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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 16/958**

**Appeal** by Michael J. Reidy of Mounthenry, Coolcappagh, Ardagh, County Limerick against the decision made on the 9<sup>th</sup> day of June, 2017 by Limerick City and County Council to refuse permission in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of use of a grain store and machinery shed granted under planning register reference number 14/253 to be used (1) for the storage of organic material (paunch and dewatered sludge fertilisers) and (2) to include other activities, for example, grain store, machinery store, livestock shed and other agricultural activities within the curtilage of a protected structure; all at Mounthenry, Coolcappagh, Ardagh, County Limerick.

**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 established use of the site for agricultural purposes and the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. 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 plans and particulars received by the planning authority on the 21st day of December 2016, 6th day of February, 2017, and 6th day of June 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 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. The development to which this permission refers is as detailed on the plans and particulars accompanying the application, only, and does not refer to any other structure or works on the overall site.

**Reason:** In the interest of clarity.

3. Revised plans and details delineating the proposed barrier to be installed along the northern end of the shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity and to prevent pollution.

4. The agricultural building shall be used only in strict accordance with a management schedule which shall 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

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

5. All soiled water generated by the proposed development shall be conveyed through properly constructed channels to the existing storage facilities and shall not discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health and to prevent pollution.

6. All uncontaminated roof water from the building shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soak pits 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 the seepage tank is reserved for its specific purpose.

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

Dated this        day of

**2017**