

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Cork County

Planning Register Reference Number: 11/06233

An Bord Pleanála Reference Number: PL 04.240127

APPEAL by Michael and Mary Desmond of Farnalough, Newcestown, Bandon, County Cork and by others against the decision made on the 23rd day of December, 2011 by Cork County Council to grant subject to conditions a permission to Fiona Shorten care of Clearpower Limited of Unit 7 Broomhill Business Complex, Broomhill Road, Tallaght, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of the existing agricultural sheds to agricultural store to include the storage of agricultural machinery, organic and inorganic fertilisers such as granular artificial fertiliser, biosolids, farmyard manures and soil conditioners at Farranalough, Newcestown, County Cork.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

The proposed development constitutes a change of use only for the storage of biosolids and related materials on existing agricultural premises, and the material and its use will be subject to regulatory control for the application of such materials in agricultural use. Having regard to the use of the site for agricultural storage, the limited volumes of material in question and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed change of use would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8th day of December, 2011, 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. (a) The structures shall be used solely for the purposes outlined in the planning application and the appeal and no other use shall take place without the benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended.

(b) Only pretreated biosolids shall be accepted at the site.

Reason: In the interest of clarity.

3. Storage, loading, unloading and handling of organic waste materials shall take place within sheds 1 and 2 only.

Reason: To prevent odour and pollution.

4. No storage of biosolids shall take place prior to issuing by Cork County Council of the full Certificate of Registration under S.I. No. 32 of 2010 and that written confirmation from the planning authority confirms that all required upgrades to the buildings and yard have been completed to their satisfaction.

Reason: In the interest of preventing pollution.

5. (a) All handling and storage of materials within the yard shall be in accordance with the requirements of the Certificate of Registration under S.I. No. 32 of 2010 and the recommendations of the 'Code of Good Practice for the Use of Biosolids in Agriculture' issued by the Department of the Environment and Local Government.
- (b) In preparing any landspreading plans and in relation to ongoing nutrient management planning, the applicant shall have regard to the requirements of the planning authority in relation to the Mossgrove water supply scheme.

Reason: To prevent odour and pollution.

6. 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, and
- (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

7. The operator of the site shall maintain sufficient and continuous vermin control at the site.

Reason: To safeguard the amenities of the area.

8. Spreading of organic fertiliser shall be carried out in compliance with S.I. No. 610/2010 – European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 and the “Codes of Good Practice for the Use of Sewage Sludge in Agriculture”.

Reason: To prevent water pollution.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2012.