



An
Bord
Pleanála

Inspector's Report PL04.248345

Development	Construction of potato storage shed and associated works
Location	Ballyvodock Farm, Ballyvodock West, Midleton, Co Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/04119
Applicant(s)	Denis O'Connor
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Pat O'Connor
Observer(s)	None
Date of Site Inspection	08 August 2017
Inspector	Anne Marie O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is located on an existing farm in rural east Cork, less than 3km south of the N25 near Middleton.
- 1.2. The site has a stated area of 2.4 ha, and is part of a larger agricultural landholding of 202 ha. The site currently accommodates 5 existing potato storage sheds, slatted shed, silage pits, very large areas of hardstanding, and weighbridges.
- 1.3. The site is accessed via an existing entrance and private laneway from the local road. The laneway also provides access to a dwelling located at the junction with the public road, the applicant's own dwelling, and an old farmhouse, yard and agricultural shed located further along the laneway. It would appear that the old farmhouse was originally associated with the farm but is now in separate ownership (that of the appellant). It is in poor condition and is not occupied. The lane runs outside the site boundary and is not part of the application site. It would appear from the submissions that this laneway is a right of way for the owner of the old farmhouse and yard.

2.0 Proposed Development

- 2.1. Permission is sought for the erection of a potato storage shed with a floor area of 480 m², an eaves height of 6m and a ridge height of 9m. The building has the appearance of a modern agricultural shed with profiled steel cladding on a concrete base.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant planning permission. The following conditions are of note:

- C.6 No farm animals to be accommodated in the proposed building.
- C.7 (a) Building to be used as an agricultural store as specified in the application.
(b) No items associated with the proposed development shall be stored on/ adjacent the ROW which runs through the wider site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report reflects the decision of the planning authority. The following is of note:

- No objection to the proposed extension to the existing farm complex in a rural area.
- Proposed building will be similar to existing structures and will read as part of the existing built narrative when viewed from the public road to the east.
- The maintenance of the ROW which runs through the farm complex is outside of the scope of this application and is a civil matter. The proposed shed would be 70m from the ROW. Condition should be attached stating that no items associated with the development be stored on the ROW.
- The site is within the zone of influence of Natura 2000 sites (Cork Harbour SPA and Great Island Channel SAC). The screening assessment concludes that the potential for significant impacts on the SAC and SPA have been ruled out. No further action is required.

3.2.2. Other Technical Reports

Area Engineer No objection.

Environment No objection subject to conditions.

Cork National Roads Office No comment

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One third party submission received. The matters raised are covered in the grounds of appeal.

4.0 Planning History

14/4481	Retention of demolition of two farm buildings, and retention and completion of farm building for general agricultural use (incorporating an existing slatted tank). Granted.
10/5183	Construction of cold storage shed for use as cold store for potatoes. Granted.
07/13077	Extension to existing potato storage shed. Granted.
03/189	Extension to agricultural shed. Granted.
01/493	Storage shed. Granted.

5.0 Policy Context

5.1. Development Plan

The Cork County Development Plan 2014 applies.

Objective EE8-1 encourages the development of a dynamic and innovative, sustainable agricultural and food production sector by (inter alia):

- Encouraging the development of sustainable agricultural and infrastructure including farming buildings;
- Encouraging farm diversification through the development of other sustainable business initiatives appropriate to the rural area.

5.2. Natural Heritage Designations

The Great Island Channel SAC (site code 1058) is located some 150m to the south.

The Cork Harbour SPA (site code 4030) is located some 300m also to the south.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the owner of the old farmhouse and yard to the west of the appeal site which is accessed via a shared laneway. The issues raised can be summarised as follows:

- The site notice was not erected until a week before the last date for observations. The Council was informed of this fact.
- The condition attached to the planning authority decision (7b) is too bland and is open to interpretation. It is not clear if the condition relates to the building of the development or to use.
- There is an abuse of how waste is currently being dealt with, and it encroaches on the right of way. Photos are submitted.
- This has also led to pollution. There is an old well just below the area where they have stored potatoes that have rotted. Although the well is not in use at the moment it may be used in the future.
- The proposed shed will increase the throughput of potatoes and will lead to increased waste and pollution.
- There should be stringent rules or code of practice in how the applicant deals with the waste potatoes/ tare/ boxes, including a clear way of 20m on the right of way adjacent to the farmhouse. There should be no storage of waste in front of the sheds. Queries are also raised in relation to the enforcement of any condition.

6.2. First Party Response to Grounds of Appeal

None received.

6.3. Planning Authority Response

None received.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. The proposed development relates to the erection of a large agricultural storage building in a complex of similar buildings, and will be used as part of an existing large scale potato sorting and storage agricultural enterprise. The applicant also operates a dry stock farm on the landholding (202 ha), including a slatted shed and silage pit. Objective EE8-1 of the Cork County Development Plan encourages the development of sustainable agricultural and infrastructure including farming buildings, and farm diversification through the development of other sustainable business initiatives appropriate to the rural area. I note that the planning authority have attached a condition (C.7(a)) limiting the use of the building to an agricultural store, and I consider this to be reasonable.

7.2. Given the nature of the development, and its siting in an existing farm enterprise, I have no objection to the principal of the development subject to consideration of the relevant planning matters set out below.

Impact on right of way

7.3. The grounds of appeal are mainly concerned with the impact of the development on existing laneway which serves the potato enterprise and continues around the rear of the existing storage sheds to an old farmhouse and yard which is in the ownership of the appellant. It is stated that the appellant has a right of way over the laneway to access his property, and it would appear that the laneway in question was the original access to the farmhouse. The farmhouse itself is not occupied and is in a poor state of repair.

7.4. The grounds of appeal state that rotten potato piles, crates and other material associated with the existing operation are left on, and immediately adjacent to, the

right of way, and that the proposed shed will further increase the volume of material and lead to increased waste and pollution. Photographs are submitted.

- 7.5. The planning history shows that the existing potato enterprise on the site has grown bit by bit over time and, as a consequence, the laneway to the appellant's property now passes a large agricultural enterprise which includes not just the buildings but also extensive storage yards for machinery associated with the enterprise, stacks of wooden pallets/ crates and on occasion large piles of dis-guarded potatoes.
- 7.6. The planning authority attached a condition (C.7(b)) stating that no items associated with the proposed development shall be stored on/ adjacent to the right of way. The appellant is not, however, satisfied that this condition is sufficient to address his concerns relating to the operation as a whole, and not solely the shed for which permission is currently sought.
- 7.7. For the purposes of this appeal, the laneway/ right of way is not within the application site (red line boundary) but is within the applicant's landholding (blue line boundary). Although the legal rights relating to the right of way are a civil rather than a planning matter, the impact of the proposed development on the amenity of the old farmhouse is a planning matter. Whilst the dwelling is clearly in need of substantial repair, no evidence has been submitted that it is no longer a habitable dwelling for planning purposes.
- 7.8. Although the proposed shed is located approximately 70m from the laneway itself, the scale of the proposed shed would be reasonably expected to increase the quantity of material handled at the site. Furthermore, the proposed shed is located in an existing hardcored area that is currently used for storage of vehicles etc and will require a displacement of this use to elsewhere within the vicinity. I consider that it is reasonable, therefore, to mitigate the potential impacts from the overall enterprise, by suitable condition.
- 7.9. **Other Matters**
- 7.10. The site is set back some 200m from the public road with very limited visibility within the landscape. Furthermore, the proposed building will be viewed very much as part of the existing cluster of similar buildings. The area is not within a sensitive or designated landscape and there are no scenic views or prospects in the vicinity. As

such, I am satisfied that the proposed development would not adversely affect the visual amenities of the area or the character of the landscape.

- 7.11. The proposed development has the potential to result in increased traffic using the existing entrance onto the local road. There is an existing splayed entrance to the laneway which is similar to a domestic driveway entrance. The local road is relatively straight in the vicinity, although vegetation has restricted visibility to the south. However, the level of traffic on the local road at this location is low and the additional traffic movements would not be likely to give rise to a traffic hazard.
- 7.12. There is no washing of potatoes on the site and as such there are no concerns in relation to surface water run-off above the usual level of rainwater, which will be diverted into two soakaways.

Appropriate Assessment

- 7.13. The appeal site is located some 300m to the north of a water body which is part of the Great Island Channel SAC (site code 1058) which extends around Cork city and its environs. An area of marshland on the banks of the waterbody is located closer to the site (at a distance of 150m) and is also included with the SAC designated site. The Cork Harbour SPA (site code 4030) is also located in the channel some 300m to the south.
- 7.14. The proposed shed would be used as a potato store, and not for the housing of animals or the storing of effluent. Furthermore, no processing is proposed that would result in a discharge or emission. The potential for likely significant effects on the conservation objectives of the Cork Harbour SAC and SPA would, therefore, be from contaminated surface water reaching Cork harbour some 150-300m to the south during the construction phase. Given the separation distance and the limited nature of the construction it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Great Island Channel SAC (site code 1058) or Cork Harbour SPA (site code 4030), or any other European Site, in view of the sites' conservation objectives. A Stage 2 Appropriate Assessment and submission of an NIS is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the proposed development as set out below.

9.0 Reasons and Considerations

Having regard to the nature of the proposed development and its intended agricultural use on a farm and within an existing farm complex, and 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 residential or visual amenities of the area or the amenities of property in the vicinity, would respect the existing character of the area and would 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, 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. All material associated with the agricultural enterprise shall be stored within the site boundary and shall not encroach upon the laneway which extends along the southern and western site boundaries. A plan indicating the external storage areas for pallets, agricultural produce and other material associated within the agricultural enterprise on the site shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. All storage shall be carried out in accordance with the agreed plan unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity and to ensure a proper standard of development.

3. The proposed shed shall not be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

Reason: To define the use of the shed in the interest of clarity.

4. Water supply and drainage requirements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

Anne Marie O'Connor
Inspectorate

22 August 2017