



An
Bord
Pleanála

Inspector's Report PL21.249183

Development	Construct 380 sq m agricultural shed including all site works.
Location	Carrowreagh, Dromard East, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	17/185
Applicant	Joe Kelly
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	3 rd v Grant
Appellant(s)	An Taisce
Date of Site Inspection	27 th March 2018
Inspector	Dolores McCague

1.0 Leave to Appeal

- 1.1. A request by An Taisce for leave to appeal the decision, was granted by the Board on the 28th February 2018.

2.0 Site Location and Description

- 2.1.1. The site is located beside a laneway and west of a local road (L6201-0) at Carrowreagh, Dromard East, Co. Sligo close to the Atlantic coast, approx. 1 ½ km from a primary local road and approx. 3km from the N59. To the south there is a primary local road, running north of and roughly parallel to the N59
- 2.1.2. West of the L6201-0 there is another, short local road: the L62011-0 which does not extend as far as the site, but becomes a track between stone ditches forming the site's western boundary. No access is proposed from this track or the L62011-0. Access is to be gained through the development to the north, from the L6201-0.
- 2.1.3. There are views out to sea from the L6201-0 across the subject site.
- 2.1.4. The site comprises the corner of a field, in pasture, where the ruins of a stone building stands and a mound of soil from the excavation of underground tanks.
- 2.1.5. A dwelling which includes office use, and sheds, some in agricultural use but mostly developed for the preparation and distribution of fruit and vegetables, are referred to in previous appeals (246833 and 244984). They are located within the same land holding, to the north of the subject site.
- 2.1.6. The recently constructed underground holding tanks were provided for the storage of organic waste from the commercial operation. To the south of the field in which the site is located, a line of trees forms the boundary with the adjoining farm.
- 2.1.7. The site is given as 0.3ha.

3.0 Proposed Development

- 3.1.1. The proposed development is the construction of a 380 sq m agricultural shed. It is to be located in part above the recently constructed underground holding tanks.
- 3.1.2. The shed comprises a 25m x 15.5m rectangular building, with the long axis oriented roughly east west. Large roller shutter doors face each other at each end (east and

west) and there is another roller shutter door in the northern elevation, at the western end of the building. Internal divisions within the building are not identified. There appears to be some definition to an area surrounding the slatted underground tanks, which are located in the north eastern and south eastern portions of the building; with a clear run through between the roller shutter doors on a solid floor between the tanks. The western end of the building is referred to as a machine storage area.

- 3.1.3. The underground tanks are 2.4m deep and the placement of the building will have the tanks extending to 1m outside the building for ventilation purposes.
- 3.1.4. The building construction comprises a 2m high mass concrete wall with a wall of single skin, vertical cladding above, extending to 4.05m height. Single skin roof cladding is to be interspersed with transparent roof cladding. The roof has a slight slope from a maximum height of 4.73m. No windows are shown.
- 3.1.5. The building is to be located 68.265m from the corner of the nearest existing shed in the adjoining field and connected to that area by a track.
- 3.1.6. Soakpits are to be provided north and south of the building and an existing well to the east is the source of water supply.
- 3.1.7. An extensive area of hard surfacing, extending out to between 10m and 12m to surround the building on all sides.
- 3.1.8. The site map states that the existing underground slatted tanks were granted under a section 12. A section 12 notice under the 1977 Local Government (Water Pollution) Act allows a local authority to direct a person to take measures to control polluting matter on a premises. No details of the section 12 notice have been supplied.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. The planning authority decided 8th August 2017 to grant permission, subject to 4 general conditions.
- 4.1.2. The decision was in accordance with the planning recommendation.

4.2. Planning Authority Reports

4.2.1. Planning Report

There are two planning reports on file. The first dated 23rd June 2017 recommends that a request for further information be issued.

The report of 23rd June 2017 includes:

The subject site is located on the eastern side of a narrow, private lane continuing north from the end of the local road L-62011-0, circa 4km north of Dromard Post Office. The site is not subject to any environmental or CDP sensitivity designations. The nearest Natura 2000 site, Ballysadare Bay SAC/SPA can be found c 1.6km to the east.

The application is accompanied by the supplementary form for agricultural development which gives details regarding the tonnage of silage, number of animals proposed to be housed, the types and amounts of waste to be disposed of and the method and location of disposal.

There was no pre-planning consultation in relation to the proposed development.

The report assessment considered that the proposed development complies with the provision of the County Development Plan with regard to agricultural development in rural areas. The scale and design are acceptable. The structure would not be visible from any of the scenic routes in the area due to its secluded location.

The further information request arises from the Environmental Scientist's concerns.

4.2.2. Other Technical Reports:

Area Engineer 8th June 2017 including: that the back road L62011-0 is a class 3 road, (tertiary county road) 241m long and not in charge to the site. The other road L6201-0 is a class 2 road, where the site notice was erected.

Environmental Services 20th June 2017 including: the Environment Section has issued a Section 12 notice under the Local Government (Water Pollution) Act 1977, as amended, to this farmer to address the collection, storage and management of trade effluent arising from vegetable processing activities on site. The notice was complied with at the time, and a nutrient management plan was also prepared for the

management and land-spreading of the trade effluent from the vegetable processing activities being carried out on site.

The report recommends further information on 2 points:

1 The applicant shall submit confirmation/certification from a competent technical agricultural consultant that storage requirements provided on site are sufficient, taking into consideration the use of the slatted tanks for the collection and storage of trade effluent arising from vegetable processing activities on site, in addition to the proposed use of the shed/slatted tanks for the winter housing of livestock.

Certification is required that the storage requirements detailed in the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014 will be achieved. Certification shall be accompanied by relevant details regarding the current volumes of trade effluent that are being generated on site during the winter housing period.

2 The applicant shall clarify, on a site layout plan to an appropriate scale / building design drawings, proposals for the provision of external agitation points/ access manholes in the slatted tanks on site.

The additional information request which issued, 6th July 2017, included a further query:

3 Having regard to the planning history of the overall site, the applicant shall submit confirmation that the proposed shed will be used exclusively for agricultural purposes and that no parts of the shed or of the application site will be used for any purpose associated with the applicant's fruit and vegetable distribution business operating on the adjoining site.

4.2.3. A response to the further information request was submitted, 14th July 2017, which included a letter from an agricultural consultant confirming that the storage capacity of the tanks could accommodate both the trade effluent and the farm animal waste; and a letter from the applicant confirming that the intended use is for agricultural use; and a layout drawing showing the location of manholes and agitation points.

4.2.4. Further Reports

4.2.5. Environmental Services 19th July 2017 recommending conditions.

4.2.6. Planning Report

The second planning report is dated 27th July 2017.

It refers to the satisfactory further information responses, that the further technical reports are noted; and permission is recommended.

4.2.7. The decision is in accordance with the planning recommendation.

5.0 Planning History

PI 21.246833, PA Reg Ref 16/151, retention of sheds currently in use as a vegetable preparation and distribution agribusiness and permission for a new septic tank and all associated site works, refused by the Board, 10th November 2016, for one reason which includes the incongruous quasi-industrial appearance of the structures, which are obtrusive in this visually vulnerable and scenic coastal location.

PI 21.244984, PA Reg Ref 15/102 - retention of a 570sq m shed currently in use as a fruit and vegetable distribution business and provision of a new septic tank, refused by the Board, 14th September 2015, for one reason including that the structures to be retained are obtrusive in this visually sensitive and scenic coastal location.

6.0 Policy Context

6.1. Development Plan

6.1.1. The Sligo County Development Plan 2017 – 2023 is the relevant policy document, adopted 28th August 2017,

6.1.2. Relevant provisions include:

Outside the City and towns, agriculture remains an important part of the local economy, while tourism and other small-scale, rural-based economic activities continue to support a substantial population living in villages and in the countryside.

Sligo possesses a varied and spectacular coastline, over 197-km long. The primary attraction of the Sligo coast is its relatively unspoilt character, its geological and hydrodynamic variability. The coastline, however, is a finite resource that provides environmental, economic, recreational and aesthetic benefits and access to marine resources such as fisheries and aquaculture. It also contains many sensitive ecosystems – ranging from sand dune systems to salt marshes and estuaries rich in marine and bird life – and is significant in terms of cultural and archaeological heritage.

For the purposes of this Development Plan, the coastal zone refers to the area between the High Water Mark and the nearest scenic route or other continuous road parallel to the coast. However, the natural coastal systems and the areas in which human activities involve the use of coastal resources may extend both beyond such roads, many kilometres inland, and into the sea.

Sustainable development in the coastal zone would see new development occur mainly within or in the immediate vicinity of existing towns and villages.

When considering development proposals in the coastal zone, outside existing settlements, the Planning Authority will have particular regard to the visual impact on the coastal landscape, scenic views, sensitive shorelines and ridge lines, as well as to the potential impact on environmentally sensitive areas.

Scenic Routes are public roads passing through or close to Sensitive Rural Landscapes, or in the vicinity of Visually Vulnerable Areas, and affording unique scenic views of distinctive natural features or vast open landscapes. In addition to remote views, scenic routes have often a distinctive visual character conferred by old road boundaries, such as stone walls, established hedgerows, lines of mature trees, adjoining cottages or farmyards together with their traditional, planted enclosures etc., all of which warrant protection.

Policy -TOU-1 Development that might be detrimental to scenic and heritage assets, in cSACs, SPAs, proposed NHAs, designated Sensitive Rural Landscapes and Visually Vulnerable Areas, and along designated Scenic Routes will be strictly controlled.

Landscape character assessment and protection policies:

Policy-LCAP-2 - Discourage any developments that would be detrimental to the unique visual character of designated Visually Vulnerable Areas.

Policy-LCAP-3 - Preserve the scenic views listed in Appendix F and the distinctive visual character of designated Scenic Routes by controlling development along such Routes and other roads, while facilitating developments that may be tied to a specific location or to the demonstrated needs of applicants to reside in a particular area.

Policy-LCAP-4 - Strictly control new development in designated Sensitive Rural Landscapes, while considering exceptions that can demonstrate a clear need to locate in the area concerned.

Ensure that any new development in designated Sensitive Rural Landscapes:

- does not impinge in any significant way on the character, integrity and distinctiveness of the area;
- does not detract from the scenic value of the area;
- meets high standards of siting and design;
- satisfies all other criteria with regard to, inter alia, servicing, public safety and prevention of pollution.

Appendix E County landscape designations

Visually Vulnerable Areas are characterised by distinctive natural features, which have an extremely low capacity to absorb new development without significant alterations of existing character over a very wide area. The eye is strongly drawn to such features, which include coastlines, lakeshores, ridgelines and hill/mountain tops, i.e. conspicuous linear features where land meets sky or water. Due to their

recognised natural beauty or interest and their susceptibility to damage, specified views of designated Visually Vulnerable Areas receive special protection. Development in, or in the context/setting of these features is also strictly controlled. To be considered for planning permission, a proposal must demonstrate, inter alia, that the development will not to impinge in any significant way on the integrity, distinctiveness and unique visual character of the area when viewed from the surroundings, especially from designated Scenic Routes and the environs of archaeological and historical sites.

Normal Rural Landscapes have the capacity to absorb a wide range of new developments, subject to normal planning and development control procedures. Most of County Sligo falls into this category, which comprises the main areas of existing farming and rural residences. Such areas tend to have enclosing topography and existing screening vegetation – or the potential to support trees, tall hedges and woody vegetation to screen new development. In certain locations, designated Normal Rural Landscapes form the context for exceptional landscape features, such as distinctive mountains or coastal areas. In such landscapes, it is necessary to assess each development proposal on its merits, having regard to general restrictions on development (e.g. servicing, traffic safety) and any other provisions of the Landscape Characterisation Map that relate to the area concerned (e.g. Scenic Routes).

Scenic Routes indicate public roads from which the more dramatic scenic views, prospects and vistas of the County can be enjoyed. Most Routes pass through or close to designated Sensitive Rural Landscapes or adjoin designated Visually Vulnerable Areas. Scenic Routes also, in the main, form loops or circuits designed to maximise visibility of important Sligo landscapes without undue interruption.

The designation of Scenic Routes provides a basis for protecting views and prospects of Visually Vulnerable features, such as mountain-ridges, lakeshores and coastlines. It is not necessary for a particular feature to be visible for the full length of a route, as the designation is based on the overall quality and uniqueness of the views available.

To preserve the listed scenic views, it is necessary to control development along designated Scenic Routes, while facilitating developments that are tied to a specific location or that meet the demonstrated needs of an applicant to reside in a particular area. In all cases, the onus is on the applicant to show that there will be no obstruction or degradation of the scenic view concerned, nor significant alterations to the appearance or character of the designated Sensitive Rural Landscapes in the vicinity.

Additional Scenic Routes designated in 2017 include the local road L-6210 from the junction with L-6213 to junction with L-2203, with views of the Atlantic Ocean, the DartryRange, and the Ox Mountains, Knocknarea. This is the road running north to the Sligo coast, to the east of the subject site.

6.2. Natural Heritage Designations

- 6.2.1. The nearest Natura Sites are Ballysadare Bay SPA (site code 4129) and Ballysadare Bay SAC (site code 622), 1 ½ km from the subject site.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. An appeal against the decision of the planning authority to grant permission has been made by An Taisce. The grounds includes:
- The proposed development is located off a scenic route designated in the Sligo CDP 2017-2023.
 - Previous Board decisions 244984 and 246833 are cited.
 - Enforcement history is cited. It is their understanding that the sheds are still in use for fruit and vegetable distribution.
 - An official herd profile did not accompany the planning application, however herd numbers are outlined in the Nutrient Management Plan (NMP), the

Supplementary Planning Application form for Agricultural Development, Q 14, and the Further Information submitted.

- An Taisce refers to the numbers submitted in the NMP – 17 cattle (8 no. suckler cows, (6 no. 0-1, 2 no. 1-2 and 1 no. >2), the Supplementary Planning Application form and the further information response - 21 cattle (7 no. suckler cows, 7 no. 0-1 and 7 no. 1-2).
- They assess the need for a 380 sq m shed to house 17-21 cattle and 15 ewes.
 - They provide a table of minimum floorspace requirements for the cattle, based on Teagasc Beef Manual 2016, yielding estimates in the range 47.75m² to 59.5m².
 - The Department of Agriculture recommended animal areas for ewes and lambs (ewes 1m² to 1.2m² per ewe, and lamb 0.75m², + 10% for straw bedded, yielding estimates in the range 15m² to 18m².
 - They estimate the total space required to be 77.5m² with additional room for lambs, in respect of which information has not been supplied.
- They consider sufficient justification has not been given in relation to the size of the proposed shed, which they consider excessive. They note that the farmer keeps cattle outwintered for a lot of the winter and they are housed for less than 6 weeks.
- They refer to the need for proper ventilation and that it is unclear from the drawings and elevations if the minimum requirements are met.
- Re. the planner's report statement that the new structure would not be visible from any of the scenic routes in the area, An Taisce acknowledge that the 2011-2017 plan was in place at the time of assessment. Notwithstanding the absence of a scenic route designation in that plan the road connected a scenic route to a visually vulnerable area which could be used by visitors.
- Under the 2017-2023 the road fronting the development to the east is designated a scenic route.
- Appendix E of the development plan states that:

Scenic Routes indicate public roads from which the more dramatic scenic views, prospects and vistas of the County can be enjoyed. Most Routes pass through or close to designated Sensitive Rural Landscapes or adjoin designated Visually Vulnerable Areas. Scenic Routes also, in the main, form loops or circuits designed to maximise visibility of important Sligo landscapes without undue interruption.

The designation of Scenic Routes provides a basis for protecting views and prospects of Visually Vulnerable features, such as mountain-ridges, lakeshores and coastlines. It is not necessary for a particular feature to be visible for the full length of a route, as **the designation is based on the overall quality and uniqueness of the views available.**

- It is the policy of Sligo County Council under P-LCAP-3 to - Preserve the scenic views listed in Appendix F and the distinctive visual character of designated Scenic Routes by controlling development along such Routes and other roads, while facilitating developments that may be tied to a specific location or to the demonstrated needs of applicants to reside in a particular area. In **all cases, strict location, siting and design criteria shall apply**, as set out in Section 13.4 Residential development in rural areas (development management standards).
- An Taisce consider the surrounding environment to be highly sensitive to development, given: its location off a scenic route and adjoining another scenic route, to both a Visually Vulnerable Area and a Sensitive Rural Landscape.
- The public road to the east of the site leads to the coast.
- The site is predominantly visible on approach from the south with views running west across to the site towards the Atlantic. While screen planting is proposed parallel to the proposed structure along the eastern and southern boundaries, An Taisce submits that the proposed screening would not mitigate against the scale, mass and bulk of the structure and would contribute to obstruction of views of the coast.

- The policy under P-LCAP-2 – to discourage any developments that would be detrimental to the unique visual character of designated Visually Vulnerable Areas; and P-LCAP-4, are cited. While the application site is not located within a Visually Vulnerable Area, An Taisce consider that the proposed development, by way of scale, bulk and mass, located off a Scenic Route, has the potential to negatively impact on its character. Appendix E of the plan in relation to Visually Vulnerable Areas is cited, highlighting that specified views of designated Visually Vulnerable Areas receive special protection, especially from designated Scenic Routes.
- Re. section 13.9.1 of the Plan regarding visual impact of agricultural development: they consider that the proposed development by reason of scale, mass and bulk, its location off a Scenic route with landscape designations in close proximity and views stretching north west across the site to the coast, would interfere with the character of the landscape, would detract from the visual amenities of the area and would establish an undesirable precedent for similar future development.
- They refer to unauthorised development within the blue line bounary and that the development could not be justified by way of surrounding structures.
- The scale and mass would exacerbate visual amenity impacts along this scenic route and form an obtrusive feature adversely affecting the character of the landscape.
- With regard to effluent capacity, the further information request and the response there is no information with regard to the volume of waste produced by ewes and lambs. If ewes and lambs are not to be housed the floor area required would be 15m²-18m² less than the earlier estimate. If ewes and lambs are to be housed, the effluent generated should be included in the calculation of effluent capacity.
- The previous refusals were not given consideration. The effluent tanks are associated with the refused developments and therefore the site is part of the site previously refused.
- They request refusal. They refer to excessive size; the lack of internal or external cattle handling facilities; the design - a closed unit with roller doors,

lack of inlet ventilation of vented sheeting; the assessment of livestock storage requirements; excessive size and forming an obtrusive feature in the sensitive landscape, contrary to Development Plan policies and objectives.

7.1.2. Attached to the grounds are the following documents:

- A copy of a letter from An Taisce to Sligo County Council requesting information in relation to enforcement.
- Teagasc Guidance Document 'Winter accommodation for beef animals;
- Department of Agriculture Food and the Marine, document 'Minimum Specification for the Structure of Agricultural Buildings'.

7.2. Applicant Response

7.2.1. A response to the grounds of appeal has been submitted by Cunnane Stratton Reynolds Land Planning & Design, on behalf of the first party. The response includes:

- The site is located in an area designated as normal, rather than a sensitive landscape as set out in the recently adopted County Development Plan, as in the 2011 plan.
- Re. the scale of the shed and the number of cattle and ewes proposed to use the building, the shed is to be used not only for animals but also for storage of agricultural equipment and machinery. The shed is for agricultural purposes. They estimate that one third of the shed will be used for storage of agricultural machinery and vehicles. This is why such a large apron is to be provided to the front of the proposed building. The minimum standards for floorspace for livestock, provided by An Taisce, are minimum. The shed is no larger than a number in the area.
- The applicant has long established connection to land in the area. The farmstead is to the south. The lane will be brought into more substantial use.
- There is no planning history to this site.
- The applicant has approx. 50 acres of land that he leases in the vicinity which requires winter shelter for livestock and machinery.

- The tanks are not part of this application, they were approved under a Section 12 application to regularise the effluent system on site, lodged c. Oct 2013 and confirmed on 4th November 2013. The tanks are provided for waste storage from the accommodation of cattle and sheep.
- It is essential that the shed is located close to Mr Kelly's family home to the north, given that a suckler herd is to be accommodated.
- The machinery to be stored includes a tractor, trailer, slurry tanker and agitator, tractor loader and silage equipment.
- The adjoining planning history is not a material consideration, (Sec 8.14 Development Management Guidelines). This location is more secluded and screened. A landscape and visual assessment has been undertaken.
- Each application must be judged on its merits (Sec 1.5.2 of the Guidelines).
- 20 agricultural sheds have been identified in the area.
- The roof is raised in part to accommodate air vents for animals.
- The roof and sides are single skin cladding, totally inappropriate for the storage of fruit and vegetables, that is undertaken on the adjoining site by the applicant.
- The hardstanding area to the front is required for the storage of wrapped silage bales and for turning of agricultural machinery. Roller shutter doors are proposed for security, due to the theft of agricultural () and livestock.
- The 2011 plan, section 12.3.20, is cited.
- The proposed development is integrated into its surroundings, as is clear from the LVIA (Landscape & Visual Impact Assessment). It is clear that the proposed ridge level is lower than the building on the adjoining site. Native hedgerows are to be planted to screen the structure located approx. 130m from the road.
- The landscape has the capacity of absorb a wide range of new development form, the context is of a proposed building that is integrated into its immediate surroundings. It is not visible from critical viewpoints. The visual window is quite limited and it will not impact on nearby scenic routes at all.

- The 2011 plan, section 12.3.21, is cited, re. orientation of agricultural buildings, and it is stated that the location and orientation of the proposed building is compliant.
- The 2011 plan, section 12.3.22, is cited, re. rural house design; the proposed building's compliance with the criteria is stated.
- The proposal is stated to be in compliance with the relevant development management sections of the 2011 plan.
- The area is a normal rural landscape and the nearest sensitive rural landscape is 3.5km distance to the east.
- Two local roads are identified as scenic routes, 1km away.
- The landscape and visual assessment carried out indicates that the aim of scenic route designation can be interpreted in this specific location to preserving views and prospects towards:
 - Visually Vulnerable Areas or Features – Sligo Bay's coastline,
 - Sensitive Rural Landscapes – Strandhill Sand Dunes & Ox Mountains,
 - Distinctive Natural Features – Knockarea & Ben Bulben.
- Views towards Sligo Bay's coastline are primarily experiences looking in a north-eastern to eastern direction. Only a very short section of the roadway within the visual envelop provides sufficient elevation to see over and beyond the intermediate landform to the Sligo Bay coastline in a north to north western direction.
- This is a normal rural landscape and the nearest Sensitive Rural Landscape (Strandhill Sand Dunes) is 3.5km distance to the east (the Ox Mountains is 6km distance to the south).
- Any locations along the two designated scenic routes, which afford views of Strandhill Sand Dunes & Ox Mountains, cannot be influenced by the proposed development, as its location will be further north or west of the potential viewer.
- Any locations where the distinctive natural features of – Knockarea & Ben Bulben are visible from the two designated scenic routes, the proposed development will

not have any influence on, as it will be situated further north or west behind the potential viewer.

- The LVIA states the main characteristics and value of the receiving environment that might have been affected by the proposed development is the surrounding rural landscape which has an inherent conservation value. However there exists an established development pattern of domestic dwellings and associated agricultural sheds in the surrounding landscape, (similar scales and forms of agricultural sheds are indicated by magenta circles in the map they provide). The proposed development is certainly therefore not uncharacteristic with the contextual landscape character.
- The visual envelop is described and shown on a map. It does not extend near the sensitive shoreline. It is possible that there may be glimpses from further afield which can be mitigated against by the combination of distance, scale and or visual obstructions.

7.2.2. Among the attachments submitted with the response submission is a Landscape & Visual Impact Assessment which is summarised in the main submission. The Landscape & Visual Impact Assessment includes:

- The landform is relatively flat, only a matter of a few metres above the adjoining sea level with localised undulations. The land abruptly transforms from agricultural pasture into a flaggy stone shoreline close to the sea. There are no significant watercourses in the locality, rather a number of minor drainage routes allow water to flow towards and exit at sea level.
- The majority of vegetation is to be found within the curtilages of neighbouring properties, there are some intermittent sections of hedgerow and or copses of trees along field boundaries. Dividing field hedgerows are compact and low in height, shaped and influenced by their exposure to regular coastal wind.
- Whilst the entire Sligo Bay coastline is identified as visually vulnerable in the 2011 plan the undulating landform, combined with built and natural visual barriers, means that panoramic views are not widely available. Intermittent disconnected long-range views come and go as one moves through the landscape. It is only on reaching the shoreline that uninterrupted panoramic views become available.

- The closest sensitive rural landscape is 3.5km east.
- Two local roads are identified as scenic routes the closest of which is 1km to the south east.
- A visual envelop is indicated.
- From the south the site is obscured until 260m distance and from the north until 450m. Viewed from the west it is not visible between Adrnabrone and Finnure but potentially will be visible from the Toberpartick side road at 380m distance and from the east is not visible from Derk Road.
- The landscape sensitivity is classified as medium, the magnitude of change as low and the significance of the effects as slight. Photographs and a visual assessment of impact from 13 locations is provided.
- The impact is classified as neutral.

7.3. Planning Authority Response

7.3.1. The Planning Authority have responded to the grounds of appeal. The response includes:

- At the time of the application the site was not subject to any environmental or CDP sensitivity designations. The application was lodged, referred and assessed under the County Development Plan 2011-2017.
- The site is located along the L62011-0 which is to the east, a scenic route which was designated under the County Development Plan 2017-2023. The Plan came into operation on the 28th August 2017.
- A site inspection was carried out by an officer of the Environment Section. The Environment Section had issued a Section 12 notice under the Local Government (Water Pollution) Act 1977. The notice was issued to address the collection, storage and management of trade effluent generated at the site of a vegetable processing facility in the ownership of the applicant. As part of compliance with the notice, two new slatted/storage tanks were installed at the time. When the Environment Section was dealing with the applicant regarding compliance with the Section 12 notice, he queried whether the

notice would enable the construction of an agricultural shed above the tank units. Following discussion with the Area Planner the applicant was informed by the Environment Section that the notice issued only applied to the provision of effluent storage facilities to comply with the provisions of the notice issued.

- Further information was requested by the Environment Section. It was noted that the applicant is a registered herd number holder.
- The European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014 encourage the provision of adequate housing and storage facilities for the winter housing of livestock. The Environment Section was of the opinion that the proposal was reasonable in terms of routine activities on a typical farm-holding.
- The potential for surface water run-off to enter the storage tanks was a consideration. The proposed shed will cover the tanks.
- The applicant has submitted a signed statement that the shed will be utilised exclusively for agricultural purposes.

8.0 Assessment

- 8.1.1. The issues which arise in relation to this appeal are appropriate assessment, agricultural need and visual amenity and the following assessment is dealt with under these headings.

8.2. Appropriate Assessment

- 8.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

8.3. Agricultural Need

- 8.3.1. The Supplementary Planning Application form for Agricultural Development, states that the applicant owns 35 acres and that there are approximately 800m² of such

structures within the same farmyard complex or within 100m thereof. That distance would include the adjoining farm to the south and the associated building to the north.

- 8.3.2. The grounds of appeal contests the need for the extent of floor space proposed 380m², and states that the number of animals to be housed does not justify the proposed floor space; and they supply calculations based on a Teagasc Guidance Document (copy supplied) titled 'Winter accommodation for beef animals; and an untitled document (which is accessible from a google search on the website www.agriculture.gov.ie as 'Table 1: Recommended minimum animal areas'). They estimate the total space required to be 77.5m² with additional room for lambs, in respect of which information has not been supplied.
- 8.3.3. In relation to ventilation requirements, which they state the building does not provide for, they supply a document Department of Agriculture Food and the Marine, 'Minimum Specification for the Structure of Agricultural Buildings', July 2016.
- 8.3.4. The response to the grounds of appeal states that the shed is to be used not only for animals but also for storage of agricultural equipment and machinery. They estimate that one third of the shed will be used for storage of agricultural machinery and vehicles and that this is why such a large apron is to be provided to the front of the proposed building. They state that the minimum standards for floorspace for livestock, provided by An Taisce, are minimum; and they note that the shed is no larger than a number in the area.
- 8.3.5. In my opinion the need for the shed has not been justified by the agricultural needs of the landholding. If such need exists the Board will note that there are existing agricultural buildings on this landholding in the vicinity of the site, which have not been accounted for; and further that there are large buildings on the landholding in respect of which planning permission to retain has been refused. The continued existence of these buildings would require resolution before any further buildings could be contemplated on this holding. In this regard I disagree with the first party that the adjoining planning history is not a material consideration, since it relates to the need for this building and the capacity of the landscape to accommodate development.

- 8.3.6. Accompanying the application are copies of maps from the Department of Agriculture Food and the Marine, Basic Payment Scheme, which show, as part of the landholding of Joseph & Philomena Kelly (provided to indicate land available for the spreading of slurry), a 3.35ha parcel of land in Brockagh townland, c. 3km from the subject site. This parcel of land is located farther from the coastline, where the local road it adjoins is not a designated scenic route or a road from which scenic views are available. A dwelling has recently been built on the holding in this location.
- 8.3.7. The development plan policies P-CAP- 2,3 and 4 have been referred to earlier in particular Policy P-CAP-3 seeks to control development along scenic routes while facilitating developments that may be tied to a specific location, in this regard I consider that if an agricultural building is required on the land holding, the parcel of land in Brockagh townland provides a more suitable location.

8.4. Visual Amenity

- 8.4.1. The proposed development is located along a designated scenic route as listed in the current Sligo County Development Plan 2017 – 2023, appendix E, where the shed would be visible in views towards Sligo Bay. This is referred to in the grounds of appeal.
- 8.4.2. The response to the grounds of appeal relies on the 2011-2017 plan in which the road running to the east of the site is not a designated scenic route, notwithstanding that it accesses the shoreline and that views of the ocean are available across the site from this road. Similarly the landscape and visual Impact Assessment provided with the response to the grounds of appeal, relies on the 2011-2017 plan and references to impact from scenic routes refer to routes far more remote from the site than the L-62011-0 adjacent to the site.
- 8.4.3. The proposed development is quite a large building in an area where buildings of this scale are relatively rare, an exception being the buildings on the applicant's landholding immediately adjacent to the site. These industrial type buildings were the subject of previous appeals.
- 8.4.4. Taken together with that substantial grouping, the proposed development would be an obtrusive feature in this visually vulnerable and scenic coastal location, would interfere with the character of the landscape and would conflict with the development

plan policies which seek to protect views from scenic routes, and this is a reason to refuse permission.

9.0 Recommendation

9.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

10.0 Reasons and Considerations

The current Sligo County Development Plan seeks to preserve scenic views and to restrict development impacting on such views to development of proven need. It is considered that the need for the proposed development at this location has not been established, that the proposed development would be an obtrusive feature in this visually sensitive and scenic coastal location where it would detract from the distinctive visual character of the landscape and the proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

Planning Inspector

17 April 2018

Appendix 1 Map and Photographs

Appendix 2 Copy extracts from Sligo County Development Plan 2017 – 2023

Appendix 3 Copy extracts from Development Management Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government. 2007