



Board Direction

Ref: PL10.246236

The submissions on this file and the Inspector's report were considered at a further Board meeting held on April 19th, 2016.

The Board decided to grant permission in accordance with the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to the nature and extent of the development to be retained, to the history of onsite agricultural activity, 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 proposed development to be retained 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.

The Board considered the nature, scale and location of the development to be retained, the documentation submitted with the application, the Habitat's Directive Project Screening Assessment carried out by the Planning Authority, the report of the Planning Authority's Environment Section (date stamped February 26th, 2015) and reference to the farm inspection undertaken under the Good Agricultural Practice Regulations, the submissions on file, and the report of the planning inspector. The Board undertook an appropriate assessment screening exercise in relation to the potential effects of the subject development on European Sites. In completing the screening exercise, the Board considered the distances to European sites and in particular to the River Barrow and Nore SAC (Site Code: 002162), and concluded that the development, by itself or in combination with other development in the vicinity, was not likely to have had and would not be likely to have significant effects on European sites.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the established nature and extent of agricultural activity in the existing farmyard and considered that the development to be retained which is to deliver improved environmental

conditions by providing sufficient winter slurry storage capacity has, as stated in the applicant's response to the planning authority's further information request, resulted in 'no intensification of farming activity'.

The Board accepted that there would be some diminution in the amenities of nearby residents by virtue of the new agitation point but considered that any injury arising from slurry agitation would arise on a limited number of occasions during any year, would be of short term duration, would be carried out in accordance with good agricultural practice and would not, having regard to the scale and extent of the established on site agricultural operation, be so serious as to warrant a refusal of planning permission in this instance.

In respect of the discharges from onsite structures the Board had regard to the report of the Planning Authority's Environment Section (date stamped February 26th, 2015) and considered that there was no evidence of the retained development having any impact the structural integrity of the adjacent dwelling. Finally, while the Board considered that there was no evidence of any polluting effluent arising from the structures, the Board attached a planning condition requiring the submission of a report prepared by a suitably qualified structural engineer to the Planning Authority within 6 months of the date of the order to confirm that the underground storage tanks will continue to be fit for purpose and give rise to no seepage.

CONDITIONS

1. Standard plan particulars with reference to FI submitted to PA
2. The design, capacity and structural integrity of the slurry storage facilities shall be maintained so that there shall be no runoff or seepage of slurry effluent therefrom. A report prepared by a suitably qualified engineer on the structural integrity and effectiveness of the storage tanks shall be submitted to and agreed in writing with the planning authority within 6 months of the date of this order.

Reason: In the interests of amenity.

3.
 - a) All effluents and farmyard manure shall be managed and disposed of in strict accordance with the EU (Good Agricultural Practice for Protection of Waters) Regulations, 2014.
 - b) Slurry shall not be spread on the lands during the period 15th October to 15th January inclusive, or during wet weather, or on frozen ground. Slurry spreading shall always be curtailed to the capacity of the land to retain, neutralise and assimilate the loading.
 - c) Condition number 2 and reason as per the PA or Board equivalent.

Reason: To prevent pollution and in the interest of the proper planning and sustainable development of the area.

4. Condition number 4 and reason as per the PA or Board equivalent.

Board Member: _____ Date: April 27th, 2016
Nicholas Mulcahy

Please advise the applicant regarding the provisions of S. 34(13) when issuing the order.