



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 19/600911**

**Appeal** by Margaret Richardson of Ashley Park, Ardcroney, Nenagh, County Tipperary against the decision made on the 9<sup>th</sup> day of October, 2019 by Tipperary County Council to grant subject to conditions a permission to Marjorie Ryan care of Dawson Rea Limited of 7 Grattan Street, Tipperary Town in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of the following agricultural buildings; three number meal store (numbers 2, 16, 16b), one number machinery shed (number 1), six number livestock slatted sheds with underground slurry storage tanks, (numbers 8, 9, 12, 13, 14, 16i), one number loose cow shed (number 16c), one number loose calf shed (number 16d), one number extended sheep shed (number 16k), one number open loose cattle shed (number 7) and all associated site works. Permission is sought for proposed alterations to existing sheds consisting of replacing the roof structures and raising the roof heights of the following agricultural buildings; existing sheep shed (number 16j), two number loose cattle sheds (numbers 16e, 16f), one number livestock slatted shed with underground slurry storage tank (number 16h), all at Willsborough, Borrisokane, County Tipperary.

## **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 provisions of the North Tipperary County Development Plan 2010, as varied, and to the nature and scale of the development within an established farmyard it is considered that, subject to compliance with the conditions set out below, the development and the development proposed for retention would be acceptable in terms of the rural environment of the site and would not seriously injure the residential amenities of properties in the vicinity. The development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, and carried out and completed, 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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

2. The machinery shed, farm structure number 1 as per the Site Layout Map (drawing number 6.1) received with the application, shall be used for the purpose of the storage of machinery only and shall not be used for the storage of grain or any other forms of animal feed.

**Reason:** In the interest of clarity and to protect the residential amenity of adjoining property.

3. The sheds to be altered shall be externally finished in construction materials and colours matching the existing farmyard.

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

4. The slatted sheds shall be used only in strict accordance with a management schedule which shall be submitted to and agreed in writing with the planning authority within eight weeks 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, 2017, as amended, 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 (including the public road, where relevant).

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

5. All foul effluent and slurry generated by the development shall be conveyed through properly constructed channels to the storage facilities and 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.

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. Slurry generated by the 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended.

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

8. A minimum of 16 weeks storage shall be provided in the underground storage tanks. Details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority within eight weeks of the date of this Order.

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

---

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

**Dated this                      day of                      2020.**