

Planning and Development Acts 2000 to 2021

Planning Authority: Offaly County Council

Planning Register Reference Number: PL2/20/622

Appeal by Teresa and Edward Coss of Barranaghs, Mountmellick, County Offaly against the decision made on the 31st day of August, 2021 by Offaly County Council to grant subject to conditions a permission to DJ Byrne care of Philip Bennett Consulting Engineers of 21A Market Square, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention permission for an existing slatted tank, thereafter planning permission is sought for the construction of a new agricultural shed, together with all ancillary site services and associated site works at Barranaghs , Mountmellick, County Offaly.

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 extent of the development for which retention permission is sought and the proposed development, the nature of the receiving environment, the pattern of development in the vicinity, and the provisions of the Offaly County Development Plan 2021 - 2027, including DMS-120 Protection of Amenities; it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought and the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would otherwise constitute an acceptable use at this rural location. The development for which retention permission is sought and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The development shall be retained, 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 19th day of April 2021 and the 4th day of August 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. The sheds 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) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020, 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 and
 - (c) Arrangements for the cleansing of the buildings and structures.

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

4. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed 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.

5. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to adequate soakpits and shall not discharge or be allowed to discharge to the slurry storage tanks.

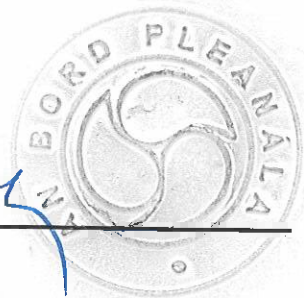
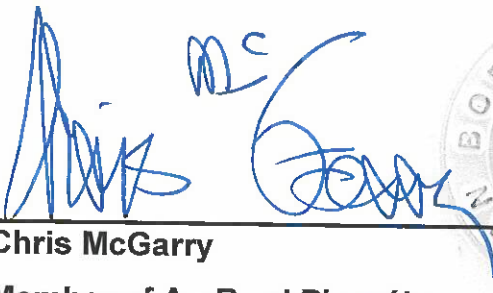
Reason: In order to ensure that the capacity of slurry storage tanks is reserved for their specific purposes.

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) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020.

Reason: To ensure the satisfactory disposal of water 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 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 interests of environmental protection and public health.



Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this ^{1st} day of ^{February} 2022