



An  
Bord  
Pleanála

## Inspector's Report ABP-311363-21

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|-------------------------------------|--|
| <b>Development</b>                  | Retention of an existing slatted tank and permission for a new agricultural shed |
| <b>Location</b>                     | Barranaghs, Mountmellick, Co. Offaly.  |
| <b>Planning Authority</b>           | Offaly County Council  |
| <b>Planning Authority Reg. Ref.</b> | 20622  |
| <b>Applicant(s)</b>                 | DJ Byrne   |
| <b>Type of Application</b>          | Retention Permission and Permission  |
| <b>Planning Authority Decision</b>  | Grant  |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Teresa and Edward Cross  |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 22 October 2021  |
| <b>Inspector</b>                    | Ian Boyle  |

## 1.0 Site Location and Description

- 1.1. The subject site is within a rural area of County Offaly, approximately 3km north of Mountmellick and 2.5km west of Garyhinch. It is in the townland of Barranaghs and access is via a narrow, local road called Hammer Lane. There is an existing farm shed and slatted tank on the site, which are used for agricultural purposes (i.e. a suckler cow farm).
- 1.2. Hammer Lane runs along the southern boundary of the site, and is connected to the R423 Regional Road, which is approximately 400m to the east. The R423 connects the towns of Portarlinton and Mountrath.
- 1.3. The Applicant owns the land surrounding the site directly to the north, east and south. The surrounding, predominant land use is agriculture. There is an existing dwelling located directly to the south, across Hammer Lane (Eircode: R32 V6P8) and a vacant, derelict cottage to the east (Eircode: R32 V6P8), which is denoted as being within the Applicant's ownership (i.e. within the blue line boundary). There are a small number of other houses on Hammer Lane and elsewhere in the surrounding vicinity.
- 1.4. The stated area of the site is 0.27ha.

## 2.0 Proposed Development

- 2.1. The proposed development is for (i) retention of an existing slatted tank (46sqm) and (ii) permission for a new agricultural shed (94sqm).

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority granted retention permission for the slatted tank and permission for the new agricultural shed, on 31<sup>st</sup> August 2021, subject to 8 no. conditions. The conditions are standard in nature. Conditions Nos. 5 and 6 relate to the control of potential waste pollutants arising due to the development.

- 3.1.2. The Planning Authority requested further information relating to 4 no. items on 8<sup>th</sup> February 2021, including: the preparation and submission of an appropriate assessment screening report; clarification of the planning status of an existing agricultural shed extension; proposed landscaping details; and an invitation to the Applicant to respond to issues raised by a third party observation.
- 3.1.3. Upon receipt of the Applicant's response to further information, the Planning Authority requested clarification of further information on 15<sup>th</sup> May 2021. A total of 4 no. items were raised, including: details regarding the previously submitted Appropriate Assessment Screening Report; clarification of the planning status of an agricultural shed extension; a further invitation to the Applicant to respond to the concerns raised in the third party observation, and documentary evidence that the Applicant is the registered owner of the subject site.

### **3.2. Planning Authority Reports**

### **3.3. Planning Reports**

- Following receipt of the response to clarification of further information request, the Planning Officer was satisfied that the development was acceptable and recommended that permission be granted, subject to conditions.
- The Assistant Planner recommended a Grant of Permission, subject to 8 no. conditions.
- The Acting Senior Executive Planner included an addendum to the report (dated 31 August 2021), which noted the following:
  - Foul water would be handled by the slatted tank (sealed) and surface water would piped and discharged to an adjacent watercourse / drain, which is located to the west of the site. The Council's Environment & Water Services Department (EWS) confirmed that the site is not prone to flooding.
  - The third party submission raised concerns in relation to the proximity of a well, which serves their dwelling. Having assessed the proposal, the Council's EWS Department had no concerns with this, having

regard to the sealed nature of the tank and the Applicant's obligations requiring compliance with the various agricultural regulations.

- There is a requirement for a slatted tank on the land as the Applicant is land spreading and which was not previously undertaken as part of the general farming practices that were completed. There is no intention to increase stock numbers.
- The slatted tank is required, by law, to be structurally sound and that there are no structural defects. Any livestock manure, organic fertilisers, soiled water, and effluents must be collected in a manner that prevents run-off or seepage directly, or indirectly, into groundwaters or surface waters.

#### 3.4. **Other Technical Reports**

Environment & Water Services Section: Requested further information regarding the locations (natural heritage designations) referenced in the Appropriate Assessment Screening Report. Upon receipt of the Applicant's response to request for clarification of further information, there was no objection to the proposal, including in relation to surface water disposal, waste management or the potential for environmental impacts or nuisance, subject to conditions. The EWS Department was not concerned with ammonia runoff from shed roofs and the potential for suspended solids entering the watercourse as they would be minimal as stated in an email dated 31<sup>st</sup> August 2021.

Area Engineer: None received.

Roads and Traffic: No concerns raised.

#### 3.5. **Prescribed Bodies**

None.

#### 3.6. **Third Party Observations**

A single third party observation was received from a neighbouring landowner (Teresa and Edward Cross) at Barranaghs, Mountmellick, Co. Offaly.

The main issues raised can be summarised as follows:

- Applicant did not consult the third party prior to constructing the slatted tank.
- The Applicant does not own the part of the site where the tank is situated.
- A second agricultural shed / shed extension was built recently and does not have planning permission.
- The proposed development may impact a private well that serves their home. This could be compromised if the tank overflows. The site is on a recognised floodplain, close to the River Barrow.
- The overflow of the tank and slurry spreading could have a detrimental impact on a freshwater stream, which leads to the River Barrow.
- The proposed development could impact the health of the family, including children, if any of the children wandered into the site or near the slurry tank.

## 4.0 Planning History

### Subject Site

UD/20/027: The Planning Authority issued a Warning Letter on 16<sup>th</sup> September 2020, in relation to the construction of an effluent storage tank without the benefit of planning permission. (This development forms part of the subject appeal, whereby the Applicant is seeking retention permission for the slatted tank.)

## 5.0 Policy Context

### 5.1. Offaly County Development Plan 2021 - 2027

The Offaly County Development Plan 2021 - 2027 was adopted on 10<sup>th</sup> September 2021 and came into effect 20<sup>th</sup> October 2021.

Section 5.11 'Rural Economic Development Policies' are relevant to the proposed development, and are as follows:

REDP-04

*It is Council policy to support the development of agriculture where it is compatible with the sustainable development of the county and commensurate with sustaining the farming community.*

*REDP-05*

*It is Council policy to ensure that agricultural developments are designed and constructed in a manner that will ensure that groundwater watercourses and sources of potable water are protected from the threat of pollution in line with Water Quality Regulations and the requirements of the Water Framework Directive.*

*REDO-03*

*It is an objective of the Council to support agricultural development and encourage the continuation of agriculture as a contributory means of maintaining population in the rural area and sustaining the rural economy.*

*REDO-04*

*It is an objective of the Council to ensure that all agricultural activities adhere to any legislation on water quality and biodiversity, for example, Phosphorus Regulations, Water Framework Directive, Nitrates Directive and Habitats Directive.*

Section 13.9.16 'Agricultural Development' includes the following development management standards, which are also relevant:

*DMS-118 Siting*

*In the construction and layout of agricultural buildings, the Council requires that buildings be sited as unobtrusively as possible and that the finishes and colours used, blend the development into its surroundings. New agricultural buildings shall be located within or adjacent to existing farm buildings, unless it has been demonstrated that the building must be located elsewhere for essential operational reasons.*

*DMS-119 Finishes*

*Appropriate roof colours for the exterior of agricultural buildings are dark grey, dark reddish brown or a very dark green. Where cladding is used, dark colours (preferably dark green, red or grey) with matt finishes will normally be required.*

## DMS-120 Protection of Amenities

*Proposed agricultural developments shall demonstrate that the proposal:*

- *Will not result in a detrimental impact on the amenity of residential dwellings outside of the applicants landholding in relation to noise, smell, pollution or visual amenities; Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water;*
- *Create a traffic hazard;*
- *Makes proper provision for disposal of liquid and solid waste; and*
- *Does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), Areas of High Amenity, Landscape Sensitivity Areas, Key Scenic Views and Prospects and Key Amenity Routes, sites of heritage or cultural value, or areas at risk of flooding.*

### **5.1.1. National Guidelines and Legislation**

5.1.2. The following guidelines and legislation are relevant:

- *EU Good Agricultural Practices for the Protection of Waters Regulations (2017) Statutory Instrument (SI) No.605 of 2017, as amended by SI No.65 of 2018 and SI No.40 of 2020;*
- *Landspreading of Organic Waste – Guidance on Groundwater Vulnerability Assessment (Environmental Protection Agency, 2004).*

### **5.2. Natural Heritage Designations**

No designations apply to the subject site.

The nearest European Site is the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), which is approximately 450m to the southeast of the site.

The Slieve Bloom Mountains Special Protection Area (Site Code 004160) is roughly 7.6km to the west, and the Slieve Bloom Mountains 'Special Area of Conservation' (Site Code 000412) is approximately 10.6km to the southwest.

## **6.0 The Appeal**

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

The main grounds of appeal are as follows:

- Overflow of the tank and spreading would have a detrimental environmental impact on a stream, which leads to the River Barrow. The Appellant is not satisfied the river would be protected if the development goes ahead.
- The area is part of a flood zone. In addition to environmental pollution, there are concerns regarding the potential pollution of a freshwater well, which is less than 100m from the proposed slatted tank.
- The Appellant states that they have not been issued with confirmation from the Council that the appeal site is owned by the Applicant. The land, according to the Appellant, was owned by a now deceased family member.
- There is a cottage – which was owned by a deceased member of the Applicant’s family – located within 100m of the slatted tank. The dwelling is not currently occupied. The Appellant requests written confirmation that no-one will live in the cottage if the tank is permitted in such proximity.
- The proposed development could impact the health of the family, including young children. The original shed was potentially built without permission.

### **6.2. Applicant Response**

- The Applicant’s Response included a letter from the Environmental Agricultural Consultants confirming an earlier report addresses issues raised by the Appellant, confirmation of legal ownership of the site via a solicitor’s letter, and enclosed a letter of support from the IFA for the proposal.

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

- The Board’s attention is brought to the both the Planner’s Report and technical reports on file. The Planning Authority requests that the Board support its decision to grant permission.



## 7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Drainage
- Flooding
- Other Issues
- Appropriate Assessment

### 7.1. Drainage

- 7.1.1. The development comprises retention for an existing slatted tank and permission for a new, proposed agricultural shed. The Appellant is primarily concerned with the slatted tank, and its potential from an environmental impact and human health perspective. The existing farmyard supports an existing farming activity on the land, which is a suckler cow farm.
- 7.1.2. The existing agricultural activity has been farmed in a traditional manner to date, with cows housed for mainly only short periods of the year (i.e. during the winter). The Applicant now intends to align livestock wintering in accordance with best practice, and it is stated that he does not intend to increase the number of animals on the farm.
- 7.1.3. The Development Plan, including Policy REDP-05 and DMS-120 'Protection of Amenities', outlines the various requirements for agricultural development that includes effluent storage. Such developments should be designed and constructed in a manner that ensures groundwater watercourses, and sources of potable water, are protected from the threat of pollution.
- 7.1.4. Furthermore, and in order to avoid pollution, under article 8 of the EU Good Agricultural Practices for the Protection of Waters Regulations (2017) (the 'Good Agricultural Practice Regulations'). The capacity of storage facilities for livestock manure and other organic fertilisers, soiled water and effluents from dungsteeds, farmyard manure pits, silage pits or silage clamps on a holding is required to be adequate to provide for sufficient storage periods.

- 7.1.5. A new drainage system carrying only clean water away from the sheds and yard discharges into the receiving water course. The slatted tank collects farmyard manure and slurry, which is then spread on the land during appropriate times of year and when weather and ground conditions are suitable. This practice is in accordance with proper nutrient management planning and the Good Agricultural Practice Regulations, which seek to protect water quality from potential pollutants.
- 7.1.6. While a leaking slatted tank could potentially contaminate groundwater, I would consider that if it is built and managed correctly, and in accordance with its certification and Agricultural Practice Regulations, then there would be no potential for significant environmental impact arising. In the event retention permission and permission are granted by the Board for the development, the relevant conditions relating to this form of agricultural development should be attached.

## 7.2. **Flooding**

- 7.2.1. The Appellant raises a concern that the appeal site is within a flood zone, and that any overflow of the slatted tank could result in the potential pollution of a freshwater well that is within 100m. It is stated that this is an important consideration in the assessment of the appeal given there is potential for environmental impact or pollution of the receiving environment. I note also that Development Plan Standard DMS-120 requires that any proposed agricultural development must not impact significantly on an area that is at risk of flooding.
- 7.2.2. I have inspected the OPW CFRAMS flood extent maps, which are available at [www.floodinfo.ie/map/floodmaps/](http://www.floodinfo.ie/map/floodmaps/), and I note that the site lies fully outside the flood risk areas and is not, therefore, at significant risk of fluvial flooding. I note that an area to the south, across Hammer Lane, is affected by flooding, and includes the 0.1%, 1% and 10% AEP predictive flood events. However, this is at some remove, does not extend to the site, or the site's entrance, and there have been no past flood events recorded on the land.
- 7.2.3. The Council's Environment & Water Services Department have also confirmed that the site is not prone to flooding.

### 7.3. Other Issues

#### Unauthorised Development

- 7.3.1. The Appellant has raised a concern regarding a potential unauthorised development that may have taken place. This is in relation to the original agricultural shed that is on the site and which may have been extended at some point.
- 7.3.2. I note that the Board has no function in respect of enforcement issues. Such matters are required to be dealt with by the Planning Authority. Section 10.1 of the Development Management Guidelines 2007 is relevant in this regard, which states that “*Enforcement of planning control is the responsibility of the Planning Authority and this is the case, of course whether the planning decision, including conditions, was made by the Planning Authority or the Board*”.
- 7.3.3. Notwithstanding this, I note that the Planning Officer addressed this issue in their ‘Second Planning Report on File’ (dated 13<sup>th</sup> May 2021), and which formed part of a subsequent request for clarification of further information (Item 2). The Applicant stated in their response that he was advised, verbally, that the shed was exempted development by Offaly County Council. The Planning Authority accepted this and has referred the matter to Planning Enforcement for further investigation.

#### Land Ownership

- 7.3.4. The Appellant states that the appeal site may not be owned by the Applicant. Instead, according to the appeal submission, the land was recently owned by a now deceased family member. The Appellant provides no evidence to suggest that another party is the owner of the land.
- 7.3.5. The Applicant provided in their response to the Council’s request for clarification of further information, a solicitor’s letter, prepared by O’Donovan Mahon Cowen Solicitors (dated 7<sup>th</sup> July 2021). The information confirms that the original registered landowner (Stephen Byrne) died in 2017, and that the Applicant (DJ Byrne) is entitled to be registered as the full owner of the site. It is also noted within the correspondence, however, that there is some form of legal proceedings taking place with regards to the issue.
- 7.3.6. Whilst there appears to be an ongoing legal case in relation to the matter of land ownership, and property rights, the Board cannot adjudicate on such a matter. In

this regard, I note the provisions of Section 34(13) of *Planning and Development Act, 2000* (as amended) relating to 'Permission for Development', which states that "a person shall not be entitled solely by reason of a permission under this section to carry out any development".

- 7.3.7. Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the landowner may need to address outside of the planning system.

#### **7.4. Appropriate Assessment (AA)**

##### Stage 1 Screening – Introduction

- 7.4.1. The Applicant submitted an Appropriate Assessment Screening Report (AA Screening) as part of their response to the Council's request for clarification of further information (dated 14<sup>th</sup> May 2021). The report was prepared by EAEC Ltd and dated February 2021. [I note that the report title is for an Appropriate Assessment, and not Appropriate Assessment Screening. However, upon reading Section 1.4 of the document, which is entitled 'Description of the project and scope of works', it is sufficiently clear to me that the report is intended to be an Appropriate Assessment Screening Report, and not a Stage 2 AA]. I have considered the report as part of my assessment below.

- 7.4.2. The AA Screening Report concludes that the retention of the slatted slurry tank and associated works on the site would not have an adverse impact on the integrity of any Nature 2000 Site. In assessing the proposed development, the Planning Authority considered that the project would not require a stage 2 appropriate assessment.

##### Receiving Environment and Proposed Development

- 7.4.3. The location of the appeal site is described in Section 1.0 of this report above. A description of the proposed development is provided in Section 2.0, and expanded upon in the assessment above, and within the submitted application and further information documents. A description of the receiving environment and drainage system is outlined in Section 7.1.5 above.

7.4.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered relevant in terms of assessing the likely significant effects on European sites:

- discharge of polluted waters from the site during construction works, and
- discharge of pollution to receiving waters during the operational phase.

#### European Sites

7.4.5. I note that no Natura 2000 designations apply to the subject site. There are no natural watercourses on the site and there is no direct connection to a European Site. The nearest European Site is the River Barrow and River Nore SAC (Site Code 002162), which is approximately 450m to the southeast of the site. The Slieve Bloom Mountains SPA is roughly 7.6km to the west, and the Slieve Bloom Mountains SAC is approximately 10.6km to the southwest.

7.4.6. The appeal site, and the wider associated farm which it is part of, drains into a channel system, which leads to the River Barrow. The River Barrow is part of the River Barrow and River Nore SAC.

7.4.7. The methodology for screening for Appropriate Assessment is set out under Section 2 of the Applicant's AA Screening Report. A wide potential zone of influence was examined by the report author, which extended to a radius of 15km from the appeal site, and which included the sites referenced in Section 7.4.6 above.

7.4.8. In establishing the likely zone of impact, the examination of each site was based on the 'Source - Pathway – Receptor' conceptual model. It was found that both the Slieve Bloom Mountains SPA, and Slieve Bloom Mountains SAC, have no connectivity with the proposed works area, and are not, in probability, directly or indirectly impacted by the development activity at the subject site. Therefore, the River Barrow and River Nore SAC the considered to be the only Natura 2000 Site that could, potentially, be directly impacted by the proposed development.

7.4.9. The qualifying habitats and species for the River Barrow and River Nore are noted in the relevant NPWS Site Synopsis (2016), and in Tables 1 and 2 below. A copy of the Site Synopsis is included in the Applicant's AA Screening Report as Appendix B and also referenced in Section 3.2 'Description of Natura 2000 sites likely to be affected by the proposed project'.

| Code | Habitat                            |
|------|------------------------------------|
| 1130 | Estuaries                          |
| 1140 | Tidal Mudflats and Sandflats       |
| 1170 | Reefs                              |
| 1310 | Salicornia Mud                     |
| 1330 | Atlantic Salt Meadows              |
| 1410 | Mediterranean Salt Meadows         |
| 3260 | Floating River Vegetation          |
| 4030 | Dry Heath                          |
| 6430 | Hydrophilous Tall Herb Communities |
| 7220 | Petrifying Springs*                |
| 91A0 | Old Oak Woodlands                  |
| 91E0 | Alluvial Forests*                  |

\* = priority

**Table 1.** Habitats for the River Barrow and River Nore SAC

| Code | Species   |
|------|---|
| 1016 | Desmoulin's Whorl Snail ( <i>Vertigo moulinsiana</i> )            |
| 1029 | Freshwater Pearl Mussel ( <i>Margaritifera margaritifera</i> )    |
| 1092 | White-clawed Crayfish ( <i>Austropotamobius pallipes</i> )        |
| 1095 | Sea Lamprey ( <i>Petromyzon marinus</i> )                         |
| 1096 | Brook Lamprey ( <i>Lampetra planeri</i> )                         |
| 1099 | River Lamprey ( <i>Lampetra fluviatilis</i> )                     |
| 1103 | Twaite Shad ( <i>Alosa fallax</i> )                               |
| 1106 | Atlantic Salmon ( <i>Salmo salar</i> )                            |
| 1355 | Otter ( <i>Lutra lutra</i> )                                      |
| 1421 | Killarney Fern ( <i>Trichomanes speciosum</i> )                   |
| 1990 | Nore Freshwater Pearl Mussel ( <i>Margaritifera durrovensis</i> ) |

**Table 2.** Species for the River Barrow and River Nore SAC

#### Test of Likely Significant Effects

7.4.10. The appeal site is not directly connected to, or necessary to the management of any European site, and the proposed development would not result in the direct loss of habitats within any European sites. The development is required to be examined,

however, in relation to any possible interaction with the River Barrow and River Nore SAC, and to assess whether it may give rise to significant effects on the site in view of its conservation objectives.

- 7.4.11. The construction phase for the proposed shed is not anticipated to be lengthy. It would happen during the late spring or summer when ground disturbance will be minimal. It is proposed that disturbed ground would be revegetated with grass seed. In terms of the overall development, the receiving watercourse already collects and drains water from the area in question, and given the build phase for the shed would be short, small scale and that the proposal employs standard materials and practices, it is considered there would be no perceptible effect on the River Barrow and River Nore SAC.
- 7.4.12. In relation to the operational phase, it is noted that the number of cattle will not increase and that the current stock level will remain the same. Therefore, there will be no increase in the overall volume of slurry to be spread on the land. The slurry will be spread on the Applicant's landholding and in compliance with the relevant nitrate regulations, within the permitted times of year and under appropriate conditions, including in relation to weather and ground conditions. It is also noted that the farm utilises a combination of straw bedded loose housing, and the existing slatted tank, for disposing of animal waste during the winter period. Therefore, 50% of the waste generated will continue to be in the loose house shed, and 50% made up of slurry that enters the slatted tank for storage and future disposal.
- 7.4.13. Exclusion zones of a minimum of 10m separation distances are required by the Agricultural Practice Regulations from watercourses to land spreading areas, and this would be achievable based on the details submitted. The AA Screening Report also states that non-spread buffer zones in relation to watercourses will be maintained. No measures to avoid, or reduce, any harmful effects of the project on a European Site have been relied upon in the screening exercise.
- 7.4.14. It is, therefore, considered there would be no perceptible effects on the River Barrow and River Nore SAC during the operational phase of the development.
- 7.4.15. Section 4.2 of the AA Screening Report addresses the potential for 'in combination effects'. I do not consider that there are any specific in-combination effects that arise from the development in conjunction with other plans or projects.

## Stage 1 AA Screening - Conclusion

7.4.16. I have completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites. Taking into account the nature and small scale of the proposed development; which is for retention of a slatted tank and the construction of a new agricultural shed on an existing farm, the nature of the receiving environment, the distance to the nearest European Sites and the hydrological pathway considerations; and the information submitted as part of the Applicant's AA screening documentation; it can be concluded that by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of its conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **8.0 Recommendation**

8.1. I recommend that planning permission should be granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature and small scale of the proposed development, the nature of the receiving environment, the pattern of development in the vicinity, and the provisions of the Offaly County Development Plan 2021 - 2027, including DMS-120 Protection of Amenities; 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 likely to cause a deterioration in the quality of waters in the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## 10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19<sup>th</sup> April 2021 and 4<sup>th</sup> August 2021, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>                 |
| 2. | <p>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 –</p> <ul style="list-style-type: none"><li>a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and;</li><li>b) all soiled waters shall be directed to storage tanks. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.</li></ul> <p><b>Reason:</b> In the interest of environmental protection and public health.</p>  |
| 3. | <p>The sheds 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) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020, and shall provide at least for the following:</p> <ul style="list-style-type: none"><li>a) Details of the number and types of animals to be housed.</li><li>b) The arrangements for the collection, storage and disposal of slurry.</li><li>c) Arrangements for the cleansing of the buildings and structures.</li></ul> |

|    |  |
|----|--|
|    | <b>Reason:</b> In order to avoid pollution and to protect residential amenity.   |
| 4. | All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed 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.<br><br><b>Reason:</b> 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 adequate soakpits and shall not discharge or be allowed to discharge to the slurry storage tanks.<br><br><b>Reason:</b> In order to ensure that the capacity of slurry 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) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020.<br><br><b>Reason:</b> To ensure the satisfactory disposal of water material, in the interest of amenity, public health and to prevent pollution of watercourses. |
| 7. | A minimum of 16 weeks storage shall be provided in the storage tanks. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.<br><br><b>Reason:</b> In the interest of environmental protection and public health.   |

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Ian Boyle  
Planning Inspector

1<sup>st</sup> December 2021