



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 18/88

Appeal by Patrick Joseph Bennett of Glencairn Road, Lismore, County Waterford and by John and Marie Howard of Northgrove, Tourtane, Lismore, County Waterford against the decision made on the 19th day of June, 2018 by Waterford City and County Council to grant subject to conditions a permission to PCG Agri care of Grasstec Limited of Kilpatrick, Ballyclough, Mallow, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of modifications to widen and improve sightlines of existing entrance. Construction of farmyard access roadways. Construction of a milking parlour, dairy and ancillary rooms, livestock waiting yard, handling facilities and underground slatted tank. Erection of external milk tank, meal bins and water storage tank. Construction of a straw bedded shed to include underground slatted tank. Construction of a silage pit. Construction of cubicle facility and underground slatted tank. Construction of unroofed, underground slurry tank. Modifications to existing livestock buildings to include infill of cubicles and feed area. Three number extensions to existing livestock buildings to include roofed underground slatted tank, feed area and cubicles. Extension to existing silage slab and all

associated site works. A Natura Impact Statement was submitted with the application. All at Castle Farm, Castlelands and Glenmorrishmeen, Lismore County Waterford, as revised by the further public notice received by the planning authority on the 25th day of May, 2018.

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

In coming to its decision the Board had regard to the following:

- (a) the provisions of the Waterford County Development Plan 2011 - 2017,
- (b) the existing use of the landholding for farming purposes,
- (c) the pattern of development in a rural area,

- (d) the revised proposals and revised Natura impact statement submitted to the Board on appeal and following the request under section 132 of the Planning and Development Act, 2000, as amended,
- (e) the mitigation measures, as set out in the revised Natura impact statement,
- (f) the submission of all parties to the appeal, and
- (g) the report of the Inspector.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was 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 any other European sites, in view of the sites' conservation objectives other than the Blackwater River Cork/Waterford Special Area of Conservation (Site Code: 002170) and Blackwater Callows Special Protection Area (Site Code: 004094) which are the European sites for which there is a likelihood of significant effects.

Appropriate Assessment Stage II

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Blackwater River Cork/Waterford Special Area of Conservation (Site Code: 002170) and Blackwater Callows Special Protection Area (Site Code: 004094) are the European sites for which there is a likelihood of significant effects.

The Board considered the revised Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the nearby European sites of the Blackwater River Cork/Waterford Special Area of Conservation (Site Code: 002170) and Blackwater Callows Special Protection Area (Site Code: 004094) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for these European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of these European sites or any European site in view of the sites' conservation objectives.

Conclusion on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would not give rise to water pollution 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 as amended by the further documentation received by An Bord Pleanála on the 10th day of April, 2019, 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. 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 interests of environmental protection and public health.

3. 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, 2017, as amended, and shall provide at least for the following:
 - (a) Details of the number and types of animals to be housed.
 - (b) The arrangements for the collection, storage and disposal of slurry.
 - (c) 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.

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.

Reason: In the interest of public health.

5. 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.

6. A minimum of 16 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of environmental protection and public health.

7. Details of the finishes of the new farmyard sheds, 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.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area before the development commences.

8. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

Reason: In the interests of clarity and to ensure the protection of the environment.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

Reason: In the interests of public safety, residential amenity and protection of the environment.

10. Prior to the commencement of the development, the developer shall agree in writing, full details regarding culverting the proposed entrance, provisions of adequate sightlines, and finishes to the proposed splayed entrance to be in keeping with the existing stone wall along the roadside boundary.

Reason: In the interests of traffic safety and visual amenity.

11. The farmyard site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting which shall not include cupressocyparis x leylandii.
 - (iii) Details of roadside planting which shall include indigenous planting and shall not include prunus species.

- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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: In the interest of residential and visual amenity.

12. 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 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.

Paul Hyde

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

Dated this day of 2019.