



An  
Bord  
Pleanála

Board Order  
ABP-319349-24

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 2460006**

**Appeal** by Wild Irish Defense CLG care of Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 29th day of February, 2024 by Donegal County Council to grant subject to conditions a permission to Aidan Murray of Dunedin, Cappry Road Lower, Ballybofey, County Donegal in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new agricultural slatted shed, associated effluent tank and all associated site works, all at The Bower, Killygordan, 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.**

## **Appropriate Assessment Screening**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended), and on the basis of objective information, the Board concluded that, in agreement with the report and recommendation of the Planning Inspector, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that an Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same.
- The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 and the requirement of the proposed development to be constructed and operated in accordance with same.
- Distance from European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **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 as 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.

## Conditions

1. The proposed 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. 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.

**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 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. 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.

  
Stephen Bohan

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

Dated this  day of  2024.