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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 20/04282**

**Appeal** by Thomas Kenneally care of Thomas M.G. Cahill of Pine Tree Lodge, Windsor Hill, Killahora, Glounthaune, County Cork and by John and Sarah Fitzpatrick of Dundullerick West, Leamlara, County Cork against the decision made on the 7<sup>th</sup> day of April, 2020 by Cork County Council to grant subject to conditions a permission to Kieran O'Connor and Eileen O'Leary care of Liam Slattery, 2 James Street, Mitchelstown, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** To construct an entrance, straw bedded cattle shed with slatted tank and ancillary works, all at Dundullerick West, Dundullerick East, Leamlara, County Cork.

**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, as set out in the Cork County Development Plan 2014 – 2020, to the planning history of the applicants' lands and the siting, nature, design and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would support the agricultural use of the lands in this rural area, would not seriously injure the amenities of residential properties in the vicinity and would be acceptable in terms of traffic safety and convenience and public health. The proposed development 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, 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. (a) Side walls and piers of entrance shall be of local natural stone or sod and of stone construction.
- (b) Sight distances of 80 metres to the north and 75 metres to the south shall be provided from the centre point of entrance, 2.4 metres back from public road edge. No vegetation or structure shall exceed one metre in height within the sight distance triangle.

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

3. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 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.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

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

7. 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:

- (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.

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

8. 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 interests of amenity, public health and to prevent pollution of watercourses.

9. 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.

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

**Dated this            day of            2020.**