

An  
Bord  
Pleanála

Board Order  
ABP-309321-21

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P20/812**

**Appeal** by Karina Brown care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare against the decision made on the 30<sup>th</sup> day of December, 2020 by Clare County Council to grant subject to conditions a permission to Tony O'Brien of Meelick, Whitegate, County Clare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of a constructed slatted cattle shed, site entrance and associated site works at Meelick, Whitegate, County Clare.

## **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 location of the site, together with the pattern of development in the area and the provisions of the Clare County Development Plan 2017-2023 (as varied), it is considered that, subject to the compliance with the conditions set out below, that the proposed retention of the constructed slatted cattle shed, site entrance and all associated site works, would not seriously injure the general or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report, the Inspector's Report and submissions on file.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## Conditions

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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, within three months from 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:
- (1) Details of the number and types 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.

3. 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.

4. 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 soak-pits 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.

5. Within three months from the date of this Order, the applicant shall construct a new soak-pit to the east of the slatted shed and all clean surface water from the front canopy of the shed and access driveway and excess water from the rainwater harvesting system shall be directed to same. The applicant shall ensure adequate measures are in place to prevent surface water discharging to adjacent lands. Details of such works shall be submitted to, and agreed in writing with, the planning authority, and the applicant shall submit a written confirmation, accompanied by photographs, to demonstrate that said works have been satisfactorily undertaken.

No animals will be housed in the slatted shed until such time as this condition is complied with.

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

6. 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 to prevent pollution of watercourses.

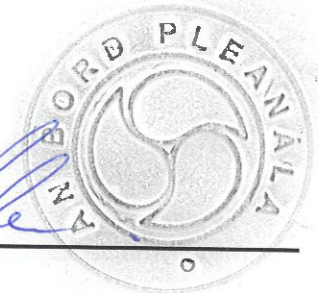
7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.



**Stephen Bohan**

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



Dated this *29<sup>th</sup>* day of *July* 2021