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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 18/600498**

**Appeal** by John Flynn of Crumlin Big, Moneygall, Nenagh, County Tipperary against the decision made on the 10<sup>th</sup> day of April, 2019 by Tipperary County Council to grant subject to conditions a permission to Martin Murray care of McHugh Glynn and Associates Limited of Bank Street, Templemore, County Tipperary in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of slatted cattle shed, feed store, retaining wall, silage pit, alterations to existing field entrance and access laneway and all associated site works at Crumlin Big, Moneygall, County Tipperary.

**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 policies and objectives of the current North Tipperary County Development Plan, the rural location of the site, the nature of the development for which retention is sought and the pattern of development in the vicinity including the distance of the slatted shed to the neighbouring residence, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the rural area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the view of the planning authority, and furthermore considered the distance of approximately 100 metres from the residence to the slatted shed would not seriously injure the residential amenity of the adjacent property, and is satisfied that it is in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 15<sup>th</sup> day of March 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 within three months of the date of this Order and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Within three months of the date of this Order:
  - (a) The existing entrance to the south of the site shall be closed off and a new roadside boundary hedge shall be constructed. The new roadside boundary shall compose of an earthen bank to a consolidate height of 1.2 metres that shall be planted with shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, ash, elder, bramble etc.). All landscaping and planting shall take place in the first planting season following this Order.
  - (b) The new entrance shall be constructed and operational. The roadside boundary wall be set back behind the required sight triangle, the site sight triangle shall be taken from a point 4.5 metres back from the road edge at the centre of the proposed

access to a point 70 metres away in both directions at the nearest road edge.

- (c) The new vehicular access shall be recessed five metres from the existing roadside boundary and shall have a minimum of three metres at the inside piers increasing via splay walls to a maximum opening of 13 metres at the existing roadside boundary. The height of the splay walls shall not exceed 1.2 metres. At the entrance, a drainage kerb/cattle grid or approved equivalent surface water cut-off drain shall be set back a minimum distance of three metres behind the roadside boundary, the surface level of which shall be a minimum of 100 millimetres below the level of the edge of the adjacent public road and it shall discharge to a stone filled sump located within the site.
- (d) The access, driveway and hard surfaced areas within the site shall be surfaced using permeable finishes.
- (e) A piped drain to on-site soakpit of not less than 300 millimetres diameter shall be constructed across the mouth of entrance, to preserve and maintain roadside drainage in the area.
- (f) Wing walls shall be of sod and stone, stone faced masonry or dry stone masonry.

**Reason:** In the interest of traffic safety.

3. Uncontaminated surface water runoff from roofs and clean paved areas within the farmyard shall be collected separately from farmyard materials (slurry, silage effluent, milking parlour washings and contaminated surface water) and shall be disposed of directly in a sealed system to adequate stone filled soakpits, or to a watercourse located within the curtilage of the application site or, alternatively, shall be recycled for use in the proposed development. Surface water shall not be allowed to flow onto the public road. The necessary intercepting drain (gridded drain) shall be constructed between the entrance piers and drained to soakaways on the site. A monitoring chamber (manhole) shall be provided for the monitoring of uncontaminated surface/roof water prior to such water entering any soakaway, drain or watercourse.

**Reason:** In the interest of orderly and sustainable development and to minimise the volume of farmyard waste generated.

4. 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 within three months of the date of this Order. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

6. A 1:500 scale revised and comprehensive landscape plan together with an accompanying planting schedule shall be submitted to the planning authority for written agreement within threemonths of the date of this Order. The scheme shall provide for comprehensive planting of the area between the southern boundary and the new entrance/access arrangements comprising of a mix of semi-mature trees, shrubs and ground cover of native species and such planting shall be implemented during the first planting season following the date of this Order. The existing trees and shrubs on the site boundaries shall be retained and maintained as a feature of the development except where removal is required to facilitate the development as indicated on the submitted plans.

**Reason:** In the interests of visual and residential amenity.

7. 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.

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

**Dated this            day of            2019.**