



An
Bord
Pleanála

Inspector's Report PL01.247377

Development	Cubicle shed and agricultural store, dungstead, horse walker, bore well, site entrance and associated site development works.
Location	Wells, Bagenalstown, Co. Carlow.
Planning Authority	Carlow County Council.
Planning Authority Reg. Ref.	15/385
Applicant(s)	John Hanlon
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s)	(1) Thomas & Marie Harte. (2) John & Margaret Halpin.
Date of Site Inspection	09 th December 2016
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 2.8163 hectares, is located approximately 1km south west of Bagenalstown, Co. Carlow. The site is located in a rural area and is a field defined by existing boundary hedgerow. The field has frontage along two local roads with a small amount of road frontage on a local road running along the northern boundary of the site and its main road frontage all along the local road to the east of the site. A watercourse traverses the northern part of the site and discharges to the River Barrow, which is located to the north east of the site. Level on site decrease moving south to north. Immediately to the south of the site is a single-storey detached dwelling. There is an existing dormer style dwelling on the opposite side of the public road to the east of the site and a single-storey dwelling to the north east of the site.

2.0 Proposed Development

- 2.1. Permission is sought for a new cubicle shed and agricultural store with associated dungstead, new horse walker, bore hole and new site entrance. The cubicle shed has floor area of 888sqm and a ridge height of 6.49m, features rendered walls on the front and rear elevation and metal clad doors on the side elevations with corrugated metal on the shallow pitched roof profile. The agricultural store has a floor area of 692sqm and a ridge height of 6.21m and features external finishes of rendered walls and metal cladding on its side elevations and a corrugated metal finish to its shallow pitched roof profile. The horse walker has a diameter of 15m and is located to the north of the site. The dungstead is located at the north western corner of the site.
- 2.2. In response to further information revised plans were submitted relocating the horse walker to the east of the cubicle shed. The storage shed has been reduced in floor area to 334.4sqm and the dungstead was omitted. In response to clarification of further information the proposed vehicular entrance was relocated further north on the eastern boundary.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 13 conditions. The conditions are standard in nature.

3.2. Local Authority and External reports

3.2.1. Roads (07/01/16): No objection.

3.2.2. Environment & Water Services (26/01/16): Further information required, including details of the dungstead and method of effluent collection, details of maximum animal numbers to be catered for, details on whether horses are to be washed down and disposal of soiled water, details of manure produced and nutrient management planning and details of clean roof water and surface water disposal.

3.2.3. Irish Water (01/02/16) No objection.

3.2.4. Planning report (18/02/16): Further information required including the information sought by the environmental and water services section in addition to a screening report for Appropriate Assessment, details of landholding in the applicant's ownership, proposal to deal with seasonal flooding on site and details of the provision of sightlines at the proposed vehicular entrance.

3.2.5. Environment & Water Services (07/06/16): Grant of permission recommended subject to conditions.

3.2.6. Planning report (17/06/16): Clarification of further information required including submission of a Stage 1 screening assessment.

3.2.7. Area Engineer (21/06/16): It is noted an existing hedgerow adjoining the site needs to be removed to facilitate sightlines.

3.2.8. Senior Planner (22/06/16): Clarification of further information required including a Stage 1 screening assessment, details of sightlines in the context of an existing hedgerow located on an adjoining property and submission of a nutrient management plan for the entire landholding.

3.2.9. Environment (23/06/16) Grant of permission recommended subject to conditions.

3.2.10. Environment & Water Services (22/06/16): No objection subject to conditions.

- 3.2.11. Area Engineer (22/08/16) No objection subject to conditions.
- 3.2.12. Development Applications Unit (31/08/16): Specific measures controlling discharges are required.
- 3.2.13. Environment & Water Services (06/09/16): No objection subject to conditions.
- 3.2.14. Planning report (12/09/16): The information submitted by way of further information and clarification of further information was considered satisfactory. The proposal was considered to be acceptable in the context of the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The relevant Development Plan is Carlow County Development Plan 2015-2021. The site is located in the agricultural area of the county.

6.0 The Appeal

6.1 Grounds of Appeal

- 6.1.1 A third party appeal has been lodged by Thomas & Marie Harte, Wells, Bagnelstown, Co. Carlow. The grounds of appeal are as follows...

- The appellants include their submissions regarding this application, which includes concerns regarding impact on the appellants' privacy, the visual amenity of the area, increased traffic levels and subsequent impact on traffic

safety, increased noise and disturbance, the impact on dungstead and horse walker, odours. The appellants also questioned the need to construct the development at this location in the context of the fact the applicant has an existing yard and sizeable landholding in the local area.

- The appellants reiterate concerns regarding the potential impact of discharges on their water supply.
- The appellants question why there is no details regarding the nature of the activities on site and the lack of certain facilities to prevent contamination of surface water (a concrete bunded area) and the lack of staff facilities on site.

6.1.2 A third party appeal has been lodged by Bluett & O'Donoghue Architects on behalf of John & Margaret Halpin, Wells, Bagneslown, Co. Carlow. The grounds of appeal are as follows.

- It is noted that the proposed structures do not meet the separation distances for agricultural structures set out for exempted development under the Planning and Development Regulations. The appellants appear to be suggesting that the level of separation between the proposal and adjoining properties is insufficient.
- The proposal would result in the loss of residential amenity due to impact on the setting and outlook from the appellants dwelling, increased traffic adjacent their entrance, noise, light pollution and odours and no restriction on the operating hours of activities on site.
- No provision is made for staff facilities, or car parking and no information is given regarding the intensity of activities, staff levels and hours of operation.
- The proposal would result in a traffic hazard as it is located on a busy road with sub-standard sightlines available at the proposed entrance. The applicant has alternative road frontage along the R448.
- The proposal is not compliant with development Plan policy as the structures are located forward to the building line of the appellants dwelling and would be at an obtrusive location on the landholding well as the proposal requiring the removal of trees and hedgerows to facilitate sightlines.

- The appellants consider that the separation distances in the Planning and Development regulations should be imposed and that the standards under the EU and Department of Agriculture Regulations are not relevant or enforceable in this case.
- The appellants question the location of the proposal in proximity to their dwelling given the size of the landholding in the applicant ownership.

6.2 Response

6.2.1 Response by GM Architects on behalf of the applicant John Hanlon.

- The response notes the development is required to segregate all newly imported horses from his existing yard (under 1km from the appeal site) as per Department of Agriculture and Horse Racing Guidelines.
- The site is segregated from the applicant's existing yard but in close enough proximity so as not to generate a significant workload.
- It is noted that the development is located to maximise distance from the watercourse to the north of the site, at the optimal location for safety (vehicular entrance) and minimises impact by using existing trees and hedgerow.
- It is noted that alterations were made including relocating the horse walker, reducing the scale of the dry store and moving it away from the boundary and provision of a berm and planting along the perimeter of the site.
- It is noted that the exempted development separation distances are not the ideal standards as noted by the appellants, the isolation unit is designed to limit spread of equine disease and poses no threat to human health or contamination of the watercourse.
- Horses will not be trained or exercised on site with the use of the walker is for low intensity activities. Horse and transport boxes will not be washed on site with such carried out at the main yard. Staff are expected to visit the site intermittently with no need for staff facilities.

- Current traffic to the site (horse transporter) blocks the road, with the proposal facilitating off-street parking and a more improved traffic situation.
- Hedgerow loss is limited and is mitigated by additional planting.

7.0 **Assessment**

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Visual amenity/adjoining amenity

Environmental impact

Traffic Impact

Appropriate Assessment

Other Issues

7.2 **Principle of the proposed development:**

7.2.1 The proposal is for an agricultural development and is located on an agricultural landholding. Based on the information on file the development is associated with an existing farm yard development and landholding remote from the site (less than 1km according to the applicant). The proposal is an isolation unit for newly imported horses, which are required to be kept separate from the applicant's main yard in accordance with Department of Agriculture and Horse Racing Ireland guidelines. The applicant has an existing farmyard and landholding in the locality and farming activity is training and importing horses. It is noted that between 15-20 horses are to be housed at the site. Given the nature of the use and its location on agricultural lands, I

am satisfied that the principle of the proposed development at this location is acceptable.

7.3 **Visual amenity/adjoining amenity:**

7.3.1 The proposal provides for two structures on site, a cubicle shed and an agricultural; store. Additional structure on site include a horse walker and a dungstead. The appeal site is the entire field at this location, however the development footprint is confined to a smaller section to the south east of the site with the majority of the site retained in its current state. The development is located at the higher part of the landholding with the levels of the land to the north of the site lower than that to the south. Immediately to the south of the site is a single-storey detached dwelling. This dwelling is located a significant distance from the public road with the southern boundary of the site adjoining the front garden area and the dwelling located further west than the western limit of the site. There is an existing dormer style dwelling on the opposite side of the public road to the east of the site and a single-storey dwelling to the north east of the landholding associated with the site.

7.3.2 In regards to impact on residential amenities, I would note that the nature of the overall use (agricultural) is acceptable at this location and not a conflicting use in such an area or in proximity to the existing dwellings. In regards to the existing dwelling to the south, the proposed structures are located a reasonable distance (59.15m between the dwelling and storage shed at their nearest points) and the overall footprint of development is not located immediately adjacent the appellants dwelling or their rear private amenity space associated with the existing dwelling. Also of note is that the proposed structures are relatively low profile agricultural structures with the storage shed (the nearest of the two) having a ridge height of 6.21m and the cubicle shed, which is located further north a ridge height of 6.49m. It is also notable that the storage building was reduced in size significantly by the applicant in response to a further information request. I am satisfied that taken in conjunction with the existing boundary hedgerow along the southern boundary as well additional; planting proposed by the applicant, that the overall scale and proximity of the proposed structures would be acceptable and would not result in

diminished outlook for existing dwelling. I would note that the appellants reference to exempted development is not relevant and that the distances used to determine exempted agricultural development and are not guidance standards for determining the appropriate separation distance between development of this type, the proposal requires permission and is being assessed on its merits in the context of the proper planning and sustainable development.

- 7.3.3 In regards to the other dwellings in the vicinity, the proposed development would have no significant adverse impact on residential amenity. The existing dwelling on the opposite side of the road is sufficiently separated from the site with the existing road and boundary treatment providing a degree of separation in addition to the modest scale of the structures and level of landscaping proposed. The dwelling immediately to the north east of the site may be located immediately adjoining the site, however it is located a significant distance from the new structures on site and defined boundary of the new yard. The nature of the land use immediately adjoining the existing dwelling is not changing as a result of the proposed development.
- 7.3.4 Concerns are expressed regarding the general disturbance likely to be caused by the proposed development including noise and odours. In regards to noise and disturbance, I would note that the overall scale of the development is modest in scale and as noted by the applicant is an isolation unit ancillary to a larger agricultural activity (training and importing race horses). I am satisfied based on its location with an existing rural area and the nature and scale of development proposed, that the proposed development would not result a significant noise or disturbance for existing residents in the vicinity.
- 7.3.5 In relation to odour, the proposal for a dungstead has been removed and the applicant has indicated plans to spread manure on his larger landholding remote from the site. The applicant submitted a nutrient management plan of the proposal. I would consider having regard to the scale of the development, the degree of separation between proposed structures on site and subject to conditions requiring

best practice guidance for agricultural development be implemented that the proposal would not be detrimental to adjoining amenities in regards to odour.

7.3.6 The appellants raise concern about impact on private water supplies. This issue shall be dealt with in a later section of the report.

7.3.7 In regards to visual amenity I am satisfied that the proposal is located on a site that is not particularly prominent or sensitive in regards to landscape character. In addition, the scale of the structures proposed are modest and are a type of structure that would not out of keeping in an agricultural area such as this. I would also note there are proposals to retain existing trees and hedgerows on site and provide additional planting on site. In this regard the proposed development would be satisfactory in the context of visual amenity.

7.4 Environmental impact:

7.4.1 Concern are raised regarding the potential for contamination of surface water and private water supplies in the vicinity of the site. In response to further information the applicant removed the dungstead from the proposal and noted that he intends to spread manure on his 80 acre landholding (associated with main yard). The information on file indicates that there will be no washing of animals at this location and therefore no surface water generated by this method. Surface water from the proposed structures are to disposed of within the site to soakaways.

7.4.2 It is proposed to have a bore hole on site and the existing watercourse to the north of the site is located a significant distance to the north of the footprint of the development. I would consider that subject to adequate conditions regarding surface water and good agricultural practice, that the proposal would pose no significant risk of contamination of surface water or groundwater sources.

7.4.3 In regards to the issue of seasonal flooding it would appear that such occurs on the northern part of the site, which is at a lower elevation than the southern part of the site. As noted above despite the size of the site, the footprint of physical development is a relatively small part of the site confined to the south eastern corner. I am satisfied that no physical change is proposed to the area in which such seasonal flooding occurs and subject to adequate controls regarding surface water discharge, I do not consider that the proposed development would exacerbate this issue.

7.5 Traffic impact:

7.5.1 A new vehicular access is to be provided to the site. The new entrance was originally at the south eastern corner of the site. The site currently has vehicular entrance at this location. The applicant relocated the new entrance further north to deal with the Planning Authority's concerns that to facilitate adequate sightlines would require the alteration of hedgerow on land outside of the applicant's control. The new entrance is to be a 5m wide entrance setback splayed walls. The applicant has noted that 120m visibility setback 2.4m from the road edge is available at the proposed vehicular entrance. The vehicular entrance is located off a lower category county road and based on site inspection would not be a heavily trafficked route. I would consider that the level of sightlines available at the proposed entrance (relocated entrance) to be sufficient to cater for the traffic movements generated by the proposed development without creating a traffic hazard or obstruction to other road users.

7.6 Appropriate Assessment:

7.6.1 The applicant was requested to submit a Stage 1 Screening report regarding the proposal. The report identifies all Natura 200 sites within 10km of the site. In this case there is one site which is...

River Barrow and Nore SAC (site code 002162).

The appeal site is located 440m to the south west of the designated site. The report outlines the qualifying interest and conservation objectives for the designated site. It is noted that the construction and operation of the proposal would have no impacts on the integrity of the designated site and that the proposal would have no cumulative impact in conjunction with other activities in the area (farming) due to regulations due to need to comply with regulations regarding manure storage and soiled water (S.I. 31 of 2014).

7.6.2 It is noted that the proposal has no direct impact on the designated site due to its location remote from the such. It is noted that the proposal either during construction or operation would entail no emissions discharges to the aquatic environment. It is concluded that the proposal would no significant effects on the integrity of the designated Natura 2000 site and that a Stage 2 Appropriate Assessment is not required.

7.6.3 The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that “any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and, subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”. The Board as a competent authority "shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned". In this regard it is appropriate to carry out a stage 1 screening assessment and then if necessary a stage 2 appropriate assessment.

7.6.4 In terms of screening assessment I am satisfied with the conclusions of the Screen report submitted by the applicant in terms of the sites likely to be effected within 10km of the site (River Barrow and Nore SAC). I would concur with the conclusions

that there would be no direct effects on any designated site but there is the potential for indirect effects in regards to the water quality within the River Barrow and Nore SAC, which are areas dependent on good water quality to maintain their conservation status. There is an existing watercourse running through the northern part of the site that discharges to the River Barrow. I am satisfied that the footprint of development subject to this application is remote from the designated site and from the stream traverses the site that is not likely to have any direct or indirect effects on such. I am satisfied subject to adequate mitigation measures as proposed (on site surface water disposal, waste disposal in accordance with relevant agricultural best practice standards) that the proposal would have no significant effects either individually or in combination with other plans or projects on the integrity of the designated Natura 2000 site. I would concur with the conclusion that a Stage 2 Appropriate Assessment is not required.

8.0 Recommendation

8.1 I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1 Having regard to the nature and scale of the proposed sheds and ancillary works which are located in an established agricultural area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms both of the amenities of the area and of the safety and convenience of traffic using the adjoining rural road. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the River Barrow and Nore Special Area of Conservation (Site Code 002162), and having regard to the nature and scale of the proposed

development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector which the Board has adopted in relation to Appropriate Assessment, the Board concluded that, on the basis of the information available, either individually or in combination with other plans and projects, the proposed development would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

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 information received by on the 27th day of May 2016 and the 18th of August 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. 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 a 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 and public health.

3. The cubicle shed shall be used only in strict accordance with a management schedule which shall 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, as amended, 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 (including the public road, where relevant).

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

4. All foul effluent and slurry generated by the proposed development and in the farmyard 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. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

6. 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. Details of the finishes of the slatted shed and hay shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a

condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

19th January 2017