plant.

## **2.0 Proposed Development**

- 2.1. The proposal is a small stable building of simple design and construction with two stables and tack room, together with a dungstead and a revised road entrance. A cover letter states that the proposal is for the housing of the applicant's ponies at the subject site on Black Avenue.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refusal for one reason:-

The site is zoned as 'F'-Open Space and Amenity, and 'U' –Transport and Utilities. The land use matrix lists 'agricultural building' as not permitted. The proposed development would contravene the land use zoning of the Leixlip Local Area Plan 2020-2023 and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports

The planning report is the basis for the planning authority decision. The report concludes that the proposal would contravene the zoning matrix of the Leixlip Local Area Plan. This is reinforced by the location of the site within the River Liffey Landscape Character Area with a Class 4 Landscape Sensitivity which are areas *'with a low capacity to accommodate uses without significant effects on the appearance or character of the landscape having regard to special sensitivity factors.'*

The proposal was screened for AA, concluding that *'it is not considered there would be potential to affect the ecological integrity and conservation of (the nearest Site).'*

### 3.2.2. Other Technical Reports

Irish Water requires further information in the form of a site survey to show the location of 3 wastewater sewers that traverse the site.

The Council's Environment Section requires further information on the collection and disposal of solid waste, waste water and surface water.

## 4.0 Planning History

PA ref. 22 75. Permission refused for a similar proposal

## 5.0 Policy and Context

### 5.1. Development Plan

#### Leixlip Local Area Plan 2022-2023

The site is arbitrarily sub-divided into two zones:- F Open Space and Amenity and U-Transport and Utilities. The objective for the F zone is *'to protect and provide for open space, amenity and recreation purposes'*.

The construction of agricultural buildings is not permitted in either zone. Construction of a stable yard is 'open for consideration' in an F zone

## 5.2. **Natural Heritage Designations**

None relevant. The Rye Water, Carton SAC is approximately 1km west of the site and upstream from the site.

## 5.3. **EIA Screening**

The project type is not one within a class in Schedule 5 to the Planning and Development Regulations 2001, as amended, and the requirement for EIA may be set aside at a preliminary stage.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The appeal is made on behalf of the first party. The appellant asserts

- that 'stable yard' is a use 'open for consideration' in an F zone and would 'not conflict with the general objectives for the zone' and would be 'in the interests of proper planning and sustainable development.'
- Having regard to the small scale of the proposal and the fact that the site is currently used by heavy machinery and for the storage of construction materials and equipment means that the proposed development is acceptable.

### 6.2. **Planning Authority Response**

None received

## 7.0 **Assessment**

7.1. The application is a second recent attempt for permission to use a site for keeping ponies. The site is badly degraded as a result of its current use and the existing access onto the public road is unsightly. However, the zoning of the site and accompanying zoning matrix severely restrict the scope for re-development. The proximity of the wastewater treatment plant is also a serious constraint. The

appellant, by calling the proposal 'stable yard' and moving the building to the 'F' zoned part of the site, is asserting compliance with the zoning matrix.

7.2. In my opinion it is desirable to facilitate a viable use for the site and enable its restoration to a reasonable condition. While the application's compliance with the relevant zoning matrix is questionable, I believe that the proposal is in accordance with the zoning objective 'to protect and provide for open space, amenity and recreation purposes' and is appropriate in the context of the landscape sensitivity of the general area.

## 8.0 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions

## 9.0 Reasons and Considerations

Having regard to the F zoning objective for the site set out in the current Leixlip Town Development Plan and the small scale of the proposal, it is considered that, subject to the conditions set out below, the proposal would benefit the visual amenity and character of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
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2.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> <li>(a) A plan to scale of not less than [1:500] showing – <ul style="list-style-type: none"> <li>(ii) Details of a hedgerow of native species to be planted the entire length of the western boundary</li> <li>(iii) Details of roadside planting of trees either side of the new entrance [the trees to be native species]</li> </ul> </li> <li>(b) Specifications for levelling, cultivation and other operations associated with plant and grass establishment and protection</li> <li>(c) A timescale for implementation</li> </ul> <p>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.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
3.	<p>The developer shall carry out a site survey to determine the location of existing wastewater pipes traversing the site and ensure the required separation distances from proposed development are available. Any necessary re-siting of proposed structures shall be agreed by the planning authority. The survey plan shall be submitted to and agreed in writing by the planning authority before development commences</p> <p><b>Reason:</b> In the interest of public health</p>
4.	<p>The developer shall submit details in writing to be agreed in writing by the planning authority before development commences, concerning the storage and disposal of solid waste, the management of soiled water and the collection and disposal of uncontaminated water</p>

	<b>Reason:</b> In the interest of health and environmental protection
5.	<p>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.</p> <p><b>Reason:</b> 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.</p>

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Brendan McGrath  
 Planning Inspector  
 27<sup>th</sup> April 2023