



An
Bord
Pleanála

Board Order ABP-321379-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 24/4050

Appeal by Peter Sweetman and Wild Irish Defence CLG of PO Box 13611, Bantry, County Cork against the decision made on the 8th day of November, 2024 by Cork County Council to grant subject to conditions a permission to James and Bríd Finn care of Liam Slattery of 3 Cois na Gleann, Ballincrossig, Glanmire, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a milking parlour with effluent tank, feeding passage with slatted tank, dairy with feed bin and ancillary works, all at Ballybrowney Upper, Rathcormac, County Cork, as revised by the further public notices received by the planning authority on the 17th day of September, 2024 which included the submission of a Natura Impact Statement.

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 proposed development within an established farmyard complex and the modest scale of the proposed development, 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 and would be acceptable in terms of public health and environmental sustainability. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that a Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,

- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of adverse effects.

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 26th day of August, 2024 and the 17th day of September, 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 mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of permission require further details to be prepared, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and biodiversity and in the interest of public health.

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

Reason: In the interest of visual amenity.

4. All construction activities on site shall be carried out/managed in such a manner that no polluting material or contaminated surface water enters groundwater, any watercourse, or public roadway.

Reason: In the interest of ensuring the protection of water quality in the receiving environment.

5. 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.

(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 interest of public health.

6. All soiled waters 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. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

Reason: In the interest of public health.

7. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

8. The proposed development shall be designed, sited and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I 113 of 2022).

Reason: In the interest of public health and residential amenity.

9. (a) All waste generated during construction, including surplus excavation material to be taken off site, shall be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts 1996 to 2008. This shall not apply to the re-use of excavated uncontaminated soil and other naturally occurring material within the site boundary.
- (b) The effluent storage tanks shall be constructed in accordance with the minimum specification documents issued by the Department of Agriculture, Food and the Marine S123 Minimum Specification for Bovine Livestock units and Reinforced Tanks.
- (c) The livestock sheds shall be constructed in accordance with the minimum specification document issued by the Department of Agriculture, Food and the Marine, S101 Minimum Specification for Agricultural Buildings.
- (d) All new buildings shall be cognisant of the separation distances as outlined in the European Union Good Agricultural Practice for the Protection of Waters Regulations 2021.

Reason: In the interest of public health.

10. 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.



Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 26th day of March 2025.