



An  
Bord  
Pleanála

**Board Direction**  
**BD-010234-22**  
**ABP-310396-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/03/2022.

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**

Having regard to the location of the proposed development within a Heritage Landscape according to the Clare County Development Plan 2017-2023, the established agricultural nature of the rural area and the scale and form of the proposed agricultural development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not pose an unacceptable risk of environmental pollution and would not be prejudicial to public health. The proposed development would, 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 submitted on the 30<sup>th</sup> day of March 2021, 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. Details of the materials, colours and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. A landscaping scheme and restoration plan for the site and landholding shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan and scheme shall include an earthen (sod and stone) embankment around the perimeter of the site and proposals for the restoration of all the lands of the existing agricultural complex within the landholding i.e. removal all existing structures, containers, hard standing and concrete aprons etc. from the landholding. The developer shall commence implementation of the agreed site restoration plan upon completion of the proposed slatted unit and machinery shed, unless otherwise agreed in writing with the planning authority.

**Reason:** in the interest of orderly development and visual amenity.

4. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

5. 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) Regulations 2017, as amended by SI 65 of 2018, 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.

6. 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

7. 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 soak-pits 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.

8. 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended by SI 65 of 2018.

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

9. A minimum of 18 weeks storage shall be provided in all underground storage tanks. Prior to the 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.

Board Member

*Maria FitzGerald*  
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Maria FitzGerald

Date: 14/03/2022