



An  
Bord  
Pleanála

**Board Direction**  
**BD-004104-19**  
**ABP-302065-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/03/2019 at which it was decided to defer the case and to seek a revised NIS from the applicant. Subsequent to this the Board held a further meeting on 18/06/2019. A final meeting was held on the 25/09/2019 to consider the submissions received, revised NIA and the addendum Inspectors report.

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**

In coming to its decision the Board had regard to the following:

- the provisions of the Waterford County Development Plan 2011-2017,
- the existing use of the landholding for farming purposes,
- to the pattern of development in a rural area,
- the revised proposals and revised NIS submitted to the Board on appeal and following the Section 132 request
- the mitigation measures set out in the revised Natura Impact Statement
- the submission of all parties to the appeal
- the report of the inspector

## **Appropriate Assessment Screening**

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the sites' conservation objectives other than the Blackwater River Cork/ Waterford SAC (Site Code 002170) and Blackwater Callows SPA (Site Code: 004094) which are the European sites for which there is a likelihood of significant effects.

## **Appropriate Assessment Stage II**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Blackwater River Cork/ Waterford SAC (Site Code 002170) and Blackwater Callows SPA (Site Code: 004094) are the European sites for which there is a likelihood of significant effects.

The Board considered the revised Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the nearby European sites of the Blackwater River Cork/ Waterford SAC (Site Code 002170) and Blackwater Callows SPA (Site Code: 004094) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal,
- (c) the conservation objectives for these European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site Nos. 002170 and 004094 or any other European site, in view of the site's Conservation Objectives.

### **Conclusion on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health and would not give rise to water pollution, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 10<sup>th</sup> day of April, 2019, 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 carried out and completed 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, prior to commencement of development.

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

3. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. 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:

(a) Details of the number and types of animals to be housed.

(b) The arrangements for the collection, storage and disposal of slurry.

(c) 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 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.

**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. A minimum of 16 weeks storage shall be provided in the underground storage tank. 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.

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

7. Details of the finishes of the new farmyard sheds, 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 commencement of development.

**Reason:** In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area before the development commences.

8. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

**Reason:** In the interests of clarity and to ensure the protection of the environment.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

**Reason:** In the interests of public safety, residential amenity and protection of the environment.

10. Prior to the commencement of the development, the developer shall agree in writing full details regarding culverting the proposed entrance, provisions of adequate sightlines, and finishes to the proposed splayed entrance to be in keeping with the existing stone wall along the roadside boundary.

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

11. The farmyard site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder

(ii) Details of screen planting which shall not include cupressocyparis x leylandii

(iii) Details of roadside planting which shall include indigenous planting and shall not include prunus species

(b) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

12. 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:** 25/09/2019

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Paul Hyde