

An
Bord
Pleanála

Board Order
ABP-309866-21

Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 21/88

Appeal by Anna M. Turner care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 10th day of March, 2021 by Tipperary County Council to grant subject to conditions a permission to Michael Neary care of Mark Roberts of Green Street, Callan, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new slatted unit for the housing of cattle and all associated site works at Modeshill (ayre), Mullinahone, County Tipperary.

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, the lack of farm buildings to house animals on this land holding, the existing established farm practices on the holding, the character and the pattern of development in the vicinity, and to the policies and objectives of the South Tipperary County Development Plan 2009 – 2015 (as varied), it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the amenities of the area or impact on the environment in compliance with good agricultural practice. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

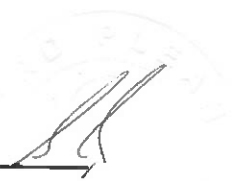
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer 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. 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 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 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. 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 the slatted storage tank.

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

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

5. (a) The entrance shall be as set out in drawing number 381-P-01 'Plans, Elevations and Section of Slatted Unit and Site Layout' submitted with the planning application to the planning authority on the 28th day of January 2021. The roadside boundary shall be maintained in a neat and tidy manner and below a height of 1.1 metres so that sightlines shall not be obstructed.



- (b) The agricultural roadway from the agricultural entrance to the slatted shed shall be suitably hard cored and be maintained in a clean and tidy manner all year round. The adjoining public road shall be maintained in a clean and tidy fashion such that no muck, dirt, or surface water from the agricultural operations shall be deposited on same.

Reason: In the interest of traffic safety.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech, or alder, and which shall not include prunus species.
 - (ii) Details of screen planting which shall not include cupressocyparis or leylandii.
 - (iii) Details of roadside planting which shall not include prunus species.

- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season

with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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 *29th* day of *July* 2021