

An
Bord
Pleanála

Board Order ABP-319765-24

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: 24/60075

Appeal by Peter Sweetman and Wild Irish Defence CLG of PO Box 13611, Bantry, County Cork against the decision made on the 2nd day of May, 2024 by Sligo County Council to grant subject to conditions a permission to Des Morrison care of William Heverin of 5 Hollow Grove, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a slatted cattle shed with holding tank under built onto adjoining agricultural building and to carry out ancillary site works, all at Ballymoneen, Enniscrone, County Sligo.

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

It is considered that, by reason of its nature and scale within an established farmyard, where the nature of activities carried out are commensurate with standard agricultural activities for this rural setting and the provisions of the Sligo County Development Plan 2024 to 2030 and, subject to compliance with the conditions set out below, the proposed development would not have a significant impact on water quality or on European Sites in the vicinity, would not be prejudicial to public health, and 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, as amended by the further plans and particulars received by the planning authority on the 25th day of March, 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 prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed agricultural building shall be provided with gutters and down-pipes, and these shall be maintained in a satisfactory condition. Clean surface water run-off from roof areas of the proposed development shall not be discharged onto soiled yard areas. Only rainwater from the roof shall be discharged to the surface water soak-pit system as indicated in the proposals submitted to the planning authority. All surface water gullies shall be designed, maintained, and managed to ensure that no polluting matter enters the surface water collection/drainage system or groundwater.

Reason: In the interest of environmental protection.

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) All surface and 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 in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) 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.

4. 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.

5. 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.
- (b) Arrangements for the cleansing of the buildings and structures (and the public road where relevant).


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

6. 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.

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 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.



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

Dated this 4th day of FEBRUARY 2025.