



An
Bord
Pleanála

Board Order ABP-317068-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/50315

Appeal by Peter Sweetman and Wild Ireland Defence CLG care of Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 27th day of April, 2023 by Donegal County Council to grant permission subject to conditions Carrickmahon Agri Limited care of McCullagh Architecture and Surveying Limited of Glenfinn Road, Ballybofey, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of an agricultural slatted shed with dry bed pen and associated site development works at Altnapaste, Ballybofey, County Donegal.

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 proposed development within an established agricultural farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development 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 proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board concurred with the Inspector and considered that the proposed development would not be likely to have a significant effect on any European Site either alone or in combination with other plans or projects such as land spreading. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 use of the proposed building shall be for agricultural purposes only.

Reason: In the interest of clarity.

3. (a) The structure herein permitted shall be constructed and finished in a manner that is consistent in appearance with the adjoining agricultural structures within the existing farmyard complex.
- (b) The metal cladding of the shed hereby approved shall be dark green in colour or as otherwise agreed by the planning authority in writing.

Reason: In the interest of visual amenity.

4. The development shall be designed and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I 113 of 2022).

Reason: In the interest of public health and residential amenity.

5. The slatted sheds shall be used only in strict accordance with a management schedule to 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 2022 (S.I. No. 393/2022) (as amended), 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.
- (c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: In order to avoid pollution and residential amenity.

6. 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 a 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 and public health.

7. The removal of organic waste material and its spreading on land by the applicant or third parties 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 hedgerow of semi-mature species native to the area shall be planted along all site boundaries to the north and east within the first planting season following commencement of development.

Reason: In the interest of visual amenity.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *24th* day of *October*, 2024