



An
Bord
Pleanála

Inspector's Report ABP-301652-18

Development	Construction of Sheep Shed and Hay Shed with all associated ancillary works
Location	Townland of Lisnagranchy, Ardrahan County Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	18/250
Applicant	Gerald Harney
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Padraig Brennan
Date of Site Inspection	31/7/2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Lisnagranchy, Ardrahan County Galway fronting the regional road R347 which connects Craughwell (c 5km) to the north east to Ardrahan (c 4km) and Kinvarra to the south west.
- 1.1.2. The site is within a line of farms located close together along the north western side of the road where the landholdings run in strip form extending uphill from the road. The subject site is occupied by a farmhouse set back from the road with numerous farm buildings extending behind to the side and rear. The old farmhouse is listed as a storage shed on the layout plan. A new house has been erected to the north east. The ordnance survey aerial mapping shows that some of the sheds are of recent origin, post 2000. The vehicular access is west of the old farmhouse. To the rear of the extensive buildings, a hardcore road leads north and uphill to the field where it is proposed to build the sheep shed.
- 1.1.3. To the west there is a dwelling of similar style to the original farmhouse, set a similar distance back from the road, on a narrower plot, with farm buildings to the rear.
- 1.1.4. The site is given as 1.3ha and is shown to include only the farm buildings and that portion of the field to the rear where part of the development is proposed.

2.0 Proposed Development

- 2.1.1. The development proposed is the construction of a sheep shed and hay shed with all associated ancillary works.
- 2.1.2. The total gross floor space, given as 1303.88 sq m, comprises a hay shed of 257.47 sq m (19.2m x 13.41m x 6.85m high), within the existing farmyard, and in a field immediately beyond the existing farmyard, a sheep shed of 1011.84 sq m measuring 21.8m x 48m x c 7.m high with a concrete apron to the front and a seepage tank of 14.44 sq m (3.8m x 3.8m).
- 2.1.3. The existing and proposed sheds are located close to the boundary with the property to the west. The proposed sheep shed is shown as 12.53m from the boundary and the proposed hay shed is shown as 6.96m from the boundary.

2.1.4. The application is accompanied by:

An Appropriate Assessment Screening Report, prepared by Planning Consultancy Services.

A Fertiliser Plan 2018, prepared by Tarpey & Associates Agricultural Consultants
Land Parcel maps, which are copies of Teagasc maps on orthophotographs, at various scales of: 1:2,500, 1:5,000, 1:10,000, or 1:25,000 (ie.OSI aerial photographs).

Site layout and building drawings.

2.2. AA Screening Report

2.2.1. The AA Screening Report considers spreadlands in relation to Natura 2000 sites.

Plots 2B, 8, 9, 10, 13 and 15, are the spreadlands referred to in this regard.

Protected sites within 15 km of these spreadlands are accounted for. Only three protected sites are given more than preliminary consideration: Castletaylor Complex SAC, Rahasane Turlough SAC and Rahasane Turlough SPA . Notwithstanding proximity to Ardrahan Grassland SAC it is considered that there is no potential for impact as all the listed threats on the Natura 2000 factsheet are from within the protected site.

2.2.2. The GSI website information is provided, showing that the site is underlain by Dinatian pure bedded limestone with basic, deep, well drained mineral topsoil, and with subsoil derived from limestone till. The groundwater is classified as having high vulnerability at the shed location. Plots 13, 15 and 9 have extreme vulnerability. Minimum soil depth on spreadlands with extreme vulnerability is a concern. Three trial holes were dug on plots 9, 13 and 15 and following the precautionary approach further trial holes were dug on plots 2B and 8. The site is in groundwater body 'Rahasane turlough' with overall good status. Plots 9, 13 and 15 are in groundwater body 'Gort' with overall good status.

2.2.3. Soil depth in the trial holes was over a metre.

2.2.4. The size and scale of the works located entirely outside designated areas it is not expected that the development will have any significant impact on the Natura 2000 site. A separate updated Nutrient Management Plan is referred to as having been included. This gives a total land area of 94.32ha with a grassland stocking rate of 64kg/ha. The maximum chemical fertiliser levels of 9408kg of N and 129kg P.

Storage capacity of 366m³ and estimated total production of 375m³ of slurry, giving a surplus of 9m³ storage. There is also surplus storage space of 357m³ for farmyard manure.

- 2.2.5. A slight increase in the volume of traffic in the area is envisaged during the construction phase. It is not expected that this will result in direct, indirect or secondary impacts on the Natura 2000 site.
- 2.2.6. The conclusion is reached that the proposed development will not have any significant impacts on the surrounding Natura 2000 sites alone or in combination with other plans or projects.

2.3. Fertiliser Plan 2018

- 2.3.1. The Fertiliser Plan 2018 is for an area of 94.32 ha based on stocking of 35 suckler cows; 10 > 2 year cattle; 20 1-2 year old cattle; 35 0-1 year old cattle; 150 mountain ewes; and 30 mountain hoggets.

2.4. Lands

- 2.4.1. Land Parcel maps are shown on copies of Teagasc maps on orthophotographs at various scales of: 1:2,500, 1:5,000, 1:10,000, or 1:25,000 (ie.OSI aerial photographs). Lands include 50ha commonage.
- 2.4.2. These land parcels can be identified as including land at various locations in east Galway in the general area of the farmyard, lands west of Ballinderreen Co Galway along the sea coast, and lands in Co Wicklow.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Galway County Council decided to grant permission subject to 10 conditions, including:
 - 4) all uncontaminated surface water generated by the development shall be disposed of on site to appropriately sized soakaways constructed in accordance with

BRE Digest 365 or equivalent, and shall not be discharged onto the public road or the adjoining property.

Reason: In the interests of proper planning and sustainable development.

5) The agricultural building(s) hereby permitted shall have down pipes and gullies in order to prevent the build-up of soiled water on this farm.

6) All foul effluent, soiled waters and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to appropriate storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

8) The development shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended

A minimum of 18 weeks storage shall be provided

Under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended, no slurry spreading shall be carried out in the three month period between October 15th and January 15th.

All slurry and silage effluent shall be disposed of by land spreading, in accordance with the Code of Good Agricultural Practice, to ensure the protection of ground and surface waters.

No spreading of slurry shall take place within 50m of any domestic well, 10m of any stream or drain, or within 20m from lakes or any main river channel or tributaries or on lands subject to flooding or likely to flood.

All solid waste, waste bedding material to be disposed of by land spreading in accordance with the Code of Good Agricultural Practice and without risk to ground or surface waters.

Under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended, no spreading of such waste (solid waste/ waste bedding/ farmyard manure) shall be carried out in the period between 1st November and January 15th.

All slurry spreading must be carried out in strict accordance with the applicant's Nutrient Management Plan/Fertiliser Plan and only on the lands identified for landspreading on the maps received by the planning authority on the 6th March 2018 and shall also be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended.

Land spreading shall not take place on any lands with less than 1m of soil.

Reason: In the interests of proper planning and the protection of public health.

9) The waste shall not be landspread proceeding, during or immediately after periods of unusual heavy rainfall, on frozen ground, on lands subject to flooding or at any time during which there would be heavy run-off surface water.

Reason: To protect public health and to avoid pollution.

10) best practice mitigation measures during construction.

3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is located in an area designated as Landscape sensitivity Class 1 (where Class 1 is the least sensitive and class 5 the most sensitive).
- The site is located within 100m of a restricted regional route.
- The site is located within the GTPS (Galway Transportation and Planning Study).
- The site is located within an area designated as (Rkc) Regionally important conduit karst aquifer, development potential limited.
- The area is drained by the Kilcolgan river.
- The report relies on the report of the Environment Section and recommends permission.

3.2.2. Other Technical Reports

Environment Section – the nutrient management plan included in the application indicates adequate storage for all organic wastes (farm effluent) produced on the farm from the closed period. The proposed sheep and hay shed is likely to be used only during lambing and all bedding material and effluent should be treated similarly to FYM (farmyard manure) in terms of storage and application to land parcels. The appropriate assessment report indicated that suitable lands are available for the land spreading of organic wastes from the farm. The stocking rate, animal housing provision and management of farm effluent outlined in the application complies with the GAP (Good Agricultural Practice) Regs 2014.

3.3. Third Party Observations

Third party observations on the file have been read and noted.

4.0 Planning History

151221 planning application made in 7/10/2015 for the construction of new goat housing and milking facilities and associated tanks and a hay shed (gross floor space proposed 1405.05sqm), withdrawn 24/2/2016.

5.0 Policy Context

5.1. Development Plan

5.2. **Galway County Development Plan 2015-2021**, is the operative plan. Relevant provisions include:

Policy AFF 3 – Sustainable Development of the Countryside - Facilitate the sustainable development of the countryside. The Council recognises that the diversification of appropriate uses on rural landholdings may be necessary in order to ensure the continued viability of agriculture.

Objectives

AFF1 – Sustainable Agriculture - The Council shall support the sustainable development of agriculture, with an emphasis on a high quality, traceable primary production methods, the promotion of local food supply and agriculture diversification.

AFF 4 – Intensive Agriculture Developments - Have regard to S.256 of the *Planning and Development Act 2000* (as amended) which amends the *EPA Act 1992* regarding the control of emissions when assessing intensive agricultural developments.

Policy NHB 4 – Water Resources - Protect, conserve and enhance the water resources of the County, including, rivers, streams, lakes, wetlands, springs, turloughs, surface water and groundwater quality, as well as surface waters, aquatic and wetland habitats and freshwater and water dependant species and seek to protect and conserve the quality, character and features of inland waterways by controlling developments close to navigable and non-navigable waterways.

5.3. **S146, Minimum Specification for Wintering Facilities for Sheep, Department of Agriculture, Food and the Marine, June 2016**

Advice for grant applicants.

As a general guide, a storage facility for silage effluent/slurry/soiled water shall be located not less than 50m from any waterbody in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility. The minimum distance between a storage facility and a public/private water supply source, either surface or ground, shall be 60m for new farmyards and not less than 30m for existing farmyards, subject to a hydro-geological survey. In vulnerable situations this distance shall be increased up to 300m.

5.4. **Natural Heritage Designations**

Castletaylor Complex SAC c2km distance from the site.

Rahasane Turlough SAC

SAC Rahasane Turlough SPA

Wicklow Mountains SAC 002122 and Wicklow Mountains SPA 004040 – 50 ha of landspread area (no.19) is within this protected area.

Galway Bay Complex SAC 000268, Inner Galway Bay SPA004031 - 15.3ha of landspread area (nos.16, 17 and 18) is within this protected area.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal against the decision to grant permission, has been received from Padraig Brennan who is the adjoining householder/farmer to the west. The grounds includes:

- Drawings have been provided with the appeal and are referred to in the grounds.
- The third party has a private well from which his drinking water is obtained to the front of his house. There is a significant difference in level between the two properties, his property is lower. As a result surface water tends to flow from the first party's property to the third party's property and there have been problems arising from this. It leads to flooding of the third party's farmyard, silage area etc. It threatens his home and well, and the current proposal is likely to exacerbate the problem.
- Works have been undertaken by the first party such as the construction of a new roadway and alterations to ground levels, that have made a bad problem worse.
- The works proposed are located too close to the boundary and at a higher level and do not provide adequate surface water drainage details.
- He is not opposed in principle to the hayshed and sheep shed being located in a revised location further away from the boundary wall. He is asking the Board to amend the development and to insist on the submission of a detailed surface water and soiled water drainage proposal.
- There is a substantial cross fall of 2508mm (8ft 2 ¾ inches) from the proposed 10 bay sheep shed and associated concrete works towards the third party's

land which places his field, silage storage area and domestic drinking water well in an extremely vulnerable position and will result in serious flooding/contamination. The flooding of the silage storage area is a serious matter not only for the third party but for the potential pollution problems that can arise. Drawings nos. 01, 02 03 and section BB are referred to.

- The red line boundary marked on the planning drawing title: 'Site Layout' does not show the actual boundary lines and the extent of the applicant's fields which is over 90m in width. This gives him a distance of 77.5m from the proposed location of the sheep shed to his boundary wall on the other side of the field. The shed could be moved further away and this would help address the third party's concerns. He refers to planning application drawing 'Site Layout' and his corrected drawing 01.
- There is no drainage infrastructure shown on the planning drawings for the sheep shed which has a very large roof area of 48m x 21.8m and an ancillary concrete area, to show how the substantial amount of water runoff and soiled water will be adequately dealt with, to eliminate overflows and contamination of the third party's property, silage storage area and drinking water well.
- Condition no. 6 does not make reference to preventing the discharge of effluent or slurry to the third party's property.
- S 146 of Department of Agriculture, Food and The Marine document 'Minimum Specification for Wintering Facilities for Sheep' states that 'in vulnerable situations the minimum distance between a storage facility and a public/private water supply shall be increased up to 300m. The proposed sheep shed and wintering facilities is only 132m from the third party's well a shortfall of 168m.
- The applicant has raised ground levels on his property which includes roadways adjacent to the third party's boundary wall which has resulted in cross fall flooding to third party's lands.
- The proposed 4 bay hay shed (19.2m x 13.4m x 6.85m high) is very close to the boundary i.e. 6.96m. The shed, concrete works and road works will create a substantial amount of soiled water runoff. Because of the 845mm cross fall

created there is a substantial risk of flooding and contamination of the third party's well and house.

- The shed is only 16.5m from the third party's well which is on the downslope side, resulting in the water supply being very vulnerable; drawing 02, Section AA.
- The proposed new roadway adjacent the proposed hay shed is tight up against the boundary wall and only 8.5m from the well (downslope).
- Given that the hay shed will house hay and straw its proximity will pose a health & safety fire risk.
- There is inaccurate information and incorrect labelling on the application drawing 'Site Layout'.
- The third party requests alterations:
 - The proposed sheep shed to be set back 60m from the boundary wall and 300m from the well.
 - Detailed drawings, calculations, details and cross sections for a fully designed surface water and soiled water system for the sheep shed, to clearly show how the applicant will prevent pollution and contamination of third party's property. This should include a drain that will intercept surface water and soiled water as it travels over the ground downslope of his property and carry it away from his lands, prior to a decision, and giving the third party an opportunity to comment on them. If they are left for subsequent agreement on foot of a condition the third party will be excluded from that process.
 - The relocation of the hay shed.
 - Detailed drawings, calculations, details and cross sections for a fully designed surface water and soiled water system for the hay shed to clearly show how the applicant will prevent pollution and contamination of third party's property; prior to the issuing of planning permission.
 - Detailed drawings, calculations, details and cross sections for a fully designed surface water and soiled water system for the applicant's

existing sheds and waste storage area to clearly show how the applicant will prevent pollution and contamination of third party's property and silage storage area. Prior to the issuing of planning permission.

- No ground levels shall be raised from existing levels around the proposed sheep shed, hay shed and roads.
- An oral hearing was requested.

6.2. Applicant Response

6.2.1. No response was received from the applicant within the relevant period.

6.3. Planning Authority Response

6.3.1. The Planning Authority has not responded to the grounds of appeal.

7.0 Assessment

7.1.1. The issues which arise in relation to these appeals are appropriate assessment, environmental impact assessment, the principle of the development, surface water runoff and impact on groundwater, and proximity to the site boundary and the following assessment is dealt with under these headings.

7.2. Appropriate Assessment

7.3. The Board, as the competent authority, has obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects the project may have, either on its own or in combination with other plans and projects, on Natura 2000 sites, before making a decision on the proposed development.

7.4. Screening

7.5. The first exercise to be carried out by the Board is screening, in order to determine if the proposed development, individually or in combination with other plans or projects, is likely to have a significant effect on a European site or sites. If it cannot be excluded, on the basis of objective information that the proposed development

will have a significant effect on a Natura site, either individually or in combination with other plans or projects in view of the sites' conservation objectives, it must be subject to appropriate assessment.

7.6. Screening Report

7.6.1. An Appropriate Assessment Screening Report has been provided with the application.

It includes a description of the development and the Natura sites with the potential to be impacted.

Sites within 15km of the site have been considered in the screening, most have been omitted after preliminary examination, from further consideration, because of distance. One, Ardrahan Grassland SAC, has been omitted from further consideration because of it lies 230m outside the spreadlands at plot 9 and the listed threats are from within the protected site. The remaining three Natura sites are Castletaylor Complex SAC, Rahasane Turlough SAC and SAC Rahasane Turlough SPA. These are examined in more detail in the report. A trial hole to prove sufficient depth of soil for land spreading was dug on each of plots 15, 13, 9, 2B and 8. Soil depth was 1m in each test hole. No impacts are expected on the Natura 2000 sites at distances of 2.1km to Castletaylor Complex SAC, and 3km to Rahasane Turlough SPA Natura 2000 sites. In combination effects with various plans and with a single planning application in the townland in the past five years, are considered. It is concluded that the proposed development will have no significant impacts on the surrounding Natura 200 sites alone or in combination with other plans or projects in the area.

The report considers the impact of land spreading in relation to spread sites 1 – 15 only. Spread sites 11 – 20 are not included in the screening report. Spread site 19 is located within the Wicklow Mountains SAC. Parts of spread site 16, 17 and 18 are located within or adjoining Galway Bay Complex SAC 000268, and Inner Galway Bay SPA004031.

The landholding submitted includes 50.1ha (123.6ac) of commonage on Lugnaquilla in the Wicklow Mountains SAC, no land spreading is proposed in this area. The

landholding submitted includes (plots 16, 17 & 18) 15.3ha (37.8 ac) of land along the coast at, in or immediately adjoining Galway Bay Complex SAC and Inner Galway Bay SPA, no land spreading is proposed in this area.

The fertiliser plan submitted proposes 'that no land spreading will take place' on plots 16, 17 or 18 but that imported fertiliser will be used on these lands. In the previous application, PA Reg Ref 15/1221, for a hayshed and goat shed (1405.05 sq m of similar proportions to the current application) these plots were included in the proposed land spreading. In the absence of more detailed information regarding the management of these lands the reason for the change is unclear.

The nature of the use of plots 16, 17, 18 and 19 in conjunction with the proposed development is not outlined.

From the details submitted it is noted that cattle and sheep farming is the operation carried on, on this farm. It is unclear whether this proposed very large sheep shed will increase the overall stocking rate, or improve the management of the existing stock within the landholding and what if any impact, this will have on the various land parcels; with plots 16, 17 18 and 19 being of particular interest in relation to appropriate assessment.

7.7. Natura Sites

The Natura Sites with potential for impact arising from the proposed development include:

Galway Bay Complex SAC.

Site-specific conservation objectives for the site have been developed which could be summarised as: to maintain or restore the favourable conservation status of habitats and species of community interest, which are:

Habitats:

Mudflats and sandflats not covered by seawater at low tide

Coastal lagoons

Large shallow inlets and bays

Reefs

Perennial vegetation of stony banks

Vegetated sea cliffs of the Atlantic and Baltic coasts

Salicornia and other annuals colonising mud and sand

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

Mediterranean salt meadows (*Juncetalia maritimi*)

Turloughs

Juniperus communis formations on heaths or calcareous grasslands

Semi-natural dry grasslands and scrubland facies on calcareous substrates

(*Festuco-Brometalia*) (* important orchid sites)

Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*

Alkaline fens

Limestone pavements

and the species:

Otter, and

Harbour Seal

Overgrazing is a potential threat in the habitat 'Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*'.

Inner Galway Bay SPA

Site-specific conservation objectives for the site have been developed which could be summarised as: to maintain or restore the favourable conservation status of habitats and species of community interest, which are:

Great Northern Diver (*Gavia immer*)

Cormorant (*Phalacrocorax carbo*)

Grey Heron (*Ardea cinerea*)

Light-bellied Brent Goose (*Branta bernicla hrota*)

Wigeon (*Anas penelope*)
Teal (*Anas crecca*)
Shoveler (*Anas clypeata*)
Red-breasted Merganser (*Mergus serrator*)
Ringed Plover (*Charadrius hiaticula*)
Golden Plover (*Pluvialis apricaria*)
Lapwing (*Vanellus vanellus*)
Dunlin (*Calidris alpina*)
Bar-tailed Godwit (*Limosa lapponica*)
Curlew (*Numenius arquata*)
Redshank (*Tringa totanus*)
Turnstone (*Arenaria interpres*)
Black-headed Gull (*Chroicocephalus ridibundus*)
Common Gull (*Larus canus*)
Sandwich Tern (*Sterna sandvicensis*)
Common Tern (*Sterna hirundo*)

and

Wetland and Waterbirds

Wicklow Mountains SAC:

Site-specific conservation objectives for the site have been developed which could be summarised as: to maintain or restore the favourable conservation status of habitats and species of community interest, which are:

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)

Natural dystrophic lakes and ponds

Northern Atlantic wet heaths with *Erica tetralix*

European dry heaths

Alpine and Boreal heaths

Calaminarian grasslands of the *Violetalia calaminariae*

Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)

Blanket bogs (* if active bog)

Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)

Calcareous rocky slopes with chasmophytic vegetation

Siliceous rocky slopes with chasmophytic vegetation

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

and the species:

Lutra lutra (Otter)

Overgrazing is identified as a potential threat.

I am satisfied that the screening report carried out for Castletaylor Complex SAC, Rahasane Turlough SAC, and SAC Rahasane Turlough SPA adequately addresses potential effects and that

7.8. Possible Effects

- 7.8.1. Consideration has been given only to land spreading, in the AA Screening report accompanying the application. Any aspect of land management on the associated landholding, and which relates to the proposed development, is of relevance, since indirect effects must be included in appropriate assessment of the proposed development.
- 7.8.2. From the information available on this file the Board cannot assess the possible indirect effects on Galway Bay Complex SAC, Inner Galway Bay SPA or Wicklow Mountains SAC, arising as a result of the proposed development, and therefore the Board cannot conclude, from the information available, that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on these European sites.

7.9. Environmental Impact Assessment

- 7.9.1. The application was lodged on the 18th May 2017 and therefore the provisions of Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive) apply. The proposed development is the construction of a sheep shed and hay shed with all associated ancillary works.
- 7.9.2. I note that class 17 of part 1 of schedule 5 requires Environmental Impact Assessment for 'installations for the intensive rearing of poultry or pigs with more than - (a) 85,000 places for broilers, 60,000 places for hens, (b) 3,000 places for production pigs (over 30 kilograms), or (c) 900 places for sows; and that class 1 of part 2 of schedule 5 at point (e) refers to (i) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry; and (ii) Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit, requiring Environmental Impact Assessment.
- 7.9.3. Although these classes relate to animal housing they specifically refer to pigs and poultry. No part of the proposed development has any connection with pigs or poultry. The proposed development is therefore not of a class where Environmental Impact Assessment is required.

7.10. Surface Water Runoff/ Impact on Groundwater

- 7.10.1. The third party grounds, which include detailed concerns regarding runoff and its potential to affect their nearby well water supply, have not been rebutted. The existing farmyard includes extensive hard surface areas with falls towards the road and towards the third party farmyard. The location of the third party's well is at a lower point relative to existing and proposed development.
- 7.10.2. The third party is not opposed in principle to the hayshed and sheep shed being located in a revised location further away from the boundary wall, but is asking the Board to amend the development and to insist on the submission of a detailed surface water and soiled water drainage proposal; and requests to be afforded the opportunity to make further comment on revised proposals.

7.10.3. The information provided in relation so surface water disposal is very limited. It is a reasonable requirement, in relation to a proposed development of this scale, and particularly having regard to the topography and proximity to boundaries, that drainage be addressed in detail. The information available on this file is inadequate in this regard. However since this issue could be addressed by condition it should not be a reason to refuse the proposed development.

7.11. Impact from proximity to boundary

- 7.11.1. There is a large farm complex on a relatively confined site adjoining the regional road at this location. The proposed hay / straw store will be located within the existing complex and at a similar distance from the road (29.22m) The proposed sheep shed, which is a building of considerable size, will be located in a field adjoining and to the rear, where the land rises.
- 7.11.2. The third party requests that the proposed sheds be moved farther from the common boundary. Concerns include the health & safety fire risk posed by the hay and straw to be housed in the hay shed.
- 7.11.3. The proposed hay shed is close to the boundary but within the existing complex of buildings. The proposed sheep shed, although a very large building, is separated from the third party's dwelling by the third party's farm buildings. In my opinion the relocation of the building would not be necessary if other concerns were adequately addressed.
- 7.11.4. In my opinion proximity to the boundary should not be a reason to refuse or modify the proposed development.

8.0 Recommendation

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

9.0 Reasons and Considerations

1 On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement 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 European site Nos. 002122, 004031, 000268, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Planning Inspector

12 December 2018

Appendices

- 1 Photographs
- 2 Extracts from the Galway County Development Plan 2017-2023
- 3 Site Synopsis for Wicklow Mountains SAC (site code 002122)
- 4 Site Synopsis for Galway Bay Complex SAC (site code 000268)
- 5 Site Synopsis for Inner Galway Bay SPA (site code 004031)
- 6 Extracts from NPWS mapping
- 7 S146, Minimum Specification for Wintering Facilities for Sheep, Department of Agriculture, Food and the Marine, June 2016