

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wexford County

Planning Register Reference Number: 20160343

An Bord Pleanála Reference Number: PL 26.246813

APPEAL by James Turner care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 30th day of May, 2016 by Wexford County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of all development within the existing farmyard including: an agricultural shed (circa 1,046 square metres) comprising original shed constructed circa 1980 including 152 square metres milking parlour and a 76 square metres extension to the north-east of that shed; an enclosed (roofless) cubicle yard to the north (circa 1,275 square metres); a slurry lagoon to the west (circa 513 square metres); a bored well to the south of the farmyard adjacent to the site entrance; a cattle underpass to the south of the access road (to allow unimpeded access for neighbours at milking time); hard-standing areas, access routes and paving; and all other ancillary site development works, all on a site of 1.14 hectares at Tacumshin, County Wexford.

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 extent of the development to be retained, to the history of onsite agricultural activity and to 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 would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development to be retained is not directly connected with, or necessary to, the management of a European Site.

The Board had regard to the Natura Impact Statement, the hydrogeological assessment report and the structural report submitted with the planning application, the planning authority's analysis and conclusion that a Stage 2 Appropriate Assessment is required, the Department of Arts, Heritage and the Gaeltacht submission to the planning authority, the documentation submitted at appeal stage, the submissions on file and the Inspector's report and completed screening for Appropriate Assessment.

The Board accepted and adopted the Inspector's screening assessment in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European Sites: Tacumshin Lake candidate Special area of Conservation (site Code 000709) and Tacumshin Lake Special Protection Area (site Code 004092) in view of the sites' Conservation Objectives.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

2. The joints in the slurry tank shall be sealed in accordance with the details in the engineering report submitted to the planning authority with the application within six months of the date of this order. This is a precautionary measure in accordance with best environmental practice.

Reason: In the interest of environmental protection and the proper planning and sustainable development of the area.

3. The existing earthen berm adjacent to the stream shall be extended along the full north-western boundary of the site. This is a precautionary measure in accordance with best environmental practice.

Reason: In the interest of environmental protection and the proper planning and sustainable development of the area.

4. (a) All effluents and farmyard manure shall be managed and disposed of in strict accordance with the EU (Good Agricultural Practice for Protection of Waters) Regulations, 2014.

- (b) Slurry shall not be spread on the lands during the period 15th October to 15th January inclusive, or during wet weather, or on frozen ground. Slurry spreading shall always be curtailed to the capacity of the land to retain, neutralize and assimilate the loading.

Reason: To prevent pollution and in the interest of the proper planning and sustainable development of the area.

- 5. (a) This development solely authorizes the retention of the development identified in the planning documentation as set out under condition number 1. Any future or additional works associated with the retained development that involve subsurface excavation, and in particular any works involving the removal of the concrete slab associated with Recorded Monument WX053-004 (towerhouse) shall require the developer to engage the services of a suitably qualified archaeologist to monitor all such groundworks.
- (b) In the event of such subsurface works being carried out the developer shall provide arrangements, acceptable to the planning authority, for the recording and for removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matters shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2016.