



Planning and Development Acts 2000 to 2019

Planning Authority: Tipperary County Council

Planning Register Reference Number: 19/600923

Appeal by Sean Smith of Milltownbritton, Lisronagh, Clonmel, County Tipperary against the decision made on the 5th day of December, 2019 by Tipperary County Council to grant permission, subject to conditions, to Richard and John Lalor care of Aidan Kelly of Molough, Newcastle, Clonmel, County Tipperary for development comprising construction of (i) widened existing agricultural entrance, and (ii) underground effluent storage and all associated site works, and retention of (i) slatted feeding area with underground effluent storage tank and concrete apron, (ii) agricultural entrance with farm roadway, and (iii) two loose sheds with farm roadway and all associated site works, all at Rathkenty, Lisronagh, Clonmel, County Tipperary in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for retention of (i) slatted feeding area with underground effluent storage tank and concrete apron, (ii) agricultural entrance with farm roadway, and (iii) two loose sheds with farm roadway and all associated site works, and construction of (ii) underground effluent storage and all associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for construction of (i) widened existing agricultural entrance, incorporating the removal of hedgerows based on the reasons and considerations marked (2) under

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 (1)

Having regard to the nature and scale of the proposed development, the rural nature of the site location, to the provisions of the South Tipperary County Development Plan 2009, and to the layout and design as submitted, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought, and the proposed development (other than the extensive removal of hedgerows) would not seriously injure the residential or visual amenities of adjoining properties and would be acceptable in terms of pedestrian and traffic safety. This element of the development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, and carried out and completed, as applicable, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of November 2019, 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 within six months of the date of this Order and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows
 - (a) No permission is granted for the extensive removal of roadside hedgerows. At the entrance to the two loose sheds the subject of this retention application, the hedgerow to the south of the entrance shall be set back for a distance of five metres to provide for an appropriate splay only, with the remainder of the hedgerow retained in full.
 - (b) No permission for the removal of hedgerow at the entrance to the open slatted feeding area is granted.

Revised drawings showing compliance with these requirements, including alternative measures to increase sight distances at the entrances, such as the use of mirrors and signage advising of agricultural entrances, shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order.

Reason: In the interests of visual and residential amenity, to ensure compliance with the policies of the South Tipperary County Development Plan 2009 as it relates to the protection and enhancement of hedgerows, and in the interest of clarity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to that as specified in the lodged documentation and conditioned here, unless otherwise authorised by a prior grant of planning permission including as follows. In particular, the two loose sheds for which retention is hereby granted shall each be used for wintering no more than four horses, and the sheds shall not be used for the purpose of housing any other animals without the benefit of a separate grant of planning permission.

Reason: In the interest of clarity and to prevent pollution.

4. All foul effluent and slurry generated by the subject development 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. Uncontaminated surface water run-off from roofs and clean paved areas within the farmyard shall be collected separately from farmyard materials (slurry, silage effluent, milking parlour washings and contaminated surface water) and shall be disposed of directly in a sealed system to adequate stone filled soakpits, or to a watercourse, located within the curtilage of the application site or, alternatively, shall be recycled for use in the proposed development. Surface water shall not be allowed flow onto the public road. The necessary intercepting drain (gridded drain) shall be constructed

between the entrance piers and drained to soakaways on the site. A monitoring chamber (manhole) shall be provided for the monitoring of uncontaminated surface/roof water prior to such water entering any soakaway, drain or watercourse.

Reason: In the interest of orderly and sustainable development, and to minimise the volume of farmyard waste generated.

6. Slurry generated by the subject 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. Within one month of the date of this Order, the entrance located to the south of Gate/B shall be permanently and effectively closed off by the erection of an earthen bank to a consolidated height of 1.2 metres that shall be planted with shrubs suitable for hedging and common to the location. A post and rail type fence is specifically not permitted,

Reason: In the interests of pedestrian and traffic safety

Reasons and Considerations (2)

Having regard to the policies of the South Tipperary County Development Plan, 2009, as it relates to the protection and enhancement of hedgerows, and having regard to the limited traffic levels on the rural road network in this area, it is considered that the extensive removal of roadside hedgerows, as proposed, as part of the widening of agricultural entrances, would be injurious to the visual amenity of the area and would conflict with the provisions of the development plan, and that such removal is not necessary or justified in the interest of traffic safety. The proposed removal of hedgerows would, therefore, be contrary to the proper planning and sustainable development of the area.

Philip Jones

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

Dated this day of 2020.