

An
Coimisiún
Pleanála

Commission Order
ABP-319040-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P23/304

Appeal by Mark Lynch of 47 Ros Na Ri, Shanaway Road, Ennis, County Clare against the decision made on the 23rd day of January, 2024 by Clare County Council to grant subject to conditions a permission to Christy Keane care of Gerard Malone of Cross, Cross, Kilrush, County Clare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of roofless slatted holding area extension to existing cubicle house plus all ancillary site works, all at Killiney, Kilkee, County Clare.

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 within an established agricultural farmyard, and to the Clare County Development Plan 2023-2029, specifically Objectives CDP 8.4, CDP 11.27 and CDP 11.39, and section 8 of the “Development Management Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in June, 2007 (reprinted in 2020), 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, would not be prejudicial to public health and would be acceptable in terms of traffic and environmental sustainability. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended; and
- the Climate Action Plan 2024 and Climate Action Plan 2025.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Inspector’s report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the Kilkee Reefs Special Area of Conservation (Site Code:

002264) in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

Conditions

1. The development shall be carried out, completed and retained 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 23rd day of December, 2023 and the additional information received by the planning authority on the 18th day of January, 2024, 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, within three months from the date of this order.
- (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 proposed development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended. The applicant shall provide for the relevant (location dependent) storage requirements as outlined in Schedule 3 of the aforementioned Regulations. The land spreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations.

Details showing how the applicant intends to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order.

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

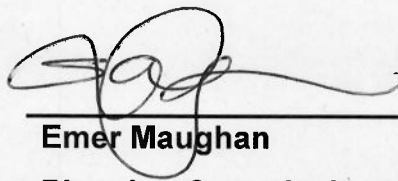


4. (a) The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (The Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.
- (b) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations.
- (c) Where a third party removes the slurry or manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.

5. The proposed native hedgerows as indicated on the drawings and particulars received by the planning authority on the 22nd day of December, 2023 shall be implemented not later than the first planting season following the date of this order. Any planting that is diseased or fails within 2 years of planting shall be replaced.

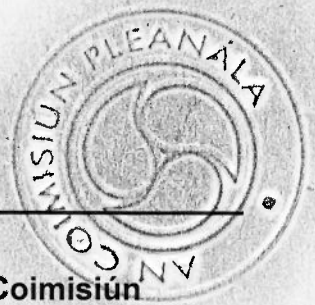
Reason: To protect the visual amenities of the area.



Emer Maughan

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 25th day of July 2025.