

An  
Bord  
Pleanála

**Board Order**  
**ABP-321672-25**

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 24/60057**

**Appeal** by Wild Ireland Defence CLG care of Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 11<sup>th</sup> day of December, 2024 by Cavan County Council to grant subject to conditions a permission to Anthony Leddy care of Michael Fitzpatrick Architects of Main Street, Butlersbridge, County Cavan in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing agricultural building and construction of one number slatted livestock house with underground manure storage and cubicles together with all ancillary structures and all associated site works all at Kilnacranagh, Milltown, Belturbet, County Cavan as revised by further public notices received by the planning authority on the 14<sup>th</sup> day of August, 2024.

## **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**

The proposed development of a slatted shed is supported by the provisions of the Cavan County Development Plan 2022–2028, in particular Section 12.8, which supports the provision of well-located structures and facilities necessary for good and environmentally sound agricultural practice. It is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the visual or residential amenity of the area, would not be likely to have a significant effect on European sites, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1:**

The Board considered the Natura Impact Statement submitted with the application, and all the other relevant submissions on file, and carried out an appropriate assessment in relation to the potential effects of the proposed development on the Lough Oughter and Associated Loughs Special Area of Conservation (Site code: 000007) and Lough Oughter Complex Special Protection Area (Site code: 004049). The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Oughter and Associated Loughs Special Area of Conservation (Site code: 000007) and Lough Oughter Complex Special Protection Area (Site code: 004049) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that 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 Lough Oughter and Associated Loughs Special Area of Conservation (Site code: 000007) and Lough Oughter Complex Special Protection Area (Site code: 004049) in view of the sites' 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 sites' 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 Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) 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 Sites.

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

## Conditions

1. The 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 18<sup>th</sup> day of July, 2024 and the clarification of further information received on the 19<sup>th</sup> day of November 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 development shall be completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

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

**Reason:** In the interest of visual amenity.

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4. 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.
  - (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.

5. All soiled waters and slurry generated by the proposed development 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.

6. 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.

7. (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 reuse of excavated uncontaminated soil and other naturally occurring material within the site boundary.
- (b) The effluent storage tanks must 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 shed must 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 must be cognisant of the separation distances as outlined in the European Union Good Agricultural Practice for the Protection of Waters Regulations 2022.

**Reason:** In the interest of public health.

8. (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.

9. 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.

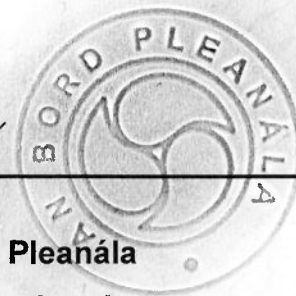
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Emer Maughan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**



Dated this 19<sup>th</sup> day of May 2025