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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P20/315**

**Appeal** by Rachel Leonard care of Bury Architects of Bury Street, Ballina, County Mayo against the decision made on the 8<sup>th</sup> day of July, 2020 by Mayo County Council to grant subject to conditions a permission to David Walsh care of Richard Monaghan of Brodella, Shrule, County Mayo in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A slatted sheep shed at Brodella, Shrule, County Mayo.

**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 scale of the proposed development, the pattern of development in the rural area, and the policies and objectives of the Mayo County Development Plan 2014-2020, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity by reason of noise, odour or light spill or other nuisance, would be acceptable in terms of traffic safety and public health and 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 did not concur that the noise, odour or light generated by the proposed development would seriously injure the residential amenities of property in the vicinity. It considered that the proposed use of the site for a slatted sheep shed would be appropriate given the nature of the proposed use, the scale of development and its siting in relation to residential property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and 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. Prior to construction of any development on site, a revised site layout map and landscaping plan shall be submitted to the planning authority for written agreement, illustrating a detailed landscaping area along the southern site boundary, at the location of the slatted sheep shed. The landscaping shall comprise of dense trees/hedge native to the area, which shall be maintained to be no less than two metres in height. The entire landscaping shall be carried out prior to construction of the slatted shed.

**Reason:** In the interest of visual amenity.

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:

- (1) Details of the number 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 residential amenity.

4. 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.

5. 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.

6. All foul effluent and slurry generated by the proposed development and in the farmyard 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.

7. 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.

8. (a) Sight distance triangles shall be maintained and kept free from vegetation or other obstruction that would reduce the minimum visibility required.
- (b) Any gates shall open inwards only.

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

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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.**