

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Register Reference Number: 16/693

An Bord Pleanála Reference Number: PL 07.247203

APPEAL by Tom and Louise McDonnell of Lissyegan, Ahascragh, Ballinasloe, County Galway against the decision made on the 16th day of August, 2016 by Galway County Council to grant subject to conditions a permission to John Egan of Tummerillaun, Ahascragh, Ballinasloe, County Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (a) Retention of existing three bay slatted shed, (b) construction of new three bay slatted shed backing onto existing slatted shed, (c) new agricultural entrance and access road onto public road L-74156-0 adjacent to a recorded monument GA 02980, and (d) new hay/straw storage shed, ancillary concrete and associated works, all at Tummerillaun/Lissyegan (Hodson), Ahascragh, County Galway.

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 nature and extent of the development proposed to be retained and constructed, to the history of on-site agricultural activity and to the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and constructed would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The development proposed to be retained and constructed would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, 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 26th day of July, 2016, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.

2. (a) Prior to the commencement of development, details of the proposed construction of the agricultural access, including set back, gates and boundary treatment shall be submitted to, and agreed in writing with, the planning authority.
- (b) Surface water from the site shall not be permitted to drain onto the public road.

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

3. All excavated material shall, where practicable, be reused on site. Any surplus excavated material removed from the site shall be brought to an authorised facility. Prior to the removal of any surplus material, the planning authority shall be informed of the approximate quantity of material and the location of the proposed facility. No material shall be removed from site until such time as the planning authority has authorised its removal.

Reason: In the interest of environmental protection and the proper planning and sustainable development of the area.

4. (a) All foul effluent generated by the proposed agricultural development shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry shall be allowed to discharge to any stream, river or watercourse, or to lands.
- (b) The slurry effluent and farm yard manure shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply and is in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.

5. (a) A minimum of 18 weeks storage shall be provided in the underground storage tanks. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.
- (b) 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, 2014, as amended.

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

6. (a) All roof water shall be disposed of separately to soakaways.
- (b) Gutters and downpipes shall be leak proof and properly maintained. Gullies shall be constructed in such a manner as to prevent soiled water entering them.
- (c) No surface water, effluent or soiled waters shall be allowed to discharge to a public road.

Reason: To prevent mixing of clean and soiled waters in the interest of pollution control.

7. All galvanised cladding shall after weathering be dark green/grey (or otherwise agreed in writing with the planning authority) and match the colour of the existing farm buildings.

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

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) comply with the recommendations of the Archaeological Assessment submitted with the application on the 25th of May 2016.
- (d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

Dated this day of 2017.