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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 20/06158**

**Appeal** by Colm and Ann Griffin care of Sean R. McCarthy Consulting Engineers Limited of Drimnamore, Sneem, County Kerry against the decision made on the 25<sup>th</sup> day of November, 2020 by Cork County Council to grant subject to conditions a permission to Ballyeightera Farm Limited care of O'Callaghan Engineering and Design of Ballynona North, Dungourney, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of milking parlour complex, water harvesting area and associated works as constructed at Ballyeightragh, Dungourney, 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 nature and extent of the proposed development and to the history of on-site agricultural activity, to the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained, 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 30<sup>th</sup> day of October, 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. Other than amended by the conditions set out below, the development proposed for retention shall comply with the terms and conditions of planning permission register reference number 17/6002 granted by the planning authority on the 26<sup>th</sup> day of October, 2017.

**Reason:** In the interest of orderly development.

3. A minimum of 16 weeks storage shall be provided in the underground storage tanks.

**Reason:** In the interests of environmental protection and public health.

4. The milking parlour shall be used only in strict accordance with a management schedule which shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2017 (S.I. No. 605 of 2017).

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

5. 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, 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 the Protection of Waters) Regulations, 2017 (S.I. No. 605 of 2017).

**Reason:** To ensure the satisfactory disposal of waste material, in the interests of amenity and public health and to prevent pollution of water courses.

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 to soakaways, and
- (b) all soiled waters shall be directed to the slatted storage tank.

**Reason:** In the interests of environmental protection and public health and to ensure a proper standard of development.

7. All foul effluent and slurry generated by the development proposed for retention and in the farmyard shall be conveyed through properly constructed channels to the 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.

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

**Dated this            day of            2021.**