

An
Coimisiún
Pleanála

Commission Order
ABP-319553-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P24/60066

Appeal by Peter Sweetman on behalf of Wild Ireland Defense CLG of P.O. Box 13611, Bantry, County Cork against the decision made on the 12th day of April, 2024 by Clare County Council to grant permission, subject to conditions, to James Malone care of Michael Duffy of 1 Clós na hEaglaise, Kilfenora, County Clare for the proposed development.

Proposed Development: Construction of a slatted shed with underground slurry storage tank at Gurrane, Ennistymon, 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 proposed development within an established agricultural farmyard, and the Clare County Development Plan 2023-2029, specifically Objective CDP 8.4 which seeks to facilitate proposals for sustainable and economically efficient agricultural and horticultural development whilst maintaining and protecting the environment, Objective CDP 11.27 (Water Resources), Objective CDP 11.39 (Agricultural Waste), and Section A1.8 of the Development Management Guidelines (Agricultural Developments), it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the objectives of the development plan, would not seriously injure the visual or scenic amenity of the area and would be acceptable in terms of public health, traffic and environmental sustainability. 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. Details of the finishes of the agricultural shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development and visual amenity.

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, as amended shall be strictly adhered to.

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

4. The proposed development shall be designed, sited, 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. Prior to the commencement of the development, details showing how the applicant intends to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority.

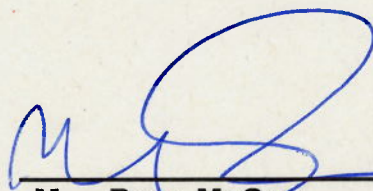
Reason: In order to avoid pollution and to protect residential amenity.

5. (a) A management schedule for the operation of the slatted shed 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 Practices for the Protection of Waters) Regulations 2022, or as otherwise updated.
- (c) The management schedule shall provide for:
- (i) the number, age and types of animals to be housed,
 - (ii) arrangements for the disposal of slurry,
 - (iii) arrangements for the storage and disposal of manure, and
 - (iv) 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. (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 interests of amenity, public health and to prevent pollution of waters.



MaryRose McGovern

Planning Commissioner of An Coimisiún

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

Dated this 24th day of July 2025.

