



An
Bord
Pleanála

Board Order
ABP-301040-18

Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 17/789

Appeal by Paul and Kathleen Kennedy care of Bluett and O'Donoghue Architects of 2 John Street, Kilkenny against the decision made on the 29th day of January, 2018 by Kilkenny County Council to grant subject to conditions a permission to Enda Murphy care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of former milking parlour and its use as a shed for housing cattle, erection of a slatted extension to existing cattle sheds for feeding cattle, installation of a second slatted tank, installation of effluent holding tank associated with existing dungstead and all associated site works at Desart, Cuffesgrange, County Kilkenny.

Decision

GRANT permission 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 historic use of the site for farming and related purposes, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health. The development proposed to be retained and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the development on designated European sites. The Board considered the nature, scale and location of the development, the Appropriate Assessment Screening submitted to the Board by the applicant and the submissions on file. The Board noted that the development is not directly connected with or necessary to the management of a European Site. It also noted that, although spreading of slurry will take place in the vicinity of a watercourse, once this is carried out in conformity with the Nitrates Directive (91/676/EEC), there will be no effect on the Conservation Objectives of any European site.

The Board was satisfied that the development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Barrow and River Nore Special Area of Conservation (Site Code 002162) or the River Nore Special Protection Area (Site Code 004233) or on any other European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is, therefore, not 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 undertaken in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2014. In particular, the development shall be undertaken to minimise the generation of soiled water. In addition, the design, capacity and structural integrity of storage facilities shall prevent run-off or seepage therefrom.

Reason: In the interest of preventing pollution to surface/ground waters and ensuring the appropriate completion of the works.

3. Water supply and drainage arrangements for the site, including 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. The slatted shed 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2014 and shall provide at least for the following:

- (1) details of the number and types of animals to be housed,
- (2) the arrangements for the collection, storage and disposal of slurry, and
- (3) 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.

5. 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.

6. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharge 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 effluent and storage tanks is reserved for their specific purposes.

7. 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) (Amendment) Regulations, 2014.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

8. The control box which operates the scraper currently mounted on the inside of the southern end of the shed shall be relocated to the northern end of the shed within three months of the date of this order.

Reason: In the interest of residential amenity.

9. All oxidisable and galvanised surfaces of the development, including the external finishes used, shall be finished/painted to match the existing within three months of the date of this order, and the painting shall be maintained and renewed as necessary.

Reason: In the interest of visual amenity.

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

Dated this day of 2018.