



An
Bord
Pleanála

Board Order ABP-317954-23

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: P23215

Appeal by Paul Doherty of Rockfield, Turlough, Castlebar, County Mayo against the decision made on the 9th day of August, 2023 by Mayo County Council to grant subject to conditions a permission to Ellen Teresa O'Malley care of DMC Design of Ballinrobe, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of an agricultural slatted shed for housing livestock and an entrance to the farmyard from the public road along with all associated services; all at Ballyneggin, Castlebar, 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 Mayo County Development Plan 2022 -2028, specifically Policy EDP 21 which seeks to support the development and expansion of the Agri-Food Sector, and the scale and nature of the development proposed to be retained, it is considered that the development proposed to be retained, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board agreed with the screening assessment and conclusion in the Inspector's report that, on the basis of the nature and scale of the development proposed to be retained, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report, the development proposed to be retained, by itself or in combination with other development, plans and projects in the vicinity, would not be likely to have a significant effect on the River Moy Special Area of Conservation (Site Code: 002298), or any other European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment was not, therefore, required.



Conditions

1. The development shall be completed and retained in accordance with the plans and particulars lodged with the application, as amended by the particulars submitted to the planning authority on the 18th day of July, 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 within three months from the date of this order and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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 to ground in appropriately sized soakaways.
 - (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.
 - (c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.

Reason: In the interest of environmental protection and public health.

- 3 The slatted shed shall be constructed in accordance with the specifications as issued by the Department of Agriculture, Farming and the Marine and referenced in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2022, as amended. 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended, and shall provide, but not be limited to, the following:

- (a) details of the number and types of animals to be housed, and
- (b) arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: In order to avoid pollution and to protect residential amenity.

4. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed 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.

5. 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.

6. A comprehensive boundary/entrance treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include details of boundary/entrance treatments along the northern boundary of the site adjoining the public road, including heights, materials and finishes.

Upon receipt of written agreement from the planning authority, the applicant shall fully implement the approved details within six months from the date of this order unless otherwise agreed in writing with the planning authority. All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.



7. 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 within three months from the date of this order 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.



Martina Hennessy

Member of An Bord Pleanála

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

Dated this 24th day of October 2024