



An  
Bord  
Pleanála

**Board Direction**

**PL05E.246410**

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The submissions on this file and the Inspector's report and Addendum report were further considered at a Board meeting held on August 17<sup>th</sup> 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Appropriate Assessment Screening**

The Board noted the Appropriate Assessment screening carried out by the planning authority on the 8<sup>th</sup> day of March 2016. The Board also noted the Inspector's Addendum report on file, dated 9<sup>th</sup> August 2016, which provided a Stage 1 Appropriate Assessment Screening opinion. The Board concurred with the Inspector's analysis in relation to the potential for the subject development to have a significant effect on European sites in the vicinity, and in particular on the Lough Swilly Special Protection Area (site code 004075) and on the Lough Swilly Special Area of Conservation (site code 002287), as set out in this Addendum report, and adopted his conclusions. The Board was therefore satisfied that the subject development, individually or in combination with other plans and projects, would not be likely to have a significant effect on these European sites, in the light of the sites' conservation objectives.

### **REASONS AND CONSIDERATIONS**

Having regard to the location of the development in a rural area on an established farmyard, and to its nature, scale and arrangement relative to the authorised structures on that farmyard and adjacent houses, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would support the sustainable development of agriculture, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The development for which retention is sought would not, therefore, be contrary to the proper planning and sustainable development of the area.

## **Conditions**

1. The development to be retained shall be 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 in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. 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, within two months of the date of this order.

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

3. The slatted shed and silage pit shall be used only in strict accordance with a management schedule to be submitted to and agreed in writing with the planning authority within three months of the date of this order. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 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 (including the public road, where relevant).

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

4. All foul effluent and slurry generated by the subject development and in the farmyard 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.

5. 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.

6. 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.

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

7. A minimum of 20 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 two months of the date of this order.

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

Board Member: \_\_\_\_\_  
Philip Jones

Date: 25<sup>th</sup> August 2016