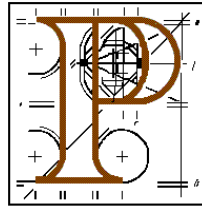


An Bord Pleanála



Inspector's Report

PL20.246285

Development:

Slatted loose shed, hay shed and ancillary works at Buggane, Clonown, Athlone, Co Roscommon

Planning Application

Planning Authority: Roscommon County Council
Planning Authority Reg. Ref.: 14/407
Applicant: Liam and Kevin Naughton
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant: Brendan and Elizabeth McLoughlin
Type of Appeals: 3rd v Grant

Date of Site Inspection: 6th May 2016

Inspector: Suzanne Kehely

1 SITE LOCATION AND DESCRIPTION

- 1.1 The proposed development site is shown as part of larger landholding of some 40 hectares which is located south of Athlone in a rural area a couple of hundred metres west of the River Shannon. The site is to the rear of dwelling site which has a large shed (with some hay) and has a 35m frontage along a rural road and incorporates a domestic entrance. There is no cattle grid. This road is characterised by extensive ribbon development and farm buildings.
- 1.2 At time of inspection the only apparent access to the development site as outlined in red within the landholding as outlined in blue was via a tied up gate which did not appear to be in current use. It appeared that there was alternative access through the adjacent site to the north.
- 1.3 There is a cattle shed in the adjoining site to the north that is not shown in the submitted drawings.
- 1.4 The site is located west of the Shannon on low lying ground. Further north on the eastern side of the road there was evidence of perched water/ponding. Water quality is classed as 'good' in this region.

2 PROPOSED DEVELOPMENT

- 2.1 It is proposed to construct a 5 bay slatted loose shed 24.2m x 13.1 and smaller hay shed, cattle crush and concrete and handling yards. The application lodged on 23rd December 2015 includes a 1:2500 map showing lands in the applicant's ownership and show road frontage and areas for spreading manure as part of Organic Waste Nutrient Management Plan.
- 2.2 The development site is shown within this holding in the corner of field to the rear of the dwelling.

3 PLANNING AUTHORITY DECISION

3.1 Internal reports

Environment – 4/2/2016 No objection subject to conditions

- The max. Number of animals to be housed in the proposed development shall not be permitted to flow onto adjoining lands or onto public road.
- No effluent/slurry soiled water or rainwater shall be permitted onto adjoining lands or onto public road.
- All spreading of animal wastes associated with this development shall be in accordance with the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014 and any subsequent amendment or replacement of the above stated regulations.

3.2 Planning Report

- 3.2.1 There is no objection in principle to the development. The objections are residents within 100m concerning noise slurry and gas pollution and impact are noted and while it is acknowledged that there may be activities that may give rise to impact on amenity it is considered to be within acceptable limits. It is considered that it constitutes what one may reasonably expect to see in rural environs. There are numerous example of such development throughout the county and in this context refusal is not considered appropriate.
- 3.2.2 Appropriate assessment screening was completed and it was concluded that stage 2 assessment was not required.
- 3.2.3 The planning authority decided to grant planning permission subject to 4 conditions relating primarily to livestock and farm management in respect of pollution control and protection of natural resources in the interest of public health and amenity.

4 PLANNING HISTORY

None

5 GROUNDS OF APPEAL

- 5.1 A third party appeal has been submitted by Brendan and Elizabeth McLoughlin and objections are based on the following matters:
- Ambiguity of application – does not reflect reality of the site.
 - The only entrance is situated on a bend – intensification of this for farm purposes will present a safety issue.
 - Environmental pollution impact on residential amenity arising from animal and machinery noise, slurry gases and lighting overspill
 - Intensity of development given capacity 50 animal at any one time – traffic feeding hay feed deliveries
 - Impact on bored well
 - Inadequacy of entrance
 - This is not an extension of existing facility but rather should be treated as a new development
 - Appellant lives less than 100m and is particularly concerned about noise pollution from livestock and traffic
 - The applicant has other option on the other side of the road.

6 RESPONSES

6.1 The First Party to grounds of appeal

The First Party has responded to the grounds of appeal:

- The allegation of ambiguity is strongly refuted by reference to the professional standards, areas of relevant expertise and practice of the agent and willingness to engage with those seeking clarity.

- The appellant's case is based on 'not in my back yard'
- The design of the housing is explained in terms of intensity of use and adherence to Dep of Agriculture standards. IT is essentially proposed to be a clean operation and model farmyard.
- There are no grounds for objection to continuous vehicular traffic.
- It is not feasible to build on other side of road due to flooding issues.
- In respect of impact on the bored well it is pointed out the houses are on a group water scheme and in any event the private wells are in slightly elevated ground. The appellant's well is 52m away from the nearest distance of the slatted tank of the appellant and 35m from that of the applicant.. There is an incongruity here as the apple ant did not object to a proposed septic tank in this area on higher ground than appellant's well.
- It is suggested that the appellant wishes to build another house and this is the basis of the objection.
- Farmers deserve support to maintain the countryside we love.
- The farm is lightly stocked with 50 animals – animals are easily fed and machinery use is infrequent. Animas are moved on two occasions.
- The yard is mainly screened form the appellant by the hay shed.

6.2 First party response to Section 132 notice

The applicant was requested to clarify the existing and proposed access arrangements to the site. In addition the applicant was requested to indicate contiguous structures.

The applicant responded with a letter and drawings which is later described in the Assessment section of this report.

7 PLANS AND POLICIES

7.1 The Roscommon County Development Plan 2014-2020 is the relevant policy document.

Chapter 3, which deals with Economic Development, refers to the importance of agriculture and of facilitating the development of agriculture and agricultural practices.

8 ASSESSMENT

8.1 Issues

While I concur generally with the planning authority and the applicant that this is rural area in which farming are intrinsic to its character and related development is acceptable in principle, there are issues of development control. The issues which arise in relation to this appeal can be considered under the headings: access, nuisance and groundwater

8.2 Access

While I note the extensive reports and details submitted and which are clear on the nature and scale of use the drawings submitted to the planning authority as

part of the planning application are unclear in respect to the access arrangement. The applicant was accordingly requested to clarify this by way of section 132 written notices.

The applicant has identified one existing vehicular access to the land as outlined in blue in which the proposed development site is located. This access relates to a domestic dwelling and is domestic in its nature and scale. It is narrow by agricultural standard and there is for example no cattle grid

A second access is shown in the drawings submitted to the Board but this is outside the site outlined in blue and is to the north of the site. This appears to serve the adjacent field (or part thereof) which has cattle sheds. The access is along a track and via a yard in which a truck is parked and passes some derelict property.

The applicant clarifies that the land is being subdivided and that entrance 1 (the domestic entrance) will be upgraded to provide access and in the longer term entrance 2 will be used. There are no details of intended use of the lands or structures.

Since the time of my site inspection, it is clear from the details submitted directly to An Bord Pleanála that the applicant has carried out works involving the partial demolition of a stone building and clearance of the boundary wall, gates and hedge. The drawings illustrate a 100m visibility which stated to be above 900mm.

The road in the vicinity of the site is poorly aligned and there is already a multiplicity of junctions in close proximity. The provision of an additional yard entrance in close proximity to an entrance already serving the same lands would appear excessive and unwarranted in the context of traffic safety. Furthermore I note that the road to the north also appears to provide an access route to the site although this is not included in the submitted details.

There is also an issue of amenity. When considered the nature of vehicle associated with cattle movement, slurry management and removal and feeding I consider the proposed use of the domestic entrance would injure the residential amenity of the existing house. The area between the gable of the house and boundary as outlined blue is quite restricted and would I consider detract from the residential amenity of the dwelling house. There are no details of the access track route in terms of location alignment, construction or drainage from the domestic entrance to the proposed shed. I consider quite intrinsic to the amenity of the house.

The development will result in a material change of use of an existing domestic entrance and is I consider unacceptable in terms of both traffic safety and residential amenity for the existing dwelling. Its use as an agricultural entrance to lands already served by such in close proximity would lead to a proliferation of junctions on subject road and therefore by give rise to a traffic hazard.

In my judgement the propose usage of this entrance on this local road constitutes a reason to refuse permission.

8.3 Nuisance

The appellant has concerns in relation to proximity, at less than 100m, of his dwelling to the proposed development. I note there are also other dwellings in the vicinity: to the north and south and across the road. The proposed development is of a relatively modest scale, however it will be adjacent to an existing cattle shed which is not indicated in the drawings. The proposed development by itself and in conjunction with neighbouring sheds is by its nature likely to generate some odours particularly during periods of slurry management activities (e.g. agitation, emptying) and also by way of agricultural vehicles associated with feeding and livestock. I note that the applicant owns a 40 hectare holding in the vicinity of the development site and there is a possibility of locating the proposed shed in a more removed location from the existing shed and cluster of dwellings and possibly a location which could be more remotely accessed from the northern side. I note however that this is an agricultural area and not a designated settlement area and consider that the development of agricultural premises and ancillary structures should not be unduly impeded and should be acceptable in principle.

If this location were the only viable location for reasons not quite clear from the submissions on file, then perhaps consideration should be given to the joint environmental management of the cattle sheds in terms of slurry agitation, collection, cleansing of facilities and other traffic and nuisance generating activities. If this is not the case then the shed should be more sensitively sited with regard to disturbances. On balance I consider the issue to more relate to a piecemeal approach to development and management of the overall holding rather than specifically relating to residential amenity.

8.4 Groundwater

Having regard to the relatively small scale of the development and adherence to best farming practice I do not consider pollution of ground water including neighbouring wells to constitute grounds for concern. I consider the conditions of permission adequately address this issue.

9 Appropriate Assessment

There are 12 European Sites within a 15km radius. These are: Mongon Bog SAC, Fin Lough SAC, Ferban Bog SAC, Moyclare Bog SAC, Castlesampson Esker SAC, Crosswood Bog SAC, Carn Park Bog SAC and Ballymona and Corkip Bog SA, Lough Ree SAC, Middle Shannon Callows SPA, Lough Ree SPA, River Suck Callow SPA. The nearest site - the River Shannon Callows SAC is located 511m from the site and pollution of surface water or ground water could potentially impact on the Freshwater habitat or Wetland Habitat in this conservation area. However in view of the nature of the proposal which is small in scale and incorporates best practice with regard to run-off and slurry and manure management and also having regard to the capacity of the land to accommodate slurry spreading I am satisfied that the proposed development by itself or cumulatively, is unlikely to have any significant impact on this or any other European Site. Stage II appropriate assessment in this instance is not warranted.

10 RECOMMENDATION

Having regard to the submission on file I recommend a decision to refuse permission based on the following reasons and considerations.

1. Based on the information submitted, the Board is not satisfied that the proposed development would not give rise to traffic hazard due to the creation of an additional agricultural yard entrance in close proximity to an existing entrance serving the same lands and on stretch of road that is poorly aligned and where there are multiple entrances. The proposed development would therefore be prejudicial to public safety.
2. The development is considered to be piecemeal and haphazard as it fails to comprehensively address, the use of all structures and building and access arrangements in an orderly manner. The proposed development would therefore detract from the amenities of the area and be contrary to the proper planning and development of the area.

Suzanne Kehely
Senior Planning Inspector
30th June 2016