



An  
Bord  
Pleanála

**Board Direction**  
**BD-001089-18**  
**ABP-300375-17**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/09/2018.

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.

### **Reasons and Considerations**

It is considered that the proposal to retain the existing cattle crush and concrete plinths together with the construction of a new extension to the existing livestock shed subject to conditions below would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to water quality or to public health, would not contribute to flooding in the area and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the development it is proposed to retain and to the nature of the receiving environment and proximity to the River Shannon and River Fergus Estuaries Special Protection Areas (Site Code 004077) and the Lower River Shannon Special Area of Conservation (Site Code 002165), no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant

effect individually or in combination with other plans or projects on the European sites.

## **Conditions**

1. The developer shall be 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 prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The development shall be constructed in accordance with the Department of Agriculture, Food and the Marine S124 “Minimal Specification for Calf Housing” – July 2016.

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

3. 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, prior to commencement of development.

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

4. 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 and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road. Where an accidental spillage does occur, the details of such spillage shall be provided to the Planning Authority immediately.

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

5. All uncontaminated roof water from the proposed agricultural building shall be separately collected and shall be incorporated into a rainwater harvesting system details of which shall be subject of written agreement with the planning authority prior to the commencement of development.

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

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 (SI No. 31 of 2014).

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

7. Details of the finish of the proposed calf shed, the location of fencing of paddocks and other areas and the design shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The finished floor area of the building shall not be more than 300 millimetres above the existing ground level.

**Reason:** To allow the planning authority to assess the impact of these matters on the visual amenity of the area before development commences and in the interest of orderly development.

8. Stock numbers shall be managed in such a manner that the amount of livestock manure applied in any year to the eligible area of the landholding, together with that deposited to the land by livestock shall not exceed an amount containing 170kg of nitrogen per hectare per annum as outlined in the European Communities (Code of Good Agricultural Practice for the Protection of Waters) Regulations 2014.

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

9. The field to the immediate west of the proposed extension and within the application site shall be landscaped in accordance with the requirements of the planning authority. Details of the proposed landscaping shall be submitted for written agreement prior to the commencement of development.

**Reason:** In the interest of visual amenity and to protect the rural character of the area.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by

or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member**

**Date:** 11/09/2018

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Eugene Nixon