



An
Bord
Pleanála

Board Order ABP-315131-22

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 22/60324

Appeal by John Flynn of Crumlin Big, Moneygall, County Tipperary against the decision made on the 21st day of October, 2022 by Tipperary County Council to grant permission subject to conditions to Martin Murray care of McHugh Glynn and Associates Limited of Bank Street, Templemore, County Tipperary in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for Retention for: (1) milking parlour dairy/store, (2) milk storage tanks, (3) extension to silage pit slab, (4) new site entrance and access road including closing up existing entrance and access road as previously granted permission (planning reference number 18600498) and (5) all associated site works at Crumlin Big, Moneygall, County Tipperary.

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 nature and scale of the development proposed to be retained within an established agricultural farmyard, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or scenic amenity of the area and would be acceptable in terms of public health and environmental sustainability. The development proposed to be retained 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 to the planning authority on the 27th day of September 2022, 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. Within three months of the date of this Order:
 - (a) The roadside boundary shall be set back behind the required sight triangle, the sight triangle shall be taken from a point 4.5 metres back from the road edge of the centre of the proposed edge at the centre of the proposed access to a point 120 metres in both directions at the nearside road edge.
 - (b) Where the roadside hedge is removed a new roadside boundary hedge shall be constructed, the new roadside boundary shall comprise of an earthen bank to a consolidated height of 1.2 metres that shall be planted

with shrubs suitable for hedging and common to the locality (holly , hawthorn, blackthorn, ash, elder, bramble).

- (c) The area between the new road fence and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and thereafter maintained without obstruction, trim and tidy.
- (d) The access, driveway and hard surfaced areas within the site shall be surfaced using permeable finishes.
- (e) A piped drain to an on-site soakpit of not less than 300 millimetres diameter shall be constructed across the mouth of the entrance, to preserve and maintain roadside drainage in the area.
- (f) Wing walls shall be of sod and stone, stone faced masonry or dry stone masonry.

Reason: In the interest of traffic safety and visual amenity.

- 3. Save where modified by the requirements of condition number 2, the Landscape Plan received on the 27th day of September, 2022 shall be carried out and completed within the first planting season.

Reason: In the interest of visual amenity.

- 4. All foul effluent and slurry generated by the 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, watercourse, or public road.

Reason: In the interest of public health.

5. (a) All uncontaminated roof water from roofs and clean paved areas within the farmyard shall be collected separately from farmyard materials (slurry, silage effluent, milking parlour washings and contaminated surface water) and discharged into a sealed system to soakaways and shall not discharge or be allowed to discharge to the storage tanks, a watercourse or the public road.
- (b) Within three months of the date of this order the applicant shall submit to, and agree in writing with, the planning authority, the design and locations of these soakaways.
- (c) Within three months of the date of this Order, the developer shall submit to the planning authority certification that all development to be retained complies in full with the construction specifications for such facilities as approved by the Minister for Agriculture, Food and the Marine.
- (d) Inspection manholes shall be installed on all surface water collection systems/pipelines prior to their discharge point to the soakaways in accordance with the submitted details. The discharge points to the soakaways shall be constructed in accordance with the submitted details, shall be monitored and inspected on a weekly basis with inspection records of the discharge inspection by the planning authority or other statutory body on request. Where a discharge of potentially polluting matter 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 and in the interests of environmental protection particularly to protect against the pollution of surface and ground waters.

6. Within three months of the date of this Order, the developer shall submit to the planning authority certification that all development to be retained complies in full with the construction specifications for such facilities as approved by the Minister for Agriculture, Food and the Marine.

Reason: In the interests of environmental protection particularly to protect against the pollution of surface and ground waters.

7. Within three months from the date of this Order, all oxidized and galvanised surfaces shall be painted in a dark green colour to match the existing slatted shed.

Reason: In the interest of visual amenity.



Joe Boland

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 27TH day of September 2024