

An
Bord
Pleanála

Board Direction
BD-016873-24
ABP-318756-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/06/2024.

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 provisions of the Wexford County Development Plan 2022-2028 and to the location of the development within an established farmyard and to its nature and scale, it is considered that, subject to compliance with the conditions set out below, the development would be an appropriate land use in this rural and agricultural area, would not seriously injure the amenities of the area or of property in the vicinity, and would not be prejudicial to public health. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the fact that all farmyard and soiled water generated from this farming enterprise shall be applied to land or

exported in accordance with SI 113 of the 2022 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 .

The Board accepted and adopted the screening assessment and conclusion carried out by the Local Authority in respect of 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 and projects, on these European Sites in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be retained, 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 the planning authority on the 14th day of November, 2023, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All uncontaminated roof water from the building 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.

3. All foul effluent and slurry generated by the 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.

4. The works to the roadside entrance and roadside boundaries and proposals to achieve the required sight lines, as shown on the details submitted 14/11/23 shall be completed within 12 months of the date of this order. The required 65m sightlines shall be maintained in perpetuity.

Reason: In the interest of traffic safety.

5. The hayshed shall not be used to house animals or animal manure for any reason.

Reason: In the interest of public health.

6. An interceptor drainage grating shall be provided across the full width of the entrance gates and piped to a satisfactory outfall.
 - a. The applicant shall carry out necessary works to prevent water ingress onto the development from the public road.
 - b. All storm water from existing and proposed shed roofs shall be diverted to the new storm water system.
 - c. No surface water from the roofs, paved areas or otherwise shall discharge onto the public roads or adjoining properties.
 - d. No interference will be caused to existing road side drainage and adequate provision shall be made to allow for its maintenance.

Reason: In the interest of traffic safety and public health.

7. The Area Engineer shall be contacted prior to cleaning and jetting of existing roadside drainage. These works shall be carried out within three months of this order.

Reason: In the interest of traffic safety.

8. All farmyard manure, slurries and soiled water generated from this farming enterprise shall be applied to land or exported in accordance with S.I. 113 of


2022 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022.

9. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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.

Note: The Board noted the error in the Inspectors screening, the Board considered the screening exercise carried out by the Planning Authority.

Board Member



Mary Henchy

Date: 28/06/2024