



An  
Bord  
Pleanála

## Inspector's Report PL.93.246777.

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<b>Development</b>	Permission for slatted cattle / suckler shed & ancillary site works at Graiguenageeha, Stradbally, Co Waterford.
<b>Planning Authority</b>	Waterford City & County Council.
<b>Planning Authority Reg. Ref.</b>	16/219.
<b>Applicants</b>	George & Carolyn Walsh.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission subject to Conditions.
<b>Appellant</b>	Greg Dunford.
<b>Observer</b>	None
<b>Date of Site Inspection</b>	22 September 2016.
<b>Inspector</b>	Bríd Maxwell.

## **1.0 Site Location and Description**

- 1.1. The appeal site which has a stated area of 0.56 hectares is located within a rural area approximately 2km to the north east of Stradbally, and 13 km to the northeast of Dungarvan, in Co Waterford. The appeal site is accessed by way of a private laneway serving the site and the adjacent farmhouse and farmyard to the south of the R675 which links Dungarvan and Tramore. The appeal site is occupied by a number of structures including a straw bedded shed, concrete silage slabs and yard. There is a water pump house towards the western end of the site. The adjacent site to the northwest comprises a well-established farmyard with dwellinghouse and outbuildings. There is an established dwellinghouse and outbuildings (that of the appellant) to the north of this. There is a two storey dwelling of recent construction (that of the first party) to the southwest of the appeal site.
- 1.2. The Board is referred to the appendices to this report which include maps, photos and aerial photos of the appeal site and vicinity.

## **2.0 Proposed Development**

- 2.1. The application as set out in the public notices seeks permission for the construction of a slatted shed /suckler shed of 353.52 sq.m and all associated site works. The proposed shed construction is based on steel stanchions located at 4.8m centres with concrete base wall and corrugated cladding to upper level and corrugated sheeting to the roof. The shed has a monopitch roof with a maximum height of 7.09metres.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 24<sup>th</sup> May 2016 Waterford City and County Council decided to grant permission subject to 6 largely standard conditions also including Condition 6

requiring screen planting, comprising a 1m high earthen berm with native hedgerow planting to the southern boundary.

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

The report of the area planner indicated satisfaction with the detail of the development and recommended permission having regard to the established use and character of the site and extent of applicant landholding.

### **3.3. Third Party Observations**

Submission by the appellant to the local authority objects to the development on grounds of impact on residential amenity and potential impact on water supply.

## **4.0 Planning History**

- No planning history on the appeal site.
- **13/352** refers to adjacent site to the south and within the same landholding and was permission was for new two storey dwelling, proprietary waste water treatment system, percolation area, recessed entrance and associated site works.

## **5.0 Policy Context**

### **5.1 Development Plan**

The Waterford County Development Plan 2011-2017 refers.

At 6.7.1 Agricultural Development Policy it is stated that the Planning Authority will support and facilitate sustainable agricultural developments and improvements where the developments are considered in relation to their impact on the environment, landscape character and amenity of the surrounding area.

Development Standards are set out at Chapter 10.

## **5.2 Natural Heritage Designations**

The appeal site is within 2.3km of the Mid Waterford Coast SPA Site Code 004193 and within 8km of the Comeragh Mountains SAC Site Code 001952.

## **6 The Appeal**

### **6.1 Grounds of Appeal**

The submission by Peter Thompson, Planning Solutions on behalf of Greg Dunford, owner of the dwellinghouse to the northwest of the appeal site and accompanied by a letter from O Shea and Co Solicitors. The grounds of appeal can be summarised as follows:

- Application drawings are incomplete and do not show important features in the vicinity including wells, septic tanks and the applicant's new dwelling.
- Public health risks arise due to proximity to wells.
- Open ditch adjacent to the site conveys water towards the public water scheme source.
- Potential for flooding of slatted tank.
- Proposed slatted house far exceeds the required capacity and represents a significant intensification of use of the site.
- Location orientation and scale of the structure within 58m of the appellant's dwelling will result in noise and odour nuisance and visual intrusion. Regard should be had to the 100m separation distance limitation referenced in exempt development provisions.

## **6.2 Planning Authority Response**

The Planning Authority notes that the location of wells was taken into consideration in its determination. The development is designed to ensure that soiled water is contained within the slatted tanks. The potential for flooding is limited. The development is an improvement / expansion of existing farming practices.

## **6.3 First Party Response**

The first party response asserts that the application is progressive and in accordance with good practice. It is noted that slurry storage capacity exceeds 16 weeks storage. The view of the structure from the appellant's site will be largely obstructed by the existing shed and trees.

## **7 Assessment**

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposed development and all submissions, I consider the key issues raised in the appeal may be considered under the following broad headings:

- The principle of the proposed development.
- The nature of the proposed development and its impact on the environment and amenities of the surrounding area
- Appropriate Assessment.

### **7.2 Principle of the proposed development.**

7.2.1 The proposed development consists of the rationalisation of an existing dairy enterprise and streamlining of an established agricultural use. I consider that the consolidation of the established existing agricultural use on the site is an entirely

appropriate use in this rural area where the predominant land use is agriculture and therefore the principle of development is acceptable. On this basis I consider that it is appropriate to consider the development on its merit in the context of the proper planning and sustainable development of the area.

### **7.3 The nature of the proposed development and its impact on the environment and amenities of the surrounding area**

7.3.1 The proposed development provides a slatted shed for livestock housing, associated effluent collection tanks and ancillary works. I consider that the justification outlined within the application and appeal that the proposal provides for improvement of existing practices and provides for significant environmental improvement to be reasonable. I conclude that subject to good agricultural practice in accordance with the European Union (Good Agricultural Practices for the protection of Waters) Regulations 2014 and compliance with standard environmental conditions the proposed development will not result in water or other environmental pollution and will be in accordance with the proper planning and sustainable development of the area.

7.3.2 As regards the visual impact of the development the site is an established farmyard which is not unduly prominent in the locality and visual impact of the development is not significant. I consider that additional landscaping will further mitigate visual impact of the development. As regards impact on the adjacent residential dwellings in terms of odour and noise, I find no evidence to support the assertion that significant impacts on established residential amenity will arise as a result of the development.

### **7.4 Appropriate Assessment.**

**7.4.1** As regards Appropriate Assessment, the site is within 2.3km of the Mid Waterford Coast SPA Site Code 004193 and within 8km of the Comeragh Mountains SAC Site Code 001952. Having regard to the nature and scale of the development and to the proximity to the nearest Natura 2000 site, it is considered that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case 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.

## **8.0 CONCLUSION AND RECOMMENDATION**

8.1 I have read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising. I recommend that planning permission for the development be granted subject to the following conditions.

### **RECOMMENDATION**

Having regard to the nature and extent of the proposed development and to the history of on-site agricultural activity, 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 proposed development would not seriously injure the amenities of the area or of property in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be

required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. A minimum of 16 weeks storage shall be provided in the underground storage tank. 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.

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

3. The slatted shed shall be used only in strict accordance with a management schedule to 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 Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (SI No 31 of 2014), and shall provide at least for the following:

- (1) Details of the number and types of animals to be housed.
- (2) The arrangements for the collection, storage and disposal of slurry.
- (3) Arrangements for the cleansing of the buildings and structures.

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

4. 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 (SI No 31 of 2014).

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

5. 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-
  - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
  - (b) all soiled waters, shall be directed to the slatted storage tank.  
Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

6. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the 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.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to a scale of not less than [1:500] showing :

- (i) The species, variety, number, size and locations of all proposed trees and shrubs, [which shall comprise predominantly native species such as mountain ash, birch willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]
- (ii) Details of screen planting along the southern boundary of the appeal site which shall not include cupressocyparis x leylandii

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from completion of the development shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

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Bríd Maxwell  
Planning Inspector.  
23<sup>rd</sup> September 2016