

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 21/04843

Appeal by Steven Rawbone and Camilla Bywater of Ragbride House, Clogheenduan, Ballinhassig, County Cork against the decision made on the 20th day of July, 2021 by Cork County Council to grant subject to conditions a permission to James Murphy care of Liam Slattery of Mitchelstown, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of an extension to an existing cattle shed with slatted tanks, calf house and ancillary works at Clogheenduan, Ballinhassig, 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 Cork County Development Plan 2014 and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would lead to an intensification in the use of the existing farm yard, which would comply with Objective EE 8-1 of the Development Plan and which would be compatible with the amenities of the area. This proposed development would not raise any issues in relation to pollution of water or Appropriate Assessment. The proposed development would, therefore, not seriously injure the amenities of the area and would 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 to the planning authority on the 28th day of June, 2021 and the 29th day of June 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.

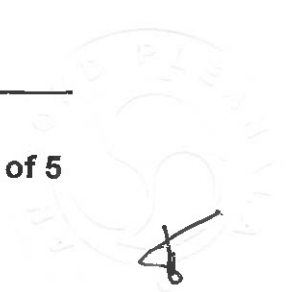
Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) details of a leakage detection system to be installed underneath the proposed slatted slurry tanks shall be prepared, and
 - (b) details of a comprehensive stormwater drainage system, including soakaways, to serve the farm yard with the proposed extensions in-situ shall be prepared.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

3. 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.

4. 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 right of way.

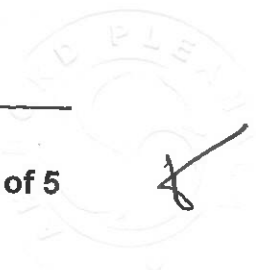
Reason: In the interest of public health.

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

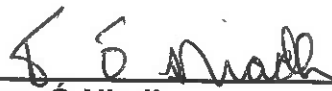


8. Farmyard manure or baled silage shall not be placed over a land drainage system or on soils underlain by free draining substrata such as gravel or fissured rock. Farmyard manure shall not be applied to land or shall not be stored in a field during the period 1st November to the 12th January.

Reason: To prevent water pollution.

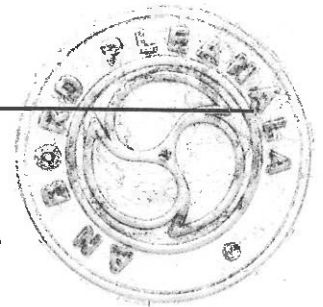
9. All uncontaminated surface water run off from roofs on the holding shall be discharged to soakways and shall not be discharged to or allowed to enter the effluent holding tanks. An inspection chamber and sump shall be provided on all storm water drains immediately before entry to soakaway. The sump shall be minimum size of 500 mm by 500mm and 400 mm deep and shall be of watertight construction.

Reason: To prevent water pollution.



Terry Ó Niadh

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



Dated this 20th day of December, 2021.