

18 - June - 2024



Architectural Drawing, Design & Planning  
Tullamoy Stradbally Co. Laois

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An Bord Pleanála,  
Marlborough Street,  
Dublin 1,

Dear Sir / Madam

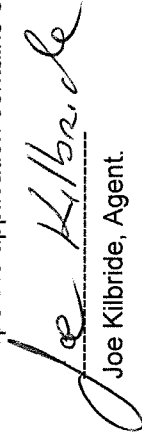
Please find enclosed application under Section 177E for Substitute Consent for agricultural development at Forest Lower, Mountmellick, Co Laois for applicant Mark Rochford. The development consists of historic development comprising of 2 no Cubicle sheds, total floor area 3770m<sup>2</sup> (Cow Welfare Units), associated concrete feed passages, total area 1485m<sup>2</sup>. Slurry Lagoon, total capacity 4095m<sup>3</sup> (Sealed Effluent Storage). Silage Pit, total floor area 1180m<sup>2</sup> (Winter Feed Storage), accompanying Concrete Apron, total floor area 545m<sup>2</sup>, adjoining concrete yards, total floor area 1263m<sup>2</sup> and associated site works. This application for substitute consent is accompanied by a remedial Natura Impact Statement (rNIS).

The development the subject of this application occurred as a mix of incorrect assumptions of exempt development and emergency animal welfare measures as set out in the Statement of Exceptional Circumstances.

At no time did the applicant think there was a risk to the adjacent Barrow-Nore SAC and this was borne out in pre-planning consultation as recently as late 2023 when the Laois County Council were of the opinion that a well presented Stage 1 Screening for AA may have sufficed with a Section 34 retention application. Ultimately, following submission of that application, it was invalidated under Section 34(12), with the Section 177E process as the remaining available provision within the Planning & Development Act 2000, as amended, to regularise the by then 'offending' development.

It is our opinion that the ability to carry out Appropriate assessment has not been significantly compromised by this development and that the standard design measures substantially or entirely removed the risk of impact on the SAC. These standard design measures, post C-721/21, can be used at Stage 1 Screening for Appropriate Assessment stage to assist in screening out potential impact. The requirement for Stage 2 Appropriate Assessment is arrived at following the invalidation of the aforementioned application (no planning report available) and an approach based on an abundance of caution.

I hope the application contains everything necessary to assist in the necessary assessments.

  
Joe Kilbride, Agent.

Joseph Kilbride, Registered Office:- Tullamoy, Stradbally, Co. Laois. Reg. No. 253559 VAT No: IE 5048734K

**Enclosed**

- (a) One copy of Planning Application form
- (b) One copy of Newspaper notice
- (c) One copy of Site notice
  
- (d) Six copies of Rural Place map 1:2500 (Drawing 2024-585-001)
- (e) Six copies of Record place map 1:10560 (Drawing 2024-585-002)
- (f) Six copies of Site layout map 1:500 (Drawing 2024-585-003)
- (g) Six copies of Existing Cubicle Shed 'A' (Drawing 2024-585-004)
- (h) Six copies of Existing Cubicle Shed 'B' (Drawing 2024-585-005)
- (i) Six copies of Existing Slurry Lagoon (Drawing 2024-585-006)
- (j) Six copies of Existing Silage Pit (Drawing 2024-585-007)
  
- (k) Six copies of Statement of Exceptional Circumstances prepared by William J Smyth FIEI, Planning Consultant
  
- (l) Six copies of Report from Declan Dempsey, Agri Advisor
  
- (m) Ten copies Remedial Natura Impact Statement (rNIS) prepared by Kingfisher Environmental Consultants.
  
- (n) One copy of Letter of Consent to Agent
  
- (o) Planning Fee €900
  
- (p) One USB key with a pdf copy of the Application