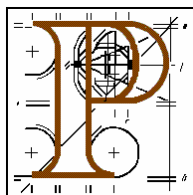


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Waterford County

Planning Register Reference Number: P.D.13/134

An Bord Pleanála Reference Number: PL 24.242298

APPEAL by Patrick Kiely care of Peter Thomson Planning Solutions of Suite 1, Burchall House, Parnell Street, Waterford against the decision made on the 8th day of July, 2013 by Waterford County Council to grant subject to conditions a permission to Martin Kiely care of Francis Quigley of River House Enterprises of Ross, Carrick-on-Suir, County Waterford in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Three new agricultural sheds, an associated underground slurry tank and the construction of a new walled silage pit and ancillary site works at Carrigavantry, Tramore, County Waterford.

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

Having regard to the 'Agriculture' land use zoning objective for the area under the 2011-2017 Waterford County Development Plan and the pattern of development in the area including the existing agricultural farmyard in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. 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 received on the 26th day of June, 2013, 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. Prior to commencement of development, a revised Site Layout shall be submitted to, and agreed in writing with, the planning authority indicating all ground works required for the proposed development, that is, excavation and fill required for the sheds. No ground works shall take place within five metres of the eastern boundary of the site.

Reason: In the interest of orderly development.

3. The slatted shed shall be used only in strict accordance with a management schedule to be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (S.I. No. 610 of 2010), and shall include as follows:
 - (1) Details of the number and types of animals to be housed.
 - (2) The arrangements for the collection, storage and disposal of slurry.
 - (3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

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

4. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2010 (S.I. No. 610 of 2010).

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

5. 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.

6. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

7. (a) All excavated material shall where practicable be reused on site. Any surplus excavated material to be removed from the site shall be brought to an authorised facility. Prior to removal of any surplus material, Waterford County Council shall be informed of the approximate quantity of material and the location of the proposed facility. No material shall be removed from the site until such times as the planning authority has authorised its removal.
- (b) Prior to the commencement of development, details of the source of the infill material shall be submitted to, and agreed in writing, with the planning authority. If deemed necessary, the developer shall apply for and be granted a Waste Permit prior to any works being undertaken.

Reason: In the interest of orderly development.

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

Dated this day of 2013.