



An
Bord
Pleanála

Inspector's Report

ABP-319551-24

Development

Permission to retain the following:
1/Material widening of an agricultural entrance and intensification of the use of the entrance for an agricultural business. 2/ 1No. Container for use as agricultural office and toilet and 2No. containers ancillary to the use of the previously approved Section 5 Mushroom Tunnel. 3/ Mobile septic tank and pump house and all ancillary works.

Location

Ballaghmore Lower, Borris in
Ossory, Co. Laois.

Planning Authority

Laois County Council

Planning Authority Reg. Ref.

23/60260

Applicant(s)

Green Pheasant Farm Limited T/A
Bowfield Farm

Type of Application

Permission for Retention

Planning Authority Decision

Grant Permission for Retention

Type of Appeal	Third Party.
Appellant(s)	Dale Shannon.
Observer(s)	None.
Date of Site Inspection	7 th March, 2025
Inspector	Aiden O'Neill

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Appendix 1 - Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The proposed development site, c. 1.883ha in area, is located in a rural area to the south-west of the R445, a Strategic Regional Road, in the townland of Ballaghmore Lower, c. 3.85km north-west of the village of Borris-in-Ossory.
- 1.2. The site rises from the public road to an open, generally level hardstanding area which houses the existing polytunnel (298m²), which is insulated in a dark plastic, ancillary structures, and open storage of pallets to the west, and a separate single-storey container used as an office to the east.
- 1.3. There are agricultural fields to the south-east and south-west, a farm further south-west, and a single-storey bungalow on the opposite side of the R445. The speed limit at the site is 100kph. The R445 is generally straight in both directions.
- 1.4. The splayed gated entrance from the R445 is fenced, with trees to either side. There are 2no. small signs fixed to the fence on either side of the access, one identifying the site as Bowfield Farm, and the other stating 'Strictly By Appointment only'. A further smaller sign is located on the north-eastern fence stating 'Quality Assurance'. The southern and south-eastern boundaries are defined by a timber post and rail fence. The north-eastern and south-western boundaries are defined by hedging and trees. There is a drop in the level of the site to the fields to the south-west.

2.0 Proposed Development

- 2.1 The proposed development seeks permission to retain 1/ Material widening of an agricultural entrance and intensification of the use of the entrance for an agricultural business. 2/ 1No. single-storey container for use as agricultural office and toilet (25.67m²) and 2No. containers (1no. fridge container (12.36m²) and 1no. germination container (12.36m²)) ancillary to the use of the previously approved Section 5 (S5 2022/21) Mushroom Tunnel. 3/ Mobile septic tank (a sealed septic tank, emptied in contract by Hogan's Drain & Pipe Cleaning Ltd), and 1no. single-storey pump house (17.28m²) and all ancillary works.
- 2.2 The site is served by a soakway. A proposed ACO drain is proposed across the gateway entrance, to be drained to a new soakaway.

3.0 Planning, Authority Decision

3.1. Decision

The Planning Authority decided to grant conditional planning permission on 25th March, 2024.

3.1.1. Conditions

Permission was subject to 8no. conditions, including:

2 (a) The proposed development shall be restricted to that applied for.

(b) There shall no retail sales to the general public.

Reason: In the interests of clarity and to regulate the use of the development in the interests of the proper planning and sustainable development of the area.

3. Within 3 months of the date of this planning permission, the developer shall, for the written agreement of the Planning Authority:

(a) Submit a Lighting Report prepared by a suitably qualified lighting consultant to demonstrate that the existing on-site lighting serving the development does not adversely impact road users or using the adjoining regional route (R445).

(b) Submit proposed revisions to the existing lighting layout, if recommended in the Lighting Report. These works shall be carried out in full within 3 months of the written agreement of the Planning Authority.

Reason: In the interest of traffic safety and to protect the rural character of the area.

4. No additional advertisements, signs or advertising apparatuses shall be erected on the structure, on the site or adjoining public thoroughfare without a separate grant of planning permission, notwithstanding the provisions of Part 2 of Schedule 2 of the Planning & Development Regulations 2001 as amended.

Reason: In the interests of visual amenity, traffic safety and proper planning.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Area Planner dated 1st September, 2023 notes that the site is not located within Flood Zone A and B, is located within the lowland agricultural area, and that there are no built heritage features impacting the development of the site. However, on foot of internal reports and having regard to the submissions received from

members of the public, the Area Planner raised concerns about the quantum of traffic to be generated; the achievement of sightlines; wastewater treatment; lighting and signage details.

- A Request for Further Information issued on 1st September, 2023 in respect of these matters, as well as requesting the applicant to comment on the 6no. submissions on the file.
- The applicant responded on 28th September, 2023 with the following details:
 - In terms of traffic generation, current usage is:
 - One Mere Sprinter Van (Owned by Bowfield Farm)
 - 2 private cars (owned by the 2 Directors of Bowfield Farm)
 - 1 car (Part time book keeper 2 or 3 days a week)
 - 1 small Berlingo van (business advisor - once a week)
 - The site is accessed from 8am and 6pm.
 - The office hours are 9am-5.30pm.
 - No public access is allowed to the site. They sell only to wholesalers and they are allowed visit by appointment only and that is only on a very rare occasion.
 - a minimum of 180m sight visibility Splay with a setback of 3.0m in accordance with Laois County Council's Road & Parking Standards, Section 2.1.
 - a letter of confirmation from Hogan's Drain & Pipe Cleaning Ltd confirming that they are in contract with the applicant since October 2022 to empty the sewage from the existing sealed septic tank as necessary. They are authorised waste collectors.
 - a Lighting Layout Plan is attached, which shows 3No. 200W lights, which are all directed away from the public road and are all cowled, and 8W fence lights, which are background lighting. A night time image confirms that there is little impact from the existing lights within the site on areas external to the site boundaries.
 - details of the existing signage located at the entrance of the site, which are not fitted with lighting.
 - In relation to the 6no. submissions, it is stated that 5 of the objectors are from other areas of the country.

- The report of the Senior Executive Planner dated 24th October, 2023 notes that the responses are satisfactory apart from the response to lighting and signage. A Request for Clarification of Further Information was issued on 24th October, 2023 on these matters.
- The applicant responded on 7th March, 2024 stating that in relation to lighting, the existing lighting details previously submitted on the 28th Sept. 2023 to the Planning Authority has been deemed as acceptable by the Planning Authority, and no further details in relation to this are required. Signage details were also provided.
- The report of the Senior Executive Planner dated 25th March, 2024 noted that the response on lighting was unacceptable, but that as there was no time left to request further clarification, a planning condition is recommended that the details shall be submitted within 3 months of the date of permission, and any recommendations arising from that report amending the lighting be implemented within 6 months of the date of permission. Signage details were accepted.
- The Senior Executive Planner's report is the basis for the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

- The report of the Executive Technician dated 11th August, 2023 notes that the Western Area Roads Department finds no difficulty with the application, but because it accesses into a Regional Road (R445) the Roads Design Office might have further comment.
- The report of the Senior Executive Engineer, Waste Management & Environmental Protection dated 23rd August, 2023 recommends further information seeking confirmation that wastewater effluent is not treated on-site and that it collected by and disposed of by authorised waste contractors, as well as a revised site layout showing the locations of all on-site lighting standards and lights, and a report that the development does not impact on road users using the adjoining regional route.
- The report of the Senior Executive Engineer, Road Design Office dated 31st August, 2023, states that the development is proposing to access on to the R445 which is a strategic regional road. The Road Design Office can confirm that the proposed access arrangement is in line with Laois County Council Roads & Parking Standards 2007 document in relation to sightlines. The report further notes that the entrance to this property originally was to cater for an agricultural field access. The applicant is now looking for retention for an

agricultural development where there would be the generation of increased traffic from direct access/ egress point. It is stated that granting permission of this development would contravene policy objective Trans 22 of the Laois County Council CDP 2021-2027, specifically in the generation of increased traffic from direct access/ egress points to the strategic regional roadway network to which speed limits greater than 50km/hr apply. Trans 22 seeks to prohibit unnecessary access. The Roads Design Office recommend that this permission be refused as it is in contravention of objective Trans 22 of the LCC CDP 2021-27

- The Senior Executive Planner's report also states that the Enforcement section references that an urgent enforcement notice was issued to the registered owner on the 29th March 2023.

3.3. Prescribed Bodies

- Uisce Eireann made a submission on 21st July, 2023 stating no objection in principle to the application as the applicant is not proposing any connection to the public water or wastewater mains.

3.4. Third Party Observations

- There are 6no. observations on file, including a representation from a Cllr Conor Bergin supporting the application, and a further 5no. submissions objecting on the grounds of the potential increase in a serious accident; the use of the containers brings an ugliness to the area; overlooking of the dwelling; vehicles parked on the site are highly visible and headlines shine directly into the dwelling; alarms are regularly going off; lighting of the pump house is excessive and directed straight out; the pump house itself is visible when leaves have fallen; the refrigeration unit is permanently on.

4.0 Planning History

- A Section 5 declaration, S5 2022/2021, determined that the construction of a mushroom tunnel under (300sqm) at Ballashmore, Borris in Ossory is Development and is Exempted Development.
- An Enforcement Notice, UD 23-34, was issued on 29th March, 2023, in respect of Unauthorised development comprising of:

- a. the material widening of an agricultural entrance and intensification of use of the entrance to include commercial use
- b. two number signs, a surfaced area, two storage containers and associated site works
- c. change of use from agricultural use to commercial use.

This required the cessation of all commercial use/development within the site on receipt of the notice; removal of the timber fence and gate, signage and surfaced area from the road edge by 14th April 2023; reinstatement of the agricultural entrance, having regard to its previous size and location by 14th April 2023; and remove the unauthorised storage containers and all associated site works by 5th May 2023.

5.0 Policy Context

Development Plan

- The applicable Plan is the Laois County Development Plan 2021-2027.
- By reference to Map 4.1 of the Laois County Development Plan 2021-2027, the proposed development site is located in a Rural Area Under Strong Urban Influence.
- Section 6.10 of Chapter 6 of the Plan states that the agri-food sector plays a significant role in Ireland's rural economy and this sector is supported through the implementation of Food Wise 2025.
- Policy objective RL 1 seeks to maintain a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time finding alternative employment in or close to rural areas to sustain rural communities.
- Policy objective RL 4 seeks to continue to support and work with Laois Food producers to promote local provenance, strengthen the Laois food industry and transform Laois into one of Ireland's top food destinations.
- Policy objective OM RL 1 states that in dealing with applications for agricultural developments the Planning Authority will have regard to the following: 1) Require that buildings be sited as unobtrusively as possible and that the finishes and colour used will blend the development into its surroundings. 2) The proposed developments shall meet with the requirements of the Department of Agriculture with regard to storage and disposal of waste. 3) The Council accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards) to be functional but they will

be required to be sympathetic to their surroundings in scale, material and finishes. 4) Buildings should relate to the landscape. 5) Appropriate roof colours are dark grey, dark reddish brown or a very dark green. 6) Location and impacts on the road network and other associated uses 7) Ensure it does not have an undue negative impact on the visual/scenic amenity of the countryside and identify mitigating measures where required All agricultural buildings should be located an adequate distance from any watercourse to reduce the risk of contamination.

- Table 10.1 of the Plan identifies the R445 as a Strategic Regional Road.
- Policy objective TRANS 22 seeks to Prohibit unnecessary access onto strategic regional routes in areas where speed limits in excess of 50kmph applies.
- Table 2.2 of the Laois County Council Roads and Parking Standards (2007) guidelines states that strategic regional roads are required to have 180m sight distance in both directions.
- By reference to Map 11.7 of the Laois County Development Plan in relation to Landscape Character, the site is located in a Lowland Agricultural Area. Table 11.6 of the Plan notes that such character areas have low sensitivity with capacity to absorb a wide range of uses. There are no scenic views or prospects at the proposed development site or in the vicinity.

5.1. Relevant National or Regional Policy/ Ministerial Guidelines (where relevant)

N/A

5.2. Natural Heritage Designations

The proposed development site is c. 1.86km to the south-east of the Slieve Bloom Mountains SPA (004160) and c. 1.62km to the north-east of the Monaincha Bog/Ballaghmore Bog NHA (000652).

6.0 EIA Screening

See Form 1 attached to this appeal. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at pre-screening stage, and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- The Third Party appeal makes the following points
 - the material widening and intensification of use of the entrance does create a traffic hazard. The R445 is extremely busy with a 100km/h speed limit.
 - vehicles turning right into the entrance would endanger public safety, obstruct road uses and would prejudice the safety and free flow of traffic. Following vehicles use the hard shoulder to bypass the turning vehicle, bringing them dangerously close to the Third Party's access.
 - Since moving into their house in December, 2013, there have been 5 crashes/vehicles leaving the road along a 300m stretch of the R445, and a multiple collision in 2008 where a number of people lost their lives.
 - The road runs east to west and therefore visibility in the morning and evening can be particularly poor. The proximity to the bog means that the road is prone to mist and fog, reducing visibility.
 - The entrance was very rarely used and for a number of years not used at all.
 - The Laois County Development Plan 2017 states that the Council will adopt a restrictive policy in relation to new development on strategic regional roads, especially those with a high carrying capacity in the interests of traffic safety.
 - The Third Party questions whether the mushroom tunnel is exempted development, and sets out a number of considerations with respect to the Planning and Development Regulations, 2001, as amended. The large size of the tunnel, its orientation, close proximity to the road, elevated position and shiny plastic covering do not blend into the landscape. The glare from the plastic is blinding.
 - The siting of the buildings to be retained do not comply with policy objective DM33 of the 2017 Plan in respect of agricultural development. They are in close proximity to the road and their raised position make them and the vehicles that park on the site highly visible and an eyesore above the Third Party's boundary hedge, and have an incredibly long road frontage, overlook the Third Party's property, resulting in a loss of privacy. The alarms on the containers are constantly going off.

- The light surrounding the surfaced area is excessive and directed at the Third Party, and is visible from the road especially in the winter. The bats that used to frequently fly around the garden have disappeared.
- The pump house is very close to the road and is highly visible in the winter time.
- The surfaced area and entrance is very large allowing access for articulated vehicles and is now used to store the company's refrigerated delivery vehicle, the refrigeration unit is permanently on to keep the vehicle cold.
- Reference is made to the Enforcement Notice requiring the applicant to cease all development on receipt of the Notice.
- The vehicles that use the site do not align with what was said in the application.
- The lighting report did not get submitted in response to the RFI, therefore the application should have been withdrawn.
- The two large advertising signs are a distraction to road users and have a visual impact.
- The appeal is accompanied by a number of photos illustrating vehicle usage of the proposed development site, the shine off the tunnel, as well as details of road accidents in the vicinity.
- The appeal includes an additional fee to review the S5 Declaration.

7.2. Applicant Response

- N/A

7.3. Planning Authority Response

- None on file.

7.4. Observations

- None on file.

7.5. Further Responses

- None on file.

8.0 Assessment

- 8.1 Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issues which require consideration in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.
- 8.2 In relation to the Third Party's request to revisit the S5 Declaration (S5 2022/2021), the Courts have determined that Section 5 declarations, once issued and not challenged, are conclusive. Therefore, I do not propose to revisit the Declaration in this Report.
- 8.3 The main issues are as follows:
- Nature and extent of the structures to be retained.
 - Compliance with policy objective TRANS 22 of the Plan.
 - Amenity matters.
- 8.4 Nature and extent of the structures to be retained.
- 8.4.1 The farm comprises 1no. polytunnel which formed part of the S5 Declaration and ancillary equipment required to assist in the farming process - a germination tank, 2no. fridge containers, and a pumphouse - for which retention permission is sought. Retention permission is also sought for the office container.
- 8.4.2 In my opinion, the additional structures to be retained are small in nature and scale and are ancillary elements to the primary established microgreens farming use.
- 8.4.3 The farming use on site, which was established in the S5 Declaration, is not a significant operation, and the ancillary structures for which retention permission is sought, will not contribute to any significant intensification of use.
- 8.4.4 The nature of the traffic accessing the site is also limited in nature, and I note that any visits to the site are to be by appointment only. No retail sales occur. The use remains agricultural in nature. The Planning Authority attached condition 2(b) to the grant of permission requiring there to be no retail sales to the general public in the interests of clarity and to regulate the

use of the development. I would recommend this condition is attached in the event that the Board decides to grant planning permission.

8.4.5 The proposed signage is of limited nature and scale, and is therefore acceptable.

8.5 Compliance with policy objective TRANS 22 of the Plan.

8.5.1 It is noted that the Senior Executive Engineer, Roads Design Office, Laois County Council, recommended refusal on the basis that the proposed development, specifically the material widening of the access onto the R445, a Strategic Regional Road, is in contravention of objective TRANS 22 of the Plan.

8.5.2 Although the Senior Executive Planner does not specifically address this recommended reason for refusal in his report, this recommendation was not upheld, and permission was granted. It is reasonable to conclude that the Senior Executive Planner did not agree that the proposed development to be retained is in contravention of objective TRANS 22 of the Plan.

8.5.3 Notwithstanding, it would be my opinion that, in addition to establishing the mushroom farm use, the S5 Declaration also established the principle and suitability of an access from the R445 to serve the mushroom farm.

8.5.4 In this context, policy objective TRANS 22, which seeks to prohibit unnecessary access onto strategic regional routes in areas where speed limits in excess of 50kmph applies, does not apply, as the application seeks to retain the material widening of an existing access.

8.5.5 The material widening of the existing access onto the R445 provides a safe access that aligns with the sightlines of 3m x 180m as required by the Laois County Council Roads and Parking Standards (2007), such that no traffic hazard would arise.

8.5.6 As noted above, the nature of the traffic accessing the site is also limited in nature, and will not interfere with the safety and free-flowing nature of traffic on the R445, which, as the Third Party notes, has a high carrying capacity.

8.5.7 I note the concerns raised by the Third Party about road safety on the R445, however, in my opinion, these are matters outside the scope of the planning code.

8.5.8 In this context, and noting the S5 Declaration, and the provisions of policy objectives RL 1 and 4 of the Plan which support the contribution of the agricultural sector, specifically food producers, to the Laois economy, the proposed development to be retained is acceptable on traffic grounds. I am also of the opinion that the proposed development to be retained will not adversely affect the functioning of the R445.

8.6 Amenity Matters

- 8.6.1 The Third Party raises concerns about the impact of the proposed development on their amenities.
- 8.6.2 I have considered the nature and extent of the proposed development to be retained, the scale of the existing structures and the structures to be retained, and the traffic generated.
- 8.6.3 While I acknowledge the concerns raised, I note that the tunnel is not the subject to the current application, having been previously subject to the S5 Declaration.
- 8.6.4 Having regard to policy objective OM RL 1 of the Laois County Development Plan 2021, the remaining structures are ancillary and of smaller scale than the tunnel, and are of a similar colour, and, in my opinion, are unobtrusive.
- 8.6.5 I acknowledge the concerns raised by the Third Party about the lighting of the site. I note that the applicant did not provide the report required by the Planning Authority, however I would tend to agree with the general position presented by the applicant that there will be little impact from the existing lights within the site on areas external to the site boundaries. In the event that the Board is minded to grant permission, I recommend the attachment of the condition 3 of the Planning Authority's decision regarding the submission of a Lighting Report.
- 8.6.6 In this context, it is my opinion that the proposed development does not adversely affect neighbouring residential amenity.
- 8.6.7 I am also satisfied that the nature and extent of the structures to be retained will not result in any significant visual impact on the landscape character of the area, noting that, having regard to the Landscape Character Assessment contained in Appendix 6 of the Plan, that the site is located in a Lowland Agricultural Area. Table 11.6 of the Plan notes that such character areas have low sensitivity with capacity to absorb a wide range of uses.

9.0 AA Screening

- 9.1 See Appendix 2 attached to this report. I have considered the permission to retain the following: 1/ Material widening of an agricultural entrance and intensification of the use of the entrance for an agricultural business. 2/ 1 No. Container for use as agricultural office and toilet and 2 No. containers ancillary to the use of the previously approved Section 5 Mushroom Tunnel. 3/ Mobile septic tank and pump house and all ancillary works on a site at Ballaghmore Lower, Borris in Ossory, Co. Laois in light of the requirements S177U of the Planning and

Development Act 2000 as amended.

- 9.2 The proposed development site is c. 1.86km to the south-east of the Slieve Bloom Mountains SPA (004160).
- 9.3 The proposed development consists of 1/ Material widening of an agricultural entrance and intensification of the use of the entrance for an agricultural business. 2/ 1No. Container for use as agricultural office and toilet and 2No. containers ancillary to the use of the previously approved Section 5 Mushroom Tunnel. 3/ Mobile septic tank and pump house and all ancillary works on a site at Ballaghmore Lower, Borris in Ossory, Co. Laois.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Nature of works, including the small scale and nature of the development
 - Location and distance from nearest European site and lack of connections
- 9.6 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.7 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- 10.1 I recommend that permission for the development be granted for the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to the policies of the Laois County Development Plan 2021-2027, including policy objectives OM RL 1, RL 1 and RL 4, it is considered that subject to compliance with the conditions set out below, the proposed development to be retained would not seriously injure the amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended on 28th September, 2023 and 6th March, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed development shall be restricted to that applied for.</p> <p>(b) There shall no retail sales to the general public.</p> <p>Reason: In the interests of clarity and to regulate the use of the development in the interests of the proper planning and sustainable development of the area.</p>
3.	<p>Within 3 months of the date of this planning permission, the developer shall, for the written agreement of the Planning Authority:</p> <p>(a) Submit a Lighting Report prepared by a suitably qualified lighting consultant to demonstrate that the existing on-site lighting serving the development does not adversely impact road users or using the adjoining regional route (R445).</p> <p>(b) Submit proposed revisions to the existing lighting layout, if recommended in the Lighting Report. These works shall be carried out in full within 3 months of the written agreement of the Planning Authority.</p> <p>Reason: In the interest of traffic safety and to protect the rural character of the area.</p>
4.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning</p>

	<p>authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
5.	<p>No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<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>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

22nd March, 2025

Adrian O'Neill

Inspector: _____ Date: _____

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanala Case Reference	ABP-319551-24		
Proposed Development Summary	Permission to retain the following: 1/Material widening of an agricultural entrance and intensification of the use of the entrance for an agricultural business. 2/ 1No. Container for use as agricultural office and toilet and 2No. containers ancillary to the use of the previously approved Section 5 Mushroom Tunnel. 3/ Mobile septic tank and pump house and all ancillary works.		
Development Address	Ballaghmore Lower, Borris in Ossory, Co. Laois		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes		Tick if relevant and proceed to Q2.
	No		Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank		Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	Tick/or leave blank		Proceed to Q4
4 . Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5 . Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: *Ad onell*

22nd March, 2025

_____ Date:

Appendix 2 -AA Screening Determination Test for likely significant effects

AA Screening where no screening report was submitted, and no significant AA issues arise.

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Case file: ABP-319551-24				
Brief description of project	Normal Planning appeal Permission to retain the following: 1/Material widening of an agricultural entrance and intensification of the use of the entrance for an agricultural business. 2/ 1No. Container for use as agricultural office and toilet and 2No. containers ancillary to the use of the previously approved Section 5 Mushroom Tunnel. 3/ Mobile septic tank and pump house and all ancillary works.			
Brief description of development site characteristics and potential impact mechanisms	The proposed development site is located in the townland of Ballaghmore Lower, Borris in Ossory, Co. Laois There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.			
Screening report	No Laois County Council screened out the need for AA.			
Natura Impact Statement	No			
Relevant submissions	None			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further screening Y/N
Slieve Bloom Mountains SPA (Site Code:	1no. species	1.86km	No direct connection	y

004160)		
<p>The proposed development site is c. 1.86km to the south-east of the Slieve Bloom Mountains SPA (004160).</p> <p>Further Commentary / discussion Due to the location of the development site and the distance between the site and the nearest designated site, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.</p>		
<p>Step 3. Describe the likely effects of the project (if any, alone .QI in combination) on European Sites AA Screenina matrix</p>		
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site Slieve Bloom Mountains SPA (004160). Hen Harrier (<i>Circus cyaneus</i>) [A082]	Direct: none Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during operation	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site. No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Bray Head SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from the nearest European site

Ad. O'Neill

22nd March, 2025

Inspector: _____ Date: _____