



An
Bord
Pleanála

Inspector's Report PL02.247213

Development	Construction of a four bay slatted shed with slurry storage and adjoining handling area, four bay machinery shed with covered silage pit area and concrete yard.
Location	Collops, Kingscourt, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	16/238
Applicant(s)	Patrick Tinnelly
Type of Application	Permission
Planning Authority Decision	GRANT
Type of Appeal	Third Party
Appellant(s)	Peadar Ó Maoldúin
Observer(s)	Margaret Muldoon
Date of Site Inspection	16 th November 2016
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.23 ha, is located on a laneway, accessed from the southern side of a local road (L3525), in the townland of Collops, c. 4km north west of Kingscourt, Co. Cavan. The site is c. 150m from the public road and is bounded by the laneway to the north west and south west and agricultural lands to the north east and south east. A house, occupied by the appellant and observer, is also located on the laneway, c. 60m south of the appeal site boundary.
- 1.2. The appeal site is currently undeveloped and is bounded by mature hedgerows and trees to the north east, north west and south west. An existing agricultural entrance is located at the northern corner of the site providing access onto the laneway. A stream is located c. 125m to the north of the appeal site, which runs in a generally parallel direction to the local road. The appeal site is elevated above the local road, with the lands rising from north to south.

2.0 Proposed Development

- 2.1. The applicant is seeking permission for the construction of the following:
 - Four bay slatted shed with slurry storage and adjoining cattle handling area.
 - Four bay machinery shed with attached covered silage pit area.
 - Concrete yard.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cavan County Council decided to grant planning permission and the following
 - C2: Structures to be designed and constructed in accordance with relevant DAFM specifications.
 - C3/C4: Effluent and soiled water to be collected in effluent storage tank. No effluent to discharge to watercourses.

- C5: Uncontaminated run-off from roofs and paved areas to be collected and discharged to watercourse.
- C6: Effluent not to be spread where there is risk of run-off to watercourses.
- C8: Landscaping to satisfaction of Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Proposed development complies with CDP policies supporting agricultural development subject to environmental/ecological protection.
- Third party issues addressed to Planner's satisfaction in response to RFI.
- Revised plans submitted in response to RFI provide details of surface water drainage, well location and landholding.

3.2.2. Other Technical Reports

- Environment Section: No objection subject to Conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

- 3.4.1. Two third party observations were made by Peadar ó Maoldúin and Margaret Muldoon, respectively. The issues raised were generally the same as the appeal and the observation on the appeal. Mr ó Maoldúin subsequently submitted a second observation, raising additional issues including the validity of the site notice and querying references to an existing well and public drains in the application form.

4.0 Planning History

4.1. Subject Site

4.1.1. None.

5.0 Policy Context

5.1. Cavan County Development Plan 2014-2020

- 5.1.1. The site is not zoned under the current Cavan Development Plan 2014-2020. Section 3.4 of the Development Plan relates to agriculture and farm diversification and sets out a number of Policies and Objectives to support development in this sector, subject to protection of the environment and visual amenity.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was lodged by Peadar ó Maoldúin. The grounds of appeal can be summarised as follows:

- Some of the proposed structures are within 100m of appellant's dwelling.
- Alternative sites are available on the applicant's landholding that are at a greater remove from any dwellings.
- Two other rights of way are available to the applicant rather than the laneway which serves the appellant's dwelling.
- There are two existing farmyards on the landholding prior to any transfer. Sustainable approach would be to consolidate all farm buildings in one complex.
- Inaccuracies in Planning Officer's Report – laneway is not a cul de sac and 'agricultural buildings' are derelict cottages which had been used for animal shelter.
- Height of proposed development and elevated nature of site will result in it breaching the skyline when viewed from the public road.
- No details of effluent calculations or nutrient management plan and unclear if appropriate lands are available for landspreading.
- Uncertainty with regard to surface water discharge and unenforceable Conditions.

- Non-compliance with various policies and objectives of CDP which seek to protect waterbodies and prevent pollution.

6.2. Applicant Response

6.2.1. The first party response can be summarised as follows:

- Animal housing will be more than 100m away from appellant's dwelling. Only silage pit and machinery shed will be within appellant's measurements.
- Applicant is satisfied that silage pit building will not be visible from appellant's dwelling due to conifer trees and topography. Roofless silage pit could be provided if necessary but would be less practical in winter.
- Access laneway to appellant's house is shared with applicant who has five field gates along its length.
- Alternative access routes proposed by appellant are unsuitable. One is in poor condition and the second is not within the legal control of the applicant.
- Land has recently been transferred to applicant from his father as a new beef farm, which does not have any farming facilities/sheds.
- No visual impact issues due to topography of site and lands to the south.
- Applicant is qualified in farmland conservation and will ensure compliance with all standards and conditions.

6.3. Planning Authority Response

6.3.1. The Planning Authority made the following points:

- Details and calculations of effluent and spread lands was submitted and was assessed by the Environment Section.
- While appellant has highlighted that laneway is not a cul de sac and that agricultural buildings referenced in Planner's Report are derelict cottages, this does not affect the assessment undertaken or the recommendation.
- All other issues raised in appeal were addressed previously.

6.4. Observations

6.4.1. One third party observation was made by Margaret Muldoon. The issues raised can be summarised as follows:

- Proposed development is within 100m of her home, contrary to statements by applicant and Planning Officer.
- No information on vermin control or noise and odour control provided.
- Applicant has other lands on which the development could be located.
- Increased traffic on lane could affect observer due to her need to visit hospital on a regular basis.

7.0 Planning Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- Residential amenity.
- Visual amenity.
- Effluent Management.
- Appropriate Assessment.

7.2. Residential Amenity

7.2.1. The appeal site boundary is located c. 60m to the north of the appellant's property. More particularly, the proposed silage pit and machinery shed will be located within 100m of the appellant's dwelling, while the slatted shed and cattle handling area will be slightly more than 100m distant. Having regard to the nature of the proposed development, which comprises the housing of animals, the storage of slurry and silage and the operation of machinery, there is clearly potential for a negative impact on the appellant's residential amenity, primarily as a result of odour, noise and traffic.

7.2.2. With regard to odour, I consider that the main source of odour emissions is likely to be the slurry tank under the slatted shed, particularly when it is being agitated or drained, rather than the covered silage pit. In this regard I note that agitating points are located on both the eastern and western sides of the shed.

- 7.2.3. While the perception of odour is somewhat subjective and subject to individual sensitivity, I consider that the odour generated by the proposed development will be typical of such agricultural developments and would not be out of place in this rural area. Having regard to this and the fact that the slatted shed will be located more than 100m away from the appellant's property, I therefore consider that the development would not give rise to a sufficient level of odour as would warrant refusal of planning permission on these grounds.
- 7.2.4. Due to the proximity of the appeal site to the appellant's property, the issues of noise and traffic also need to be considered. The primary source of both is tractor, tanker and associated vehicle and machinery movements. Having regard to the limited scale of the development (27 animals housed in a 214 sq m slatted shed and associated machinery/silage shed), its agricultural nature and the low level of traffic on both the local road and the access laneway which serves the applicant's lands and the appellant's house, I do not consider that noise or traffic generation would have a significant impact on residential amenity.
- 7.2.5. In conclusion, I consider that the proposed development would not seriously injure the residential amenities of the appellant or other properties in the vicinity.

7.3. **Visual Amenity**

- 7.3.1. The appellant contends that the proposed development will have a negative visual impact due its height and location, which will result in it breaching the skyline when viewed from the public road (L3525).
- 7.3.2. The proposed slatted shed is c. 5.8m high and the proposed machinery shed is c. 7m high. While the development is located at a significantly higher level than the public road which is c. 150m to the north, it benefits from a degree of screening from the roadway with an existing double row of hedgerows and trees to the north, either side of the laneway. These hedgerows run parallel to the appeal site along its full length. A dense strip of coniferous planting also bounds the laneway from the public road to the appeal site, limiting visibility of the site from areas to the east and north.
- 7.3.3. As a result of local topography and the proposal to cut into the slope of the appeal site in order to provide a level site, the applicant's agricultural lands to the south of the appeal site will continue to rise significantly behind the proposed structures and a

new line of native planting is proposed to the rear of the development, along the southern site boundary. Both of these elements will serve to provide a visual background to the development and to embed it within the landscape.

- 7.3.4. Slatted sheds, machinery sheds and silage pits are all common agricultural structures and the proposal is of a standard agricultural design, with a mix of blockwork and corrugated panelling for walls and roof. While the structures will be visible from some surrounding areas, I do not consider that the placement of such structures and uses in a strongly agricultural area such as the appeal site would be seriously injurious to the visual amenities or established character of the area. With regard to the appellant's dwelling, the development is located c. 60m to the north of the dwelling. This will be the closest residential property. As a result of the site topography, the proposed planting and the separation distance, I am satisfied that the proposed development will not have a significant adverse visual impact on the appellant's dwelling.
- 7.3.5. Notwithstanding this, if the Board is minded to grant permission, I recommend that Conditions be included requiring the submission of a landscaping plan to reinforce and supplement existing planting along the laneway boundary, and to ensure that materials and colours for the sheds are agreed with the Planning Authority.

7.4. Effluent Management

- 7.4.1. The appellant has expressed concern in relation to the potential impact of the proposed development on surface water quality, as a result of the sloping nature of the site, lack of information and the presence of existing drains and watercourses.
- 7.4.2. The appeal site is within an area classified as having a poor aquifer with moderate vulnerability. It is also located within the Neagh Bann River Basin District, within the Glyde Water Management Unit. That water body is currently classed as having Good Ecological Status and is identified as being not at risk.
- 7.4.3. I consider that the proposed development gives rise to the potential for surface water pollution and groundwater pollution from the following sources:
- Silage effluent run-off.
 - Slatted shed run-off.

- Landspreading of slurry.

7.4.4. Silage Effluent Run-off

The proposed silage pit is to be an open plan area within a shed structure. The provision of a roof over the silage pit will likely serve to significantly reduce the volume of effluent generated. The Site Layout Plan indicates that effluent arising from the silage pit will be captured by a drain along the front of the silage shed and directed to the slurry tank under the slatted shed. The appellant has stated in response to the appeal that the roof could be omitted in the interests of visual amenity if necessary, however I see the roof as a positive aspect of the development that will allow clean stormwater to be diverted, rather than increasing the generation of effluent.

7.4.5. Slatted Shed Run-off

The slatted shed includes an underground slurry storage tank with a stated volume of 190 cubic metres. The applicant has not provided calculations to demonstrate that the capacity of the tank is sufficient for the stated number of animals as well as the run-off from the silage pit. However, I note that the management of effluent arising from agricultural activity is governed by specific legislation set out in the *European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014*. The applicant will also be required to construct the structures in accordance with the relevant Department of Agriculture, Food and the Marine (DAFM) specifications. Subject to compliance with these Regulations and DAFM specifications and the imposition of suitable conditions in this regard, I am satisfied that the proposed slatted shed and its storage tank will not result in water pollution or a deterioration in water quality.

7.4.6. Landspreading of Effluent

While the applicant has provided information on his landholding and the area available for landspreading, he has not provided calculations to demonstrate that nutrient loadings would be compliant with Nitrates Directive requirements. However, having regard to the site context and the nature of the receiving environment, I do not consider the site to be a high risk site for such developments. It is not the function of the planning system to replicate controls that exist under separate systems, and as noted above, the applicant will be required to undertake

landspreading in strict compliance with the detailed provisions of the *Good Agricultural Practice for the Protection of Waters Regulations 2014*. Subject to such compliance, I do not consider that the landspreading of effluent would result in a significant negative impact on water quality.

7.5. Appropriate Assessment

- 7.5.1. The appeal site is not located within or adjacent to any European sites, and there are no such sites within 15km of the appeal site.
- 7.5.2. Having regard to the lack of proximity to any European 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.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the rural location of the proposed development and the Objectives of the Cavan County Development Plan 2014-2020 which seek to promote agricultural development it is considered, subject to conditions set out below, that the proposed development would not have an adverse visual impact, would not seriously injure the amenities of the area by way of odour or noise nuisance, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1. The development shall be 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 27th July 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the finishes of the structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and environmental protection.

3. 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 from roofs and clean paved areas shall be disposed of directly in a sealed system to existing drains, streams or adequate soakpits, and
- (b) all effluent and soiled waters shall be directed to a storage tank.
- (c) no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

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 and public health.

4. Where slurry generated by the proposed development is to be disposed of by spreading on land, 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.

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

5. 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, and shall provide at least for the following:

- (a) Details of the number and types of animals to be housed.
- (b) The arrangements for the collection, storage and disposal of slurry.
- (c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

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

6. In the first planting season following the commencement of development, the site shall be landscaped in accordance with the scheme submitted to the planning authority on the 27th of July 2016. Any failures within the planting scheme shall be replaced in the subsequent planting season.

Reason: In the interest of visual amenity.

7. With the exception of the trees and hedgerows to be removed to facilitate the construction of the site entrance, all existing trees and hedgerows on the shall be retained and shall be reinforced with additional planting and protected from damage at all times particularly during building operations.

Reason: In the interest of the visual amenity.

Niall Haverty
Planning Inspector

16th December 2016