



An
Bord
Pleanála

Board Direction
BD-018051-24
ABP-319596-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/11/2024.

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 nature and extent of the proposed agricultural development within an established agricultural farmyard, to the history of on-site agricultural activity, and to the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of public health and environmental sustainability, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Screening:

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in the Appropriate Assessment Screening carried out by the Board, the Board conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, including the Blackwater River (Cork/Waterford) Special Area of Consultation (Site Code: 002170) and Appropriate Assessment is not, therefore, required.

Conditions

1. The proposed development 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 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 proposed development shall be designed and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I 113 of 2022).

Reason: In the interest of public health and residential amenity.

3. All external finishes shall match those of the existing adjoining structures.

Reason: In the interest of visual amenity.

4. 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 an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended. 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

5. The removal of organic waste material and its spreading on land by the developer or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

Note:

The Board noted references in the third-party grounds of appeal to the Lower Shannon SAC, Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Hills SPA, together with potential impacts on the River Feale. However, the Board concluded that the Blackwater River (Cork /Waterford) SAC (Site Code 002170), which is the nearest designated site to the proposed development site, is the only European Site within the Zone of Influence of the proposed development and that the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Hills SPA (approximately 10 km from the subject site) and the Lower River Shannon SAC (approximately 17 km from the subject site) are not within the Zone of Influence of the proposed development.

Board Member
Liam McGree**Date:** 04/11/2024