

An
Bord
Pleanála

Board Order
ABP-308426-20

Planning and Development Acts 2000 to 2020

Planning Authority: Sligo County Council

Planning Register Reference Number: PL 20/248

Appeal by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 17th day of September, 2020 by Sligo County Council to grant subject to conditions a permission to Sligo Pastures Limited care of James O'Hara of Dooncastle, Ballymote, County Sligo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of: (1) a 14-bay slatted cubicle shed 1,847 square metres plan floor area, (2) 1,071 square metres roofed collecting yard with slatted slurry tank and rotary milking parlour, (3) silage slab 1,590 square metres with apron and (4) overground slurry storage tank 2,709 cubic meters capacity and associated site works. All at Templehouse Demesne, Templehouse, Ballymote, County Sligo.

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

Appropriate Assessment - Stage 1

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had particular regard to the distance between the proposed development and the open land drain in the north-western corner of the site, and accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the sites' conservation objectives. The Board was satisfied that the proposed

development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites Templehouse and Cloonacleigha Loughs Special Area of Conservation (Site Code: 000636) and Unshin River Special Area of Conservation (Site Code: 001898) or any other European Site, in view of the sites' conservation objectives.

Proper Planning and Sustainable Development

Having regard to the nature, scale and location of the proposed development, the pattern of development in the vicinity of the site, and the provisions of the Sligo County Development Plan 2017-2023, 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, would not detract from the character and setting of protected structures, would not be prejudicial to public health, would be acceptable in terms of traffic safety, and would be an appropriate development in this rural area. 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. Details of the finishes of the shed and silo structures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority details for the treatment of the vehicular entrance to serve the site and revised details for the section of road leading to the milking parlour, addressing the position of an existing overhead services pole.

Reason: In the interest of traffic safety.

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 storage tanks. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of environmental protection and public health.

5. The sheds 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.

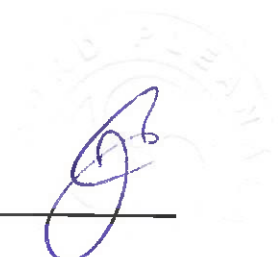
Reason: In order to avoid pollution and to protect residential amenity.

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. All uncontaminated roof water from buildings 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 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.

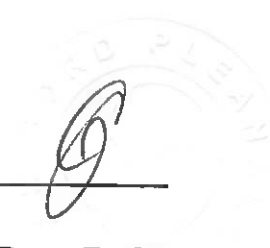


8. Slurry generated by the proposed development shall be managed by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with 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 water material, in the interest of amenity, public health and to prevent pollution of watercourses.

9. A minimum of 18 weeks storage shall be provided in the storage tanks. 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.



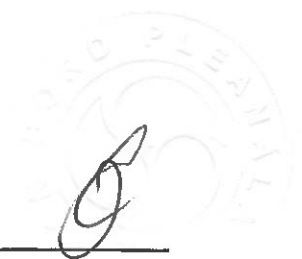
10. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) details of all proposed hard surface finishes, and
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings with provision for additional planting to screen the proposed structures.

The landscaping shall be carried out in accordance with the agreed scheme.

Reason: In order to screen the development, in the interest of visual amenity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.



12. 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 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 30th day of JUNE 2021.