



An
Bord
Pleanála

Inspector's Report

ABP-309161-21

Development	Construction of an extension to an existing agricultural shed.
Location	Ballycroy, St Johns Point, Dunkineely, Co Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2051581
Applicants	Colm & Anne Shovlin
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Patricia Moloney
Observer(s)	An Taisce
Date of Site Inspection	21 st April 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The appeal site which has an area of 0.1503Ha is comprised of an existing farmyard in the rural townland of Ballycroy on the narrow headland of St. John's Point in southwest Donegal. The site is located on the northern side of the headland approximately 5km south west of the junction with the N56 National Secondary Road. The site overlooks the northern side of the headland and sea beyond, with views of the inlet to Killybegs Harbour in the distance.
- 1.2. A number of existing sheds, including an existing cowshed and hay barn, a dry store and a slatted shed are located on the south western area of the site, which is accessed via a surfaced drive and entrance off the local road to the north. The site is located on a slope which gradually rises from the road to a level area where the existing sheds are located. The land falls sharply away from the southern boundary of the site to the agricultural fields beyond. The proposed shed is to be located to the rear of the existing slatted and dry cow shed.
- 1.3. The applicants dwelling house and B&B is located to the northeast of the site and connected to the site by a farm access road. The surrounding area is characterised by small farmsteads, mainly consisting of sheep livestock and also other rural dwellings and holiday homes. An existing dwelling, which was the original house associated with the farm, is located to the north west of the proposed site, with the rear garden of the dwelling situated approximately 10 metres from the boundary of the site at its closest point.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of an extension of 131sq.m to an existing agricultural shed (267sq.m), which will incorporate a slatted tank below and all ancillary site works.
 - Construction of a proposed boundary wall 2m in height along the western and southern boundary, to surround the machinery yard and southern part of the site.

- Excavation to form space for the slatted tank will permit 0.5m of fill to form the base of the proposed holding pen.
- The proposed shed is to have a ridge height of 5m to match that of the adjoining shed to the north.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Donegal County Council issued a notification of decision to grant permission for the proposal in December 2020 subject to 4 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- The principle of development of extending the existing farm complex is acceptable subject to compliance with standard planning criteria.
- Notwithstanding the site's location within an ESHA this is an existing farmyard of some years standing.
- The 3rd party submissions are noted and the dwelling in proximity to the farmyard on the adjoining site to the south west would now appear to be used as a holiday home.
- Previous development of a proposed shed (P.A. Ref. 15/50460) to the west/rear of the existing slatted shed was refused due to its proximity (10m) to the dwelling house on the adjoining site to the south west. The current proposed extension to the existing shed is to have an increased separation distance of 25m to the neighbouring dwelling.
- The proposed shed will be largely hidden by the existing structures on site and can be accommodated into the receiving rural landscape.

- Sightlines at the entrance to the site are adequate. Works are required to prevent surface water runoff onto the public road, a condition should be attached to address same.
- No public health issues arise.
- St. John's Point SAC is located 85m to the north west of the site however given the fall of the land on site, the development does not create a hydrological link to the Natura site.

3.2.2. Other Technical Reports

- Roads and Transportation Donegal County Council – email response dated 29th November 2020 - no objection subject to drainage being installed at the entrance to the site to prevent surface water from flowing onto the public road.

3.3. Prescribed Bodies

- Irish Water – no response.
- DoAHG – no response.
- An Taisce – response received dated 11th November 2020 - note previous refusal Ref. 15/50460 in 2016 on grounds of proximity to adjoining property. St. John's Point is an exposed coastal location inappropriate for industrial dairy expansion. The site also inappropriate given its proximity to other houses and property.

3.4. Third Party Observations

3.4.1. 3 no. third-party observations were submitted in opposition to the proposed development, from those associated with the adjoining property to the south west. The issues raised in the submissions can be collectively summarised as follows:

- The substantive reasons for the decision to refuse the previous development has not changed.
- The development conflicts with policy EDP14 of the development plan.
- Impact on property value.

- Toxic farm emissions and respiratory impacts.
- Loss of light and overshadowing.
- Risk to health from flies and rodents.
- Potential for increased smells.
- Loss of tranquillity – overbearing and Intrusive impact on the house and garden.
- Potential for increased noise and disturbance due to livestock raising activity.
- Interrupted obscured view.

4.0 Planning History

The following applications are relevant to the appeal site:

- Donegal County Council (DCC) Ref:1550460 – Permission refused in June 2015 for the construction of an extension to an existing agricultural shed and all ancillary site works. The reason for refusal was as follows:
 1. *The subject site is located in a ‘stronger rural area’ as defined in the County Development Plan 2012-2018 (as varied) and lies in close proximity to a third party residential property. Notwithstanding the established agricultural use on site, the Planning Authority considers that the proposal to extend the existing slatted unit would have a significant adverse impact on the amenities of the aforementioned third party residential property due to (a) the unduly close proximity of the proposed slatted unit to the site boundary, (b) the significant difference between the proposed Finished Floor Level of the slatted unit and the level of the rear garden of the adjoining third party property, which would result in the proposed slatted unit being significantly above the level of the adjoining property, with resultant concerns in relation to the overbearing nature of the development and associated drainage issues, (c) concerns that ‘fill’ material required for the development might discharge onto adjoining third party property and (d) the absence of any proposals for appropriate site boundary treatments. To permit the proposal would, notwithstanding resolution of the fill and boundary treatment concerns, therefore result in an*

inappropriate form of development at this location, would be seriously injurious to the amenities of the adjoining residential property and would thereby be contrary to the proper planning and sustainable development of the area.

- DCC Ref: 0621229 – Permission granted in December 2006 for the erection of a multipurpose slatted cattle unit with all associate site works.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Donegal Development Plan 2018 – 2024. The subject site is not governed by any land use zoning designation.

5.1.2. The following policies listed in the development plan are of relevance:

- **Policy ED-P-8** states it is a policy of the Council to consider proposals for economic development uses in the countryside including An Gaeltacht which comply with the following provisions, subject to compliance with ED-P-14 and the protection of areas designated as being of especially high scenic amenity (EHSA)”.
 - Farm diversification schemes – provisions set out in Policy ED-P-9.
 - Expansion of redevelopment of existing development use – provision set out in Policy ED-P-10. Major industrial development – provision set out in Policy ED-P-11.
 - Businesses in rural areas that could benefit the local economy/tourism offering home base working – provisions set out in Policy ED-P-13.

All other proposals for economic development in the countryside will only be permitted in exceptional circumstances where the proposal comprise a development of regional or national significance and no suitable site exists within the settlement in the locality which can accommodate the proposal.

- **Policy ED-P-10** it is the policy of the Council to consider proposals for expansion or redevelopment of existing economic development in the countryside provided

that the scale and nature of the resultant development will contribute positively to the long term sustainability of the existing enterprise subject to compliance with all provisions of Policy ED-P-14. A proposal which would not meet these criteria will only be permitted in exceptional circumstances where it can be demonstrated that:

- The proposal would provide for consolidation and/or remediation of existing facilities.
 - Where relocation of the enterprise would not be possible.
 - The proposal would make a significant contribution to the local economy.
 - The development would maintain the existing rural character of the area.
 - Where infrastructural improvements are required that a developer led solution can be identified and delivered.
- **Policy ED-P-14** states it is the policy of the Council that any proposals for economic development use in addition to other policy provisions in this plan would be required to meet the following criteria.
 - (a) It is compatible with the surrounding land uses existing and improved.
 - (b) Would not be detrimental to the character of any area designated as being of especially high scenic amenity.
 - (c) Does not harm the amenities of nearby residents.
 - (d) There is an existing or programmed capacity in the water infrastructure (supply and/or effluent disposal) or suitable developer led improvements can be identified and delivered.
 - (e) The existing road network can safely handle any extra vehicular traffic generated by the proposed development or suitable developer led improvements are identified and delivered to overcome any road problems.
 - (f) Adequate access arrangements, parking, manoeuvring, and service areas are provided in line with the development and technical standards set out in this plan or as otherwise agreed in writing with the Planning Authority.
 - (g) Does not create a noise nuisance.
 - (h) Is capable of dealing satisfactorily with any emissions.

(i) Does not adversely affect important features of the built environment or natural heritage including Natura 2000 sites.

(j) Is not located in an area of flood risk and/or will cause or exacerbate flooding.

(k) The site layout building design associated with infrastructure and landscaping arrangements are of high quality and assist in the promotion of sustainability and biodiversity.

(l) Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view.

(m) In the case of proposals in the countryside, there are satisfactory measures to assist the integration into the landscape.

(n) It does not compromise water quality or conflict with the programme of measures contained within the current north-western basin management plan.

- **Policy NH-P-6** states that it is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered.
- **Policy NH-P-13** states that it is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

5.1.3. The site is located within an area designated as especially high scenic amenity. The following views are designated under Map 7.1.1 Scenic Amenity of the Development Plan. 4 no. views looking out to sea to the south and north of the headland are located approximately 1 kilometre south-west of the subject site.

5.2. Natural Heritage Designations

5.2.1. The subject site's northern boundary is located within 41 metres of the St. John's Point SAC (Site Code: 000191).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal has been lodged by Patricia Moloney of Tivoli Road, Dun Laoghaire, Co. Dublin, the grounds of which can be summarised as follows:

- The adjoining property to the west of the proposed site should not be referred to as a holiday home. It is the appellant's mother's original home place and is used by the appellant as a work location regularly and throughout the year. Her mother accompanies her during these times also.

Planning Precedent

- Precedent exists in relation to previous applications on the site namely P.A. Ref. 15/50460 which related to the construction of an extension to the existing agricultural shed and all ancillary site works. The substantive reasons for refusal have not changed i.e. proximity to 3rd part property, significant difference in finished floor level of slatted unit and the adjoining rear garden of 3rd part property, concerns regarding fill material and discharge to adjoining property and absence of any proposals for appropriate site boundary treatments.
- The existing development on site is already injurious to the amenities of the 3rd party dwelling as the site was elevated by the applicants to build the existing slatted shed.
- The current proposal is not sufficiently distanced from the 3rd party's dwelling and the proposal will now amplify ongoing existing issues with noise, smell, rodents, loss of outlook and overlooking.

Planning Policy

- All the criteria as listed under policy EDP-14 have not been met, namely
(c) It does not harm the amenities of nearby residents; - impacts in relation to overlooking, loss of outlook, loss of privacy and overshadowing. The significant differential in ground levels magnifies the negative visual and overbearing impact. Impact on light to ground floor living spaces. Odours from

the existing farm which will be exacerbated leading to possible respiratory health effects. The applicant's B&B does not appear to be as severely affected due to the added separation distance.

(h) It is capable of dealing satisfactorily with any emission(s) – as the ground level of the proposed development is higher than the ground levels of the existing slatted shed, filling this area could lead to contaminated surface run-off. And also given the coastal location of the site run-off as a result of strong winds and coastal storms may exacerbate the issue.

(j) It is not located in an area at flood risk and/or will not cause or exacerbate flooding – As the development does not meet all the criteria under ED-P-13 in the appellant's opinion it is not in accordance with the proper planning and sustainable development of the area.

Health and Safety

- Concerns in relation to increased risk to health from increased rodent populations, flies and pathogenic/infectious bioaerosols.
- A second slurry production facility in such close proximity to the appellant's dwelling raises health and safety concerns.
- Concerns in relation to relatives that stay at the appellant's property who are immunocompromised.

Impact on Property Value

- The area planner is incorrect in stating that agriculture is the predominant land use on St. John's point. As an Area of Exceptionally High Scenic Amenity the predominant pattern of development is in fact residential/holiday homes and there are very few working farms in the area. The development therefore does not fit in with the established pattern of development on the peninsula.

Alternative Location Available

- Given the very large landholding there was sufficient scope for the applicants to choose a more suitable site for example on the side close to the applicant's B&B.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

6.3.1. A response from Donegal County Council was received by the Board on the 10th February 2021. The response can be summarised as follows

- It is considered that the location of the proposed extension to the existing agricultural shed is in the most appropriate location having regard to the continuing agricultural enterprise, residential and scenic amenities and construction methodology.
- The separation distance in excess of 25m from the third-party dwelling, in conjunction with the topography of the area and layout and structure of the farmyard is considered to be adequate.
- The applicant is one of a few permanent residents in the area and is continuing to farm as their main source of income. The Planning Authority welcomes the intention of the applicant to improve the agricultural holding and considers the proposed development in accordance with the policies of the development plan.

6.4. Observations

6.4.1. An observation was submitted from An Taisce dated 11th February 2021. The following points were raised:

- The direct, indirect and cumulative impacts of the proposal require full assessment.
- Proximity of St. John's Point SAC to the northwest of the landholding, therefore AA Screening is required. Any hydrological links to the SAC need to be assessed. Potential impacts from slurry runoff, which constitutes an indirect impact of the proposal.
- Compliance with the EU Water Framework and Nitrates Directive must be assessed.

7.0 Assessment

7.1. Having examined the file and the planning history, considered national and local policies and guidance and inspected the site, I consider the main issues which need to be examined in relation to the development for which retention is sought are as follows:

- Impact on Residential Amenity
- Visual Impact
- Appropriate Assessment

7.2. Impact on Residential Amenity

7.2.1. Having inspected the site, I acknowledge the appellant's concerns in relation to the impact of the proposed development on her adjacent property in terms of proximity and associated impacts from farm related activities. I note that a previous application for a similar extension to the agricultural shed on site was refused by the planning authority under P.A. Ref:1550460. The reasons for refusal in that case related to the proximity of that proposed shed to the boundary of the third party residential property to the west which was located only 1.5 metres from the side elevation of the previously proposed shed, and also the overbearing impacts that would result from the difference in finished floor levels between the shed and the rear garden of the neighbouring site. In addition, there were concerns in relation to the amount of infill required and associated drainage issues which may impact the adjoining site. The appellant argues that the substantive reasons for the decision to refuse the previous development has not changed.

7.2.2. The applicants have sought to address the previous reasons for refusal under the current application by relocating the proposed shed south eastwards to the rear of the existing slatted and dry cow shed and increasing the distance between the proposed new shed and the boundary of the neighbouring site to the west to 10.15metres. I note the separation distance from the proposed shed to the existing neighbouring dwelling (appellant's dwelling) has also increased and is now at its closest point a distance of 26.47m (previously proposed 10m). In addition, the applicants propose to construct a 2m high boundary wall along the west and south of the site, to screen the existing machinery yard and the proposed open cattle holding

pen. There is currently no boundary treatment in this area and therefore I consider this proposed 2 metre high boundary wall will improve the amenities of the adjoining property to the west by providing a certain degree of screening from the existing machinery yard and proposed open cattle pen.

- 7.2.3. While the appellant acknowledges that there are 'normal' impacts from agricultural developments and that this is part of rural life, she has serious concerns about the scale and size of the development which not only doubles the size of the building complex but as she states will exponentially impact on the residential amenities of her dwelling. While I acknowledge the appellant's concerns, having considered Policies ED-P-8, ED-P-10 and ED-P-14 of the Donegal Development Plan 2018-2024, it is my opinion that the provision of an agricultural shed is an appropriate and compatible use in a rural area where the prevailing land use relates to agriculture, and in particular in the current case as the shed will be an extension to an existing and established farm complex. Any noise associated with agricultural activity including the housing of animals in the subject shed is in my view entirely appropriate on the subject site given its rural location.
- 7.2.4. Contrary to the appellant's concerns regarding run off from the proposed development, I note that the finished floor level of the proposed shed at FFL 0.100 is in fact lower than that of the existing slatted shed at FFL 0.200 and that the land to the rear (south) of the site then falls away steeply down to the agricultural fields below, therefore I have no concerns in relation to possible run off impacting on the appellant's site.
- 7.2.5. I note that an animal holding pin is proposed to the south of the proposed shed. I have no concerns in relation to the location of this pin and consider its position to the rear of the proposed shed at a sufficient distance from any nearby residential properties and in addition I note the proposed 2m high boundary wall which I consider an appropriate site boundary treatment.
- 7.2.6. I acknowledge the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.3. Visual Impact

- 7.3.1. It is acknowledged that the subject site is located in an area of “Especially High Scenic Amenity” as identified in the development plan. Nevertheless, the proposed shed is located to the rear of an established farm complex and what is proposed in this instance can be regarded as a typical agricultural shed erected to house livestock and the size, scale and design of the structure would be reflective of many similar type agricultural structures which are located throughout the landscape. The proposed height of the shed at 5 metres, mirrors the height of the existing shed to the north and in my opinion is not excessive and will not cause any overbearing or overshadowing impacts on the appellant’s residential dwelling. In this regard it cannot be reasonably argued that the structure in question, notwithstanding the especially high scenic amenity designation, can be considered as being an incongruous or discordant feature on the landscape and therefore would not be contrary to Policy ED-P-14 of the development plan.
- 7.3.2. The grounds of appeal also make reference to the designated view to the south of the appeal site. The exact nature of the view to be preserved is not described in the contents of the development plan. However, the scenic amenity map (Map 7.1.1) contained in the development plan suggests that the designated view appears to be in the general direction of the north and south of the headland, with the general location of the viewpoints located approximately 1km to the southwest of the subject site. The proposed shed which is to be located to the rear of the existing farm complex will in my view have no material bearing or adverse impact on the designated views outlined in the development plan. In conclusion, therefore it is considered that the proposed shed in question will not have an adverse material impact on the visual amenities of the area.

7.4. Appropriate Assessment

- 7.4.1. The subject site’s northern boundary is located within 41 metres of the St. John’s Point SAC (Site Code: 000191). The site is separated from the SAC by the public road and a narrow agricultural field. While the planning application was not accompanied by an appropriate assessment screening report it was nevertheless the subject of a robust appropriate assessment screening exercise carried out by Donegal County Council. The screening report details the St. John’s Point SAC

including the qualifying interests associated with same. The St. John's Point SAC encompasses an excellent variety of coastal habitats including reefs, large shallow inlets and bays, vegetated sea cliffs of the Atlantic and Baltic coasts, semi-natural dry grasslands and scrubland facies on calcareous substrates, *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils, Alkaline fens, Limestone pavements, Submerged or partially submerged sea caves and is also noted for the Marsh Fritillary butterfly.

- 7.4.2. The assessment of likely significant effects notes that there will be no loss in any habitat areas and given the separation distance between the proposed shed and the boundary of the SAC in question at 85m and having regard to the existing agricultural operations on site that no additional significant disturbance effects are envisaged. The assessment also notes that the development would have no significant impact on water resources or water quality. In addition, it is noted that the proposed development is located on an eastward facing gradient whilst the closest point of the SAC is to the west. The assessment also notes the fact that the development would not result in any direct loss or fragmentation of habitat from the SAC.
- 7.4.3. I note the location of the proposed slatted shed to the rear of the existing slatted/dry cow shed and that no hydrological connections exist between this location and the SAC to the north. In addition, I note that the topography in the area slopes to the south and southwest, with a significant drop in levels located to the immediate south of the proposed shed's location. Therefore, I do not believe that any surface run off from the site will impact in any significant manner on the SAC.
- 7.4.4. From an examination of the Conservations Objectives document '*NPWS (2015) Conservation Objectives: St. John's Point SAC 000191. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht*' I note that the closest qualifying interests are 'Reefs' (Intertidal reef community complex) along the coastline to the north and south of the headland and 'Large shallow inlets and bays' to the southern coastline of the headland. I note that no hydrological connections from the site to these areas are present and that given the topography of the site any drainage in relation with the proposed new agricultural shed will be directed southwards to the adjoining agricultural field, which is located at a significant distance of 450m from the northern coastline of the SAC and therefore no likely

significant effects would be expected on any of the site's qualifying interests as a result.

- 7.4.5. I note that the development would include facilities for storing foul effluent, in a proposed tank beneath the shed. The management of effluent arising from agricultural activities and the undertaking of land spreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2017 and the applicant will be required to construct the structure in accordance with the relevant Department of Agriculture, Food and the Marine (DAFM) specifications. Subject to compliance with these Regulations, DAFM specifications, and if the Board are minded to grant permission the imposition of suitable conditions in this regard, I am satisfied that the proposed development would not give rise to a risk of water pollution and therefore would have no likely significant effect on the SAC or represent a threat to public health.
- 7.4.6. Therefore, I consider it reasonable to conclude on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the St. John's Point SAC or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and the submission of an NIS) is therefore not required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the established agricultural use of the site, the nature, scale and extent of the proposed development, the nature of the receiving environment, the pattern of development in the vicinity and the relevant provisions of the Donegal County Development Plan 2018-2024, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would constitute an acceptable use at this location. The

development proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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

Reason: In the interest of clarity.

2. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended, and shall provide at least for the following:
 - (1) Details of the number of animals to be housed.
 - (2) The arrangements for the collection, storage and disposal of slurry.
 - (3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: In order to avoid pollution and to protect residential amenity.

3. 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, and
 - (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of environmental protection and public health.

4. All uncontaminated roof water from the building and clean yard water shall be separately collected and discharged in a sealed system to existing drains or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

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. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviated 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 amenities of property in the vicinity.

8. 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. The contribution shall be paid within one month of this Order 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Máire Daly
Planning Inspector

07th May 2021