



Planning and Development Acts 2000 to 2018

Planning Authority: Mayo County Council

Planning Register Reference Number: P17/793

APPEAL by Gabriel Howley of Carrowleambeg, Killasser, Swinford, Mayo against the decision made on the 15th day of June, 2018 by Mayo County Council to grant subject to conditions permission to Joe Howley care of Ambrose Lavin of Culleens, Meelick, Swinford, County Mayo.

Proposed Development Retain and complete existing agricultural farm buildings under construction which incorporates machinery/feed storage, slatted shed incorporated within the building along with ancillary site works, planning reference number P16/893 refers, all at Carrowliambeg, Killasser, Swinford, County Mayo.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The slurry tank structure erected on site, by reason of its design and layout and the nature of its construction, does not comply with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and with S.123 Minimum Specification for Bovine Livestock Units and Reinforced Tanks (issued by the Department of Agriculture, Food and the Marine in September, 2017). The development proposed for retention and completion would, therefore, endanger the health or safety of persons employed in, on or near the structure through potential collapse of the slurry tank structure and be prejudicial to public health through the potential for pollution of ground water used for human consumption (Killasser Group Water Scheme) through potential for failure of the integrity of the slurry tank.

2. On the basis of the information provided with the application and the appeal and in the absence of a Natura Impact Statement, the Board is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Moy Special Area of Conservation (Site Number 002298), in view of the site's conservation objectives. In such circumstances the Board is precluded from granting permission.

Stephen Bohan

Member of An Bord Pleanála

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

Dated this day of 2019.