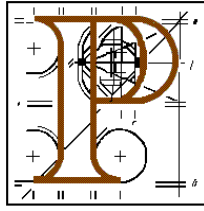


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 16/50059

An Bord Pleanála Reference Number: PL 05E.246410

APPEAL by Terrence and Eileen Foster care of P.A. Dorrian and Company of Main Street, Bunrana, County Donegal against the decision made on the 10th day of March, 2016 by Donegal County Council to grant subject to conditions a permission to Leslie Speer care of Cullinane Steel Architects of Mountsouthwell, Market Square, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of the following within the existing farmyard:- (1) meal storage shed, (2) slatted cattle shed with underground slurry storage tanks, (3) rainwater harvesting storage tank, and (4) silage pit, all at Ballylin, Ramelton, County Donegal.

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 development in a rural area on an established farmyard, and to its nature, scale and arrangement relative to the authorised structures on that farmyard and adjacent houses, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the Appropriate Assessment screening carried out by the planning authority on the 8th day of March, 2016. The Board also noted the Inspector's Addendum report on file, dated the 9th day of August, 2016, which provided a Stage 1 Appropriate Assessment Screening opinion. The Board concurred with the Inspector's analysis in relation to the potential for the subject development to have a significant effect on European sites in the vicinity, and in particular on the Lough Swilly Special Protection Area (Site Code 004075) and on the Lough Swilly Special Area of Conservation (Site Code 002287), as set out in this Addendum report, and adopted his conclusions. The Board was, therefore, satisfied that the subject development, individually or in combination with other plans and projects, would not be likely to have a significant effect on these European sites, in the light of the sites' conservation objectives.

CONDITIONS

1. The development shall be retained 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 within one month of the date of this order and the development shall be retained 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 within two 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 to 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 (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 subject development and in the farmyard shall be conveyed through properly constructed channels to the 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.

7. A minimum of 20 weeks storage shall be provided in the underground storage tank. Details showing how it is intended to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order.

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

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

Dated this day of 2016.