

An
Bord
Pleanála

Board Order
ABP-319491-24

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: 24/60033

Appeal by James Burke of Knockbrack, Sheeaune, Westport, County Mayo against the decision made on the 22nd day of March, 2024 by Mayo County Council to grant subject to conditions a permission to John Walsh care of Andrew Kilduff, Carroll Consultancy of Bridge Street, Swinford, County Mayo in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of new milking parlour, dairy, plant room, collecting yard, calf shed, slatted cubicle shed and underground slurry storage tanks along with all associated site works at Knockbrack, Westport, 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

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.

Having regard to:

- (a) The location of the proposed development within an established farmyard and the agricultural activities carried out thereon,
- (b) the nature and scale of the proposed development, and
- (c) the policies and provisions of the Mayo County Development Plan 2022-2028,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or property in the vicinity, would not be prejudicial to public health, or water quality in the vicinity, would not result in adverse impacts on European Sites in the vicinity and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. Access to and from the farmyard shall be from the access directly south of the farmyard to the immediate east of the applicant's dwelling onto the R309.

Reason: In the interest of traffic safety.

3. 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, and
 - (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, shall be strictly adhered to.

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

4. The structures 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.

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

5. (a) A management schedule for the operation of the slatted shed and milking parlour shall be submitted to the planning authority, prior to the housing of animals in the facility.
- (b) The management schedule shall comply with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022, or as otherwise updated.
- (d) The management schedule shall provide for:
- the number, age and types of animals to be housed,
 - arrangements for the disposal of slurry,
 - arrangements for the storage and disposal of manure, and
 - the cleansing of buildings and structures, including the public road, where relevant.

Reason: In order to prevent pollution and in the interest of amenity.

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

Reason: In the interest of visual amenity.

8. Farmyard manure, slurry, silage effluent, soiled water and chemical fertilisers shall be land-spread in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.

Reason: In the interest of public health.

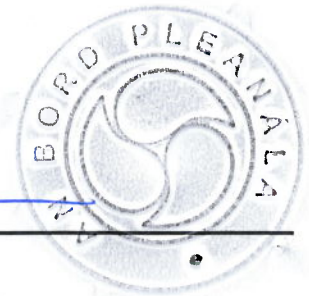
9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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. 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.



Paul Caprani

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



Dated this 17th day of June 2025