



An  
Bord  
Pleanála

## Board Order ABP-313356-22

---

### Planning and Development Acts 2000 to 2022

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 22/61**

**Appeal** by Michael and Eileen Walsh care of Liam Buck of Glen, Clonea, Dungarvan, County Waterford against the decision made on the 22<sup>nd</sup> day of March, 2022 by Waterford City and County Council to grant subject to conditions a permission to Patsy Fleming care of Architecture and Agricultural Design Services of Molough, Newcastle, Clonmel, County Tipperary for the proposed development.

**Proposed Development:** Construction of new agricultural entrance and access roadway and close existing entrance with all associated site works. Permission for retention of (i) agricultural building incorporating milking parlour, dairy, cubicles, loose area and underground effluent tanks and (ii) silage slab and all associated site works. All at Lackensillagh, Clashmore, County Waterford.

### Decision

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## Reasons and Considerations

1. It is considered that the development proposed for retention and its associated activities would have a serious negative impact on adjoining amenities due to the scale and proximity to neighbouring residential property. The proposed development and the development proposed for retention would constitute a substantial intensification of activity on site, would not be in accordance with DM 32 of Volume 2 of the Waterford City and County Development Plan 2022 - 2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied, based on the information submitted with the application and the appeal, that the proposed development and the development proposed for retention would comply with the provisions of European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 and the Department of Agriculture Food and the Marine's 'Minimum Specification for Bovine Livestock Units and Reinforced Tanks' (S.123:October 2022), particularly in relation to separation distances from private water supplies. Failure to comply with these standards would result in substandard development which would be prejudicial to public health and would fail to safeguard the surrounding environment. The proposed development and the development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.



---

**Stephen Brophy**

**Member of An Bord Pleanála**

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

**Dated this 23<sup>rd</sup> day of April 2024.**