



An
Bord
Pleanála

Inspector's Report PL16.249095

Development	Construction of three-bay slatted shed and ancillary site works
Location	Lavallyroe townland, Ballyhaunis, County Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P17/351
Applicant(s)	Mary Kearns
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	James Waldron
Observer(s)	None
Date of Site Inspection	27 th November 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Lavallyroe in southeast County Mayo, approximately 2.1km north of Cloonfad village and 6.5km to the south of Ballyhaunis town. The site is located on a local road (unnumbered) off the N83 national road, which connects Knock Airport with Tuam. The N83 national road is 180m to the east and the local road terminates 95m to the west of the site. The local road serves agricultural lands, farmyards and five houses.
- 1.2. The appeal site is stated as measuring c.0.06ha and comprises a farmyard with a collection of small agricultural sheds, within the curtilage of a bungalow. The site, including the bungalow, are served by a vehicular access off the local road. The septic tank serving the bungalow is stated as being located to the rear of the house, and to the west of the existing sheds on site. The applicant's landholding extends approximately 630m to the southwest of the farmyard. The surrounding area is characterised by gently undulating agricultural fields bordered by a mix of ditches, hedgerows and trees. There is approximately a 2m drop in levels from the front to the rear of the site and levels in the wider area drop gradually to the south.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Construction of a three-bay slatted shed including covered livestock pens (c.200sq.m) served by underground tanks, adjoining and to the rear of existing agricultural dry stock and fuel sheds;
 - Extension of farmyard concrete apron;
 - Installation of agitator chamber and stormwater drainage soakaway;
 - All associated groundworks.
- 2.2. The planning application was accompanied by a Teagasc report including a slurry spreading plan, tank capacity, details of lands suitable for slurry spreading, livestock numbers and a soil analysis report for the proposed development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a notification of a decision to grant permission with 15 conditions attached of a standard nature, including the following:

- C.1** Alterations to vehicular access off local road;
- C.4** Minimum capacity of slurry tank 122m³.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer (August 2017) reflects the decision of the Planning Authority. The Planning Officer noted the following:

- Further Information was requested in relation to surface water design and potential improvements required at the vehicular access;
- Adequate lands are available for spreading of associated slurry;
- Some works have taken place.

3.2.2. Other Technical Reports

- Area Engineer – Further Information initially requested and conditions are recommended;
- Roads Design Office – no issues raised;
- National Roads Design Office – no issues raised.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) - no observations.

3.4. Third-Party Submission

3.4.1. One submission was received by the Planning Authority during consideration of the application, from James Waldron, the resident of a neighbouring property approximately 65m to the southeast of the appeal site. The submission included a drawing and all issues raised are covered in the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

4.1.1. There is only record of one planning application on the appeal site:

- Reg. Ref.: 14/194 – Permission **granted** in September 2014 to Mary Kearns for a single-storey side extension to dwellinghouse.

4.2. Surrounding Sites

4.2.1. Planning applications in the surrounding area comprise proposals for dwellinghouses, domestic extensions and agricultural buildings, including the following:

Appellant's property:

- Reg. Ref.: 15/736 – Permission granted in June 2016 to James Waldron to construct rear extension and front porch extension to dwellinghouse;

Property 110m to the southeast:

- Reg. Ref.: 16/27 – Permission granted in April 2016 to PJ Fleming to construct a four-bay slatted shed, silage base and meal bin.

5.0 Policy Context

5.1. Mayo County Development Plan 2014-2020

5.1.1. Volume 1 of the County Development Plan includes the following relevant objective:

- Agriculture AG-01 – 'It is an objective of the Council to support the sustainable development of agriculture, with emphasis on local food supply and agriculture diversification (e.g. agri-business and tourism enterprises), where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity'.

5.1.2. Volume 2 of the County Development Plan includes planning guidance and standards for development, including the following relevant sections: -

- Section 29.3 – ‘Rural enterprises such as agriculture, forestry, marine, resource-related enterprises, medical, teaching, IT, etc. shall be considered in all rural areas, subject to no adverse impacts (e.g. noise, odour, dust, light pollution and traffic) on neighbouring properties and the environment including visual amenity. Preference will be given to the conversion of existing buildings in rural areas for small-scale employment purposes’;
- Section 38.1.2 – ‘No new non-residential accesses or development that generates increased traffic from existing accesses onto National Roads outside the 60km/hr speed limits of such roads shall be permitted in accordance with the provisions of Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines’;
- Section 56.1 – ‘The Council recognises the importance of agriculture and agriculture diversification in the County. It is also recognised that those living on farms and working the land are the guardians of the countryside’;
- Section 56.2 – ‘The principal aim shall be to support agriculture in the County subject to best environmental standards which promote maintaining good water quality and biodiversity. Therefore, the activities on the farm shall comply with the provisions of S.I. No. 610 of 2010, European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010’.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal was submitted by James Waldron, a neighbouring resident, and this can be summarised as follows:

- Proposals would impact on the residential amenities of the area and the appellant’s quality of life. Concerns raised regarding noise from cattle, odour from slurry and pollution, and the resultant emotional and health impacts on the residents’ wellbeing;
- Problems with an existing slatted shed on another neighbouring property;
- Shed should be constructed over 100m from the appellant’s house;

- Some works have commenced on site;
- Appellant has halted undertaking extension works granted planning permission on their house (Reg. Ref. 15/736 refers), due to their concerns with the proposed development and they would also like to continue farming;
- Proposed development would lead to depreciation in the appellant's property value;
- Farming should not be allowed to develop based on poor planning decisions.

6.2. Applicants' Response

6.2.1. The response of the applicant to the grounds of appeal can be summarised as follows:

- Relocating the proposed sheds would not be practical and the sheds should be confined to an area, which is in the interests of the control of surface water;
- There are other agricultural buildings and structures closer to the appellant's property, including those sheds permitted under Planning Reg. Ref. 16/27 to the southeast of the appellant's property;
- Applicant accepts that some element of noise and odour would arise, but this would not be significant and not unusual in a rural context;
- Locating the proposed buildings to the rear of the buildings on site would reduce the visual impact of the proposals;
- The appellant wishes to continue to farm their own land and consequently should understand the necessity for the subject proposed development from a farming perspective and the resultant insignificant impacts that would arise;
- Applicant accepts that they are not in a position to comment on issues relating to impacts of the proposed development on quality of life, health and emotional issues and devaluation of property.

6.3. Planning Authority Response

6.3.1. The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1. None

7.0 Assessment

7.1. Introduction

7.1.1. There are existing agricultural structures and outbuildings on the site and the proposed development would serve as an extension of existing agricultural facilities on an agricultural landholding in a rural area, where the predominant land use is agriculture. Subject to ensuring that there are no adverse impacts on neighbouring properties (for example, from noise, odour, dust, light pollution and traffic) and the environment, including visual amenity, I consider that the proposed development is consistent with the pattern of development in the area, and is broadly supported by Objective AG-01 and statements regarding agricultural development contained in the Mayo County Development Plan 2014-2020. Therefore, the principle of the proposed development is acceptable, subject to planning and environmental considerations assessed below. Accordingly, I consider the substantive planning issues arising from the grounds of appeal and in assessing the proposed development are as follows:

- Local Amenities;
- Water Quality;
- Traffic Safety.

7.2. Local Amenities

7.2.1. The grounds of appeal assert that the proposed development would have an adverse impact on the residential amenities of the area and the wellbeing of neighbouring residents. The appellant's concerns in this regard appear to stem from the potential for noise from cattle, odour from slurry and general pollution, and they would prefer for the proposed slatted shed to be located at least 100m from their property, which would require the slatted shed to be moved approximately 35m further west. I would consider it in the interests of orderly development and the

visual amenities of the area for the proposed slatted shed to be located within the existing farmyard complex, forming a cluster of farm buildings, and also given the practicalities of controlling water and effluent, which are addressed under Section 7.3 below. Other than the applicant's dwelling, the proposed slatted shed, including the agitator chamber, would be approximately 65m from the nearest dwelling, and existing field boundaries including raised ditches planted with native hedge would largely screen the development from this. As regard to the potential impact on neighbouring dwellings arising from noise and odour, including slurry agitation on a limited number of occasions during any year, having visited the area, which is characterised by various agricultural facilities of a similar nature and scale, and given the distance to neighbouring dwellings, I find no evidence to support the assertion that the impacts of the proposed development would be unduly injurious, and would instead be consistent with what could reasonably be expected in a rural area.

7.2.2. The grounds of appeal also assert that the proposed development would impact on the visual amenities of the area. The appeal site includes an established farmyard and the proposed slatted shed would be situated to the rear and integrated with existing agricultural buildings on site, would not be higher than the existing buildings, would incorporate a green-coloured metal sheeting, would not be visible from the N83 national road and, as such, would not be unduly prominent in the locality. Accordingly, the proposed development would not be out-of-character with the surrounding rural and agricultural area, and would not detrimentally impact on the visual amenities of the area.

7.2.3. Having regard to the lack of a significant impact on the residential or visual amenities of property in the vicinity, as discussed above, there is no evidence to support the appellant's contention that the proposed development would negatively affect property values in the area.

7.3. Water Quality

7.3.1. As required under Section 56.2 of the Mayo County Development Plan 2014-2020, the Planning Authority notification of a decision to grant permission included a condition (3), which requires the proposed development to comply with the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014. 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 report from Teagasc Advisory and Training Services, which outlines capacity for 18 cattle based on 18-weeks slurry production and this is in line with Table 2 of Schedule 2. The report concludes that based on the livestock capacity and the resultant tank storage capacity the proposed slatted shed would require 4.04 hectares of lands suitable for slurry spreading. The documentation submitted identifies the applicant currently has lands suitable for slurry spreading amounting to 4.39 hectares. There is an open drain on the southwestern boundary of the applicant's landholding, which drain northwest to the Dalgan River. The lands suitable for slurry spreading slope gradually down to this drain and the Teagasc report notes that slurry should not be spread within 5 metres of this drain and this should be a condition of the permission, should the Board decided to grant planning permission for the development.

- 7.3.2. Accordingly, I conclude that the application has demonstrated that the proposed capacity of the slurry storage serving the proposed slatted shed would be related to the slurry expected to be produced by the livestock expected to be housed, and that the effluent likely to arise would be managed in a manner so as to prevent water pollution, given that the applicant has demonstrated that there are sufficient lands available for spreading of slurry /effluent having regard to the quantities expected to be produced.
- 7.3.3. 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 would not result in water or other environmental pollution and would be in accordance with the proper planning and sustainable development of the area.

7.4. Traffic Safety

- 7.4.1. The slatted shed would be served by an existing vehicular entrance to the farmyard and house. The single-lane local road serving the site terminates 95m to the west of the appeal site and is lightly trafficked. The effective speed on the local road is less than the speed limit of 80kph and as a result sight visibility requirements would be reduced. Other entrances along the local road are sufficient distance from the

appeal site entrance not to conflict with this entrance. The vehicular entrance to the appeal site is splayed with a c.1.3m high boundary wall and piers on the northwest side. The splayed entrance wall delineated on the site layout plan submitted (Dwg. No. 001) and part of the hedgerow to the southeast of the entrance area have been removed. The front boundary to the applicant's property comprises a timber fence supplemented by a c.1.3m-high hedge.

- 7.4.2. The Planning Authority requested that the bushes and fences on either side of the vehicular entrance be removed or cut back to improve sight visibility. The applicant's response on foot of the Further Information request noted that the applicant would be willing to meet the requirements of the Planning Authority regarding sight visibility. The notification of a decision to grant permission issued by the Planning Authority included a condition requiring the existing front boundary pillar located on the north western side of the entrance to be removed or setback or lowered to a height of 1m in order to improve sight visibility at the entrance, and I consider this to be a reasonable requirement.
- 7.4.3. The proposed use would not result in an unreasonable intensification of movements at the entrance or onto the local road junction with the N83 national road, given the ongoing extent of the agricultural operations on site, the location of the applicant's landholding adjoining the proposed slatted shed and given the nature and scale of the proposed agricultural development. The Roads Design Office and TII did not raise any concerns regarding the proposed development.
- 7.4.4. Subject to a condition addressing sight visibility to the northwest of the entrance, I conclude that the proposed development will not endanger public safety by reason of traffic hazard.

8.0 Appropriate Assessment

- 8.1. The appeal site is c.1.5km north of Lough Corrib Special Area of Conservation (SAC) (000297), c.7.5km east of Coolcam Turlough SAC (000218), c.8.0km northwest of Williamstown Turloughs SAC (002296) and c.9.5km west of Croaghill Turlough SAC (000255). An AA Screening Report was not submitted with the application or appeal. There is no direct or indirect direct source-pathway-connector between the subject

site and designated sites within 15km, including each of the designated sites referenced above.

- 8.1.1. Having regard to the minor nature of the proposed development, the location of the site and the separation distance to the nearest European site, 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.

9.0 Recommendation

- 9.1.1. It is recommended that planning permission be **granted** for the following reasons and considerations, subject to conditions.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the rural location of the site, the nature, scale and use of the proposed development extending an existing agricultural facility, the siting of the proposed development to the rear of an existing farmyard complex, Objective AG-01 of the Mayo County Development Plan 2014-2020 and the pattern of development in the vicinity, including the separation distance from the proposed slatted shed to neighbouring established residences, it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the rural area or of property in the vicinity and would not result in traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 25th day of July, 2017, 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. The existing splayed front boundary wall and pier located on the north western side of the entrance shall be removed, setback or lowered to a height of 1m in order to improve sight visibility at the entrance.

Reason: In the interest of traffic safety.

3. (a) All foul effluent and slurry generated by the proposed development and in the farmyard shall be managed and disposed of in strict accordance with the EU (Good Agricultural Practice for Protection of Waters) Regulations, 2014 and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road;

(b) Slurry spreading shall take account of weather conditions, topography, buffer zones and all watercourses adjacent to and on the lands suitable for spreading of slurry, including land drains;

Reason: To prevent pollution and in the interest of public health.

4. The design, capacity and structural integrity of the slurry storage facilities shall be maintained so that there shall be no runoff or seepage of slurry effluent therefrom. A report prepared by a suitably qualified engineer on the structural integrity and effectiveness of the storage tanks shall be submitted to, and agreed in writing with, the Planning Authority within six months of the date of this Order.

Reason: In the interests of amenity.

5. The disposal of surface water shall comply with the requirements of the Planning Authority for such works, in particular no surface water from the site shall discharge to the public roadway.

Reason: To prevent flooding.

Colm McLoughlin
Planning Inspector

28th November 2017