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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/177**

**Appeal** by Gerry Giles care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare and by Martin Murphy of Kiltroque, Claregalway, County Galway against the decision made on the 15<sup>th</sup> day of May, 2019 by Galway County Council to grant subject to conditions a permission to Philip Noone care of Henry Lydon Agricultural Consultants of Drumaveg, Moycullen, County Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new slatted cubicle shed, milking parlour and dairy, meal bin and water tank and all ancillary concrete works and the removal of an existing roadside ditch/hedge to provide adequate sight lines. All at Kiltroque/Cill Torróg, Claregalway, County Galway.

## **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 rural location of the site, the nature, scale and use of the proposed development, the existing agricultural practices on the site and the objectives of the Galway County Development Plan 2015-2021 which seek to support and encourage sustainable agricultural development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of properties in the vicinity, would not have an adverse visual impact, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board concurred with and adopted the Inspector's Report in relation to Appropriate Assessment screening and concluded 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 European Site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

## **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 plans and particulars submitted on the 18<sup>th</sup> 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. The slatted shed shall be used only in strict accordance with a management schedule to 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:

- (1) Details of the number and types of animals to be housed.
- (2) The arrangements for the collection, storage and disposal of slurry.
- (3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

**Reason:** In order to avoid pollution and to protect amenity.

3. All foul effluent and slurry generated by the proposed development 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 the building 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. 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 the 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.

6. The proposed planting indicated on the Site Layout Plan (Drawing Number 19\_030\_100) received by the planning authority 18<sup>th</sup> day of April, 2019 shall be implemented. The planting shall be carried out within the first planting season following the commencement of the proposed development in accordance with the following requirements:

- (a) the planting shall be confined to traditional native Irish hedgerow species only, and
- (b) any planting that dies within the first three years of planting shall be replaced with a similar species within the following planting season.

**Reason:** In the interest of the visual amenities of this rural settlement.

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

**Dated this            day of            2019.**