



An  
Bord  
Pleanála

## Inspector's Report ABP-300177-17

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<b>Development</b>	Permission for retention of storage sheds. Significant Further Information relates to retention of existing sheds and yard as builders store and retention of boundary fence.
<b>Location</b>	Carricklane, Carrickmacross, Co. Monaghan.
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	17/33
<b>Applicant(s)</b>	Geraldine Callan.
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Elizabeth & Gerard McHugh.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	5 <sup>th</sup> February 2018.
<b>Inspector</b>	Karen Kenny

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## 1.0 Site Location and Description

- 1.1. The site is located in the rural townland of Carrickalane c. 6.6 kilometres north east of Carrickmacross. The area is rural in character and there is a number of one off dwellings in the immediate vicinity. The site is accessed from a local secondary road.
- 1.2. The site has a stated area of 0.55 hectares. It comprises a dwelling to the front close to the roadside boundary and a yard area to the rear that is accessed from a short driveway that runs to the side (south) of the dwelling. The yard and structures are used for agricultural uses and for the storage of builders materials and equipment.
  - 1.2.1. The southern boundary of the yard is defined by a high timber fence. The western boundary comprises a post and wire fence and lands to the rear of the fence slope upward. There is a substantial hedgerow along the northern boundary.

## 2.0 Proposed Development

- 2.1.1. Permission was initially sought for retention of storage sheds. Revised details received by the Planning Authority at further information stage sought permission for the retention of existing sheds and yard area as a builders store and to retain a boundary fence.
  - The yard is approximately 0.28 hectares in area and incorporates 3 no. sheds.
  - The builder's storage shed to be retained has a stated floor area of 273 square metres. The shed has a ridge height of c. 6 metres and external finishes include concrete walls and corrugated grey sheeting.
  - Permission is sought to retain part of an open fronted agricultural shed for the purpose of storing builders materials. The shed has a stated floor area of 310 square metres. Permission is sought to retain a 205 square metre section on the southern end that falls outside of the exempted development provisions of the Planning and Development Regulations. The shed comprises dry storage

areas on the southern and western ends and a slatted shed for the housing of animals on the northern end.

- Permission is sought to retain a 3.2-meter-high timber panel fence along the southern boundary.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to conditions. The following conditions are of note.

Condition no. 2: Temporary permission for a period of two years.

Condition no. 3: No business operations to be undertaken on Sundays or public holidays.

Condition no. 4: Shaded area of western shed not to be used for agricultural purposes and to be used for storage purposes that are incidental to the documents submitted to the Planning Authority. Revised plans for the permanent internal division to the interior of the shed to be submitted within one month of the permission and works to be carried out within three months of agreement.

Condition no. 5: Approved development shall be used for the storage of materials, plant and machinery associated with the use of the sheds and yard area (s) for purposes incidental to the documentation submitted.

Condition no. 6: Revised plans for flood-lighting to be submitted within a period of one month and works carried out within three months of agreement.

Condition no. 7: Vision splays of 80 metres to be provided within a period of one month from grant of permission.

Condition no. 8: Landscaping plans to be submitted within one month of grant of permission and works to be implemented in the first planting season following the grant of permission.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Following the submission of significant further information, the Planning Officer's Report includes the following assessment:

- Scale and nature of development not considered excessive for rural area.
- Visual impact and noise impacts are similar to agricultural development.
- Traffic levels not considered excessive as there would be no employees based on site.
- Concerns regarding floodlighting can be addressed by condition.
- Not seeking to retain sheds for agricultural purposes and as such, no agricultural details required.
- The proposal represents a rural based enterprise within a farmyard and is considered acceptable by reference to Policy AFP3 of the Development Plan. The proposal is also considered to meet the criteria under Policy AFP2 of the Development Plan in terms of not resulting in loss of amenity to the rural area.
- Considered necessary to restrict permission to a period of two years, as at the end of this period matters of compliance and use can be reassessed by the Planning Authority.

#### 3.2.2. Other Technical Reports

Environment: Unable to assess the risk to waters and the sustainability of the activity as there are no details of lands owned or stocking rates and effluent storage. Refusal Recommended.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

- 3.4.1. A total of 2 no. third party submissions were received and considered by the Planning Authority. The issues raised are similar to the issues raised in the grounds of appeal set out below.

## 4.0 Planning History

- 4.1.1. The following planning history pertains to the appeal site.

**Reg. Ref. 13/3377:** Application for retention of dry store (272 square metres), slatted shed (271 square metres) and storage shed (76 square metres). Application withdrawn.

**Reg. Ref. 04/737:** Application to retain alterations to dwelling and for extension to side of dwelling. Permission granted.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Monaghan County Development Plan 2013-2019 is the relevant statutory plan. The appeal site is located in a rural area outside of a designated settlement and is not zoned. There are no local objectives, road proposals or other designations affecting the site.

Relevant Policies:

- **AFP2:** Give favourable consideration to agricultural, horticultural and forestry development where the development:
  - (i) Is necessary for the running of the enterprise.
  - (ii) Is appropriate in terms of scale, location, design and nature.
  - (iii) Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.
  - (iv) Is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.

- (v) Is sited so to as to benefit from any screening provided by topography or existing landscaping.
  - (vi) Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property.
  - (vii) Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance, etc.
  - (viii) Will not result in a traffic hazard.
  - (ix) Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.
- **AFP3:** Facilitate the process of farm diversification and intensification by giving favourable consideration to appropriate new and existing, rural based farm enterprises.
  - **CDP 2:** Proposals for commercial developments such as offices, retail, and services will not normally be permitted in the countryside outside settlements, except where it has been demonstrated to the satisfaction of the planning authority that it is necessary that the development be located in the countryside. Development proposals shall meet all the following criteria:-
    - It would not generate traffic of a type or amount inappropriate for rural roads, or require improvements which would damage the character of rural roads in the area.
    - It provides adequate access, car parking and manoeuvring areas.
    - It respects the scale and nature of activity in the locality.
    - It will not harm the character or appearance of the countryside.
    - It makes use of existing buildings or proposes buildings of good design which blend into the landscape through its design, siting, landscaping and use of materials.
  - **CDP 3:** New buildings for commercial developments in the countryside should comply with the requirements of Policies RDP 3-6 (Siting), RDP 12-13 (Materials), LSP 1-5 (Landscaping), RAP 1–3 (Access), ETP 1–5 (Wastewater Treatment) and with access, servicing and parking requirements as set out in

Chapter 15, Development Management Guidelines, Monaghan County Development Plan 2013-2019.

- **CDP 4:** Permission shall normally be granted for the expansion of existing commercial uses where the development complies with the criteria laid out in policies CDP 2 and CDP 3 in Chapter 15 of the Monaghan County Development Plan 2013-2019.

## 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal has been received from the residents of the neighbouring dwelling to the south of the site. The issues raised, that are relevant to the appeal, can be summarised as follows:

- Development contravenes Policy AFP2 (vi) of the Monaghan County Development Plan as the development is within 100 metres of the appellants property.
- Environmental Issues. Environmental officer recommended refusal on the basis that there was insufficient information on file (re. lands owned or stocking rates and effluent storage) to assess risk to waters and the sustainability of the activity.
- Impact of storage shed constructed on shared boundary. Visual impact of structure. Noise impacts associated with use of this structure due to proximity to appellants dwelling, lack of noise attenuation and hours of operation.
- Inadequate development description and details on file. Use as builder's yard not justified based on information submitted.
- Inadequate provision for surface water drainage within the site.



- Sightlines from existing access onto the public road. Maintenance of hedgerow on third party lands to the south of the entrance (appellants lands) required to facilitate 80 metre sightline.
- Impact of floodlighting and no requirement to remove same. Submitted details include photo's showing light emitting from the yard.

## 6.2. Applicant Response

A response has been received from O'Callaghan Planning on behalf of the applicant. The response items, that are relevant to the appeal, can be summarised as follows:

- Materials stored on site relate to a family business and activities on site are not of a type or nature that attract large numbers of visitors to the premises.
- The subject use meets Policy CDP4 of the Development Plan, as an expansion of an established commercial use and Policy AFP3 in relation to farm diversification. The applicants husband historically operated a family construction company from the site prior to 1963 (1950's). The company grew and was incorporated in 1976. The applicant's son continues this use. The cessation of the use for a period of time after 1989 did not result in the forfeiture of established use status and any subsequent inactivity until the applicant's son recommenced activities does not constitute abandonment.
- The use is run in conjunction with a small-scale family farm; the location is suitable as tractors and farm machinery are used both between the farm and for the construction company run by the applicant's son; the family home is adjacent and provides surveillance of the premises and serves as a home office; the overlap between the farm and construction related work is seasonal and allows for diversification in use.
- The buildings are of an appropriate design, scale and appearance, are not visible from the public domain and there are no adverse impacts on the character or appearance of the countryside. The set-back from the road and low-lying position within the landscape leaves the development indistinguishable from a typical farm yard.

- The agricultural shed to the rear of the site was constructed in 2007. The appellants had no objection to the shed at time of construction hence it was considered to fall within the exempted development provisions of the Regulations. It is now proposed to change the use of the shed to storage, as opposed to agriculture, in response to the appellants concerns. No environmental effects arise from dry storage.
- In relation to ability to provide hardstanding and drainage, Class 13 of the Planning and Development Regulations 2001 (as amended) allows for the repair or improvement of any private street.
- Vehicular access is established, and as such there is no requirement to provide sightlines. The layout plan submitted as further information demonstrates sight splays of 80m x 3 m in a southern direction from the entrance point via the existing verge to front of adjoining property. In relation to the potential for obstruction of the sightlines across third party lands, the Board has previously accepted that powers exist under the Roads Act for any land-owner who obstructs road safety (i.e. letting a hedge grow to obstruct road safety) to be served with a notice under the Roads Act 1993 requiring the trimming of hedge(s).
- In relation to floodlighting, as with any rural farm yard a degree of floodlighting is required to facilitate feeding / operation in evenings. The floodlighting also provides light to any loading / offloading of materials / equipment associated with the builder's storage sheds and yard.
- In relation to noise impacts, the PA's request for a noise impact assessment was considered onerous, as there is no manufacturing or processing taking place on site, and noise is confined to vehicles entering and manoeuvring within the yard, animals housed in sheds, storage of builder's materials, equipment and plant. If noise levels are a concern this can be addressed by condition.
- It is requested that the condition in relation the duration of the permission is not imposed. The structures and yard are permanent in nature.
- The response sets out details of previous consents for commercial activities in rural areas in County Monaghan that are considered to establish a precedent

in this instance. The response also includes a number of letters from neighbouring residents, indicating that they have not experienced impacts as a result of activities in the yard.

### 6.3. **Planning Authority Response**

None.

### 6.4. **Observations**

None.

## 7.0 **Assessment**

I consider the key issues in determining this appeal are as follows:

- Principle of Development.
- Scale of Development and Suitability of the Site
- Visual Amenity and Rural Character.
- Residential Amenity.
- Roads and traffic.
- Appropriate Assessment.

### 7.1. **Principle of Development.**

7.1.1. Permission is sought to retain the use of existing buildings and yard area for the storage of building materials, plant and equipment. The yard is also used as a farmyard and is located directly to the rear of the applicants dwelling. The submitted details state that the use of the site for the storage of building materials has been established since the 1950's, initially by the applicant's husband. The submitted details state that the current operator of the yard is C.J. Callan Construction Limited, a company owned by the applicant's son. The facility is used for the storage of materials, plant and vehicles associated with the construction company.

7.1.2. The Monaghan County Development Plan 2013-2019 is the relevant statutory plan. The appeal site is located in a rural area outside of a designated settlement. In my

opinion Section 15.13 and Policies CDP2 and CDP4 of the Development Plan, are relevant to the assessment of the current appeal. Section 15.13 states that in general commercial development should be located within towns and villages but also accepts that there may be a requirement to facilitate a limited range and extent of commercial businesses in the countryside to serve the specific needs of rural dwellers. Policy CDP2 states that proposals for commercial developments such as offices, retail, and services will not normally be permitted in the countryside outside settlements, except where it has been demonstrated to the satisfaction of the planning authority that it is necessary that the development be located in the countryside and subject to safeguards in relation to traffic, impact on rural character and the siting and design of structures. Policy CDP4 states that permission shall normally be granted for the expansion of existing commercial uses where the development complies with the criteria laid out in policies CDP 2 and CDP 3 of the Development Plan. These policies do not in themselves suggest a positive presumption towards a grant of permission, as this must be tempered by the fact that the policy clearly requires the resultant development to be of a nature and scale that is appropriate to the area.

- 7.1.3. In relation to CDP4, while the use of the site as a builder's storage yard does not have the benefit of planning consent, it is clear that the use has been undertaken on the site for a substantial period of time. Policy CDP2 relates to commercial development and while office, retail and services uses are specifically referenced I consider the policy to relate to commercial development generally. A key consideration under this policy is whether the development has a locational connection to the rural area and whether the nature and extent of the development and associated impacts are appropriate to the rural location. While the storage of builder's materials is not a rural based activity, the storage facility on the appeal site is small in scale and has a direct relationship to the dwelling on site. On this basis, I consider that the development falls within the terms of Policy CDP2 and Policy CDP4 of the Development Plan and that the storage of building materials on the appeal site is acceptable in principle.

## 7.2. Scale of Development and Suitability of the Site

- 7.2.1. The yard area has a hardcore surface and contains an agricultural dry store (218 sq.m) along the northern boundary, a builders store (273 sq.m) along the southern boundary and a shed along the western site boundary (310 sq.m) that is described as part agricultural and part builders store. Permission is sought to retain the builders storage sheds (478 sq.m in total) and yard area for the purpose of storing building materials.
- 7.2.2. While I consider the storage of builders materials on the appeal site to be acceptable in principle as discussed in Section 7.1 above, I have concerns in relation to the extent of the storage. The structure along the southern site boundary (273 sq.m) is in my opinion suitable for the storage of building materials due to its design and proximity to the vehicular entrance. The submitted details indicate that the shed along the western site boundary was constructed in 2007 for agricultural purposes and extended in 2011. The shed falls outside of the exempted development classes for agriculture developments<sup>1</sup> and does not have the benefit of planning permission. In response to concerns raised by the appellants, it is proposed to change the use of the sections that fall within 100 metres of the appellants dwelling to storage, as opposed to agriculture. I consider this to be unnecessary. The shed is in my opinion an agricultural shed that is storing building materials. The structure is designed to modern agricultural standards and on the basis of a visual inspection, is in a good state of repair. It is of modest scale and in keeping with the character of agricultural development in the area. In terms of environmental impacts, slurry is stored in an underground storage tank (3.6 m x 17.8 m x 2.4 m depth) and any landspreading of materials from the tank is required to comply with lawful obligations under the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014 (as amended). On this basis, and to restrict the extent of non-agricultural activities to a level that is appropriate to the rural context, I consider that this structure should be retained in agricultural use and that the storage of building materials should be restricted to the structure along the southern site boundary and to adjacent yard areas.

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<sup>1</sup> Planning and Development Regulations 2001 (as amended), Schedule 2, Part 3 - Rural.

7.2.3. I would note that Policy AFP2 of the Monaghan County Development Plan 2013-2019 is to “Give favourable consideration to agricultural, horticultural and forestry development where the development:..... (vi) Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property.....”. The agricultural structure on the subject site is within 100 metres of the appellants dwelling and on this basis the retention of this structure for agricultural use could be considered to materially contravene this policy of the Development Plan. In this regard, I would draw the Boards attention to the provisions of Section 37 2 (a) of the Planning and Development Act 2000 (as amended) which states that “the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates”.

### **7.3. Visual Amenity and Rural Character.**

7.3.1. I note the concerns raised in the grounds of appeal with regard to the impact of the development on visual amenity and on the character of the area. The area is characterised by agricultural uses and one-off housing. I consider that the visual impact of the proposed development is not significantly different to that of a farmyard and that it would not bring about a material adverse impact on the visual amenities of the area. While the yard is largely screened to north, east and west by hedge planting and the sloping landscape, the yard and associated structures are visible on approach from the south and from the appellants property to the south. Permission is sought to retain a wooden panel fence of 3.2 metres along this boundary, where a previous boundary hedgerow has been removed. I consider the fence to be at odds with the rural character of the area given its height and scale and recommend that a replacement boundary hedge is provided at this location. This issue can be addressed by condition.

### **7.4. Residential Amenity.**

7.4.1. The grounds of appeal argue that noise and light emanating from the development is having a seriously negative impact on their residential amenity. The failure to submit a noise impact assessment in response to item no. 3 of the request for further

information is also raised. The applicant's response states that the request of the Planning Authority to carry out a noise impact assessment was considered onerous as there is no manufacturing or processing taking place on site and that noise is confined to vehicles entering and manoeuvring within the yard, animals housed in sheds and activities relating to the storage of builder's materials, equipment and plant. I would concur with the applicant in this regard. I consider that the nature of activities being undertaken within the site are similar to those of a working farmyard and that potential noise impacts can be adequately mitigated by the application of appropriate conditions in relation to hours of operation.

- 7.4.2. In relation to light pollution I note the issues raised by the appellants, the presence of c. 10 external lights on site and the photographic evidence submitted with the appeal detailing the levels of light emanating from the site. I consider that the extent of lighting is excessive given the rural setting and that it has the potential to impact negatively on the amenities of properties in the vicinity. In the event that the Board is minded to grant permission, I recommend that in light fittings NR2, NR3, NR4, NR7, NR9 and NR10, as detailed on the site plan submitted to the Planning Authority at further information stage, are omitted by condition.

## **7.5. Roads and Traffic.**

- 7.5.1. The grounds of appeal express concern with regard to the traffic impacts associated with the development. Details on the file indicate that the storage use relates to equipment and plant that is used on building sites operated by the applicant's son only. I inspected the site in the mid-morning period and there were no persons on the site. The public road was lightly trafficked at time of inspection, with only one vehicle observed over a 40-minute period. Having regard to the scale of the development I am satisfied that the local road network is adequate to cater for the traffic volumes that would be generated by the proposed development.
- 7.5.2. Revised details submitted to the Planning Authority at further information state proposed works to the north and south of the existing entrance to provide visibility splays of 80 metres on either side of the entrance. The grounds of appeal argue that the sightlines to the south traverse a verge that is within the appellants control and that the applicant does not have sufficient control over this area to maintain the sightlines. I consider the sightlines to be more than adequate to comply with the

minimum standards set out in the Development Plan, subject to the completion of the works proposed in the applicants holding.

## 7.6. **Other**

- 7.6.1. The grounds of appeal argue that the drainage details shown on the submitted site plan are proposed and not existing. While the drainage provisions were not in place at time of site inspection I consider that the details represent a suitable drainage solution. In the event that the Board is minded to grant permission I recommend that a condition is attached requiring the applicant to complete the proposed drainage works within 6 months of the grant of permission, in accordance with final details to be agreed with the Planning Authority.
- 7.6.2. In relation to the applicants request to omit the condition restricting the life of the permission, I would note that home based economic activity of this nature is often permitted on a short-term or temporary basis initially to enable the ongoing assessment of any impact of the activity on residential amenity. I consider that a temporary permission for a period of 10 years would be appropriate in this instance, particularly as the user of the yard is not resident on site. I also consider it appropriate that any grant of permission is subject to a condition that requires the yard to be retained as part of the overall property and not sold or leased separately.
- 7.6.3. The appellants have raised concerns in relation to the level of detail contained on the file to justify the use and in relation to drainage details and hard surfacing. I consider that the level of detail provided in relation to the nature and extent of activities on site is adequate to allow for an assessment of the application and appeal.

## 7.7. **Appropriate Assessment.**

- 7.7.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location within an established yard area and the separation from European Sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.



## 8.0 Recommendation

8.1.1. I recommend that permission is granted, subject to the conditions set out below.

## 9.0 Reasons and Considerations

9.1.1. Having regard to the policies of the Monaghan County Development Plan 2013-2019 and the character and appearance of existing and permitted development in the area it is considered that the proposed development, subject to compliance with the conditions set out below, would constitute an appropriate development at this location which would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 20<sup>th</sup> day of September 2017, 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. The proposed development shall be amended as follows:
  - (a) The timber sheeting along the southern site boundary shall be removed and replaced with a hedge of native plant species within the first planting season following final grant of permission. The new hedge planting shall be adequately protected from damage until established and any plants which die, are removed or become seriously damaged or diseased, within a period of five years, shall be replaced within the next planting season with

others of similar size and species, unless otherwise agreed in writing with the planning authority.

(b) External floodlights NR2, NR3, NR4, NR7, NR9 and NR10, as detailed on the site layout plan submitted to the Planning Authority on the 20<sup>th</sup> day of September 2017, shall be removed from the site.

(c) External floodlights NR1, NR5, NR6 and NR8 are hereby retained and no further lighting shall be erected on site unless otherwise authorised by a prior grant of planning permission.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. The use of the premises as a builders storage yard shall be for a period of 10 years from the date of this permission, unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

**Reason:** To enable the effect of the development on the amenities of the area to be reviewed having regard to the circumstances then prevailing.

4. The storage of building materials and equipment shall be restricted to the storage shed on the southern site boundary (273 sq. metres) and to the adjacent open yard areas. All other structures and yard areas within the site shall be used for agricultural purposes or for purposes that are incidental to the enjoyment of the dwelling house only, unless otherwise authorised by a prior grant of planning permission.

**Reason:** Having regard to the nature of the development, the Board considers it appropriate to restrict the scale of the commercial use.

5. The yard area shall not be sold, let or otherwise transferred or conveyed, save as part of the overall site.

**Reason:** The layout and services are not suitable for separate sale or lease.

6. (a) The agricultural shed along the western site boundary shall be used for agricultural purposes relating to the housing of animals and storage of agricultural equipment, machinery and materials only and shall not be further subdivided or altered.  
(b) Slurry generated by the slatted shed shall be disposed of by spreading on land, or by other means that are acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

7. Works associated with the use of the site as a builders storage yard shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. 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. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

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.

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Karen Kenny  
Senior Planning Inspector  
26<sup>th</sup> February 2018