



An  
Bord  
Pleanála

Board Order  
ABP-310396-21

---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P20/930**

**Appeal** by Aoife Gaffney, Sylvester McMahon and Darren McMahon care of Aoife Gaffney of Breaffa South, Spanish Point, County Clare against the decision made on the 6<sup>th</sup> day of May, 2021 by Clare County Council to grant subject to conditions a permission to Michael O'Neill care of Martin Tubridy of Cooraclare, County Clare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** To demolish existing sheds and to erect slatted unit and machinery shed at Breaffy South, Miltown Malbay, County Clare. Further public notices were received by the planning authority on the 9<sup>th</sup> day of April, 2021.

## **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 location of the proposed development within a Heritage Landscape according to the Clare County Development Plan 2017-2023, the established agricultural nature of the rural area and the scale and form of the proposed agricultural development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not pose an unacceptable risk of environmental pollution and would not be prejudicial to public health. 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 30<sup>th</sup> day of March, 2021, 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 materials, colours and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. A landscaping scheme and restoration plan for the site and landholding shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan and scheme shall include an earthen (sod and stone) embankment around the perimeter of the site and proposals for the restoration of all the lands of the existing agricultural complex within the landholding, that is, removal all existing structures, containers, hard standing and concrete aprons from the landholding. The developer shall commence implementation of the agreed site restoration plan upon completion of the proposed slatted

unit and machinery shed, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of orderly development and visual amenity.

4. 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.

5. 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 by S.I. No. 65/2018, 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 (including the public road, where relevant).

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

6. 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.

7. 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.

8. 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 by S.I. No. 65/2018.

**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 all underground 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 interest of environmental protection and public health.

*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *15<sup>th</sup>* day of *March* 2022

