



Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

Planning Register Reference Number: 20/196

Appeal by Thomas Noone of Rookhill, Ballinamorebridge, Ballinasloe, County Galway against the decision made on the 29th day of June, 2020 by Galway County Council to grant subject to conditions a permission to Denis Delaney care of James Lohan of 22 Castle View Terrace, Castle Street, Roscommon in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of existing slatted shed granted under planning register reference number: 06/5529 to agricultural storage shed for storage of organic compost and biosolids material during winter months, and all associated site works at Rookhill, Newbridge, 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 established agricultural use of the site, the nature, scale and extent of the proposed development, the nature of the receiving environment, the pattern of development in the vicinity and the relevant provisions of the Galway County Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would constitute an acceptable use at this location. 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 as amended by the further plans and particulars submitted on the 2nd day of June, 2020, 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 existing structure to be used for the storage of organic compost and biosolids material, shall be used only in strict accordance with a management schedule, which shall be submitted to and agreed in writing with the planning authority, within three months of the date of this order. 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) The arrangements for the collection, storage and disposal of slurry/organic compost/biosolids.
 - (b) 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.

3. All foul effluent and slurry generated by the development and within the site 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.

4. All uncontaminated roof water from this building and all buildings in the site and clean yard water, shall be separately collected and discharged in a sealed system to adequate soakpits and shall not discharge or be allowed to discharge to the slurry storage tanks or to the public road.

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

5. Slurry/sludge/biosolids associated with the development shall be stored within the building at all times until it is to be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. All spreading shall be carried out in accordance with the provisions of the Nutrient Management Plan as submitted to the planning authority on the 2nd day of June, 2020. 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 water material, in the interest of amenity, public health and to prevent pollution of watercourses.

6. A minimum of 18 weeks storage shall be provided in all underground storage tanks on the site. 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 interest of environmental protection and public health.

Chris McGarry

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

Dated this day of 2021