

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Roscommon County

Planning Register Reference Number: PD/15/407

An Bord Pleanála Reference Number: PL 20.246285

APPEAL by Brendan and Elizabeth McLoughlin of Buggane, Clonown, Athlone, County Roscommon against the decision made on the 16th day of February, 2016 by Roscommon County Council to grant subject to conditions a permission to Liam and Kevin Naughton care of Christopher Kingham and Associates of Feahoe, Coolderry P.O., Carrickmacross, County Monaghan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a five Bay Slatted/Loose shed size 24.2 metres frontage by 13.1 metres breadth to house cattle, hay shed size 19.2 metres by 8.7 metres and ancillary works (i.e. cattle crush and concrete and handling yards all for agricultural purposes only) in vicinity of existing farmyard at Buggane, Clonown, Athlone, County Roscommon.

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 nature and scale of the proposed sheds and ancillary works which are located in an established agricultural area and to the relatively lightly populated hinterland, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms both of the amenities of the area and of the safety and convenience of traffic using the adjoining rural road.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the scale of the proposed works and their relevance to the applicant's established agricultural activities, to the proposed entrance works as submitted in response to the request for further information and decided that a refusal in this instance was not warranted.

Appropriate Assessment Screening

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the River Shannon Callows Special Area of Conservation (Site Code 000216), and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector which the Board has adopted in relation to Appropriate Assessment, the Board concluded that, on the basis of the information available, either individually or in combination with other plans and projects, the proposed development would not be likely to have a significant effect on any European site 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 as amended by the further information received by An Bord Pleanála on the 8th day of June, 2016, 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 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.

3. 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 commencement of development. The management schedule shall be in accordance with the European Communities (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 (including the public road, where relevant).

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

4. All foul effluent and slurry generated by the proposed 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.

5. 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.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

6. 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, 2014, as amended.

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

7. A minimum of 18 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.

8. Details of the finishes of the slatted shed and hay shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

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

Dated this day of 2016.