



An
Bord
Pleanála

Inspector's Report ABP-303788-19

Development	Demolition of existing shed and construction of cattle shed and all associated site works
Location	Ballymacoll , Dunboyne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA180824
Applicant(s)	Hamwood Stud Unlimited Company
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	George and Julia Fox.
Observer(s)	Darren and Claire Brogan.
Date of Site Inspection	29 th of May 2019
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site is an agricultural field, 1.1 ha in size, located to the rear of Ballymacoll Stud Farm, to the west of Dunboyne, Co Meath.
- 1.2. The appeal site forms part of an overall farm landholding (326.4 ha) which is accessed from the R157, Dunboyne to Maynooth road. Two further ancillary entrances to the east and rear, north of the site form part of the overall site, used for the delivery of goods to the site.
- 1.3. The perimeter of the site is bound by mature trees and hedges and local roads radiate around the west and north of the site and provide access for a number of dwellings.

2.0 Proposed Development

The proposed development would comprise of the following:

- a) Demolition of existing agricultural shed.
- b) Construction of an access passageway.
- c) Construction of cattle shed to include slatted tanks and handling area.
- d) Construction of dungsted.
- e) Construction of a suckler cow shed to include stalled tank, straw lie back area and calving area.
- f) Construction of Agricultural shed to include meal and straw store.
- g) Installation of Solar Panels onto proposed sucker cow shed.
- h) Construction of Rainwater Harvesting tank.
- i) Construction of Silage Pitt and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 12 no. conditions of which the following are of note:

C 2- Landscaping scheme shall comply with further information and all existing trees retained.

C 3- All animal waste should be spread in accordance with EU (Good Agricultural Practice for the Protection of Waters) Regulations 2017.

C 4- All soiled waters and effluents shall be collected and treated in a manner that prevents run-off or seepage, directly or indirectly, into ground waters or surface waters.

C 5- The construction and use of the buildings and associated works shall only be used for agricultural purposes and constructed in accordance with the minimum specification document issued by the Department of Agriculture Food and Marine and referenced in the EU (Good Agricultural Practice for Protection of Water) Regulations 2017.

C 6- The silage pit must be cognisant of the 10m separation distances as outlined in the EU (Good Agricultural Practice for Protection of Water) Regulations 2017.

C 7- All waste to be removed off site and disposed of a facility in line with Waste Licence or Waste Permit.

C 8- Any contaminated surface water shall be separately collected and discharged to watercourse, and shall not be allowed to discharge to the public road or adjoining property.

C 9- No pollution of any watercourse.

C 10- All waste from the demolition of the existing shed shall be appropriately collected, recorded and disposed of.

C 11- Prior to commencement of development the applicant,

- shall submit details of the flow control devise and associated chamber,
- shall get a water tightness test on the attenuation tank approved by the Water Services Engineer of Meath County Council,
- provide a non-return valve on the outfall,
- provide a 10m strip along the full length of the existing stream.

C 12- Finishes shall be provided, the use of brick or reconstituted stone shall not be permitted and roof of the shed shall be dark brown, dark grey, blue/ clack or another colour approved by the planning authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information summarised below:

Significant further information/ revised plans submitted on this application,

- Submission of a Farm Business Plan for the proposed enterprise development and existing farm practices stating that 252 ha of land are farmed for the suckler beef enterprise. The organic nitrogen is calculated to be 62 kg N/ha, below the 170kg N/ha.
- The sightlines on the site layout plan where revised to illustrate 90m in both directions, which included the removal of wingwalls at both directions, a hedge and timber fence to the north.
- There is no significant intensification on the farm as the current staff will remain, the buying and selling of cattle is in spring and then late summer and other vehicle activities include the delivery of feedstuff etc. remains on a fortnightly basis.
- Part of the existing shed has been removed, for health and safety, the remainder is proposed to be removed during summer.
- The solar panels are to be fitted on the south facing roof of the cattle shed and will not be visible from the road (drawings submitted).
- Contiguous elevations and visual impact have been submitted.
- A detailed landscaping plan (Dwg 104 Rev FI) indicates the mature trees to be retained where possible and includes a new fence and semi-mature planting scheme. A grassed verge margin is to be installed.
- A Visual Impact Assessment is submitted which includes photomontage drawings.

- Increase in the attenuation tank to 10% and the treatment of the surface water run-off into the existing system.

The report of the area planner referred to the Meath County Development Contribution Scheme 2016-2021 which permits an exemption from development contributions for farm buildings and structures within the exempted development standards under the Regulations subject to no other structure on the farmyard complex failing within a particular category/ class.

The planning application was accompanied by the following documents:

- Slurry and Water Management Report,
- Visual Impact Assessment,
- Drain Discharge Capacity & Surface Water Attenuation Report,
- Landscape Stipulations and Planting Plan.

3.2.2. Other Technical Reports

Environment Section- No objection subject to conditions.

Water Services- No objection subject to conditions

3.3. **Prescribed Bodies**

Inland Fisheries Ireland- No objection subject to the conditions.

3.4. **Third Party Observations**

2 no. third party observations were submitted with the planning application and the further information and the issues raised are summarised below and reiterated in the grounds of appeal.

- Impact on additional traffic on the road network.
- Impacts of proposed development on current water course and flood risk area.
- Impact on European Designated Sites.
- Visual impact of the solar panels.

- Impact on the surrounding area.

4.0 Planning History

None relevant on the site.

5.0 Policy and Context

5.1. EU Good Agricultural Practices for the Protection of Waters Regulations (2017) S.1 605, as amended (2018) S.1. No 65 of 2018.

5.2. Meath County Development Plan 2013-2019

The Meath development plan includes a Core Principle, No 8 “To support agriculture and agricultural related development in Meath and strengthen the county as a hub for the vibrant agricultural and food sectors.”

Agriculture

RD POL 10 To encourage and facilitate agricultural diversification into agri-businesses such as organic foods, rural tourism and small to medium sized enterprises subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area.

RD POL 12 To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.

Agriculture Buildings

Section 10.9.1 Agricultural Buildings: The provision of well-located structures and facilities necessary for good and environmentally sound agricultural practice shall be supported by the Planning Authority. The suitability of a given proposal will be determined by the following factors:

- The design, materials specification and appearance of buildings with attention paid to developments in sensitive landscapes as identified in the Landscape Character Assessment (Refer to Appendix 7);

- The availability of an effective means of farm waste management to ensure nutrient balancing between application of farm wastes to land and its balanced uptake by agricultural use of land;
- Impact on residential amenity.

Section 11.13.1 provides development management guidance for agricultural buildings, where the design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.

- In visually sensitive areas buildings should be grouped together and require the use of harmonious external materials to minimise obtrusion on the landscape.
- The use of dark coloured cladding, notably dark browns, greys, greens and reds are most suitable for farm buildings, and roof areas should be darker than walls.
- Developments shall comply with the Good Agricultural Practices Regulations.

Landscape Character

LC SP 1 To protect the landscape character, quality, and local distinctiveness of County Meath in accordance with relevant government policy and guidelines and the recommendations included in Meath Landscape Character Assessment (2007) in Appendix 7.

Water Quality

WS SOBJ 9 To promote compliance with environmental standards and objectives established—

- (i) for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009;
- (ii) for groundwater, by the European Communities (Groundwater) Regulations 2010; which standards and objectives are included in river basin management plans.

Section 11.13.3 Pollution Control

The Council will require that agricultural developments comply with all relevant regulations in relation to farmyard pollution and waste.

Agricultural development will not cause pollution to watercourses taking into account the requirements of the relevant River Basin Management Plans.

All new and existing agricultural developments will be required to ensure that all effluent, including yard run-off, is collected and stored within the confines of the development.

When assessing the adequacy of effluent handling facilities the following will be considered to be soiled waste:

1. Slurry;
2. Soiled water run-off;
3. Milk washings;
4. Silage effluent, and;
5. Dungstead

5.3. Natural Heritage Designations

The site is located c. 4km north east of the Rye Water Valley/ Carton SAC (site code 001398).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal area submitted from the residents of a property to the north of the site, on the opposite side of the main road and the issues raised are summarised below:

Background

- The principle of development, agriculture in a rural area, is supported although the extensive nature of works are of concern.
- A breakdown of the proposed development, size and scale of the 3 no. sheds is provided.

- The appeal site and proposed development is located in the vicinity of five dwellings of which two are located 70m from the proposed development.
- The site accesses onto the R157 which is substandard and there is limited sightlines at the site to cater for HGV traffic.
- The site is located immediately adjacent to a local stream (Dunboyne Stream) and also the River Liffey and Dublin Bay Catchment area (www.catchments.ie).
- A background to the legislative context for the protection of waters is provided.

Development Plan.

- The proposed development is contrary to the policies of the development plan.
- Section 4.4 - Rural Areas, states that the agricultural sector must adapt to changing time. A large scale agricultural development on a stud farm is not the same and would give rise to serious negative impacts.
- Section 6.10.2 - The local network is maintained by the council and has evolved to support low density development. The proposed development cannot support articulated lorries on the a narrow access road.
- Section 10.1 - Rural development context and support for agricultural development.
- Section 10.8 - Agriculture and protection of the rural countryside. The proposal is too close to a receiving stream.
- RD POL 10, 11, 12 & 13 – Support for agriculture and protection of the environment. The proposal is too close to a receiving stream.
- Section 10.9 – Agricultural development. The proposal is not well located or in accordance with environmentally sound agricultural practices.
- Section 11.13- The design and scale of the building should enhance the rural environment and the location would be contrary to the Good Agricultural Practices.

- Section 11.13.3 - Pollution Control and protection of watercourse. The proposal fails to provide for adequate treatment of soiled water run-off.
- Section 6.10.2- Protection of Local and Regional Roads.
- Section 7.14- Protection and Water Quality.

Impact on the watercourse

- The cattle shed is not within the confines of the existing stud farmland is an entirely new area.
- The applicants land holding is extensive and there is no reason for the shed to be located beside the stream.

Impact of the HGVs on a poor substandard narrow access road.

- There is insufficient width for two cars to pass along the road this would require a car to reverse should it meet another car on the road.
- It would be safer for the existing access into the stud to be used for the proposed development.

Impact on the Residential Amenity.

- By reason of noise and visual impact the proposal would have a negative impact on the residential amenity of the surrounding area.
- No proper Farm Plan has been submitted, only a business plan.
- The construction of the development would give rise to serious noise disturbance.
- The movement of traffic would have a serious negative impact.
- There will be significant noise from calves bawling at night and being weaned from their mothers.
- There may be additional noise from the mechanical feeders.

Impact on water pollution

- The proposal does not adequately provide for soiled water disposal and would be prejudicial to public health.
- The proposed development does not comply with S1 605 of 2017.

- The location of the proposed silage pit adjacent to a stream is a concern for public health.
- The proposed drawings indicate that contaminated surface water run-off will be collected and discharges directly into the surface water system.
- There is no treatment of the contaminated surface water from the silage pit apron and it is usual practice that there will be overspill from the silage.
- There is no provision of staff toilets.
- The siting of the dungstead beside the rainwater harvesting tanks is of concern for public health
- The movement of animals to the isolation pen will mean the hardstanding will have animal manure and there is no treatment for this run-off.
- Details of neighbouring private wells have not been included in the zone of contribution.
- All surface water should be treated and there should be a petrol interceptor.

Intensification of Use.

- The stocking rates are small relative to the size of the farm and the silages bases are not sufficient to meet an increase in stock.
- The use of the entire farm holding (325ha) could accommodate over 1,000 cattle.
- The scale of development is over normal agricultural activity.
- The worst case scenario must be assessed.
- Additional feed will be required for additional stock.
- The silage bases are not adequately sized to cater for the stock which will result from any increase.

Flooding

- The proposed development gives rise of potential flooding.
- There have been a number of localised flooding events in the vicinity in the past few years.

- Flooding only arose after the development of Ballymacoll/ Hamwood Stud farm.
- The development of a horse gallop has created a “pinch point” as described in the hydrology report.
- The culvert under the road does not have the capacity to take the volume of water travelling through the ditches.
- The applicant indicated in a further information response that there is insufficient capacity although have no proposals for addressing the same.
- The flooding is beside a stream and there is significant amounts of animal manure.

Odour

- The odour would have a significant negative impact on the residential amenity.
- The insufficient storage of effluent will lead to a negative impact.
- The need for agitation every two months will cause significant odours.
- Given the extensive landholding there is potential for the location of these buildings to be located away from the residences.

Visual Impact

- Due to the scale of the building there would be a negative visual impact and depreciation of value of the buildings in the vicinity.
- The accuracy of the visual impact is questionable.
- There is serious doubts over the accuracy of the photomontages and many of the pictures are taken during motion.
- Some of the images are computer generated and not a visual representation.
- The criteria for visual analysis is listed in EPA recommendations “Classification of Visual Impacts” which the submission does not comply.

6.2. Applicant Response

A response from an agent on behalf of the applicant has been submitted and is summarised below:

Development Plan

- The size and scale of the proposal is suitable to cater for the number of animals.
- County Meath has large agricultural enterprises as there are large land holdings by individuals.
- It is essential there is adequate accommodation for animals over winter.
- The location is the most preferred as it is adjacent to the existing farm buildings and therefore consolidated.
- The location negates the requirement for additional hard surfacing.
- The livestock are currently on the farm and have been in place since the applicant bought the farm.
- Construction traffic can be accommodated at a different access should the Board decide.
- The number of deliveries will not increase as the number of animals remains the same.
- Given the typology of the landscape there are no variations in levels.
- The proposed development is over 10m from the nearest watercourse and the minimum separation distance in the Dept. of Agriculture specifications, S123 is 10m.

Watercourse

- The proposed development will be constructed in compliance with the Dept. of Agriculture specifications and other environmental regulations.

Access and Traffic

- There will be an increase in traffic during construction although no other increase as the stocking levels are remaining the same.

Nosie and Visual amenity

- The site is over 110m from the appellant property and the existing screening of mature trees will prevent any significant visual impact

Soiled Water disposal

- All soiled water will be collected and stored in the proposed slatted tanks and spread on the land when conditions are suitable.
- Clean rainwater will be collected and diverted to an attenuation tank.

Intensive development

- The sheds have been sized to accommodate the proposed stock numbers.
- There is currently overcrowding in the houses which is not appropriate for animal welfare.
- The silage bases are in line with Teagasc recommendations.

Flooding

- A response to the further information indicates there is adequate proposals to prevent flooding downstream.

Odour

- Agitation of slurry occurs as normal practice on the farms and the tanks are emptied once or twice a year.

Visual Impact

- The visual impact is not classified as significant in the visual impact report submitted.

6.3. Planning Authority Response

A submission from the planning authority was received and is summarised below:

- The proposed development complies with Section 5.1 of the development plan.
- The 12 no. conditions attached are to protect the public health, environment and visual amenity.

- The planning authority is satisfied all the issues raised by the appellant have been addressed as per the planner's reports.

6.4. Observations

One observation has been received from a resident in the vicinity of the site and the issues raised are below:

Flooding

- Concern is raised in relation to the impact of flooding on the observer's site.
- An incorrectly sized culvert is included at the pinch point (hydrologist report).
- Photographic evidence of flooding on their site is included in the submission.

Bridge

- Concern is raised over the impact of traffic on the bridge adjacent to the site and the number of HGVs entering the site.

7.0 Assessment

7.1. I consider the key issues in determining this appeal are as follows:

- Principle of Development.
- Impact on the Residential Amenity.
- Impact on the Visual amenity.
- Effluent Management.
- Flooding
- Appropriate Assessment.

Principle of Development

7.2. The proposed development is for the demolition of an agricultural shed (460m²) and the construction of three (cattle, suckler cow and agricultural) and associated activities including a silage pitted and dungsteds as detailed below:

- The suckler cow shed (1,486m²) which consists of calving pens, creep area, bonding pen, vet store, office and 16 slatted pen areas of 25m² and

associated creep area of 18m². The 2 no slatted tanks are 2.74m deep and have a volume of 494m³.

- The cattle shed has a floor area of 838m² and consists of 14 slatted pens (each 25m²) a feeding passage with holding pens and cattle crush.
- The 2 no. slatted sheds are 2.74m deep and have a volume of 436m³.
- The 3 no silage pits have an area of 956m².
- A third agricultural shed comprises of machinery shed, isolation pen of sick animals, meal and straw storage (298m²).

7.3. The proposed site is located within a rural area to the west of Dunboyne, is 1.1 ha in size and forms part of an estate which is 326.4 ha and includes Ballymacoll Stud Farm. The grounds of appeal are submitted by a resident in the vicinity of the site who considers that, in addition to the stud farm, a proposed development which can accommodate a beef enterprise of c. 250ha, assigned for a herd size of 100 suckler cows, 100 cattle (0-1years) and 120 cattle (1-2years) farm is excessive intensification. The applicant has stated that the proposed agricultural buildings will support an existing herd on the land holding.

7.4. Policy RD POL 10 of the development plan states that the agricultural diversification will be encouraged and facilitated, whilst Policy RD POL 12 of the development plan supports the facilitation of agricultural development, where natural waters, wildlife habitats and conservation are protected. Policies relating to the appropriate location agricultural buildings in the rural area, are further discussed below. Therefore having regard to the current use of the site and the rural location, subject to the consideration of planning considerations below, I consider the principle of development at this location acceptable.

Impact on Residential Amenity

7.5. The site is located within 200m from 5 no dwellings, along the north of the site, with the closest dwelling c. 135m from edge of the proposed development. A partly demolished shed is located within the site. Concern has been raised by the grounds of appeal in relation to the impact from the proposed development due to an increase in odour and noise generated from traffic on the residential amenity, which I have addressed separately below.

Odour

- 7.6. The proposed works are to house and provide facilities for an existing cattle herd within the overall farm landholding of c. 250 cattle. The applicant has submitted a herd profile for the farm in response to the grounds of appeal. The appellant considers a farm holding of 326 ha can accommodate over 1,000 cattle.
- 7.7. A Slurry and Management Report accompanied the planning application providing calculations for the management of 320 cattle (100 suckler cows, 100 cattle 0-1 year old and 120 cattle 1-2 year old). The slurry tank capacity is 1,860m³, the requirement for 320 animals is 1,353.6m³ leaving a surplus of 506m³. Schedule 2, Table 2 requires the provision of 74.2m³ per week of slurry storage for the number of animals quoted in the application. Having regard to the size of the slurry tank stated above, I consider the manure from c. 320 can bovine can be stored on site for c. 24 weeks. All farm manure produced on the farm will be spread on owned land as per national application rates.
- 7.8. I consider the main source of odour emissions from the proposed development is the slurry tank under the slatted shed, particularly when being agitated or drained.
- 7.9. The submitted plans illustrate a dung stead on the site at a similar location to the replacement cattle sheds. Although I note the proposed development is an intensification of the existing agricultural activity on the site, it must be noted that it is not of significant variation to the expected activity on the site. With regard the increase in activity I note the slatted sheds will be separated from the closest dwelling by c. 135m and I therefore do not consider the proposed development would result in any significant additional odour impact above which may already exist.
- 7.10. In relation to the appellant's contention that the landholding can accommodate a significantly larger herd, I note the capacity of the sheds and associated facilities are in compliance with the EU Good Agricultural Practices for the Protection of Waters Regulations (2017) S.1 605, as amended (2018) S.1. No 65 of 2018. The impact on water quality is further discussed below.

Traffic

- 7.11. The existing farm holding has several access points including the main entrance to the Stud Farm south along the R157 and two further goods access, to the east and

north. Access into the site is via an existing ancillary access for goods and services, along the north of the site, adjacent to the appellant and observer's dwellings.

- 7.12. The impact of the additional traffic generated from the proposal is raised as a cause of concern and the grounds of appeal consider the construction works and intensification of agriculture on the site will lead to excessive traffic movements, in particular HGVs which the current road network cannot accommodate.
- 7.13. The sightlines were increased from 70m to 90m following a further information request and works to the existing entrance required to accommodate these requirements are within the control of the applicant.
- 7.14. As previously stated the access is currently used for the delivery of goods to the site, such as feed, and the applicant's response confirms this will not be altered and would consider an additional access point should the Board require this. I note the livestock herd will be a closed herd with no additional animals being brought into the site and therefore I do not consider the operation of the site will lead to a significant negative impact on the road network or surrounding area.
- 7.15. In relation to the construction traffic, I consider a standard condition restricting the hours of activity reasonable to prevent a significant negative impact on the adjoining residential amenities.
- 7.16. Therefore, having regard to the agricultural nature of the site, the limited increase in livestock and the current activities on the site, I do not consider that the proposed development would have a significant negative impact on the residential activities of those residents in the vicinity of the site.

Impact on the Visual Amenity

- 7.17. The site is located on a lowland character landscape and is designated as Landscape Character Area 11 in Appendix 7 of the development plan, "Landscape Character Assessment". The area is defined as having a very high landscape value with moderate sensitivity. The landscape character assessment states that large farm buildings are the most likely indicative development type for this character area.
- 7.18. The appellant considers the sheds are inappropriate, will have a negative visual impact and refers to the EPA guidance on assessing visual impacts. I note the most

up to date guidance from the EPA on assessing of visual impacts¹ states that the visual assessment should consider context, character, significance and sensitivity.

- 7.19. The proposed development includes 3 no. agricultural sheds ranging from 82.9m to 84.7m in height. On foot of a further information request a Visual Impact Assessment (VIA) including photomontage images of the proposed development and a Landscape Stipulation and Planting Plan was submitted. The VIA refers to the low sensitivity of the site and concludes that due to the scale of the work and the photomontages the proposed development would be imperceptible and would have a low significant impact on the visual amenity.
- 7.20. The site and the surrounding area has a low lying topography and upon site inspection I noted the low visual impact of the existing agricultural shed and the buildings at the stud farm. Views into the site from the immediate area are only visible through gaps in the existing hedgerows. The approach to the site and field boundaries are bound by mature trees and hedging and the landscaping plan includes a new planted tree line along the north of the site, directly adjacent to the sheds with one semi mature tree (hornbeam) planted every 10m, which I consider an acceptable species to provide screening.
- 7.21. Policy LC SP 1 of the development plan requires the protection of the landscape character, quality, and local distinctiveness of an area in line with recommendations included in Meath Landscape Character Assessment (2007) in Appendix 7. As stated above the landscape defined in the character assessment is of moderate sensitivity with indicative development types such as farm buildings and having regard to consolidation of the sheds adjacent to existing agricultural activities on the site, the replacement height of the sheds, the screening provided and the flat typology of the site I do not consider there will be a significant negative impact of the proposal on the surrounding area.

Effluent Management.

- 7.22. The appellant has expressed concern in relation to the potential impact of the proposed development on surface water quality due to lack of treatment and the presence of existing drains and watercourses.

¹ <https://www.epa.ie/pubs/advice/ea/drafteiarguidelines.html> Draft EIA Guidance 2017

- 7.23. A watercourse runs along the north of the site in a west to east direction, Warrenstone Watercourse, and flows to Dunboyne Stream eventually meeting the Tolka River. Dunboyne Stream is part of the Upper Tolka WFD Areas for Action and is classified as Moderate Ecological Status and is identified as being at risk². The ground water status is classified as good.
- 7.24. I consider that the proposed development gives rise to the potential for surface water pollution and groundwater pollution from the following sources:
- Treatment of Surface Water.
 - Land spreading of Slurry.
 - Distance from Watercourse.

Treatment of Surface Water

- 7.25. A Drain Discharge Capacity & Surface Water Attenuation Report accompanied the further information submission which states that clean run-off from the roofs and hard standing will be collected and discharged to the Warrenstown Watercourse to the north of the site. The run-off from the roofs is collected by rain water harvesting methods. Surface Water calculations submitted indicates the provision of an attenuation tank of up to 114m³ to the west of the site with a flow control device (hydrobrake), discharging to the watercourse along the north. One soiled water pipe runs from the silage pit to the cow shed with one manhole on the hardstanding.
- 7.26. A schedule of areas and volumes is listed on Drwg 104 which states that c. 986m² of yard area is within the site with 60m² as a dung stead (dirty yard). The proposed development is to accommodate a herd size of c. 320, therefore I consider the constant movement of cattle across all hardstanding areas would lead to soiling. A response from Inland Fisheries Ireland (IFI) stated that only clean, uncontaminated storm water shall be discharged into surface water.
- 7.27. Condition No 4 requires that all soiled water and effluents arising or produced from the proposed development shall be collected and held in a manner that prevents run-off or seepage, directly or indirectly into ground waters or surface waters. I do not consider this condition is appropriate to prevent the treatment of soiled run-off, however, I note that the management of effluent arising from agricultural activity is

² https://www.catchments.ie/maps/?layer=subcatchment&code=09_4

governed by specific legislation set out in the *European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017 (as amended in 2018)*. The applicant will also be required to construct the structures in accordance with the relevant Department of Agriculture, Food and the Marine (DAFM) specifications. Subject to compliance with these Regulations and DAFM specifications and the imposition of suitable conditions in this regard, I am satisfied that the proposed sheds and its storage tank will not result in water pollution or a deterioration in water quality. In addition to compliance with this legislation, I consider a condition stipulating the collection of all soiled water and effluent would ensure adequate protection of the adjoining watercourse.

Land spreading of Effluent

- 7.28. The Slurry and Water Management Report confirmed that all land spreading will be within the existing landholding and calculations to demonstrate that nutrient loadings would be compliant with Nitrates Directive requirements (Nitrogen 165.7 kg N/ha where the threshold is 170kg N/ha) . The response from IFI requested a restriction on the number of housed animals to levels in the application and having regard to the lack of capacity for additional nitrogen loading I consider a condition to control numbers reasonable. The applicant has confirmed the spreading will be undertaken when conditions are suitable in keeping with the provisions of the *European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017 (as amended in 2018)*. Subject to such compliance, I do not consider that the land spreading of effluent would result in a significant negative impact on water quality.

Distance from Watercourse

- 7.29. An existing stream flows along the north of the site and is located c. 10m from the edge of the silage pit building. The proposed works include the removal of an existing shed and provision of sheds and associated facilities for an existing beef enterprise. The planning application indicates that all works will be undertaken in accordance with relevant DAFM specifications, and this requirement was included in the Planning Authority's conditions.
- 7.30. S 120 the relevant DAFM specification requires a 10m separation distance from any waterbody in the case of extensions to an existing facility, and 50m in the case of new farmyards. The report of the Environment Section notes the proposed works are

an upgrade to an existing facility and considers the 10m separation distance acceptable, which I consider reasonable.

Flooding

- 7.31. The appeal statement is accompanied by photos to prove flooding on adjoining lands, on both the appellant and observers property. The report of the area planner (dated 17/09/10) notes a response from the Environment Section on flooding stating that the site is located on Flood Zone C and having regard to the classification for agriculture buildings as “less vulnerable development” the proposed development should not contribute to any increase in flooding in the area. I note the OPW flood maps do not include any flood events or flood zoning on the site and considering the topography of the site and surrounding area I do not consider the proposed development would exacerbate any flooding from run-off.
- 7.32. The Drain Discharge Capacity & Surface Water Attenuation Report, submitted with the further information states that there is a potential pinch point downstream where a drain passes under the gallop and there are two 900mm wide culvert pipes in place. It is proposed to upgrade the underpass to one that might include a single box junction to improve the flow regime at this section. Detailed plans or particulars have not been submitted in the application and no conditions requiring the submission of same have been included. I consider the works acceptable to prevent any flooding downstream and I consider it reasonable to require the submission of these details prior to any works on site.
- 7.33. Having regard to the location and size and scale of the proposal I do not consider the proposed development would cause any flooding on the site or in the vicinity.

Appropriate Assessment

- 7.34. The site is located c. 4km north east of the Rye Water Valley/ Carton SAC (site code 001398), Petrifying springs with tufa formation (Cratoneurion), Vertigo angustior (Narrow-mouthed Whorl Snail) and Vertigo moulinsiana (Desmoulin's Whorl Snail) are listed as features of interest of this SAC.
- 7.35. In terms of hydrological links, there is a stream which runs along the north of the site and flows west to east into Dublin Bay which is over 21km to the south east of the site. It is not directly connected to any European Sites in the vicinity of the site and as such the potential for hydrological linkages is remote. The site and immediate

vicinity is defined as a locally important aquifer and the groundwater status is currently good³. Given the proposals for the management of soiled water and manure the potential for groundwater pollution is restricted and having regard to the distance of the appeal site from the Rye Water Valley/ Carton SAC (site code 001398) would not have any adverse effect on the conservations objectives of these sites.

7.36. I am satisfied having regard to the nature and scale of the development, the proposals for the management of soiled water and manure and the separation distance between the appeal site and the European Sites that 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 these European sites.

8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the rural location of the proposed development and Policy RD POL 10 & 12 of the Meath County Development Plan 2013-2019 which seeks to promote and facilitate agricultural development where appropriate, it is considered that subject to conditions set out below the proposed development would not seriously injure the residential or visual amenity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be

³ www.gsi.ie

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 out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The number of animals housed shall not exceed the number provided in the application.

A minimum of 18 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of environmental protection and public health

3. The proposed development shall be amended as follows:

(a) the proposed upgrade of the underpass, drain passes under the gallop, shall include a single box junction.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to prevent flooding downstream.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated surface water run-off from roofs and clean paved areas shall be disposed of directly in a sealed system to existing drains, streams or adequate soakpits, and

(b) all effluent and soiled waters shall be directed to a storage tank.

(c) no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of environmental protection and public health

6. Slurry generated by the proposed development is to be disposed of by spreading on land, the location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourse

7. The slatted shed shall be used only in strict accordance with a management schedule to be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, and shall provide at least for the following:

(a) Details of the number and types of animals to be housed.

(b) The arrangements for the collection, storage and disposal of slurry.

(c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: In order to avoid pollution and to protect amenity

8. In the first planting season following the commencement of development, the site shall be landscaped in accordance with the scheme submitted to the planning authority on the 27th of July 2016. Any failures within the planting scheme shall be replaced in the subsequent planting season.

Reason: In the interest of visual amenity.

9. With the exception of the trees and hedgerows to be removed to facilitate the construction of the site entrance, all existing trees and hedgerows on the shall be retained and shall be reinforced with additional planting and protected from damage at all times particularly during building operations.

Reason: In the interest of the visual amenity

10. Details of the finishes of the structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and environmental protection

Karen Hamilton
Planning Inspector

31st of May 2019