



An  
Bord  
Pleanála

## Inspector's Report ABP-309321-21.

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<b>Development</b>	Retain constructed slatted cattle shed, site entrance and associated site works.
<b>Location</b>	Meelick, Whitegate, Co. Clare.
<b>Planning Authority</b>	Clare County Council.
<b>Planning Authority Reg. Ref.</b>	20/812.
<b>Applicant(s)</b>	Tony O'Brien.
<b>Type of Application</b>	Retention permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party v Grant of permission
<b>Appellant(s)</b>	Karina Brown
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	05/06/2021.
<b>Inspector</b>	A. Considine.

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## 1.0 Site Location and Description

- 1.1. The subject site is located in the rural area of Meelick, in north-east Clare. The site is located to the north of Lough Derg and within a sparsely populated area, comprising primarily of agricultural land. The subject site is currently occupied by the slatted shed the subject of this appeal. There is an existing two-storey farmhouse with outbuildings located to the north of the site.
- 1.2. The site has a stated area of 0.23 hectares and the existing slatted shed has a stated floor area of 169m<sup>2</sup>. The Board will note that the applicants' landholding in the vicinity of the site extends to 3.34ha with 2.69ha available for spreading.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices retain constructed slatted cattle shed, site entrance and associated site works, all at Meelick, Whitegate, Co. Clare.
- 2.2. The application included plans, particulars and completed planning application form. In addition, the applicant submitted an Appropriate Assessment Screening Report.
- 2.3. The submitted planning application form advises that the slatted tanks for retention have a volume of 153m<sup>3</sup>, and it is submitted that the purpose of the application to provide better management of the applicants existing stock. I note that there is no requirement for silage effluent collection as hay and silage bales only are used on the site and there is no dairy stock. The proposed development does not provide for any soiled yards.
- 2.4. The shed for retention is required for the housing of 8 suckler cows, 4 replacement heifers and 8 calves. The applicant advises that a contractor will be use to dispose of effluent from the development, and waste will be spread on lands from March to September.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 7 conditions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submissions, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report. The report also notes the enforcement history of the site.

The Planning Report notes that the principle of the development is acceptable but has raised concerns in terms of the management of surface water at the site. The third-party submission indicates that the development has given rise to both clean and soiled surface water run-off entering her garden and the Planning Officer makes recommendations in the event of a grant of planning permission in this regard. AA Screening of the development has determined that no likely direct or indirect effects on European sites are anticipated and that all activities associated with the retention of the slatted shed and land spreading will be carried out in compliance with the Nitrates Directive. The AA Screening Report and Nutrient Management Plan submitted with the application satisfactorily demonstrate and concludes that there will be no likely significant effects on European Sites as a result of the development.

The Report concludes that proposed development is acceptable, and the Planning Officer recommends that permission be granted for the retention of the slatted cattle shed, subject to 7 conditions. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

### 3.2.2. Other Technical Reports

**Environment Section:** The report notes the location of the shed outside the footprint of any European Site and therefore the absence of any potential for direct habitat or species loss. The distance to sites is also noted and given the habitat and foraging requirements for the QIs of the SPAs, there is no potential for either direct or indirect impacts on the Special Conservation Interests of the Lough Derg or the Slieve Aughty Mountains SPAs.

The report concludes, based on the findings of the AA Screening Report and the Fertiliser Plan submitted with the application, there is no risk of significant effects on the SCIs of the Lough Derg SPA.

### 3.2.3. Prescribed Bodies

None.

### 3.2.4. Third Party Submissions

There is 1 no. third party objection/submission noted on the planning authority file.

The issues raised are summarised as follows:

- The applicant has continued to use the shed following the decision of ABP to refuse permission ABP-306106-21 refers.
- The applicant has resurfaced and raised the roadway to the shed.
- The current application is substantially the same as previously applied for.
- It is submitted that the applicant is abusing the planning system and such action erodes public confidence, support and the wellbeing of the objector.
- The development is substandard and is not in accordance with development plan policy and guidance.
  - The drawing submitted describes the shed with the agitation point inside the building, contrary to Section 4.2 of the relevant guidance.
  - Safety notices at the agitation point do not appear to have been erected and the applicant submits that it is a contractor who removes the slurry, not himself.
  - The development, including the shed and roadway, does not incorporate adequate measures for the discharge of surface water.
  - There is a downpipe from the shed roof discharging directly to the ground surface and the objector continues to experience surface water and soiled water flowing through the boundary hedgerow into her property.
  - There is no drainage system for the roadway to the shed and the public road was flooded from the site earlier in the year. The Boards inspector

noted a large amount of water pooled at the site entrance on the day of her site inspection.

- The risk to water quality of the Lough Derg SPA has not been appropriately assessed.

## 4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

**ABP ref: 306106-19 (PA ref: 19/743):** Permission refused following an appeal to ABP for the retention of constructed slatted cattle shed, site entrance and associated site works to the current applicant. The Board refused permission for the following stated reason:

The proposed retention of the existing slatted shed was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. On the basis of the information provided with the application for retention and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No. 004058, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

**UD18-78:** Warning letter issued regarding the construction of an agricultural shed.

**Section 5 18/52:** CCC declared that the construction of an agricultural shed was development and was not exempted development.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The Clare County Development Plan 2017 – 2023, is the relevant policy document relating to the subject site. The site is located in the open countryside, in a rural area

where there is no specific zoning afforded to the site. The site is located within the Landscape Character Area – Lough Derg Basin.

5.1.2. The following sections of the CDP relate to agriculture:

- **CDP8.32:** Deals with Agricultural Waste. It is an objective of the Development Plan:  
'To ensure that the disposal of agricultural waste is carried out in a safe, efficient and sustainable manner having regard to the environment and health and safety of individuals, and in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2009 (as amended), S.I. No.101 of 2009, the Litter Pollution Act 1997 and the European Communities (Water Policy) Regulations 2014 (SI No. 350 of 2014).
- **A1.11 - Agricultural Developments:**  
The rural countryside is a natural resource with agricultural activity being particularly important. In considering proposals for agricultural development (walls, fences, yards, stables, sheds, slurry pits etc.) the Planning Authority will have regard to the Department of Agriculture document Guidelines and Recommendations on the Control of Pollution from Farmyard Wastes together with the following:
  - Siting and design that is keeping with the surrounding area
  - The use of muted coloured materials
  - Grouping of buildings will be encouraged
  - Adequate effluent storage facilities
  - The Planning Authority will require adequate provision for the collection, storage and disposal of effluent produced from agricultural developments.

The European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014 set out the requirements for storage of farm effluents and the minimum holding periods for storage of farm wastes. In Clare the holding period required for the purposes of calculating waste storage facilities is 18 weeks. It is permitted to spread soiled water all year

round, thus the minimum holding period is 10 days. For silage the short-term storage period is 3 days. All agricultural developments must be designed and constructed in accordance with the Minimum Specifications as set out by the Department of Agriculture, Food and the Marine.

## **5.2. Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Lough Derg (Shannon) SPA (Site Code: 004058) which is located approximately 0.6km to the south west of the site. The Slieve Aughty Mountains SPA (Site Code 004168) is located approximately 2km to the north west of the site.

The Lough Derg pNHA lies within the same distance as the Lough Derg (Shannon) SPA.

## **5.3. EIA Screening**

Having regard to nature and scale of the development, there is no real likelihood of significant effects on the environment arising from the proposed development in terms of EIA. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised during the PAs assessment of the proposed development and are summarised as follows:

- Notes the planning history of the site.
- The farmer raised, widened and resurfaced the access road to the shed after the last application was refused on appeal. This has exacerbated a drainage problem caused by the development and referred to in the last appeal.



- It is submitted that the proposed development endangers the health or safety of persons occupying or employed in the structure as the shed has been built with the agitation point to the slurry tank located within the shed, contrary to the 2017 guidance published by the Dept. of Agriculture Food and Marine. There does not appear to be any safety notices at the unit.
- The development causes surface water to flood the appellants property and therefore seriously injures the amenity and depreciates the value of property.
- The application the subject of this appeal should have included the retention of the roadway, as the roadway relates to an unauthorised development.
- Condition 2 of the PAs decision to grant only partially addresses the ongoing surface water problem.
- It is considered unlikely that the development would have taken place if there had been an application for permission. It appears that the decision to grant has only happened because the development has been treated by the Council as a fait accompli, too awkward and costly to rectify and without sufficient regard to the appellants' interest.

There are enclosures with the appeal, and it is asked that the Board refuse permission for the retention of the agricultural shed.

## 6.2. **Planning Authority Response**

The Planning Authority submitted a response to the first party appeal requesting that the Board uphold their decision and advising no further observations.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and

permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Third Party Issues
3. Other Issues
4. Appropriate Assessment

### **7.1. Principle of the Development:**

7.1.1. The subject site is located within the open countryside and the appeal before the Board seeks to retain a slatted cattle shed, site entrance and associated site works at this rural location.

7.1.2. The Clare County Development Plan 2017 – 2023, is the relevant policy document relating to the subject site and I note Section A1.11 of the CDP which relates to agriculture and states:

- The rural countryside is a natural resource with agricultural activity being particularly important. In considering proposals for agricultural development (walls, fences, yards, stables, sheds, slurry pits etc.) the Planning Authority will have regard to the Department of Agriculture document Guidelines and Recommendations on the Control of Pollution from Farmyard Wastes together with the following:
  - Siting and design that is keeping with the surrounding area
  - The use of muted coloured materials
  - Grouping of buildings will be encouraged
  - Adequate effluent storage facilities
  - The Planning Authority will require adequate provision for the collection, storage and disposal of effluent produced from agricultural developments.

7.1.3. In principle, I am satisfied that the development is acceptable.

- 7.1.4. The European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014 set out the requirements for storage of farm effluents and the minimum holding periods for storage of farm wastes. In Clare, the holding period required for the purposes of calculating waste storage facilities is 18 weeks. It is permitted to spread soiled water all year round, thus the minimum holding period is 10 days. For silage the short-term storage period is 3 days. All agricultural developments must be designed and constructed in accordance with the Minimum Specifications as set out by the Department of Agriculture, Food and the Marine.
- 7.1.5. In the context of the proposed development, the Board will note that shed has a floor area of 169m<sup>2</sup> and the slurry tank has a capacity of 153m<sup>3</sup>. No soiled yards are provided, and the shed is indicated as housing 8 suckler cows, 4 replacement heifers and 8 calves. Effluent will be disposed of using a contract tanker with spreading occurring between March to September. The lands for spreading are identified. The principle of the agricultural development at this location is considered acceptable.

## **7.2. Third Party Issues**

- 7.2.1. The third party has raised a number of concerns in relation to the proposed development and in particular, the issue of drainage. It is noted that since the construction of the shed, together with the raising, widening and resurfacing of the access road to the shed, the drainage problem has been exacerbated since the previous appeal to the Board. While it was dry on the day of my site inspection, I would acknowledge the third-party submission in this regard. I would agree that any development which gives rise to surface water flooding adjacent property or the public road, is unacceptable and would impact on the amenity of affected property and would impact on road users.
- 7.2.2. In this regard, the Board will note the PAs Condition 2 included in their decision to grant permission, which requires that:

Within 3 months of the date of the grant of planning permission, the applicant shall construct a new soakpit to the east of the slatted shed and all clean surface water from the front canopy of the shed and access driveway and excess water from the rainwater harvesting system shall be directed to same.

The applicant shall submit written confirmation, accompanied by photographs, to demonstrate that said works have been satisfactorily undertaken.

**Reason:** In the interests of traffic safety and residential amenity.

In this regard, the third party submits that this condition only partially addresses the ongoing surface water problem.

7.2.3. In relation to the above, I consider it reasonable to include such a condition in any grant of planning permission. Having regard to the spot levels indicated on the submitted plans, I am unclear as to whether the identified levels relate to actual site levels or the current levels, following the construction of the road and shed. In this case, I would recommend that a further condition be included such that clear engineering proposals to prevent surface water discharging to the adjacent property are provided in addition to the soakpit as required in Condition 2.

7.2.4. I note the concerns of the third party in relation to the potential health and safety of persons occupying or employed in the structure and raises concerns that the shed has not been constructed in accordance with the Minimum Specification for Bovine Livestock Units and Reinforced Tanks (2017) published by the Dept. of Agriculture Food and the Marine. I would note that Section 4.2 of the cited guidelines deals with tanks within buildings, and I note that the agitation point is proposed at a central location of the tank to the front of the shed. The compliance of the building in this regard is a matter for a separate code.

### 7.3. **Other Issues**

#### 7.3.1. **Roads Issues**

The Board will note the location of the site in a rural area which is sparsely populated. I am satisfied that the development, if permitted, does not give rise to roads and traffic concerns. I note the submission of the third party who considers that the description of the development should have included retention of the access roadway, as the roadway relates to an unauthorised development. I would note that the description of the development includes the retention of the entrance and associated site work. I am satisfied that the description of the development is adequate.

### 7.3.2. **Visual Impact**

While the shed is visible in the surrounding landscape in places, I am satisfied that the impact is not significant.

### 7.3.3. **Planning Authority Decision**

The Board will note that the third party raises questions as to why the decision of the PA was arrived at. Having considered the PAs planning report, together with the planning history of the site, I am satisfied that the PAs decision was arrived at following a logical and reasonable assessment of the development, which had full regard to the impacts of the development on adjacent properties.

### 7.3.4. **Development Contribution**

The Clare County Council Development Contribution Scheme sets out the nature of developments which will attract a contribution levy under the S48 scheme.

Agricultural Buildings are identified in the 'Other Non-Residential Development' section of the scheme where it is stated that 'Roofed Structures – hay barns, slatted sheds, other storage units not housing livestock (applicable only to developments of structures which are greater than 800m<sup>2</sup>) will be liable at a rate of €5 per m<sup>2</sup>. As the floor area of the shed the subject of this appeal falls below the 800m<sup>2</sup> floor area, it would suggest that no development contribution is payable.

However, given that the development is for retention, I note 'Note 1', Page 12 of the Development Contribution Scheme states

Exemptions and reductions shall not apply to permissions for retention of development under any category of development in this Development Contribution Scheme.

As such, the subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

## 7.4. **Appropriate Assessment**

7.4.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of

designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.

- 7.4.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The site is not located within any designated site and the development the subject of this appeal is not directly connected with or necessary to the management of a European site. The Board will note that an Appropriate Assessment Screening Report was submitted as part of documentation for permission for the proposed development following a previous decision by the Board. Screening for AA was carried out by the Planning Authority.
- 7.4.3. The closest Natura 2000 site is the Lough Derg (Shannon) SPA (Site Code: 004058) which is located approximately 0.6km to the south-west of the site. The Slieve Aughty Mountains SPA (Site Code 004168) is located approximately 2km to the north-west of the site. Lough Derg crosses a number of county boundaries including Tipperary to the east, Galway to the north and Clare to the west and is identified as being the largest of the River Shannon Lakes, at approximately 40 km in length. The greater part of the lake lies on Carboniferous limestone but the narrow southern section is underlain by Silurian strata. Most of the lower part of the lake is enclosed by hills on both sides, the Slieve Aughty Mountains to the west and the Arra Mountains to the east. The northern end is bordered by relatively flat, agricultural country. The lake shows the high hardness levels and alkaline pH to be expected from its mainly limestone catchment basin, and it has most recently been classified as a mesotrophic system.
- 7.4.4. Lough Derg is designated as a Special Protection Area (SPA) under the EU Birds Directive, which is particularly concerned with wetlands and associated waterbirds, and is of special conservation interest for a number of species including:
- Cormorant (*Phalacrocorax carbo*) [A017]
  - Tufted Duck (*Aythya fuligula*) [A061]
  - Goldeneye (*Bucephala clangula*) [A067]
  - Common Tern (*Sterna hirundo*) [A193]

- Wetland and Waterbirds [A999]

7.4.5. As such, Lough Derg is identified as being important for both breeding and wintering birds, with the lake supporting a range of species during the winter period. Hen Harrier are also known to roost in the reedbeds on the margins of the lake during the winter and the SPA is of high ornithological importance as it supports nationally important populations of bird species, including the Whooper Swan and other Annex I species. As such, the development must be assessed in light of the conservation objectives of the European Site.

7.4.6. The Conservation Objectives for the Lough Derg (Shannon) SPA (Site Code: 004058) are as follows:

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

To acknowledge the importance of Ireland's wetlands to wintering waterbirds, "Wetland and Waterbirds" may be included as a Special Conservation Interest for some SPAs that have been designated for wintering waterbirds and that contain a wetland site of significant importance to one or more of the species of Special Conservation Interest. Thus, a second objective is included as follows:

- To maintain or restore the favourable conservation condition of the wetland habitat at Lough Derg (Shannon) SPA as a resource for the regularly occurring migratory waterbirds that utilise it.

7.4.7. The submitted AA Screening Report also identifies the proximity of the Slieve Aughty Mountains SPA (Site Code 004168) being located approximately 2km to the north-west of the site. This SPA is so designated for the following species:

- Hen Harrier (*Circus cyaneus*) [A082]
- Merlin (*Falco columbarius*) [A098]

7.4.8. The site consists of a variety of upland habitats, though approximately half is afforested and the principal tree species present are Sitka Spruce (*Picea sitchensis*) and Lodgepole Pine (*Pinus contorta*). Almost one-third of the site is unplanted blanket bog and heath, with both wet and dry heath present. Well developed blanket bog occurs at several locations, notably Sonnagh, Loughatorick South and Glendree. The Slieve Aughty Mountains are a stronghold for the Hen Harrier and support the

second largest concentration in the country with 27 pairs (12% of the all-Ireland population) recorded in 2005. The mix of forestry and open areas provides optimum habitat conditions for this rare bird, which is listed on Annex I of the E.U. Birds Directive and who will forage up to c5km from the nest site.

7.4.9. The Slieve Aughty Mountains SPA is of ornithological significance, as it provides excellent nesting and foraging habitat for nationally important breeding populations of Hen Harrier and Merlin, two species that are listed on Annex I of the E.U. Birds Directive. Some woodlands within the Slieve Aughty Mountains SPA are designated as Statutory Nature Reserves.

7.4.10. The Conservation Objectives for the Slieve Aughty Mountains SPA (Site Code 004168) is as follows:

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

7.4.11. Section 2.3 of the submitted AA Screening Report identifies the potential impacts associated with the proposed development, noting that there will be no direct loss of habitat as a result of the development. It is further considered that the site is at a sufficient remove from the SPA that there is no risk of disturbance to habitats or species associated with the SPA. The standard farming operations will not result in any greater disturbance to the bird species who may forage in the areas of grassland or other habitats outside of the lake.

7.4.12. The principle risk to water quality from the proposed development relates to the potential impacts on surface water quality arising from slurry. Excess nutrients entering Lough Derg would potentially impact the trophic status of the water. In this regard, it is submitted that the slatted tank will have a nett capacity of 138.8m<sup>3</sup> and will provide a surplus of 37.5m<sup>3</sup> given the proposed animal numbers to be housed. This will avoid any risk of the storage facility being exceeded in the event of long winters. Surface water from the shed roof is collected and stored in a series of separate water storage tanks at the rear of the shed for watering the cattle when housed. Any surplus water is redirected downslope from the shed to avoid entering the slurry tank. The run-off of clean rainwater does not pose a risk to the quality of water in Lough Derg.



- 7.4.13. In terms of land spreading, a fertiliser plan has been submitted, demonstrating that the identified fields, which consist of improved grassland, are capable of accommodating the full quantum of slurry produced if managed in two cuts of silage. I also note that additional lands are available to the applicant in the event that weather limits spreading on the adjacent field to the subject site. I also note that spreading slurry is controlled by separate legislation and the EU Nitrates Directive. The AA Screening Report concludes that there will be no significant impact on any of the qualifying interests or the integrity of any designated Natura 2000 site as a result of the development.
- 7.4.14. The Board will also note the report of the Environmental Assessment Officer of Clare County Council. This report considers the details submitted and concludes that there is no risk of significant effects on the Special Conservation Interests of the Lough Derg SPA. In terms of potential impacts associated with the works carried out at the site, I can reasonably conclude that there have been no impacts to habitats in terms of loss or modification due to the removal of vegetation to accommodate the slatted shed and access road. I am further satisfied that the AA Screening Report submitted has presented information which facilitates a critical assessment of the development where I can reasonably conclude that the development will not potentially impair water quality in the SPA. In terms of disturbance to species, I am generally satisfied that the development will not give rise for disturbance or displacement impacts on the species which are of conservation interest within the adjacent SPAs.
- 7.4.15. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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. Having regard to the rural location of the site, together with the pattern of development in the area and the provisions of the Clare County Development Plan

2017-2023 (as varied), it is considered that, subject to the compliance with the conditions set out below, that the proposed retention of the constructed slatted cattle shed, site entrance and all associated site works, would not seriously injure the general or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1. The 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. 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, within 3 months of this grant of planning permission, and the applicant shall submit written confirmation, accompanied by photographs, to demonstrate that said works have been satisfactorily undertaken.

No animals will be housed in the slatted shed until such time as this condition is complied with.

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

3. 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 and types 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.

4. 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.

5. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams 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.

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 interest of amenity, public health and to prevent pollution of watercourses.

7. 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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A. Considine

Planning Inspector

06/06/2021