

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cavan County**

**Planning Register Reference Number: 16/238**

An Bord Pleanála Reference Number: PL 02.247213

**APPEAL** by Peadar Ó Maoldúin of Collops, Kingscourt, County Cavan against the decision made on the 15<sup>th</sup> day of August, 2016 by Cavan County Council to grant subject to conditions a permission to Patrick Tinnelly of Drumsallagh, Kingscourt, County Cavan in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a four bay slatted shed, with slurry storage and adjoining cattle handling area, four bay machinery shed with attached covered silage pit area, concrete yard and associated site works at Collops, Kingscourt, County Cavan.

## **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 rural location of the proposed development and the objectives of the planning authority, as set out in the Cavan County Development Plan 2014-2020, which seek to promote agricultural development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse visual impact, would not seriously injure the amenities of the area by reason of odour or noise nuisance, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of July, 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. Details of the finishes of the structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and environmental protection.

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 from roofs and clean paved areas shall be disposed of directly in a sealed system to existing drains, streams or adequate soakpits,
  - (b) all effluent and soiled waters shall be directed to a storage tank, and
  - (c) no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

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. 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, 2014.

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

5. 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, 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. In the first planting season following the commencement of development, the site shall be landscaped in accordance with the scheme submitted to the planning authority on the 27<sup>th</sup> day of July, 2016. Any failures within the planting scheme shall be replaced in the subsequent planting season.

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

- 7. With the exception of the trees and hedgerows to be removed to facilitate the construction of the site entrance, all existing trees and hedgerows on the shall be retained and shall be reinforced with additional planting and protected from damage at all times particularly during building operations.

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

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

**Dated this            day of            2017.**