

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Meath County

Planning Register Reference Number: KA/160819

An Bord Pleanála Reference Number: PL 17.247664

APPEAL by Desmond Lynch care of West Lodge, Maperath, Kells, County Meath against the decision made on the 3rd day of November, 2016 by Meath County Council to grant subject to conditions a permission to John and Sean Gilsenan care of Grasstec Limited of Kilpatrick, Ballyclough, Mallow, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of (a) construction of agricultural building to include milking parlour, waiting yard and livestock handling facilities; (b) construction of underground parlour washings tank; (c) erection of a meal bin and water storage tank; (d) construction of a silage pit and (e) construction of an agricultural cubicle shed and underground slatted tanks and all associated site works at Maperath, Kells, County Meath, as amended by the further public notice received by the planning authority on the 12th day of October, 2016.

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 existing agricultural use of the site and of the landholding of which it forms part, to the documentation submitted with the application in relation to the treatment of slurry effluent and soiled waters and to the remoteness of the site from residential uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to surface or ground water pollution, would not be prejudicial to public health, would not seriously injure the residential amenities of property in the vicinity 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.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board noted the screening assessment carried out by the planning authority in respect of the proposed development, which concluded that the proposed development would not give rise to impacts on any European site. The Board also noted the screening assessment and conclusion carried out in the Inspector's report in respect of the likely significant effects of the development, either individually or in combination with other plans or projects, on European sites, having regard to the conservation objectives of such sites, and agreed with the Inspector that the only European site that had the potential to be affected was the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299). The Board accepted and adopted the Inspector's conclusions in relation to the potential impacts on this European site. The Board was therefore satisfied, having regard to the measures designed as part of the application and the documentation submitted with the application by way of further information in relation to measures to prevent the escape of slurry effluent or soiled surface water into the river system or to ground water, 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 River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) or any other European site, in view of the Conservation Objectives of those sites.

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 to the planning authority on the 5th day of October 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. Prior to the commencement of construction of the farmyard, the hedge/bank on the western side of the public roadway shall be removed and set back as shown on drawing number 608 submitted to the planning authority on the 5th day of October, 2016.

Reason: In the interest of orderly development.

3. The diversion system shall only divert surface waters from the silage pit when it is completely empty of silage, and at all other times contaminated waters shall be diverted to the parlour washings tank, as shown on drawing number 606, submitted to the planning authority on the 5th day of October, 2016.

Reason: In the interest of environmental protection and public health.

4. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed 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

5. 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.

6. Details of the finishes of the proposed buildings and silo shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Roof colours shall be darker than wall colours.

Reason: In the interest of visual amenity.

7. Waste water and 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 Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014 (SI no. 31 of 2014).

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 18 weeks' storage shall be provided in the underground slurry storage tanks. 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. 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 the 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 2017.