

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

**Limerick City and County**

**Planning Register Reference Number: 14/496**

An Bord Pleanála Reference Number: PL 13.243491

**APPEAL** by Noel Halpin of Quarryhill, Kilmallock, County Limerick against the decision made on the 22<sup>nd</sup> day of May, 2014 by Limerick County Council to grant subject to conditions a permission to Gabriel Clery of Bawntard North, Kilmallock, County Limerick in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Permission for (a) machinery store, (b) extension to calf house (c) slatted cattle unit, (d) extension to calving boxes and retention of (e) calf house, (f) calving pens and (g) extension to cow unit and all associated site works at Bawntard North, Kilmallock, County Limerick.

## **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 its rural location within an established farm complex, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention would constitute a reasonable intensification of an established agricultural farmyard use in a rural area in which the established land use is agriculture. The proposed development and the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out, completed and retained 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.

**Reason:** In the interest of clarity.

2. The roof and side cladding of the structures shall be grey, dark grey, green or dark green.

**Reason:** In the interest of visual amenity.

3. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No effluent or slurry shall discharge, or be allowed to discharge, to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health.

4. 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.

5. A change in the approved method of agricultural waste storage and disposal on site shall not be permitted, and livestock numbers shall not be increased in a manner that results in the storage requirements, as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2014 (S.I. No. 134 of 2014) being exceeded.

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

6. The development shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority. The schedule shall be submitted by the developer to the planning authority within three months of the date of this order. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2014 (S.I. No. 134 of 2014) and shall provide at least for the following:

- (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.

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

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

**Dated this            day of            2014.**