

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Donegal County**

**Planning Register Reference Number: 16/50313**

An Bord Pleanála Reference Number: PL 05E.246618

**APPEAL** by John Alexander Smyth of Trainbuoy, Glenmaquin, Letterkenny, County Donegal against the decision made on the 3<sup>rd</sup> day of May, 2016 by Donegal County Council to grant subject to conditions a permission to Laurence McNamee care of Edward McNamee of Moneydarragh, Gleneely, Lifford, County Donegal in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of development and permission for development consisting of the following: (1) Retention of the existing silage pit with associated concrete aprons (2) Retention of existing underground reception tank (3) Retention of the existing cubicle and feeding shed (4) Retention of the existing farm wetland wastewater treatment system and for permission for development of the following: (1) To construct an agricultural slatted unit building and (2) Permission to redevelop the existing cubicle and feeding area (mentioned in the retention) into a machinery storage area and (3) Permission to carry out adjustment work to the existing farm wetland wastewater treatment system (mentioned in the retention) and all associated site development works, all at Castletorrison Townland, Knockbrack, Letterkenny, 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 structures on that farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development and development for which retention is sought, would support the sustainable development of agriculture, 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 proposed development and the development for which retention is sought would not, therefore, be contrary to the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out, 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, retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the first use of the proposed slatted shed, the proposed “pond and cell reconstruction works” as set out in the submitted “Constructed Wetlands Design Report” submitted to the planning authority on the 9<sup>th</sup> day of March, 2016 shall be completed and written confirmation of this by the author of the report shall be submitted to the planning authority.

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

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

**Reason:** In the interest of amenity.

4. Prior to commencement of development, details of landscaping for the embankment beside the proposed new slatted shed shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of amenity.

5. The proposed 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, 2010 (S.I. Number 610 of 2010), 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.
- (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 amenity.

6. Where slurry generated by the proposed development is to be disposed of by spreading on land, 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, 2010 (S.I. Number 610 of 2010).

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

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

**Dated this            day of            2016.**