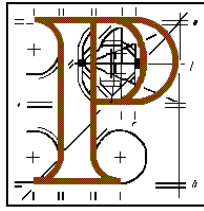


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork County

Planning Register Reference Number: 16/05490

An Bord Pleanála Reference Number: PL 04.247381

APPEAL by Denis Geaney of Callatrim, Bandon, County Cork against the decision made on the 13th day of September, 2016 by Cork County Council to grant subject to conditions a permission to Derek Sweetnam care of James O'Callaghan of 2 Glenarden, Glasheen Road, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) Demolition of existing agricultural building to include machinery and general store, cubicle, slatted and straw bedded livestock housing. (2) Construction of two number agricultural buildings for storage of agricultural machinery and dry goods, straw and feed. (3) Construction of agricultural building to include cubicle and straw bedded livestock housing along with slatted slurry storage tanks along with associated site works, all at Kilpatrick, Bandon, County Cork.

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 scale of the proposed agricultural development within an existing farmyard, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Cork County Development Plan 2014 and of the Bandon Electoral Area Local Area Plan 2015, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health or result in risks to the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In undertaking 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 conclusions of the Inspector on this matter, and concluded that, by itself and in combination with other plans or projects, the proposed development would not be likely to have significant effects on European Sites in light of their conservation objectives. In coming to this conclusion, the Board was satisfied that no material intensification of use would arise as a result of the proposed development.

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 18th day of August, 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. Landscaping shall be undertaken, using only indigenous deciduous trees and hedging species, in accordance with the plans and particulars submitted to the planning authority on the 18th day of August, 2016, and in accordance with the requirements of the planning authority. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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 Union (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 buildings and structures (including the public road, where relevant).

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, or to the public road.

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. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. 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 Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended.

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

8. A minimum of 16 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.

9. Prior to commencement of development, plans and particulars of dungsteeds and silage storage areas shall be submitted to, and agreed in writing with, the planning authority.

Reason: To protect water quality.

10. All tanks containing liquids other than water shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110% of the volume of the tanks within the bund.

Reason: To protect water quality.

11. A plan containing details for the management of waste and recyclable materials, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment

