



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/706

Appeal by Colette Kinlay of Coolalug, Tinahely, County Wicklow against the decision made on the 28th day of February, 2019 by Wicklow County Council to grant subject to conditions a permission to Samuel and Colin Horan care of Buttle Design and Planning Consultants Limited of Main Street, Carnew, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Retention of existing slatted cattle shed and (2) permission to erect a slatted cattle shed, concrete aprons and all associated site works, all at Coolalug, Tinahely, County Wicklow.

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 scale and nature of the proposed development, 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: Stage 1 Screening

The Board completed a Stage 1 Screening for Appropriate Assessment in relation to the potential effects of the proposed development (including the secondary activity proposal to spread slurry on agricultural lands owned by the applicant in the surrounding area), on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the appeal (subsequent to a notice issued by the Board under Section 132 of the Planning and Development Act 2000, as amended) and the Inspector's report and submissions on file. In completing the Stage 1 Screening For Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion contained in the Inspector's report in relation to the direct effects of

the proposed development and in the Appropriate Assessment Screening Report submitted by the applicant in relation to the indirect effects of the proposed development, 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 (including the secondary activity), either individually or in combination with other plans or projects, on these European Sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, including the indirect effects of the slurry spreading on the subject lands, would not be likely to have a significant effect on the Slaney River Valley Special Area of Conservation (Site Code: 000781), or any other European Site, in view of the site's Conservation Objectives.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, and the further particulars submitted to An Bord Pleanála on the 26th day of July, 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. The proposed new slatted shed shall be finished in a dark green colour.

Reason: In the interest of visual amenity.

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, 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.

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 of 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 discharged 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended.

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

8. A minimum of 16 weeks storage shall be provided in the underground storage tanks. 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.

Stephen Bohan

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

Dated this day of 2019.