

Planning and Development Acts 2000 to 2020

Planning Authority: Roscommon County Council

Planning Register Reference Number: PD/20/493

Appeal by Valerie Byrne and others of Lisduff, Elphin, County Roscommon against the decision made on the 10th day of June, 2021 by Roscommon County Council to grant subject to conditions a permission to Laragan Dairies Limited care of Collins Boyd Engineering Limited of Galway Road, Roscommon, County Roscommon in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) Milking parlour including handling yard, feed storage silo and milk storage tank, (ii) agricultural shed consisting of cubicle area and concrete aprons, (iii) silage slab with concrete apron, (iv) slurry lagoon and underground slatted slurry tank, and (v) connections to services and all other associated site works, at Lisduff Townland and Cregga Townland, Elphin, County Roscommon. The proposed development was revised by further public notices received by the planning authority on the 14th day of May, 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 nature, scale and appearance of the proposed development, the nature of the receiving environment, and the provisions of the Roscommon County Development Plan 2014-2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not be prejudicial to public health, would not be likely to cause a deterioration in the quality of waters in 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.

Conditions

1. The development shall be completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 15th day of April 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. A minimum of 18 weeks storage shall be provided on the landholding. Planning permission shall be required for any additional storage capacity to accommodate any increase in livestock numbers and type from that outlined in the Nutrient Management Plan submitted with the application.

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

3. 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) Regulations 2014, as amended.

Reason: To ensure the satisfactory disposal of water material, in the interest of amenity, public health and to prevent pollution of watercourses.

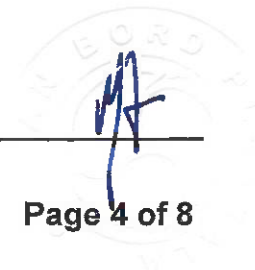
4. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or public road.

Reason: In the interest of public health.

5. (a) All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to the depressed area and shall not discharge or be allowed to discharge to the storage tanks or public road.
- (b) Inspection manholes shall be installed on all surface water collection systems/pipelines prior to their discharge point to the depressed area and/or surface water drains in accordance with the submitted details.

The discharge point to the adjoining field drain shall be constructed in accordance with the submitted details, shall be monitored and inspected on a weekly basis with inspection records of the discharge retained for inspection by the planning authority or other statutory body on request. Where a discharge of potentially polluting mater is noted the planning authority shall be notified immediately.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes, and in the interest of public health.



6. On completion of the construction of the proposed milking and handling area, the existing milking parlour shall cease operation and be permanently removed.

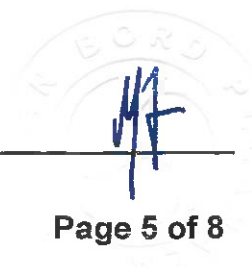
Reason: In the interests of proper planning and orderly development.

7. 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.

8. Construction and demolition waste shall be managed in accordance with the On-site Construction Waste Management Plan submitted in respect of the application.

Reason: In the interest of sustainable waste management.



9. The agricultural entrance permitted under planning register reference number 21/204 shall be completed as per the permitted plans and particulars and available for use prior to the operation of the subject development. All farm roadways associated with the proposed development shall be constructed and maintained in accordance with Department of Agriculture, Food and the Marine specifications and the detailed submitted to the planning authority on the 15th day of April, 2021. An appropriate road camber shall be maintained by diverting flow away from karst features on the land holding.

Reason: In the interest of traffic safety.

10. A bunded area shall be provided for the storage area of fuels. The details of this area shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health and to prevent pollution of watercourses.

11. Details of the drainage management of the silage pit to the slatted tank shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health and to prevent pollution of watercourses.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. 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.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 10th day of November 2021.