



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304947-19

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<b>Development</b>	Construct a cattle house with 4 no. slatted slurry tanks, feed storage bin and all associated site works
<b>Location</b>	Cullane East, Leap, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/59
<b>Applicant(s)</b>	Sean and Tadgh O'Mahony
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	Transport Infrastructure Ireland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> September 2019
<b>Inspector</b>	Elaine Power

## 1.0 Site Location and Description

- 1.1. The subject site is located in Cullane East approx. 2.5km north east of the village of Leap and approx. 6km west Rosscarbery. Cullane East is a rural area characterised by agricultural lands with associated houses.
- 1.2. The subject site has a stated area of 0.69ha and forms part of a larger landholding with an area of 28ha. The site boundaries include a stone wall, mature trees and vegetation. The lands are elevated and currently in agricultural use. There is existing cattle crush and cattle holding on the site.
- 1.3. Access to the site is from the N71, which has a speed limited of 100km per hour.
- 1.4. There is an existing private well located within the overall site, approx. 500m north of the proposed cattle house.

## 2.0 Proposed Development

- 2.1. It is proposed to construct a cattle house with 4 no. slatted slurry tanks and a feed storage bin. The cattle house has a stated gross floor area of 610sqm with 4 no. slurry tanks below. It is rectangular in shape with a pitched roof with a maximum height of 6.5m, above ground floor level. The slurry tanks have a depth of 2.5m. The feed storage bin is located along the eastern boundary of the cattle house and is approx. 6.5m in height.
- 2.2. The cattle house is located approx. 10m from the southern site boundary with the N71. It is proposed to provide additional landscaping between the proposed development and the site boundary.
- 2.3. ***Unsolicited Further Information lodged on the 20<sup>th</sup> May 2019***

Additional details of the applicants agricultural operation and the access arrangements at the site were submitted. There were no changes to the proposed development.

A letter of support from the IFA was also submitted.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 24 no. conditions. The relevant conditions are outlined below: -

**Condition 1:** Clarified that permission was granted for the development as submitted by unsolicited further information.

**Condition 2:** related to the external materials

**Condition 3:** related to the protection of existing trees and hedgerows

**Condition 4:** related to landscaping proposals for the site

**Conditions 5, 6 7, 8, 9, 10, 11, 12, 14 and 15:** Related to preventing water pollution.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The initial report from the Area Planner and the Acting Senior Executive Planner raised concerns regarding the potential negative impact the development would have on traffic movements on the N71 and recommended that permission be refused.

Following receipt of unsolicited further information, the final reports by the Area Planner and the Senior Executive Planner considered that all concerns had been addressed and recommended that permission be granted.

#### 3.2.2. Other Technical Reports

**Environment Report:** No objection subject to conditions

**Area Engineer Report:** No objection subject to conditions

### 3.3. Prescribed Bodies

**Irish Water:** No objection

### 3.4. **Third Party Observations**

A third-party objection was received from Transport Infrastructure Ireland (TII). The concerns raised are similar to those in the appeal submission.

### 4.0 **Planning History**

*Reg. Ref. 18/525:* Permission was refused in 2018 for a cattle house with 4 no. slatted slurry tanks and a feed storage bin at the subject site. The reasons for refusal related to additional traffic generated onto a National Road and the potential for a traffic hazard.

### 5.0 **Policy Context**

#### 5.1. **Cork County Development Plan, 2014**

The subject site is located on unzoned lands. The site is located in an area identified as Rolling Patchwork Farmland in Appendix E of the Plan. These locations are designated as areas with a medium landscape value and sensitivity and of local importance. The following policies are considered relevant.

EE 8-1: Agriculture and Farm Diversification

TM 3-1: National Road Network

#### 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 Transport Infrastructure Ireland (TII). The issues raised are summarised below: -

- The additional traffic movements generated by the proposed development would compromise safety and efficiency of the national road network which has a 100kph speed limit. The development is at variance with national and local policy and no justification has been provided.
- Restricting access onto National Roads can contribute to a reduction in collisions and fatalities.
- The development would set an undesirable precedent. It would undermine the high-quality level of service, accessibility and connectivity of the National Road
- There is potential access to a local road located to the north of the site. This alternative has not been fully considered by the applicant or the planning authority.

### 6.2. Applicant Response

The applicant's response is summarised below: -

- Details of the agricultural operation have been provided. The applicants currently reside at Barley Hill East, Rosscarbery on a 1.12 ha plot. They have a pig farm on a separate 1.1 ha plot at Barley Hill East. They currently rent a 19.5 ha plot at Barley Hill West to house cattle. A map showing the location of the plots has been included with the appeal.
- The subject site was purchased in 2003. The site is currently used in the summer months for grazing and cutting silage. There is no cattle housing on the appeal site. Cattle are currently housed in Barley Hill West on a rented site. It is intended the uses would be consolidated and cattle would be permanently relocated to the appeal site.

- The site is not a greenfield site. It currently accommodates an agricultural yard with cattle handling facilities. The proposed development would result in a reduction of the number of vehicular movements generated by the site. The current trips generated by the site are outlined below:
  - During the summer months, the applicants visit the subject site twice a day to check on the animals by both private car and bicycle. Feed is delivered by a pick-up truck, as required. There are no storage facilities on site.
  - During the winter months the cattle are housed at Barley Hill West. The moving of cattle generates approx. 20 no. trips by cattle trailer. During cases of extreme weather cattle may also be moved during the summer months.
  - Silage generates approx. 30 no. trips 3 times each year, by tractor and bale trailer. The proposed development would eliminate the need for these bales to be transported to the rented storage facility at Barley Hill West.
  - Slurry is currently transported to the subject site from Barley Hill West, generating approx. 35 no. trips per year. These trips would be eliminated by the proposed development.
- The proposed development would generate 4 no. lorry deliveries of feed per year, 2/3 cattle lorry trips each autumn to remove livestock for sale. The site would also be visited daily by car or bicycle to check on the animals.
- TII made no observations on the previous application. Reg. Ref. 18/00525 for a similar development.
- There is a local road located to the north of the site, however, it is narrow, and has an open drain. Due to the gradient of the local road, it is not possible to undertake any additional improvements. It is not a suitable alternative for agricultural vehicles.

### 6.3. Planning Authority Response

No further comments.

## 7.0 Assessment

7.1. The main issue in this appeal relates to the impact the proposed development would have on traffic flows on a National Road (N71). Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise.

- Principle of Development
- Traffic and Access
- Appropriate Assessment

### 7.2. *Principle of Development*

7.2.1. The subject site is located on unzoned lands in a rural area, approx. 2.5km north east of Leap. The site forms part of a larger landholding which is within the applicant's ownership since 2003 and is in agricultural use. The applicants also rent a landholding at Barley Hill West, approx. 1.5km west of the subject site. This site currently houses cattle. The proposed development would allow the applicants to consolidate existing agricultural uses onto a single site and, therefore, they would no longer be required to rent the property at Barley Hill West. A letter of support from the IFA has been included. It is noted that the applicants reside at Barley Hill East, approx. 3.3km east of the subject site and operate a pig farm on a separate site at Barley Hill East, approx. 3km east of the subject site. The sites at Barley Hill East would not be impacted by the proposed development. A map showing the locations of the applicants sites was submitted to the Planning Authority with the original application.

7.2.2. The proposed cattle house and feed storage bin are located 10m from the southern site boundary, with the N71. To protect the existing visual amenities of the area it is proposed to plant additional trees along the southern boundary. Having regard to the landscaping proposals and the distance to 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. It is noted that permission was refused for a similar development (reg. ref. 18/525) in 2018. However, having regard to the existing pattern of development in the area and the nature and size of the proposed development, it is my view that the proposed development, which would consolidate the applicants existing agricultural operation, is compatible with the established use on site and would not seriously injure the amenities of the area.

### 7.3. **Traffic and Access**

7.3.1. Concerns have been raised in the appeal by TII that the proposed development would compromise safety and efficiency of a National Road (N71). The Spatial Planning and National Roads - Guidance for Planning Authorities, 2012 and Objective TM 3-1 of the Development Plan aim to prevent the creation of additional vehicular accesses onto National Roads and to prevent developments which would result in the intensification of an existing access onto a National Road. The appellant notes that additional vehicular movements generated by the development onto a National Road would compromise safety and the carrying capacity of the road and would establish an undesirable precedent.

7.3.2. This section of the N71 is approx. 7m in width with an additional 4m wide hard shoulder on either side of the carriageway. The central white line is broken to allow for access to the site. The existing access has sightlines of approx. 120m. It is noted that there are a number of agricultural access along this section of the N71.

7.3.3. The applicant has stated that there is an existing agricultural access from the N71 and provided a detailed account of existing traffic movements generated by the site. In particular, it is noted that cattle are located on the subject site during the summer months and are transported to a housing facility at Barley Hill West for the winter months, which generates approx. 20 no. cattle trailer trips per year. During cases of extreme weather cattle may also be moved during the summer months. The proposed development would eliminate these trips. The removal of cattle from the site for sale would generate 2/3 lorry trucks in the autumn. The development would result in 2 no. visits from the applicant per day to check on the cattle. This would be done by bicycle or car. It is noted that these are existing trips during the summer months. There is no feed storage on site, therefore, the site generates a feed



delivery by pick – up when required. The provision of an on-site feed storage bin would result in 4 no. lorry trips of feed per year.

7.3.4. Silage and slurry also generate additional vehicular trips. Silage from the site currently generates approx. 30 no. trips by tractor and bale trailer 3 no. times each year. The proposed development would provide storage for the silage and would eliminate the need for it to be transported to Barley Hill West. Slurry is currently transported to the subject site from Barley Hill West, generating approx. 35 no. trips per year. These trips would be eliminated by the proposed development.

7.3.5. The applicants have submitted evidence to demonstrate that the proposed development would consolidate their existing agricultural operation and would result in a reduction of vehicular trips generated by the site. In addition, it is noted that access to the N71 is proposed via an existing entrance with 120m sightlines available. Having regard to policy EE 8-1 of the Cork County Development Plan, 2014 and the pattern of development in the area, it is my opinion that the proposed development is acceptable and would not generate a significant number of additional trips onto the N71 and, therefore, would not negatively impact on the operation a national road.

7.3.6. Concerns were also raised in the appeal that the applicants and Planning Authority did not consider alternative access arrangements. There is a local road, located approx. 750m north of the subject site, adjacent to lands within the ownership of the applicant. The applicant stated that due to the poor condition of the local road, which is approx. 3.5m in width with an open drain along the southern side, and the type and size of agricultural vehicles required to service the site, that this access is not a suitable alternative. In my view, an additional access could be provided onto the local road network. However, having regard to the siting of the proposed development and the lack of an internal vehicular route it is not considered a suitable alternative in this instance.

#### 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 provision of an existing vehicular access on the N71, the existing number of vehicular trips generated by the existing use, the pattern of development in the area, and the nature and 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 or generate any road safety issues. 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 unsolicited further plans and particulars submitted on the 20<sup>th</sup> May 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:
- 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.

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

4. The landscaping scheme submitted to the Planning Authority on the 1<sup>st</sup> February 2019 shall be carried out within the first season following completion of works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

5. All trees and hedgerows within and on the southern boundary of the site shall be retained and maintained, with the exception of the following:

- a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
- b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial occupation of the proposed development, any planting which is damaged, or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

**Reason:** In the interest of visual and residential amenity.

- 6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of method for removing rock, intended construction practice for the development, including noise management measures and off-site disposal of construction / demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 7. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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Elaine Power  
Planning Inspector

16<sup>th</sup> October 2019