

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Register Reference Number: P15/695

An Bord Pleanála Reference Number: PL 16.246440

APPEAL by Walter Cleary and Mary Cleary care of John Mooney and Company Limited of Louth Corrib House, 5 Waterside, Galway against the decision made on the 21st day of March, 2016 by Mayo County Council to grant subject to conditions a permission to Ivan Biesty care of Sean Conway of Liscosker, Kilkelly, County Mayo in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Extension to existing farmyard facility by constructing slatted livestock unit and ancillary concrete slab with additional yard area together with relocation of existing penning area and all ancillary site works and services at Pattenspark, Ballyhaunis, County Mayo.

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, and to the pattern of development in the area, including the established agricultural enterprise on the subject lands, it is considered that, subject to compliance with the conditions set out below, the proposed development would support the sustainable development of agriculture, would not seriously injure the amenities of the area, would not be prejudicial to public health, and would not be contrary to the provisions of the Mayo County Development Plan 2014 – 2020 nor to the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in January 2012. The proposed development 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 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. Prior to commencement of the remainder of the proposed development on the subject site, the existing penning area shall be removed from its existing location at the eastern end of the landholding, and shall be relocated, as proposed, to the subject site.

Reason: In the interest of orderly development and to protect residential amenity.

3. Details of the finishes of the agricultural shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roofing material shall be grey, brown, black or dark green in colour.

Reason: In the interest of visual amenity.

4. Off carriageway parking shall be provided on site, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and in order to provide adequate parking for the development.

5. No surface water runoff from the site shall discharge onto the public road; existing road drainage shall not be impaired and entrances shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage. The area between the front boundary and the existing roadway shall be finished so that no water is discharged onto the roadway and that no water lodges on the roadway. A drainage channel shall be constructed at the location of the gates and this channel shall be drained to a drainage system. All surface water generated by the development during and after construction shall be disposed of to a soakpit or drain within the site boundaries. The developer shall not cause any water to impinge on the road and/or adjacent properties and shall bear the cost of any works carried out by the local authority to correct any such drainage problem.

Reason: In the interest of proper drainage and of traffic safety.

6. 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.

7. 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 Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended, and shall provide at least for the following:-
- (a) details of the number and types of animals to be housed,
 - (b) the arrangements for the collection, storage and disposal of slurry, and
 - (c) 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.

8. 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 and to prevent pollution.

9. 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.

10. 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 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.

11. 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.

12. The proposed slatted house slurry tanks on site shall be leak proof and no overflow, overspill or direct discharge shall take place from the proposed slatted tanks.

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.