

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Waterford City and County

Planning Register Reference Number: 16/49

An Bord Pleanála Reference Number: PL 93.246901

APPEAL by Paul Proudfoot and others care of 38 Newtownpark Avenue, Blackrock, County Dublin against the decision made on the 21st day of June, 2016 by Waterford City and County Council to grant subject to conditions a permission to Derek Wall care of Agri Design and Planning Services of Molough, Newcastle, Clonmel, County Tipperary.

PROPOSED DEVELOPMENT: Construction of (i) farm roadway, (ii) slatted shed incorporating straw bedding, and (iii) crush yard and all associated site works at Glennanore, Ballymacarbry, County Waterford in accordance with plans and particulars lodged with the said Council.

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 scale of the proposed development and to its agricultural nature within the context of a working farm it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the assessment of the planning authority in relation to the proposed development, to its location in an agricultural area, the separation distances from neighbouring properties and to the mitigation measures proposed and determined that a refusal of permission was not warranted.

The Board adopted the screening exercise of the planning authority in relation to nearby Natura sites and concurred in the finding that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura site.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of March, 2016 and by the further information submitted on the 27th day of May, 2016, 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. All excavated material shall, where practicable, be reused on site. Any surplus excavated material removed from the site shall be brought to

an authorised facility. Prior to the removal of any surplus material, the planning authority shall be informed of the approximate quantity of material and the location of the proposed facility. No material shall be removed from site until such time as the planning authority has authorised its removal.

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

3. (a) All foul effluent generated by the proposed agricultural development shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry shall be allowed to discharge to any stream, river or watercourse, or to lands.
- (b) The slurry effluent and farm yard manure shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply and is in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.

4. (a) All roof water shall be disposed of separately to soakaways.
- (b) Gutters and downpipes shall be leak proof and properly maintained. Gullies shall be constructed in such a manner as to prevent soiled water entering them.
- (c) No surface water, effluent or soiled waters shall be allowed to discharge to a public road.

Reason: To prevent mixing of clean and soiled waters in the interest of pollution control.

5. All galvanised cladding shall after weathering be dark green/grey (or otherwise agreed in writing with the planning authority) and match the colour of the existing farm building.

Reason: In the interest of the visual amenity of the area.

6. Existing mature trees and hedgerows shall be retained.

Reason: In the interest of visual amenity.

7. Prior to commencement of development, a revised site layout, indicating a clay bund to the south of the proposed building with a drainage channel to the drain to the east of the site shall be submitted to and agreed in writing with the planning authority.

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

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

Dated this day of 2016.