

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

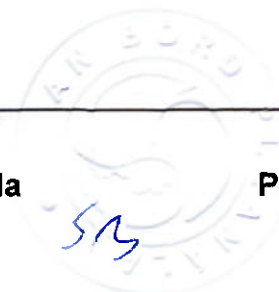
Planning Register Reference Number: 21/756

Appeal by Peter Garry of Carrowmoney, Partry, Claremorris, County Mayo against the decision made on the 3rd day of November, 2021 by Mayo County Council to grant subject to conditions a permission to Michael Staunton care of David Lally Engineering Services of Tourmakeady Business Park, Tourmakeady, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a three-bay slatted shed with underground slurry storage tank along with all associated site works at Carrowmoney, Partry, Claremorris, County Mayo.

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.



Reasons and Considerations

Having regard to the rural location of the site, the nature and scale of the proposed additional farm structure to house animals on this landholding, the established and permitted farm complex and practices on the landholding, the character and pattern of development in the vicinity, and the policies and objectives of the Mayo County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not result in the creation of a traffic hazard, would not adversely impact upon water quality, and would not give rise to the disturbance of protected habitats or species in the adjacent European Site. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Carra/Mask Complex Special Area of Conservation (Site Code: 001774) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.



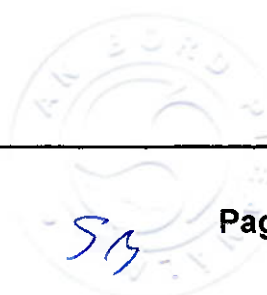
Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the Lough Carra/Mask Complex Special Area of Conservation (Site Code: 001774) in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.



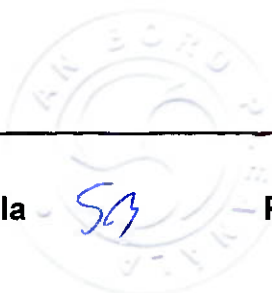
Conditions

1. The proposed 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 received by the planning authority on the 8th day of October, 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 proposed 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 Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (SI No 31 of 2014), and shall provide at least for the following:
 - (a) Details of the number and types of animals to be housed.
 - (b) Arrangements for the collection, storage, and disposal of slurry.
 - (c) Arrangements for the cleansing of the buildings and structures.

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 attenuation and 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 constructed as per site layout drawing number 20-138-DWG-P01 received by the planning authority on the 14th day of July, 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 shall 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.
- (c) Upon the commissioning of the new agricultural entrance, the existing entrance shall be closed up permanently and the old entrance area shall be landscaped with native deciduous hedging at a maximum height of 1.1 metres.

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, including details of phasing.

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 amenities.

7. All mitigation measures included within Section 7 of the Natura Impact Statement received by the planning authority on the 14th day of July, 2021, and those included as Appendix B with the response to the further information request received by the planning authority on the 8th day of October, 2021, shall be implemented in full.

Reason: In the interest of protecting natural habitats.



Stephen Brophy

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

Dated this 31st day of January 2024.