



An
Bord
Pleanála

Inspector's Report PL07.247203

Development	Retention of 3-hay slatted shed, construction of 3-bay slatted shed, New agricultural entrance and access road, new hay/straw storage shed, ancillary concrete & associated works.
Location	Tummerillaun/Lissyegan, Ahascragh, Ballinasloe, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	16/693
Applicant(s)	John Egan
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Tom and Louise McDonnell
Observer(s)	None
Date of Site Inspection	23 rd of November 2016
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1.1. The site of the proposed development is located in the Townland of Tummerillaun/Lissyegan c.3.8km to the north east of Ahascragh (R358). It is accessed via a local road network and is in a rural location.
- 1.1.2. The farmstead contains the farmhouse and a number of agricultural buildings, all well set back from the local road. There are some older and some more newly constructed agricultural sheds, including a haybarn, slatted shed and a separate half constructed slatted shed.
- 1.1.3. It is currently accessed via an existing narrow entrance to the south west, in the townland of Tummerillaun and via a long driveway to the north of a staggered junction. There are trees and stone gate pillars on either side of this narrow entrance. There is a mature hedge along either side of the narrow access route . There are separate narrow gated accesses to the farmyard and farmhouse within the site. Sightlines on either side of the existing entrance to the local road are reasonable.
- 1.1.4. The proposed access is to be via the agricultural lands to the north of the farm buildings, from the narrow undulating country road to the north of the site in the townland of Lissyegan. There is a recorded monument on the opposite side of the road to the proposed access. However there is little external views of this due to the hedgerows and farming activities on the opposite (northern) side of the road and this monument is not signposted. The proposed access is located on a bend in this narrow cul-de-sac road. Visibility is restricted. There are two houses to the south of this proposed access and the landholding, one of which is the appellant's house. There is a farmyard to the north of the proposed access. There is a 'Stop' sign at the junction of this access road with the local road to the southwest. The entrance to this road is splayed which improves visibility

2.0 Proposed Development

- 2.1. It is provided that this is to consist of the following:
 - a) To retain the existing 3-Bay Slatted Shed;
 - b) To construct a new 3-Bay Slatted Shed backing onto the existing slatted shed;

- c) To provide a new agricultural entrance and access road onto Public Road no; L-74156-O adjacent to a Recorded Monument GA02980;
- d) To provide a new hay/straw storage shed, ancillary concrete and associated works.

The planning application form provides that the area to which the site relates is 2.853ha. The g.f.s of the existing buildings is 1261sq.m, of those proposed is 393sq.m and to be retained is 121sq.m. A Site Layout Plan, and Floor Plans and Elevations of the atricultural buildings have been submitted.

It is also noted that the proposed development consists of work proximate to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994.

The following documents have been submitted with the application:

- An Archaeological Assessment by Donal Fallon.
- Ceres Consulting Consultants in Agriculture have submitted details on Farm Storage and Nutrient Calculations.

2.2. Planning Authority Decision

- 2.2.1. On the 16th of August 2016, Galway County Council granted permission for the proposed development subject to 9no. conditions. Many of these are agricultural and drainage related conditions. Condition no.9 has regard to archaeological monitoring relative to the new agricultural entrance.

2.3. Planning Authority Reports

2.3.1. Planner's Report

This had regard to the locational context of the site, planning history and policy and to the submissions made. They regard to the Environmental designations in the GCDP 2015-2021 relative to this site. The Council has carried out a Screening Report relative to AA. They noted that the River Suck Callows SPA is an ecological site of European importance within the Naturua 2000 network. They were concerned that significant effects cannot be ruled out due to the nature of the development. They noted that no details of the lands that are used for spreading slurry had been

submitted. The GSI vulnerability at this location is high with some extreme vulnerability also present.

They noted that 70m sightlines are proposed on either side of the new entrance.

They noted that a recorded monument GA02980 is located across the road from where it is proposed to locate the agricultural entrance and had regard to the Archaeological Assessment Report submitted.

They had regard to the design and layout of the agricultural buildings to be retained and constructed.

They recommended that Further Information be sought to include the following:

- While they note the Nutrient Management Plan submitted, they request that maps be submitted that would indicate lands that were available for spreading slurry.
- A revised site layout plan/details to clearly indicate surface water disposal arrangements for all hard surfaces on site including for all existing sheds/structures on site and the proposed new sheds.

Further information response

- Maps have been submitted showing the lands available for land spreading.
- A Site Layout Plan has been submitted showing the position of the proposed and existing soakaways to deal with rainwater from the existing and proposed sheds.

Planner's response

The Planner had regard to the F.I. submitted and considered it to be acceptable relative to the agricultural development on the site, planning policy and the Habitats Directive and recommended that this application be permitted subject to conditions.

2.4. **Other Technical Reports**

The Environment Section - recommended that F.I be submitted having regard to maps showing the land parcels where slurry produced on this farm will be spread. When land spreading slurry a buffer distance of 5m should be kept between any streams/drains.

2.5. Third Party Observations

A submission has been received from local residents (subsequent Third Party Appellants) which objects to the provision of the new agricultural entrance and access road onto the public road L-74156-0 adjacent to Recorded Monument GA02980. Their concerns include the narrow width of the road, the implications of agricultural related traffic and road safety issues and environmental hazard.

3.0 Planning History

The Planner's Report notes the following planning history:

- Reg.Ref.14/149 – Permission granted to John Egan for the construction of an extension to the rear of the dwellinghouse (39.5sqm).
- Reg.Ref.06/2598 – Permission granted to John Egan for the construction of a slatted shed to include a concrete apron and all associated site work (g.f.s.299.83sq.m).

4.0 Policy Context

4.1. Galway County Development Plan 2015-2015

This is the pertinent Plan and relevant policies and objectives include the following:

Strategic Aim 10 – Heritage - *Enhance and protect the built heritage and natural environment, including buildings, archaeology, landscape and biodiversity, within the County.*

Chapter 9 – Section 9.6 refers to Archaeological Heritage. This includes the following:

Section 9.7 provides the policies Objective ARC 1 – Protection of Archaeological Sites : *Protect archaeological sites and monuments their settings and visual amenity and archaeological objects and underwater archaeological sites that are listed in the Record of Monuments and Places, in the ownership/guardianship of the State, or that are subject of Preservation Orders or have been registered in the Register of Historic Monuments and seek to protect important archaeological landscapes.*

Objective ARC 2 – refers to Archaeology and Development Management.

Objective ARC 7 –has regard to the necessity of sensitive design and siting in the immediate vicinity of a Recorded Monument.

Section 9.9 seeks to protect Natural Heritage and Biodiversity and provides the relevant policies and objectives. This includes Policy NHB4 which seeks to protect Water Resources.

Chapter 11 includes regard to Agricultural Policies – Section 11.5 refers. Policy AFF3 seeks to: *Facilitate the sustainable development of the countryside.*

Objective AFF1 – Sustainable Agriculture: *The Council shall support the sustainable development of agriculture, with an emphasis on a high quality, traceable primary production methods, the promotion of local food supply and agriculture diversification.*

Objective AFF 5 – Compliance with the EU Habitats Directive: *New agricultural projects that may potentially affect Natura 2000 Sites, individually or in combination with other plans and projects shall be subject to Appropriate Assessment to ensure that there are no likely significant effects on the integrity of any Natura 2000 Sites in the County.*

DM Standard 12 relates to support for facilitating sustainable Rural Enterprise.

DM Standard 20 relates to: Sight Distances Required for Access onto National, Regional & Local Roads

DM Standard 33 provides standards for: Agricultural Buildings i.e: *In dealing with planning applications for such buildings the Planning Authority will have regard to:*

a) Design and Layout

The quality of design and layout of the farm complex. Where possible new buildings, shall be located within

or adjoining the existing farmyard complex. Buildings shall be of minimum scale and use of muted coloured

materials shall be encouraged.

b) Residential Amenity

The proximity of any existing dwelling house.

c) Public Road Access

The safe access to public roads.

d) Rural Landscape

The assimilation of the buildings into the rural landscape by means of appropriate siting, external colouring, screening and shelter belting.

DM Standard 34: Agricultural Effluent

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 set out the requirements for storage of farm effluents and the minimum holding periods for storage of farm wastes.

All soiled liquid waste shall be collected before being further treated or spread on land in suitable weather conditions.

The following will be a requirement of planning permission:

- *Design calculations;*
- *Design calculations supporting the selection of a particular volume of storage and details of the spread area.*

DM Standard 39 refers to Compliance with Landscape Sensitivity Designations.

DM Standard 40 includes reference to Appropriate Assessment.

DM Standard 41 seeks to retain wherever feasible Field Patterns, Stone Walls, Trees and Hedgerows.

DM Standard 45 refers to Archaeological Conservation and Preservation.

5.0 The Appeal

5.1. Grounds of Appeal

5.1.1. A Third Party Appeal has been submitted by local residents Tom & Louise McDonnell. They are concerned about the development for the following reasons:

- The applicant previously constructed a three bay cattle shed without the benefit of planning permission and they are concerned that regard be had to the planning process and to the environment.

- They note he is now seeking to regularise this together with the addition of new agricultural buildings. They are not opposed to this aspect of the development in the rural area.
- Their primary concern relates to the opening up of a new entrance onto the County Road L-74156-0 adjacent to a recorded monument GA061-107 on a sub-standard roadway (only 2.7m in width) with a non-necessitated entrance that would endanger traffic safety, increase vehicular traffic and adversely impact on the rural character and setting of the area.
- They submit that the objective should be to protect and preserve the lands adjoining and forming part of the Ringfort.
- The existing access to the farmyard complex has always been sufficient and satisfactory for the purpose of farming these lands.
- The proposed new entrance is not necessitated, poses a danger to traffic safety, impinges on a Ringfort listed in the Record of Monuments and Places and should be refused.
- They are concerned as to what is the need for this new entrance and consider that it contravenes Section 9.7 Archaeological Heritage in the GCDP 2015-2022. (They attach the relevant policies).
- They are very concerned that the application was not referred to the Road Design Department or the DoAHG for assessment prior to the formulation of the decision to grant permission.
- They consider that Condition no.9 of the Council's permission does not adequately address the archaeological considerations.
- They are not opposed in principle to the construction and retention of the sheds which are regulated but are opposed to the opening up of a new entrance onto a Public Road which is not necessary.

5.2. Applicant Response

5.2.1. The first Party response includes the following:

- He has always tried to adhere to planning and development regulations and this is demonstrated in that he has applied for planning permission on 4no. separate occasions.
- He is fully aware of any impact this development may have on the environment and has been a member of REPS/Glas scheme since 1994 and intends to fully comply with Condition no.8 of the Council's permission.
- He intends to employ the services of a licensed archaeologist to supervise the works near the proposed entrance as set out in condition no.9 of the planning decision.
- The main reasons for the proposed entrance is to allow a rigid lorry to access his farm yard on 10-12 occasions throughout the year for the purpose of bringing livestock to the meat processing factory.
- The original farm entrance is too narrow to facilitate these vehicles.
- He doesn't own lands on either side of the existing entrance, therefore it is impossible to widen this entrance (Photo nos. 1 and 2 relate).
- Widening this entrance would result in loss of character as a number of trees and hedging would have to be removed.
- Local road L-74156 is a cul-de-sac, which is used to access agricultural/bog land to the east of the proposed entrance.
- 80% of his lands can be accessed internally from his farmyard for the purpose of land spreading without using the proposed entrance.
- If the development is not permitted it will seriously affect his livelihood as he is a full time farmer. The difficulties in getting access to transport the livestock to market will have a serious impact on the visibility and economic effect on the farm.

5.3. Planning Authority Response

Galway County Council has not responded to the grounds of appeal.

6.0 Assessment

6.1. Having had regard to the documentation submitted including the grounds of appeal and having visited the site, I would consider that the main issues in this case are as follows:

- Design and Layout of Agricultural Buildings proposed for retention and construction.
- Regard to Archaeological issues
- New agricultural entrance and access road
- Disposal of Effluent and Drainage issues
- Appropriate Assessment issues

6.2. Design and Layout

- 6.2.1. This proposal concerns retention and construction of additional agricultural buildings within the existing and established farm complex. The Site Layout Plan shows colour coded, the 3 bay slatted shed proposed for retention with an area of 121sq.m and FFL of 9.4m. This currently appears as a half built structure, that is used for housing calves. There were calves in these sheds on the day of the site visit. It is noted that this is not a dairy farm, rather for cattle rearing for the meat market. Floor plans have been submitted showing that the area of the proposed slatted shed is 219sq.m. Therefore the total area of the slatted shed proposed for retention, and construction is 340sq.m. The elevations show that it is proposed that the shed be 6.4m in height to the apex. Existing external finishes are dark grey in colour with a lower area of block construction.
- 6.2.2. The proposed hay/straw store (shown 174sq.m with a FFL of 9.6m) is to adjoin the existing hay/straw store (370sq.m). The Sections show that the proposed height is 5.4m. to match that of the apex of the existing shed. The existing shed is a grey corrugated structure.
- 6.2.3. These sheds are shown in the plans submitted and on the photographs in the Appendix to this Report. It is considered that provided that they are constructed in materials to match the existing that they will be seen in the context of the existing

farm complex as agricultural buildings in the rural area that are grouped together and set back from the road and residential properties. It is noted that as shown on the Site Layout Plan there is also another larger existing slatted shed shown on the site which has an area of 564sq.m. Visually they are not proximate to neighbouring dwellings and there is no objection to the design and layout of the retention and construction elements proposed. The site is located in an area designated as Landscape Sensitivity Class 1 (where Class 1 is the least sensitive and Class 5 the most sensitive). In this respect it is considered that the proposal would comply with DM Standard 33 relevant to the Design and Layout of Agricultural Buildings as noted in the Policy Section above. It is considered that the proposed finishes should match the existing and if the Board decide to permit it is recommended that this be conditioned.

6.3. Archaeological issues

- 6.3.1. An Archaeological Assessment of the proposed development at Lissyegan/Tummerillaun, County Galway has been submitted with the application. This provides a description of the proposed development relative to its locational context and to the creation of a new access path/road to provide a new agricultural entrance in the townland of Lisseyegan at the northern boundary of the site. It is noted that the access gate will be located c.5m southwest of the remains of a ringfort listed in the Record of Monuments and Places (GA061 – 107 refers). Fig.1 shows the location of the site relative to that of the ringfort GA061-107. The development extends into the zone of notification of this monument and the ringfort is located on the opposite i.e northern side of a tertiary road from the proposed entrance. It is an overgrown area bounded by trees to the west and north and forms part of the separate farm ownership on the opposite side of the road.
- 6.3.2. Regard is had to the Archaeological and Historical Background of the area. This includes early cartographic depictions of the site and O.S mapping indicating the ringfort. This notes that the shape of the field on the southern side of the road (i.e the subject landholding) has remained unchanged. It is noted that the proposed development will impact on the greenfield site, requiring an area to be stripped of topsoil and laid with hardcore to a depth of c.300m. Rubble walls for the entrance may require disturbance to a slightly greater depth. It is noted that the proposed entrance

will be sited c.5m from the ringfort and is separated by the tertiary cul-de-sac access road. The visible surface elements of the ringfort will not be directly impacted upon. However the ringfort may extend beyond its surface expression. Surviving features associated with the ringfort's occupation or use may thus be impacted upon by the proposed development.

- 6.3.3. The Archaeological Assessment recommends the removal of the boundary and the stripping of any topsoil to the depth of natural or undisturbed soils to be monitored by a licensed archaeologist to a distance of 10m south of the proposed entrance to ensure that archaeologically significant features that may be impacted upon by the proposed development are identified. It also recommends that a single trench c.1m in width be excavated along the remaining path of the proposed access road to the depth of natural or undisturbed soils under the supervision of a licensed archaeologist to confirm that no archaeologically significant features are present that may be impacted upon by the proposed development. The Report provides that should archaeological features be identified any further mitigation required should be undertaken in consultation with the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht and a suitable mitigation strategy be provided.
- 6.3.4. The Third Party are concerned that the proposed development has the potential to impact adversely on the archaeology of the area including the ringfort. They have regard to the Archaeological Assessment and submit that the objective should be to protect and preserve the lands adjoining and forming part of the ringfort. They are concerned that the proposed new entrance would impinge on a ringfort listed in the Record of Monuments and Places. They consider that the proposed entrance and access road contravenes Section 9.7 Archaeological Heritage Policies and Objectives as set out in the GCDP 2015-2021. In this respect Objective ARC 7 – Recorded Monuments seeks to - *Ensure that any development in the immediate vicinity of a Recorded Monument is sensitively designed and sited and does not detract from the monument or its visual amenity.*
- 6.3.5. They are very concerned that this application was not referred by the Council to the Department of Arts, Heritage and the Gaeltacht for assessment prior to the formulation of the decision to grant permission. In this respect Policy ARC 3 seeks to: *Consult with the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht in relation to proposed developments adjoining archaeological*

sites. In view of the proximity of the site to a Recorded Monument and the Third Party concerns a Section 131 request was sent by ABP to the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs. To date no response has been received.

- 6.3.6. The First Party response provides that to ensure the preservation of any archaeological features on site they intend to employ the services of a licensed archaeologist to supervise the works near the proposed entrance as set out in condition no. 9 of the Council's permission. The Third Party do not consider that this condition adequately addresses the issues raised in the recommendations of the Archaeological Assessment. It is recommended that if the Board decide to permit that an archaeological condition be included.

6.4. **Access issues**

- 6.4.1. As shown on the Site Map submitted, the site which includes the existing farmhouse and agricultural buildings is served by an entrance from a county road to the south west of the site. This access is to the north of a staggered junction that forms part of the narrow rural road network in the area to the north east of Ahascragh and the R358. The old farmstead entrance consists of a recessed narrow entrance with stone pillars and mature chestnut trees on either side. There is an old stone wall and mature hedgerows on either side of the narrow long undulating access lane to the farmstead. Sightlines in either direction at the entrance are reasonable relative to the agricultural entrance and the rural nature of the area.
- 6.4.2. The application includes the creation of a new agricultural entrance and access road onto the Public Road L-745156-0. The location of this entrance, on a bend, opposite the ringfort, is shown on the Site Layout Plan submitted. The proposed development consists of the creation of a new 75m farm access path surfaced with hardcore for farm machinery extending across a greenfield site and a new entrance opening onto an existing tertiary road. It is provided that the access path/road through the northern part of the landholding will average c.3.5m and the entrance will extend to a width of c.11.9m. Details are given relative to proposed excavations, relative to potential archaeology in the area.

- 6.4.3. The proposed access is to the tarmacadam tertiary road to the north of the site which is a cul-de-sac. This extends northeastwards and terminates in a farmyard immediately to the east of the ringfort. A further private farm lane extends northeast from the farmyard. Therefore traffic coming from the north will be primarily associated with the farmstead on the opposite side of the road. There are two proximate houses with access to the southern part of this access road, in one of which resides the appellant. The Third Party consider that the existing established entrance that has adequate sightlines has always served the property. They consider that the proposed new entrance is non-necessitated, has inadequate sightlines and poses a danger to traffic safety, impinges on the ringfort listed in the Record of Monuments and Places and will generate additional traffic movements onto the road that are not necessary. They are concerned that this proposal is to avoid using the existing access road for access and egress for slurry spreading purposes etc.
- 6.4.4. The First Party response provides that the purpose of the new entrance is to allow a rigid lorry to access his farmyard on 10-12 occasions throughout the year for the purpose for the purpose of bringing livestock to the meat market. The old farmstead entrance and access lane which has survived for over a hundred years is difficult for larger lorries to navigate. He provides that he does not own the lands on either side of the entrance and roadway, so the existing access cannot be widened and to do so would lose its character and a number of trees and hedgerows would have to be removed. He provides that 80% of his lands can be accessed internally from his farmyard for the purposes of land spreading without using the proposed entrance. He is concerned that if the proposed entrance is not permitted that as a full time farmer it will affect his livelihood, in that there is enormous difficulty in transporting livestock to the factory. In that case he provides he will have to seriously consider the viability and the economic effect this will have on his farm.
- 6.4.5. Having visited the site it is considered that the existing access route is narrow and would present navigation difficulties for larger vehicles. It is also considered that this entrance and laneway including trees, hedgerows and boundary walls is an important part of the heritage of the area and should be retained. It is noted that sightlines at this access are better than where the new northern access is proposed. However it must also be considered that the proposed access route from the L-74156 while narrow and undulating has a wider splayed entrance at the junction to

the county road than the existing entrance. There is also a 'Stop' sign at this junction. If the Board decide to permit it is recommended that a condition be included to restrict the use of the proposed entrance to the occasional use specified by the applicant in his response to the grounds of appeal, and that everyday usage of the existing entrance as the primary entrance to the farmstead be continued.

6.5. Disposal of Effluent and Drainage issues

- 6.5.1. A Report has been submitted with the application by Ceres Consulting Consultants in Agriculture regarding Farm Storage and Nutrient Calculations. This provides calculations for Nutrient/Fertiliser Management and includes that the standard prohibited spreading periods for fertilizer, slurry and farmyard manure still apply. They also include storage calculations for the winter period. This assumes that all stock were housed but they note that this is not compulsory under the Nitrates Directive. In summary they provide there are 6no. existing tanks and 1 proposed covered slatted tank. As shown on the drawings there is a slatted tank capacity of 164m³ underneath the existing slatted shed that is also for retention. It is proposed to provide a similar slatted tank under the proposed adjoining 3bay slatted shed to be constructed. They also have a number of loose houses -primarily for housing of calves. The Report provides that the total slurry storage required is 835m³ (183,700 gallons). The total slurry storage available (Nett) is 973.4m³ (214,150 gallons). This is based on an 18 week storage requirement for Galway.
- 6.5.2. It is noted that the application site boundaries as shown in red on the Site Plan lands only constitutes a site area of 2.854ha. As part of the Council's F.I request the applicant was asked to submit maps to clearly indicate all the lands that are available for land spreading. In response the applicant has submitted maps showing the various parcels of lands available for land spreading within his overall holding. The Council's Environment Section notes that when land spreading slurry a buffer distance of 5m should be kept between streams/drains.
- 6.5.3. The Council's F.I request also requested that surface water disposal arrangements for all hard surfaces on site and including for all existing sheds/structures on site and the proposed new sheds be submitted. In response the applicant submitted a Site Layout drawing showing the position of the proposed and existing soakways to deal with rainwater from the existing and proposed sheds. This includes showing a

Section through a Soakway. They provided that the new soakways are designed in accordance with TGD 'H' 2010 and BRE digest 365. Design calculations are also enclosed. They include that the new hard surfacing around the new sheds and access road will be predominantly made up of crushed rock which will be generally free draining.

- 6.5.4. Regard is had to protection of Water Resources Policy NHB4 of the GCDP 2015-2021 refers. As per DM Standard 34 of this Plan, which refers to Agricultural Effluent the disposal of such should comply with the criteria of The European Union (Good Agricultural Practice for 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 this respect it is noted that the Planning Authority did not object to the application subject to relevant conditions. It is recommended that if the Board decide to permit it is recommended that such appropriate conditions be included.

6.6. Screening for Appropriate Assessment

- 6.6.1. The Planner's Report notes that the site is located within an area designated as (Rkc) Regionally Important, conduit karst aquifer, development potential limited. They include an AA Screening Report and the following SAC and SPA sites are located within 15km of the site:

- Lough Croan Turlough SAC and SPA
- Glenloughaun Esker SAC
- Killeglan Grassland SAC
- Castlesampson Esker SAC
- Four Roads Turlough SAC and SPA
- Ballynamona Bog and Corkip Lough SAC
- River Suck Callows SPA

- 6.6.2. It is noted that the area is drained by the River Suck and that the site is located approximately 1.5km west of the River Suck Callows SPA (004097). The River Suck is the largest tributary of the Shannon and is of considerable ornithological

importance. Vulnerability includes arterial drainage, and intensification of agriculture in recent years, with earlier mowing and the replacement of hay with silage is likely to have caused the decline of some bird populations. The Objective is: *To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.* These are listed as Whooper Swan, Wigeon, Golden Plover, Lapwing, Greenland White-fronted Goose. A Second Objective is: *To maintain or restore the favourable conservation condition of the wetland habitat at River Suck Callows SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.* Part of the River Suck Callows SPA is a Wildfowl Sanctuary. The main habitat is grassland, improved to varying extents, that is seasonally flooded.

- 6.6.3. The Planner's Report was initially concerned that significant adverse impacts on existing habitats and species within this Natura 2000 site cannot be ruled out due to the nature of the development. They also noted that the GSI vulnerability at this location is high with some extreme vulnerability also present. However following the F.I submission which showed the extent of lands available for spreading slurry and the surface water disposal arrangements for the development they considered that the proposed development is in accordance with the proper planning and development of the area including the Habitats Directive.
- 6.6.4. Having regard to the information submitted it is not considered that the proposed/retention development would significantly impact on the Natura 2000 sites subject to compliance with the European Union (*Good Agricultural Practice for Protection of Waters*) Regulations 2014 as noted in the Disposal of Effluent and Drainage section above. Therefore having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the distance to the nearest Natura 2000 sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

- 7.1. Having regard to the documentation submitted and to the assessment above it is recommended that permission be granted subject to the conditions below.

8.0 Reasons and Considerations

- 8.1.1. Having regard to the nature and extent of the development to be retained and constructed, to the history of onsite agricultural activity and to the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and constructed would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The development to be retained and constructed would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be retained and 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 26th day of July, 2016 and by the further plans and particulars received by An Bord Pleanála on the 28th day of September, 2016, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The existing access shall be retained as the primary access to the farmstead and agricultural lands.
(b) The proposed access shall only be used occasionally for rigid lorry access as per the details submitted by the applicant on the 28th of September 2016.

Reason: In the interests of clarity and the residential amenities of the area.

3. (a) Prior to the commencement of development details of the proposed construction of the agricultural access, including set back, gates and boundary treatment shall be submitted for the written agreement of the planning authority.

(b) Surface water from the site shall not be permitted to drain onto the public road.

Reason: In the interests of traffic safety and visual amenity.

4. All excavated material shall, where practicable, be reused on site. Any surplus excavated material removed from the site shall be brought to an authorised facility. Prior to the removal of any surplus material, the planning authority shall be informed of the approximate quantity of material and the location of the proposed facility. No material shall be removed from site until such time as the planning authority has authorised its removal.

Reason: In the interest of environmental protection and the proper planning and sustainable development of the area.

5. (a) All foul effluent generated by the proposed agricultural development shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry shall be allowed to discharge to any stream, river or watercourse, or to lands.

(b) The slurry effluent and farm yard manure shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply and is in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.

6. (a) A minimum of 18 weeks storage shall be provided in the underground 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.

(b) 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 Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

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

7. (a) All roof water shall be disposed of separately to soakaways.

(b) Gutters and downpipes shall be leak proof and properly maintained. Gullies shall be constructed in such a manner as to prevent soiled water entering them.

(c) No surface water, effluent or soiled waters shall be allowed to discharge to a public road.

Reason: To prevent mixing of clean and soiled waters in the interest of pollution control.

8. All galvanised cladding shall after weathering be dark green/grey (or otherwise agreed in writing with the planning authority) and match the colour of the existing farm buildings.

Reason: In the interest of the visual amenity of the area.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) comply with the recommendations of the Archaeological Assessment submitted with the application on the 25th of May 2016.
- (d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Angela Brereton,
Planning Inspector,
12th of January 2017