



Planning and Development Acts 2000 to 2020

Planning Authority: Donegal County Council

Planning Register Reference Number: 19/51608

Appeal by Michael and Mary Doherty care of Canavan Associates of 23 Prince's Street, Derry and by Owen and Deborah Doherty of Binnion, Clonmany, Inishowen, County Donegal against the decision made on the 11th day of June, 2020 by Donegal County Council to grant subject to conditions a permission to William Doherty care of Michael Gilbraith Associates of Millbrae House, Lower Main Street, Bunrana, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Permission for an agricultural shed for wintering cattle and (b) retention of ground works to reduce the site level for the agricultural shed. All at Binnion, Clonmany, County Donegal.

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 character of the area, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought and the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The development for which retention is sought and 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 retained 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 retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised drawings indicating a revised location of the shed to be at least 30 metres from the house on the adjoining lands to the south of the site and at least 80 metres from the house to the north-west of the site and at least 40 metres from the centreline of the public road to the west of the site.

Reason: To protect the residential amenity of nearby dwellings.

3. (a) No further breaking and excavation of rock of the hillside at the eastern end of the shed shall be permitted to take place.
- (b) No hardstanding shall be constructed beyond five metres of the footprint of the shed.
- (c) Only machinery directly involved in active farming shall be stored on the site and all redundant plant and machinery shall be removed from the site and disposed of lawfully.
- (d) Within four months of the date of this Order, all excavated rock stockpiled on site shall be removed from the site.

Reason: In the interest of visual amenity.

4. Details of effluent storage facilities to serve the structure shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

5. Any rainwater harvesting tank to be provided on site shall be located to the rear of the shed and shall be adequately covered.

Reason: In the interest of public health.

6. 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 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 interests of environmental protection and public health.

7. 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 discharge to foul effluent drains, foul effluent and slurry storage tanks or the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

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 interest of amenity, public health and the prevention of pollution of water courses.

9. Prior to commencement of development, permanent visibility splays of 66 metres shall be provided in a northerly direction and 50 metres shall be provided in a southerly direction to the nearside road edge at a point 2.4 metres back from the road edge at the location of the vehicular entrance. Details of the visibility splays shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

10. Details of all roadside drainage shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

11. Details of all external finishes to the shed shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

12. All service cables associated with the proposed development including electrical cables shall be located underground.

Reason: In the interest of visual amenity.

13. 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 prior to the commencement of development 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.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.