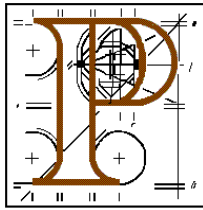


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kilkenny County

Planning Register Reference Number: 15/323

An Bord Pleanála Reference Number: PL 10.246148

APPEAL by Paul Roche of Curraghmore, Slieverue, County Kilkenny against the decision made on the 19th day of January, 2016 by Kilkenny County Council to grant subject to conditions a permission to Robert Roche of Curraghmore, Slieverue, County Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of a slatted unit with straw lieback and associated works at Curraghmore, Slieverue, County Kilkenny.

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 proposed development within an existing farmyard, in a rural area where agriculture is the predominant land use, and to the relative scale of the development in the context of the existing development in the farmyard, 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 not be prejudicial to public health and 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 18th day of December, 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 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. 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 from clean paved areas and roofs shall be collected separately and discharged to soakaways, 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.

3. The slatted shed shall be used only in strict accordance with a management schedule to 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, 2014, as amended, and shall provide at least for the following:
 - (1) Details of the number and types of animals to be housed.
 - (2) The 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.

4. The slatted unit shall be constructed strictly in accordance with the Department of Agriculture, Food and the Marine S.123 'Minimum Specification for Bovine Livestock Units and Reinforced Tanks issued in November, 2015. Prior to commencement of development, the developer shall submit the following for the written agreement of the planning authority:

A site layout indicating the entire development setback a minimum of 60 metres from all private/public water supplies.

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

5. A minimum of 16 weeks' storage shall be provided in the underground storage tank. Prior to 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.

6. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable 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) Regulations, 2014, as amended. No slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road. Prior to 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: To ensure the satisfactory disposal of waste material, in the interest of amenity, in the interest of public health, and to prevent pollution of watercourses.

7. Waste sent off for recovery or disposal shall only be conveyed by an authorised Waste Contractor and transported from the development site to an authorised site of waste recovery or disposal in a manner that will not adversely affect the environment. Details for the management including the transportation of such waste shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the recovery/disposal of waste and the protection of the environment.

8. All oxidisable and galvanised surfaces of the development, including the external finishes used to enclose the existing openings shall be finished/painted to match the existing shed, and the painting shall be maintained and renewed as necessary.

Reason: In the interest of visual amenity.

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

Dated this day of 2016.