



An
Bord
Pleanála

Board Order
ABP-300375-17

Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P17/705

Appeal by Christopher and Galina Heaney care of Ger O'Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry against the decision made on the 9th day of November, 2017 by Clare County Council to grant subject to conditions a permission to John Galvin care of John Shannon of 5 Island View, Kilrush, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of existing cattle crush and concrete plinths as constructed and permission to construct a new extension to existing livestock slatted house (previous planning register reference number P10-176). The extension to existing farm shed is to accommodate calf pens for existing livestock, along with associated site works, including all ancillary site works, accessed using existing farm entrance, all at Moyasta, Kilrush, County Clare.

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

It is considered that the proposed development and the development proposed to be retained, subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, would not be prejudicial to water quality or to public health, would not contribute to flooding in the area and would be acceptable in terms of traffic safety and convenience. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and the development proposed to be retained, and to the nature of the receiving environment and proximity to the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) and the Lower River Shannon Special Area of Conservation (Site Code 002165), no Appropriate Assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on the European sites and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

Conditions

1. The development shall be carried out, completed, and retained in accordance with the plans and particulars lodged with the application, 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 shall be constructed in accordance with the Department of Agriculture, Food and the Marine S124 “Minimal Specification for Calf Housing” – July, 2016.

Reason: In the interest of public health.

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. 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. Where an accidental spillage does occur, the details of such spillage shall be provided to the planning authority immediately.

Reason: In the interest of public health.

5. All uncontaminated roof water from the proposed agricultural building shall be separately collected and shall be incorporated into a rainwater harvesting system, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

6. 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, (S.I. Number 31 of 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.

7. Details of the finishes of the proposed calf shed, the location of fencing of paddocks and other areas and the design shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The finished floor area of the building shall not be more than 300 millimetres above the existing ground level.

Reason: To allow the planning authority to assess the impact of the matters on the visual amenity of the area prior to commencement of development.

8. Stock numbers shall be managed in such a manner that the amount of livestock manure applied in any year to the eligible area of the landholding, together with that deposited to the land by livestock shall not exceed an amount containing 170 kilograms of nitrogen per hectare per annum as outlined in the European Communities (Code of Good Agricultural Practice for the Protection of Waters) Regulations, (S.I. Number 31 of 2014), as amended.

Reason: In the interest of public health.

9. The field to the immediate west of the proposed extension and within the application site shall be landscaped in accordance with the requirements of the planning authority. Details of the proposed landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the rural character of the area.

10. 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 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 a Board 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.

Eugene Nixon

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.