

An
Bord
Pleanála

Board Order
ABP-316159-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 22/488

Appeal by Wild Ireland Defence CLG care of Peter Sweetman of Shangri La, Newtown, Bantry, County Cork against the decision made on the 8th day of March, 2023 by Cavan County Council to grant subject to conditions a permission to Noel Burns care of Shane Smith of Lisduff, Kilnaleck, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a four bay shed which will consist of slatted area with slurry holding tank underneath, cubicles and all associated site works at Drumbo, Killeshandra, County Cavan.

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 Chapter 12 of the Cavan County Development Plan 2022-2028 relating to the agri-food sector, it is considered that the proposed farm shed, subject to compliance with the conditions hereunder, would be an appropriate addition to the existing farmyard, would further good farming practice, would comply with Objectives ABS 01, ABS 02, ABS 03 and ABS 04 in relation to agricultural buildings, would not give rise to the risk of pollution, would not seriously injure the visual and residential amenities of the area and would be in accordance with the pattern of development in the area where agriculture is the predominant land use. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusions of its Inspector in respect of the identification of the European sites which could potentially be affected and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on these European sites, Lough Oughter and Associated Loughs Special Area of Conservation (site code 000007) and Lough Oughter Complex Special Protection Area (site code 004049) or any other European site, in view of the sites' conservation objectives and that an Appropriate Assessment is not, therefore, required.

This screening determination is based on the following:

- the efficacy of standard construction practices, which ensure that pollutants are not borne into the existing drainage ditch,
- the discharge, during the operational phase, of only uncontaminated rainwater to the existing drainage ditch, and
- the storage, during the operational phase, of slurry within holding tanks of sufficient size to meet the requirements set out in S.I. No. 113/2022 (as amended).

The Board further noted that this screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European site.

Environmental Impact Assessment

The Board shared the view of its Inspector and the planning authority that the proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and, in addition, having regard to the nature, size and location, would not have significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

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 received by the planning authority on the 22nd day of February 2023, 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 so that the drainage arrangements shall not entail the discharge of surface water to the drainage ditch on the eastern boundary of the site.

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

Reason: In the interest of clarity, and in order to avoid the pollution of the drainage ditch.

3. Details of the materials, colours, and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including measures to ensure that pollutants are not borne into the existing drainage ditch on the eastern boundary of the site.

Reason: In the interest of clarity, and in order to avoid the pollution of the drainage ditch.

5. All uncontaminated roof water from the proposed building shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent, and slurry storage tanks or to the public road.

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

6. All foul effluent and slurry generated by the proposed 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 or watercourse, or to the public road.

Reason: In the interest of public health.

7. The removal of organic waste material and its spreading on land by the applicant shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.



Reason: In the interest of environmental protection.

8. A minimum of 22 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 interests of environmental protection and public health.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Joe Boland

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

Dated this 18TH **day of** October **2024.**