

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Register Reference Number: 16/600025

An Bord Pleanála Reference Number: PL 92.246350

APPEAL by Des O'Carroll and others of Cooleen, Birdhill, County Tipperary against the decision made on the 29th day of February, 2016 by Tipperary County Council to grant subject to conditions a permission to Noel Stokes care of Brian D. Grace of Rathnaleen, Nenagh, County Tipperary in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention permission for: (a) agricultural shed for the storage of farm animals and feeds etc; (b) haybarn for the storage of animal feeds; (c) as-constructed underground concrete tank and permission for: (d) to complete underground tank for the storage of soiled water from existing agricultural sheds at Cooleen, Birdhill, County Tipperary.

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 development proposed to be retained and completed, the agricultural use of the lands, the proximity to the farmhouse, and the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not result in a serious risk of environmental pollution, 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 retained 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. 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. In this regard:-
 - (a) uncontaminated surface water run-off shall be separately collected and disposed of on site through an appropriate soakaway,
 - (b) all soiled waters shall be separately collected and directed to the storage tank,
 - (c) access for livestock to the yard area adjoining the domestic fuel store shall be prevented by the erection of a suitable fence, and
 - (d) a low mass-concrete wall shall be constructed along the north eastern elevation of the building to prevent seepage/manure escaping from the shed.

Plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order, and shall be completed to the written satisfaction of the planning authority within three months of the date of this Order.

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, within three months of the date of this Order. 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.

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

4. All foul effluent generated by the development shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent 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 storage tank or to the public road.

Reason: In order to ensure that the capacity of the effluent storage tank is reserved for its specific purposes.

6. Foul effluent generated by the 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 16 weeks' storage shall be provided in the underground storage tank. Within three months of the date of this Order, 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. Within three months of the date of this Order, the agricultural shed shall be painted dark green, to the written satisfaction of the planning authority.

Reason: In the interest of visual amenity.

9. Existing trees and hedgerows on the site shall be retained.

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.