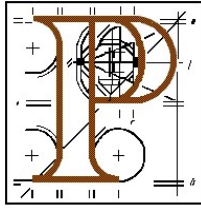


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

**North Tipperary County**

**Planning Register Reference Number: 06/51/0890**

An Bord Pleanála Reference Number: PL 22.222474

**APPEAL** by Donal O'Meara care of Sean Lucy and Associates Limited of Mount Street Gardens, Mullingar, County Westmeath against the decision made on the 22<sup>nd</sup> day of February, 2007 by North Tipperary County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a five bay cattle shed over slatted tank at Killeen, Borrisokane, County Tipperary.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the established use of the site for agricultural purposes and the planning history of the site, 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 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the planning history and the established agricultural use of the site and considered that the development was acceptable at this location.

## CONDITIONS

1. The slatted cattle house shall be stocked at a rate, which shall not give rise to effluent which would exceed the capacity of the slurry storage tank in accordance with the requirements of the planning authority. Prior to commencement of development, details shall be submitted to and agreed in writing with the planning authority.

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

2. The slatted shed shall be used only in strict accordance with a management schedule to be submitted for the written agreement of the planning authority prior to the commencement of development. The management schedule shall provide for the following:

- (i) The slatted shed shall be used only in strict accordance with a management schedule to be submitted to the planning authority for details of the number and types of animals to be housed,
- (ii) the method of animal feeding and storage of feed,
- (iii) the arrangements for the collection, storage and disposal of slurry and
- (iv) arrangements for the cleansing of the buildings and structures including the public road.

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

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard -
- (i) Uncontaminated surface water run-off shall be disposed of directly in a sealed system in accordance with the requirements of the planning authority, and
  - (ii) all soiled waters, including silage run-off, shall be directed to the slatted storage tank. Full drainage details shall be submitted to the planning authority for written agreement within one month of the date of this order.

**Reason:** In the interest of environmental protection, public health and to ensure a proper standard of development.

4. The transportation of slurry arising from the proposed development via the public road shall be carried out in a sealed and watertight tanker/container such that no spillage can occur onto the public road.

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

5. 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 prior to the 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 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.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2007.**