



An  
Bord  
Pleanála

## Inspector's Report PL18.248569

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<b>Development</b>	Five bay double slatted shed, silage pit with concrete apron, effluent connection to propose slatted pit.
<b>Location</b>	Golanmurphy, Dartree, Smithborough, County Monaghan.
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	17/03
<b>Applicant(s)</b>	Adam Hall
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Adam Hall
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> August 2017
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.72ha and is located on the north-western side of the R189 about 10kms south west of Monaghan town, County Monaghan. The site includes an existing farmyard with a silage pit, two slatted sheds and a machinery store. There is a gated access to the public road/R189 set back from the roadside edge with a splayed post and rail fence. The applicant lives in a relatively recently constructed house immediately to the south of the application site and this house has a separate access with splayed walls immediately to the south of the farmyard access.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a five bay double slatted shed, silage pit with concrete apron, effluent connection to proposed slatted pit at Golanmurphy, Dartree, Smithborough, County Monaghan.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority refused permission because the proposed access is onto a regional route (R189) where 150m sightlines are not available as required by the County Development Plan and the proposed development would endanger public safety by reason of traffic hazard.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Initially the planning authority sought additional information in relation to;

- Impact on visual amenity
- Levels within the site relative to the adjoining roadway.

- Provision of sightlines on the adjoining road.
- Agreement of adjoining landowners to allow removal of hedgerows where necessary.
- Applicant to submit application for agricultural development.

The second planner's report recommended refusal on the grounds of traffic safety.

A separate planner's report concluded that there was no floor risk associated with the proposed development.

An **engineer's report** (dated 19<sup>th</sup> April 2017) commented on the further information submission and requested that 150m sightlines be provided at the site entrance.

### 3.2.2. Other Technical Reports

**Environmental Report** recommended conditions generally to comply with the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014.

### 3.3. Prescribed Bodies

**Fisheries Ireland** made a submission pointing out the necessity to protect water quality as required by EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014.

### 3.4. Third Party Observations

There were no third party observations.

## 4.0 Planning History

The existing farm yard (a silage pit, two slatted sheds and a machinery store) were granted permission under 07/427.

## 5.0 Policy Context

### 5.1. Development Plan

The Monaghan County Development Plan 2013 to 2019 is the relevant development plan for the area. The site is un-zoned.

#### **Policy AFP 2**

Give favourable consideration to agricultural, horticultural and forestry development where the development: -

- i. Is necessary for the running of the enterprise.
- ii. Is appropriate in terms of scale, location, design and nature.
- iii. Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.
- iv. Is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.
- v. Is sited so to as to benefit from any screening provided by topography or existing landscaping.
- vi. Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property.
- vii. Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance, etc.
- viii. Will not result in a traffic hazard.
- ix. Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.

## 5.2. **Natural Heritage Designations**

See AA section below.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- The applicant is a farmer and owns 16.21ha largely on the north-western side of the R189. Since the applicant owns both side of the road southwest of the entrance sightlines of 150m can be achieved.
- Both the existing farm entrance and the residential entrance have been previously permitted by the planning authority.
- The applicant lives on the farm and can access the existing and proposed farm buildings without using the public road thereby minimising and intensification of traffic movements.
- The applicant has recently contacted the owner of the lands to the north west of the site and that landowner has agreed allow the applicant to carry out works to maintain sight lines in that direction.

### 6.2. **Planning Authority Response**

The planning authority did not comment in the appeal.

### 6.3. **Observations**

There are no observations.

### 6.4. **Further Responses**

There are no further submissions.

## 7.0 Assessment

### 8.0 Traffic Safety

- 8.1. The proposed development proposes to use an existing gated and set back entrance to an existing complex of farm buildings. Just south of the proposed access is a further splayed and set back entrance to the applicant's dwelling house. Opposite the existing farm entrance is another access to what appears to be a site associated with a substantial agribusiness. There is a solid median line in the public road at the site frontage and this continues to 'Three Mile House' village about 2.5kms to the northeast. There are no footpaths on this regional route and the speed limit is 80kms. There is a stream flowing southeast to north west immediately to the north of the existing farm access and the wall of the bridge over this stream acts as a pinch point in the public road. The roadside boundary to the south of the access has been altered and set back previously to accommodate the access for the applicant's dwelling house.
- 8.2. The planning authority sought the provision of 150m sight distance in both directions from the site entrance in a further information request. The applicant submitted a drawing (drawing number 16172/PP/06) which illustrated the provision of 150m sight visibility in both directions on foot of the further information request. The planning authority appears not to be satisfied with this and a refusal of planning permission issued. The applicant re-submitted this drawing with the grounds of appeal and supplemented it with an undertaking from the owner of the lands to the north of the site entrance and small bridge to allow the applicant to maintain this strip of land in a manner as to provide 150m sightlines.
- 8.3. The Design Manual for Roads and bridge (NRA November 2011) sets out standards for accesses and junctions with public roads. Table 7/1 recommends a sight distance of 120m for a design speed of 70kph or 160m for a design speed of 85kph. The manual does recognise that there are circumstances where a relaxation of these distances is acceptable. It would be reasonable to apply these distances where a new access/junction is being created but that is not the case in this instance – there is an existing access which it is proposed will serve an expanded development. Furthermore, I agree with the applicant that the proposed use will not occasion an

unreasonable intensification of movements at the entrance since the applicant can access the proposed development without entering/exiting the public road.

8.4. The applicant has already set back the roadside boundary to accommodate the access to his dwelling house and the existing farm access. I do not consider that this regional router a very heavily trafficked route as it does not connect major population centres. Furthermore because of the poor horizontal and vertical alignment all along this route to 'Three Mile House' village and beyond I consider that the effective speed on the road is less than 80kph. I conclude that the proposed development will not endanger public safety by reason of traffic hazard.

8.5. **Water Pollution.**

8.6. There is a fast flowing stream which curves around the site on its eastern and northern boundaries. The area to be developed slopes down to this stream. The planning authority's **Environmental Report** recommended conditions which require compliance with the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014. Fisheries Ireland made a submission pointing out the necessity to protect water quality as required by EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014.

8.7. Article 13 of the Good Practice regulations requires that the capacity of the slurry storage facilities be equal to or exceed the expected effluent from the stock proposed to be housed in the development. Table 2 of Schedule 2 sets out the effluent storage capacity required for differing types of animals. The application included a completed form which gives some numbers for animals proposed to be housed but this form does not follow the methodology set out in the Good Practice regulations and specifically the animal classifications set out in Table 2 of Schedule 2. Article 9 requires that effluent storage capacity be provided for ensiled forage (silage) and that such capacity be provided in accordance with Table 5 of Schedule 2. Drawing number 16172/PP/01 shows the silage pit with an annotation "Effluent gravity ged (sic) to existing silo tank" however there does not appear to be any details of this existing silo tank or its currently unused capacity to accommodate additional effluent. The application should also demonstrate the availability of sufficient land for spreading the amount of effluent calculated to arise from the proposed development. Accordingly, I conclude that the application has not



demonstrated that the proposed capacity of the slurry storage in the slatted units is related to the slurry expected to be produced by the cattle expected to be housed, that the effluent likely to arise from the silage pit will be managed in a manner so as to prevent water pollution, and that the application has not demonstrated that there are sufficient lands available for spreading of slur/effluent having regard to the quantities expected to be produced.

8.8. The Board is a public authority for the purposes of Article 5 of the European Communities Environmental Objectives (Surface Water) Regulations 2009 and I conclude that in the absence of reasonable detail in relation to the protection of surface water quality permission should be refused.

#### 8.9. **Appropriate Assessment - Screening**

8.10. The application did not provide an AA screening report. The planning authority screened the application and concluded that the proposed development would not have any significant effect on the Slieve Beagh SPA, the Kilroosky Lough Cluster SAC or the Lough Erne SAC/SPA (this is located in Northern Ireland). The planning authority drew particular attention to Fisheries Ireland's submission.

8.11. The conservation objectives for the Lough Erne SAC are;

8.12. To maintain (or restore where appropriate) the

- Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation,
- Old sessile oak woods with Ilex and Blechnum in the British Isles,
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion alvae), and
- Otter *Lutra lutra*

to favourable condition.

8.13. The proposed development will be used in combination with an existing farm complex which may produce effluent in relation to which the planning application has not provided adequate inadequate information. The proposed development is located close to a water course which appears to contribute to the hydrology of Upper Lough Erne SAC (UK0016614). The material submitted with the application

has not demonstrated that the capacity of the slurry storage facilities or the capacity of the silage effluent storage facilities accords with the requirements of the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014 and that, therefore, the proposed development would not give rise to water pollution. On this basis the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Upper Lough Erne SAC (UK0016614) or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

## **9.0 Recommendation**

9.1. I recommend refusal of permission for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

1. The planning application has not demonstrated that sufficient storage capacity is proposed for the effluent likely to arise from the housing of farm animals or the storage of silage in a manner which complies with the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014. In the absence of such information and having regard to article 5 of the European Communities Environmental Objectives (Surface Waters) Regulation, 2009, which requires that a public authority, in the performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water, it is considered that the proposed development would constitute a threat of water pollution and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is within a farm complex which may produce effluent in relation to which inadequate information is provided and is located close to a water course which appears to contribute to the hydrology of Upper Lough Erne SAC (UK0016614). The material submitted with the application has not demonstrated that the capacity of the slurry storage facilities or the capacity of the silage effluent storage facilities accords with the requirements of the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014 and that, therefore, the proposed development would not give rise to water pollution. On this basis the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Upper Lough Erne SAC (UK0016614) or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

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Hugh Mannion  
Senior Planning Inspector

16<sup>th</sup> August 2017