

An
Coimisiún
Pleanála

Commission Order
ABP-320941-24

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 24202

Appeal by Peter Sweetman on behalf of Wild Ireland Defence CLG of PO Box 13611, Bantry, County Cork against the decision made on the 11th day of September, 2024 by Galway County Council to grant, subject to conditions, a permission to Larkin Dairy Enterprise care of Hubert Gordon of Moate, Kilmore, Ballinasloe, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of (a) 180 cubicle eight bay treble agricultural shed with a three bay lean-to shed, (b) seven bay slatted tank, (c) four bay double agricultural shed with slatted tank and 2 bay lean-to shed, (d) a concrete silage slab, (e) concrete hardstand areas, (f) an access road to rear of sheds; all at Derry, Eyrecourt, Ballinasloe, County Galway.

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 location of the development within an established farmyard and the agricultural activities carried out thereon, the nature and scale of the proposed development, and the provisions of the Galway County Development Plan 2022-2028, and specifically DM Standard 13 (Agricultural Buildings), DM Standard 14 (Agricultural Effluent) and DM Standard 46 (Compliance with Landscape Sensitivity Designations) of that plan, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not have a significant effect on water quality, or on European Sites in the vicinity, and would 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 designated European Sites, taking into account the nature, scale and location of the proposed development, the documentation submitted with the application to Galway County Council, 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 any European Site in view of the conservation objectives of such sites.

Conditions

1. The development shall be retained 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 within one month from the date of this order and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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, within one month from the date of this Order.

- (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.

3. The structures to be retained shall be in accordance with the specifications as issued by the Department of Agriculture, Food 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.

4. (a) A management schedule for the operation of the structures hereby permitted retention permission shall be submitted to the planning authority within one month from the date of this Order.
- (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:
- 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.

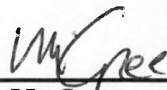
Reason: In order to prevent pollution and in the interest of amenity.

5. 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.

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.


Liam McGree

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 17th day of October 2025

