



An
Bord
Pleanála

**Board Order
PL 92.248157**

Planning and Development Acts 2000 to 2017

Planning Authority: Tipperary County Council

Planning Register Reference Number: 16/601004

Appeal by John Ryan and Joanne Trehy Ryan of Donegal, Clerihan, Clonmel, County Tipperary against the decision made on the 17th day of February, 2017 by Tipperary County Council to grant subject to conditions a permission to Larry Molan care of Aidan Kelly of Molough, Newcastle, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of (i) cubicle shed incorporating straw area with slatted tank feeding area, (ii) Isolation Boxes shed and (iii) silage slab extension. Permission for silage slab extension is also required and all associated site works at Knockskagh, Clerihan, Clonmel, County Tipperary. A further public notice was received by the planning authority on the 26th day of January, 2017.

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 extent of the development proposed for retention and the proposed development and to the history of on-site agricultural activity, to the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and 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.

Conditions

1. The development shall be retained, 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 26th day of January, 2017, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The height of silage stored (inclusive of plastic and tyres) on the silage slab shall not exceed four metres in height when measured from the base level of the silage slab.
- (b) The plastic covering over the silage shall be secured and tightly fixed and indefinitely maintained so as not to give rise to noise nuisance.

Reason: In the interest of visual and residential amenity.

3. 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 within three months of the date of this order. 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:
 - (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 residential amenity.

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 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.

5. 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 the slatted storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

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

6. 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 within three months of the date of this order 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.

