



An  
Bord  
Pleanála

**Board Order  
PL 21.249183**

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**Planning and Development Acts 2000 to 2017.**

**Planning Authority: Sligo County Council.**

**Planning Register Reference Number: 17/185.**

**Appeal** by An Taisce of The Tailors' Hall, Back Lane, Dublin against the decision made on the 8<sup>th</sup> day of August, 2017 by Sligo County Council to grant subject to conditions a permission to Joe Kelly care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a 380 square metres agricultural shed including all associated site works at Carrowwreagh, Dromard East, County Sligo.

## **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 development, and its location at some remove from the scenic route designated in the Sligo County Development Plan 2017-2023, and away from the views of significant features of interest, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area. Furthermore, having regard to the nature of the proposed development and its purpose of providing indoor shelter for livestock, over previously permitted holding tanks, and for the storage of agricultural machinery on a working farm, it is considered that the proposed development would comply with the provisions of the Development Plan in relation to agricultural development, would not be prejudicial to public health, and would 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the proposed development would not seriously injure the visual amenities of the area nor, subject to compliance with the conditions set out in the Board Order, constitute an obtrusive feature in the landscape. In reaching its decision, the Board noted that the subject development was not on the same site as previous applications for retention of non-agricultural sheds, and was materially different in nature, and therefore did not consider itself bound by its previous decisions under file reference numbers PL 21.244984 and PL 21.246833.

## 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 the 14<sup>th</sup> day of July, 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 external side and roof cladding of the proposed shed, and the roller shutter doors at either end of the shed, shall be finished in a dark olive green colour throughout. No other colours shall be used.

**Reason:** In the interest of visual amenity and in order to integrate the development into the rural landscape.

3. The shed hereby permitted shall be used solely for the housing of livestock, the storage of fodder for such livestock, and the parking of agricultural plant or machinery used solely on the farmholding on which it is located, and shall not be used for any other purpose.

**Reason:** In the interests of clarity and traffic safety and to delimit the use of the shed hereby permitted to those uses for which application was made.

4. (a) Proper provision shall be made to ensure that no surface water is diverted or allowed to flow onto the adjoining public road.
- (b) Provision shall be made to ensure that no surface water is diverted or allowed to flow off the public road onto the site, as a result of this development.
- (c) The existing road drainage system shall not be obstructed by the development.

**Reason:** In the interests of road safety and to prevent damage to the public road.

5. (a) All agricultural wastes, including slurry, farmyard manure, silage effluent and effluent arising from vegetable processing activities on site shall be collected and stored in tanks/pits with a minimum storage capacity of 18 weeks. Soiled water shall be collected and stored in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 (S.I. Number 31 of 2014). All agricultural buildings/structures shall be designed and constructed to Department of Agriculture building specifications.
- (b) All buildings shall be provided with gutters and down-pipes and these shall be maintained in a satisfactory condition. Clean surface water run-off from roof areas of the development shall not be discharged onto soiled yard areas. Roof rainwater and clean yard waters shall be discharged separately in closed pipes to a suitable soak-pit system as indicated in the site layout plan submitted to the planning authority.
- (c) All surface water gullies shall be designed, maintained and managed to ensure that no polluting matter enters the surface water collection/drainage system or groundwater.

- (d) Farmyard manure, slurry, silage effluent, soiled water and chemical fertilisers shall be land-spread in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (S.I. Number 31 of 2014).
- (e) Farmyard manure shall not be stored in open yard areas on site.
- (f) Soiled yard areas shall be minimised in order to reduce the volumes of soiled water produced on site and to ensure the public road in proximity is maintained in a clean condition.
- (g) There shall be no change in the approved method of agricultural waste storage and disposal on site and livestock numbers shall not be increased in a manner that results in the storage requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (S.I. Number 31 of 2014) being exceeded.
- (h) External agitation points shall be provided in the existing slatted tanks on site as per detailed in the plans and proposals submitted to the planning authority.
- (i) Silage bales shall be stored in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 (S.I. Number 31 of 2014).

**Reason:** In the interests of public health and environmental protection.

