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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 18/1802**

**Appeal** by Valerie Dolan of Kellysgrove, Mackney (Kelly), Ballinasloe, County Galway against the decision made on the 24<sup>th</sup> day of May, 2019 by Galway County Council to grant subject to conditions a permission to Brian Goode care of Oliver Ruane of Fohenagh, Ahascragh, Ballinasloe, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a slatted shed and manure pit to include concrete apron and all associated works and to widen existing entrance at Mackney (Kelly), Ballinasloe, 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 nature and extent of the development proposed, and to the existing agricultural character and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in a traffic hazard, would not seriously injure the amenities of the area or of property in the vicinity, would not result in increased flood risk, would be an acceptable development on this agricultural landholding, 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 plans and particulars submitted on the 30<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 agricultural building/structure hereby permitted shall be used solely for agricultural purposes only.

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

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.

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

4. 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 water courses.

5. 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 the slatted 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, public health and to ensure a proper standard of development.

6. All flood protection measures, as set out in the Flood Risk Assessment submitted to the planning authority on the 30<sup>th</sup> day of April, 2019 shall be implemented in full.

**Reason:** To minimise flood risk.

7. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the 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.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1700 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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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.**