

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P15/567

An Bord Pleanála Reference Number: PL 03.245708

APPEAL by Edel Shannon of Greygrove, Kilmihil, County Clare against the decision made on the 12th day of October, 2015 by Clare County Council to grant subject to conditions a permission to John Joe Breen of Greygrove, Kilmihil, County Clare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of slatted tank and permission to cover lean-to shed. The development will consist of existing slatted tank and proposed slatted shed adjoining existing shed and ancillary site works at Greygrove, Kilmihil, County Clare.

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 location of the subject development within an existing agricultural farmyard complex, and to its nature and extent, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought and the proposed development would be capable of being satisfactorily drained and would not seriously injure the residential or visual amenities of the area. The development for which retention is sought and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 9th day of October 2015, 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 and the development shall be retained, 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) 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, 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 the re-commencement of development.

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

3. Details of the finishes of the proposed cattle shed and the location of any fencing of the adjoining farm yard shall be submitted to, and agreed in writing with, the planning authority prior to the re-commencement of development. The external finishes of the proposed lean-to shed shall be dark grey, dark green or dark brown in colour only.

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

4. 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 the re-commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2009 (SI no. 101 of 2009), and shall provide at least for the following:

- (1) Details of the number and types of animals to be housed.
- (2) Arrangements for the collection, storage and disposal of slurry.
- (3) Arrangements for the cleansing of the buildings and structures.

Reason: In order to avoid pollution and to protect residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. A minimum of 18 weeks storage shall be provided in the underground storage tank. Prior to commencement of re-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. 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 Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2009 (SI no. 101 of 2009).

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

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

Dated this day of 2016.