



An
Bord
Pleanála

Inspector's Report

ABP-304628-19

Development	Relocation of agricultural entrance and construction of a slatted shed and silage slab
Location	Enaghroe, Fedamore, Co. Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	19/140
Applicant(s)	Eoin O'Callaghan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	Brian and Eileen Crowley
Observer(s)	None
Date of Site Inspection	21 st August 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located in Enaghroe, approx. 2km north east of the village of Fedamore and approx. 12km south of Limerick City. Enaghroe is a rural area characterised by agricultural lands with associated houses. There are a number of one-off houses located in the immediate vicinity of the site.
- 1.2. The subject site has a stated area of 2.6ha and forms part of a larger landholding within the applicant's ownership. The lands are currently in agricultural use and are generally level. The southern boundary of the site, with public road, comprises a hedgerow and an existing agricultural entrance with a blockwork wall.
- 1.3. Access to the site is from a minor road, with no footpaths or public lighting.

2.0 Proposed Development

- 2.1. It is proposed to relocate an existing agricultural entrance approx. 40m east of its current location. The existing access would be replaced with a stone wall and hedgerow. The proposed entrance is approx. 8m in width.
- 2.2. It is also proposed to construct a slatted shed and silage slab. The proposed shed has a stated gross floor area of 285sqm with a slurry tank below. It has a pitched roof with a maximum height of 6.8m. The silage slab has a stated gross floor area of 461sqm and is located to the north and east of the proposed shed. The shed and silage slab would be set back approx. 221m from the public road and would be located approx. 180m behind an existing hay barn.
- 2.3. An Effluent Management Plan was submitted with the application.
- 2.4. ***Further Information lodged on the 23rd April 2019***

The proposed agricultural entrance was relocated approx. 70m east of its current location. The response did not result in any alterations to the proposed slatted shed or silage slab.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission subject to 6 no standard conditions.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The initial Area Planners report raised concerns regarding proposed development and recommended that further information be sought regarding the following: -

- available sightlines and
- proposed boundary treatments.

The final report considered that all concerns had been addressed and recommended that permission be granted subject to conditions.

3.2.2. ***Other Technical Reports***

Area Engineers final report. No objection.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

A third-party objection was received from Brian and Eileen Crowley. The concerns raised were similar to those in the appeal submission.

4.0 **Planning History**

None

5.0 Policy Context

5.1. Limerick County Development Plan 2010-2016 (as extended)

The subject site is located on unzoned lands. Objective ED O22: Agricultural Developments and Section 10.8 Agricultural Developments are considered relevant.

5.2. Natural Heritage Designations

There are no relevant designated areas in the immediate vicinity of the site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received from Brian and Eileen Crowley. The issues raised are summarised below: -

- Concerns raised regarding the location and visibility of the site notice. It is considered the application should be invalidated.
- The existing access to the site is located opposite the appellants house. The construction phase would have a negative impact on their residential amenities in terms of health and safety, noise and traffic hazard. To maintain their existing amenities the vehicular access should be relocated prior to any construction works on site.

- To improve the existing visual amenities of the area the existing vehicular access should be replaced by a stone wall and hedge as shown in the submitted drawings.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

7.0 Assessment

7.1. As indicated the appeal refers to the layout submitted by way of further information on the 23rd April 2019. The main concern in this appeal relates to the impact the development would have on the residential amenities of an adjoining property. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Residential Amenity
- Appropriate Assessment

7.2. *Principle of Development*

7.2.1. The subject site is located on unzoned lands in the townland of Enaghroe. The site forms part of a larger landholding which is within the applicant's ownership and is in active agricultural use.

7.2.2. The proposed slatted shed and silage slab have been positioned approx. 220m from the public road, approx. 180m behind an existing hay barn. Having regard to the distance from the public road and any residential properties it is my view that the

proposed development would not have a significant impact on the existing residential or visual amenities of the area.

- 7.2.3. The works also include the relocation of an existing agricultural entrance approx. 70m east of its current location. The revised location would be adjacent to an existing vehicular access which serves a house. As there is an existing agricultural access to the site, it is considered that the proposed access would not result in an increase in vehicular movements on the local road network. It is also proposed to replace the existing vehicular access with a new stone wall and hedgerow. The stone wall would be constructed from salvaged stone from a demolished ruin, previously a house, located within the site.
- 7.2.4. Having regard to the existing pattern of development in the area and the nature and limited size of the proposed development, it is my view that the proposed development is compatible with the established use on site and would not seriously injure the amenities of the area or result in any road safety issues.

7.3. ***Residential Amenity***

- 7.3.1. Concerns were raised in the appeal that the proposed development would have a negative impact on the existing residential amenities of adjoining properties in terms of traffic, noise and health and safety issues during the construction phase.
- 7.3.2. There is an existing agricultural access located directly opposite the appellants house. The existing access is approx. 9m in width and currently in use by agricultural machinery. Having regard to the small scale and nature of the proposed development, it is my view that that construction traffic generated by the proposed development would not have a significant negative impact on existing residential amenities or result in a significant number of additional vehicular movements onto the surrounding road network. It is, therefore, my opinion that the proposed development would not result in a traffic hazard or any road safety issues.
- 7.3.3. With regard to noise disturbance, it is acknowledged that construction related noise would be variable throughout the construction period. However, having regard to the separation distance of approx. 250 between the location of the proposed slatted shed and silage slab and the appellants house, and as the construction phase is temporary,

it is considered that the proposed construction works would not have a significant negative impact on the existing residential amenities in terms of noise disturbance.

7.3.4. With regard to health and safety concerns it is my opinion that the construction methods are not matters that would be appropriate for the Board to adjudicate on. It is considered that the onus is on the applicants and their contractors, to ensure that the construction phase is undertaken in a safe manner, in accordance with their obligations under separate codes, and I further note that the granting of permission would not relieve the applicants of their responsibilities in this regard. It should be noted that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.

7.3.5. Concerns were also raised in the appeal regarding the visual amenities of the area. The existing vehicular access comprises a steel gate and blockwork wall. It is proposed to remove these structures and provide a stone wall to match the existing and a new hedgerow. The proposed stone would be salvaged from a ruin on site. In my view the proposed landscaping and boundary treatment are appropriate at this location and would improve visual amenities of the area.

7.4. ***Appropriate Assessment***

7.4.1. Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

I recommend that permission be granted subject to conditions.

9.0 **Reasons and Considerations**

Having regard to the agricultural use of the site, the pattern of development in the area, and the small scale of the proposed development, it is considered that, subject

to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. 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, as amended by further plans and particulars submitted on the 23rd April 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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 shall be disposed of directly in a sealed system, and
 - (b) all soiled waters shall be directed to a storage tank. 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

3. The slatted shed shall be used only in strict accordance with a management schedule which shall 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended, and shall provide at least for the following:

- (1) Details of the number and types of animals to be housed.
- (2) The arrangements for the collection, storage and disposal of slurry.
- (3) Arrangements for the cleansing of the buildings and structures.

Reason: In order to avoid pollution and to protect residential amenity.

4. Within 6 months from the completion of the works the existing vehicular access shall be removed and replaced with a stone wall, which harmonises with the existing and landscaping as shown on the plans submitted by way of further information on the 23rd April 2019, unless otherwise agreed with the Planning Authority.

Reason: in the interest of visual amenity.

Elaine Power
Planning Inspector

9th September 2019