

An  
Coimisiún  
Pleanála

**Commission Order**  
**ABP-320769-24**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P24/193**

**Appeal** by Wild Ireland Defense CLG care of Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 9<sup>th</sup> day of August, 2024 by Clare County Council to grant subject to conditions a permission to Anthony Carolan of Muckinish, Spancilhill, County Clare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development of a livestock slatted unit with associated ancillary site works at Muckinish, Spancilhill, 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 the Clare County Development Plan 2023-2029, specifically Objectives CDP8.4, CDP 11.26, CDP 11.27, 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 proposed development 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 safety and environmental sustainability. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Commission 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 Commission 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) in view of the site’s conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

## Conditions

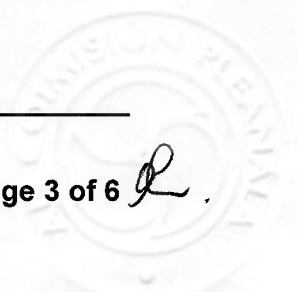
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer 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,

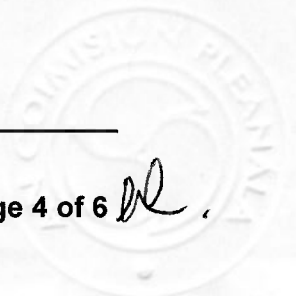


- (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted 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, 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 landspreading 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.





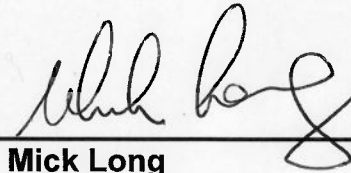
5. (a) A management schedule for the operation of the slatted shed shall be submitted to the planning authority, prior to the housing of animals in the facility.
- (b) The management schedule shall comply with the requirements of the European Union (Good Agricultural Practices for the Protection of Waters) 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 interest of amenity, public health and to prevent pollution of waters.



**Mick Long**

**Planning Commissioner of An Coimisiún**

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

**Dated this**

**27<sup>th</sup> day of August**

**2025**

