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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 17/1740**

**Appeal** by Patrick Reilly care of Mark Fahy and Associates of Quarry Road, Menlo, Galway and by John F. Keane care of Mark Fahy and Associates of Quarry Road, Menlo, Galway against the decision made on the 6<sup>th</sup> day of March, 2018 by Galway County Council to grant permission to Michael Keane care of Mark Ward of Ruane, Creagh, Ballinsaloe, County Galway for development comprising construction of a four-bay calving shed and also a new farmyard entrance from the public road, all at Pollnamal, Sylau, Tuam, County Galway in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT permission for the construction of a four-bay calving shed in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for a new farmyard entrance based on the reasons and considerations marked (2) under.**

## **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 (1)**

Having regard to the nature and extent of the proposed development, which is related to agricultural use in a rural area and to the provisions of the Galway County Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not give rise to pollution or flooding risk resulting in risk to public health and 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, 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 the 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. All surface water generated by the proposed development shall be collected and disposed of within the site and shall not run off into adjoining properties or onto the public road. Only clean uncontaminated surface water may be disposed of into the proposed soak pit and soakaway system or to watercourses.

**Reason:** In the interests of clarity, orderly development, the prevention of pollution and public health and safety.

3. All foul effluent, soiled water and slurry shall be stored on site to which it is to be transported via appropriately constructed channels within the site. It shall not be allowed to discharge to any watercourse, third party lands or onto the public road. A minimum of eighteen weeks' storage capacity shall be provided and shall be permanently available on the site.

**Reason:** In the interests of clarity, orderly development, the prevention of pollution and public health and safety.

4. 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, 2014, as amended.

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

## **Reasons and Considerations (2)**

Having regard to the proposed location of the farmyard entrance directly opposite an existing residential entrance, to the narrow width and substandard alignment of the public road, the restricted sightlines that can be achieved, and to the number of entrances serving other properties in the immediate vicinity, it is considered that the exiting and entering of the proposed entrance, especially by large vehicles, would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2018.**