



Planning and Development Acts 2000 to 2018

Planning Authority: Cavan County Council

Planning Register Reference Number: 18/52

Appeal by Mary and John Smith of Corlea, Kingscourt, County Cavan against the decision made on the 17th day of May, 2018 by Cavan County Council to grant subject to conditions a permission to Eugene Cunningham care of John Callaghan, Agricultural Consultant, Main Street, Kingscourt, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the construction of a four bay slatted shed with cubicles as amended by the revised newspaper notice received by the planning authority on the 20th day of April, 2018 at Corlea, Kingscourt, County Cavan.

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 location of the development proposed to be retained within a long-established farmyard, in a rural area that is characterised by agricultural farmsteads and its distance from nearby residential development, it is considered that the development proposed to be retained, subject to compliance with the conditions set out below, would not adversely impact on the residential amenity or privacy of nearby residential development or the visual amenities of the area. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11th day of April and the 20th day of April, 2018, 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within three months of the date of this order, the applicant shall submit to the planning authority:
 - (i) Details on site levels and embankment constructed within the site.
 - (ii) Evidence that the animal walkways have been constructed and are operational in accordance with the plans submitted on the 11th day of April, 2018.
 - (iii) Evidence that the double row of Silver Birch has been planted along the south-eastern boundary of the site, in accordance with the plans submitted on the 11th day of April, 2018.

Any plants which die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To limit the use of the public road and in order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

3. 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.

4. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits 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.

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

6. 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 within three months of the date of this order 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 An Bord 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.

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

Dated this day of 2018.