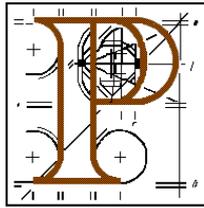


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Clare County**

**Planning Register Reference Number: P16/427**

An Bord Pleanála Reference Number: PL 03.247073

**APPEAL** by Geraldine and Trevor Morrissey of Killofin House, Labasheeda, Ennis, County Clare against the decision made on the 18<sup>th</sup> day of July, 2016 by Clare County Council to grant subject to conditions a permission to Alan McMahon care of Gerard Malone of Crossbeg, Cross, Kilrush, County Clare in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of an agricultural slatted unit and all ancillary site works at Killofin, Labasheeda, County Clare.

## **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 agricultural nature of the proposed development, its location in an existing farmyard, in a rural area where agriculture is the predominant land use, and to its relative scale in the context of the existing development in the farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an environmental improvement, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not result in a risk of pollution, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and location of the proposed development, the documentation and submissions on file generally, the separation distances and low potential for connectivity to European Sites, and the assessment of the Inspector in relation to the potential for effects on such Sites. The Board accepted the analysis and adopted the conclusions of the Inspector on this matter, and concluded that, by itself and in combination with other plans or projects in the vicinity, the proposed development would not be likely to have significant effects on European Sites in light of the conservation objectives for those Sites. In coming to this conclusion, the Board was satisfied that no material intensification of use would arise as a result of the proposed development, and that this could be further clarified by means of condition.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the 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. Stock numbers shall not be increased above existing levels unless authorised by a prior grant of planning permission.

**Reason:** To allow an assessment of any environmental implications.

3. 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.

4. 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:

- (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 building.

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

5. 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, to the public road, or to neighbouring property.

**Reason:** In the interest of public health.

6. 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.

7. 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.

8. 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.

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

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

**Dated this            day of            2016.**