



An  
Bord  
Pleanála

## Board Order ABP-321689-25

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 24/6081**

**Appeal** by Des O'Regan and Hugh Hegarty care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin against the decision made on the 12<sup>th</sup> day of December, 2024 by Cork County Council to grant subject to conditions a permission to Karol O'Sullivan care of Liam Slattery and Associates Limited of Mitchelstown, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of agricultural shed containing a milking parlour with slatted tank and cubicles, farm office and permission to decommission existing septic tank, install a septic tank with percolation area, permission to construct straw storage shed, roof over existing holding yard, effluent tank and ancillary works, all at Walshestown, Ovens, County Cork.

### Decision

**GRANT permission for the above 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 site within a rural area of County Cork and designated as a High Value Landscape in the Cork County Development Plan 2022-2028, the location and siting of the development proposed to be retained and proposed development within an existing farmyard complex, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development would not seriously affect the visual and landscape amenities of the area or impact on the protected scenic route number 37 or number 38, as per the development plan, or negatively impact the water quality in the area. The development proposed to be retained and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Screening:**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the sites' Conservation Objectives. The Board concluded that a Stage 2 Appropriate Assessment is not required.

## Conditions

1. The development shall be retained, 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 retained, carried out and completed in accordance with the agreed particulars.

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

2. The farm office shall be used for farm office purposes and ancillary to the operation of the farm only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

**Reason:** In the interest of orderly development and the amenities of the area.

3. 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 and public health.

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.

**Reason:** In the interest of environmental protection and public health.

5. 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.

6. In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body either at construction or operational phase, the planning authority and Inland Fisheries Ireland shall be notified as soon as is practicable. A copy of the clean-up plan shall be submitted to the planning authority.

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

7. All soiled waters and slurry generated by the 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.

8. (a) The septic tank system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (c) Within three months of the installation, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.



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**Mary Henchy**

**Member of An Bord Pleanála**

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

Dated this 16<sup>th</sup> day of April 2025.