

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P15/498

An Bord Pleanála Reference Number: PL 03.245584

APPEAL by Rita Kelly and Joe Harrison of Glór na Mara, Spanish Point, Miltown Malbay, County Clare against the decision made on the 14th day of September, 2015 by Clare County Council to grant subject to conditions a permission to Noel Lahiff care of McKenna Consulting Engineers of Miltown Malbay, County Clare in accordance with plans and particulars lodged with the said Council in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a 97 square metres extension to the south-east side of existing livestock slatted house along with associated site works at Breaffy South, Miltown Malbay, County Clare, as amended by the revised public notice received by An Bord Pleanála on the 3rd day of February, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Development Plan for the area and to the nature and scale of the development proposed, 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 and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Stage 1 Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

The Board had regard to the Habitats Directive Project Screening Assessment carried out by the planning authority, the Natura Impact Assessment (Stage 2) submitted by the applicant in response to the Board's further information request, the submissions on file and the Inspector's report and completed a screening for Appropriate Assessment. The Board accepted and adopted the Inspector's screening assessment that the Carrowmore Point to Spanish Point and Islands Special Area of Conservation (Site Code 001021) and Mid-Clare Coast Special Protection Area (Site Code 004182) are the relevant European sites for which there is a likelihood of significant effects.

Stage 2 Appropriate Assessment

The Board considered the Habitats Directive Project Screening Assessment carried out by the planning authority, the Natura Impact Assessment (Stage 2) submitted by the applicant in response to the Board's further information request, the submissions on file and the Inspector's report and carried out an Appropriate Assessment of the implications of the proposed development for European sites where there is a likelihood of significant effects. 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, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the conservation objectives for these European sites. The Board concurred with, and adopted, the Inspector's analysis and conclusion that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, the Carrowmore Point to Spanish Point and Islands Special Area of Conservation (Site Code 001021) and Mid-Clare Coast Special Protection Area (Site Code 004182) or any other European sites, in view of the site's conservation objectives.

CONDITIONS

1. The 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 external finishes and colour of the structure shall match those of the existing slatted shed.

Reason: In the interest of visual amenity.

3. The development shall be constructed in accordance with the current formats of the Department of Agriculture, Fisheries and Food S123 Minimum Specification for Bovine Livestock Units and reinforced Tanks and S128 Minimum Specifications for Concrete Silage Bases.

Reason: In the interest of public health.

4. Any increase in stock numbers shall be restricted such that adequate capacity is available to meet the requirements for slurry storage as outlined in the EU (Code of Good Agricultural Practice for the Protection of waters) Regulations, 2014.

Reason: In the interest of public health.

5. Any increase in stock numbers shall be restricted such that amount of livestock manure applied in any year to land on the holding, together with that deposited to land by livestock, shall not exceed an amount containing 170 kilograms of nitrogen per hectare, as outlined in the EU (Code of Good Agricultural Practice for the Protection of waters) Regulations, 2014.

Reason: In the interest of public health.

6. Slurry shall not be spread on the lands during the period 15th October to 15th January inclusive, or during wet weather, or on frozen ground. Slurry spreading shall always be curtailed to the capacity of the land to retain, neutralise and assimilate the loading.

Reason: To prevent pollution and in the interest of the proper planning and sustainable development of the area.

7. 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.

8. All effluents and farmyard manure shall be managed and disposed of in strict accordance with the EU (Good Agricultural Practice for Protection of Waters) Regulations, 2014.

Reason: In the interest of public health.

9. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining road is kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

10. The site works and building works required to implement the development shall be carried out only between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.