



An
Bord
Pleanála

Inspector's Report 305617-19

Development	4-bay slatted shed with a creep area and underground slurry storage tank
Location	Tonrahown, Killala, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	19477
Applicant(s)	Edward Bourke
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Dolores Campbell
Observer(s)	None
Date of Site Inspection	4 th December 2019
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.59 ha and is located in the rural area of Tonrahow, approximately 4.5km to the south-west of the town of Killala, Co. Mayo. The site is agricultural in nature and accommodates 3 no. existing shed structures surrounded by areas of hard standing, including 1 no. slatted shed, 1 no. storage shed and 1 no. machinery shed.
- 1.2. Access to the site is via a recessed agricultural entrance in the roadside (western) boundary. The site slopes gently downwards towards this boundary from the location of the existing, centrally located slatted shed. Evidence of ponding was noted on this area of the landholding during the site inspection, part of which was being used for the storage of silage bales.
- 1.3. The Cloonaghmore River is located approximately 158 m to the west of the proposed slatted shed, on the opposite side of the public road.

2.0 Proposed Development

- 2.1. The proposed development comprises a 4-bay slatted shed of 533.76 m² with a creep area and underground slurry storage tank, with all associated site works.
- 2.2. The shed is proposed in the central part of the site adjacent to the existing slatted shed and is set back from the roadside boundary by approximately 76 m. The height of the proposed shed ranges from 4.2 – 8.45 m. The underground storage tank has a stated capacity of 755.11 m³.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 11 no. conditions issued on 16th September 2019.
- 3.1.2. Condition no. 2 requires the finished floor level of the development to be at 100.8m (tbm). Condition no. 3 requires that soil and subsoil from the development shall not be relocated or deposited in the area to the north or west of the site boundary but may be spread in the areas to the south or east if required.

3.1.3. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports (25th July 2019 and 10th September 2019)

3.2.2. Further Information was requested on 9th August 2019 which required the submission of a Site-Specific Flood Risk Assessment on foot of the site's location in an area identified as Flood Zone A and B.

3.2.3. The applicant submitted a Site-Specific Flood Plain Report in response to this request on 22nd August 2019. This assessment concludes that, with a finished floor level of 100.8 m (tbn), the development is unlikely to be at a risk of flooding up to and including the 0.1 % AEP.

3.2.4. Following the submission of the Further Information Response, the development was considered acceptable as per the Notification of the Decision to Grant Permission.

3.3. Other Technical Reports

3.3.1. None.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. One third party observation was made on this application by Dolores Campbell (appellant), of Ballygaddy Road, Tuam, Co. Galway who objects to the proposed development on the basis of its proximity to the Cloonaghmore/Palmerstown River, which is stated to be a nutrient sensitive, salmonid river which has been below its conservation levels for many years.

3.5.2. The observer submits that the applicant abstracts large volumes of water from the river, which has an adverse effect on its ecosystem and salmon spawning. It is submitted that the proposed development will generate additional water requirements, which will have a detrimental effect on the river, which is noted to dry up in parts during warm weather.

4.0 Planning History

- 4.1. **PA Reg. Ref. 04/2645:** Planning permission granted on 2nd December 2004 for a slatted shed with ancillary slurry storage.

5.0 Policy and Context

5.1. Mayo County Development Plan 2014-2020

5.2. Agriculture

- 5.2.1. Volume 2 of the development plan sets out planning guidance and standards for development in the county, including agricultural development. The principal aim is to support agriculture in the County subject to best environmental standards which promote maintaining good water quality and biodiversity. Farming activities shall comply with the provisions of S.I. No. 610 of 2010, European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (now superseded by 2017 Regulations).

- 5.2.2. **Objective AG-01:** It is an objective of the Council to support the sustainable development of agriculture, with emphasis on local food supply and agriculture diversification (e.g. agri-business and tourism enterprises) where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity.

5.3. Flooding & Soil Erosion

- 5.3.1. **Objective FS-01:** It is an objective of the Council to restrict inappropriate development in areas at risk of flooding (inland or coastal) as identified on flood risk maps, erosion and other natural hazards or would cause or exacerbate such a risk at other locations. As part of this, the Planning Authority shall require a Flood Risk Assessment and/or a Landslide Risk Assessment for any new development.

5.4. Water Quality

- 5.4.1. **Objective WQ-01:** It is an objective of the Council to implement the Western River Basin District Management Plan Water Matters 2009-2015 to ensure the protection, restoration and sustainable use of all waters in the County, including rivers, lakes,

ground water, coastal and transitional waters, and to restrict development likely to lead to deterioration in water quality or quantity.

5.5. Landscape Protection

- 5.5.1. **Objective LP-01:** It is an objective of the Council, through the Landscape Appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.
- 5.5.2. **Objective LP-02:** It is an objective of the Council that all proposed development shall be considered in the context of the Landscape Appraisal of County Mayo with reference to the four Principal Policy Areas shown on Map 3A Landscape Protection Policy Areas and the Landscape Sensitivity Matrix (Figure 3), provided such policies do not conflict with any specific objectives of this Plan.
- 5.5.3. The site is located in Policy Area 4 – Drumlins and Inland Lowland. The landscape sensitivity matrix of the development plan (Figure 3) indicates that “industrial/commercial” developments, which is considered the most relevant development category in this case, have low potential to create adverse impacts on the existing landscape character. Such development is likely to be widely conceived as normal and appropriate unless siting and design are poor.

5.6. Natural Heritage Designations

- 5.6.1. The site is located approximately 3.3 km to the south-west of the Killala Bay/Moy Estuary SAC and SPA, approximately 7km to the north-east of the Bellacorik Bog Complex SAC and approximately 7 km to the north of the River Moy SAC.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal has been lodged by Dolores Campbell of Ballygaddy Road, Tuam, Co. Galway, the grounds of which can be summarised as follows:

- The planning application form does not identify the previous permission for a slatted shed on the site (PA Reg. Ref. 04/2645).
- The planning application form identifies the source of water for the development as the public mains. It is asserted that the applicant and his family drive slurry tankers and heavy machinery into the body of the Palmerstown/Cloonaghmore River opposite the subject site to abstract tank loads of water;
- It is asserted that the applicant has a well structure on the riverbank to pump water into his farmyard and slatted shed. If the well structure is unlicensed, unmonitored and unmetered, it is in breach of S.I. No. 261/2018 European Union (Water Policy) Abstraction Regulations, 2018;
- The development is proximate to the Cloonaghmore/Palmerstown River which is nutrient sensitive, a salmonid river zone and a tributary of the Moy SAC, in close proximity to Killala Bay. The applicant's water extraction works disturb the riverbed and have an adverse effect on spawning and the ecosystem of the river;
- The deposition of slurry in the river from dirty tankers is contrary to European Union (Good Agricultural Practice for the Protection of Waters) Regulations, 2017;
- The proposed development will create an additional requirement for water and put more pressure on this sensitive river, which dries up in parts during dry weather and which is also prone to flooding.

6.2. Applicant Response

6.2.1. None.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

None.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Flood Risk
- Impact on the Palmerstown/Cloonaghmore River
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. Flood Risk

7.3.1. Mayo County Council's Planning Officer's Report states that part of the site is located in an area identified as Flood Zone A and B. The boundaries of these flood zones could not be confirmed with reference to the Mayo County Development Plan 2014-2020. However, the OPW National Flood Hazard Mapping records a recurring flood event associated with the Cloonaghmore River to the north-west of the application site.

7.3.2. The applicant submitted a Site-Specific Flood Plain Report in response to Mayo County Council's Further Information Request, which determined that the development is unlikely to be contained in either Flood Zone A or B. This assessment further determined that the proposed development would not impact on or reduce the storage capacity of any flood plain in the area, nor would it impede or restrict the flow in any lotic system. On the basis of the foregoing, I am satisfied that the proposed development would not contribute to, or result in, a flood risk at this location.

7.3.3. This assessment includes 2 no. recommendations in relation to the proposed development concerning the finished floor level of the slatted shed and the movement of soil/subsoil within the site as reflected in condition nos. 2 and 3 of Mayo County Council's Notification of the Decision to Grant Permission. The application of these conditions is considered reasonable should An Bord Pleanála support the Planning Authority's decision to grant planning permission in this case.

7.4. Impact on the Palmerstown/Cloonaghmore River

7.4.1. The Cloonaghmore River is located approximately 153 m to the west of the proposed slatted shed and is separated from the subject site by agricultural land and 2 no.

hedgerow buffers and the public road. The appellant has raised concerns regarding the applicant's alleged use of slurry tankers and heavy machinery to abstract water from this river and the alleged presence of a well structure on the riverbank. The appellant submits that these works have a negative impact on the riverbed and its ecosystem.

7.4.2. In considering the issues which have been raised, I note that the alleged abstraction of water from the Cloonaghmore River is not a matter which is open for consideration under this appeal case. I further note with reference to question 20 of the planning application form, that the proposed source of water supply to facilitate the proposed development is the public mains.

7.4.3. In considering the potential for the proposed development to have an impact on the Cloonaghmore River, I note that limited information has been provided by the applicant in relation to the onsite drainage arrangements, herd numbers associated with the proposed slatted shed and the resulting slurry storage requirements. However, I further note that the management of effluent arising from agricultural activities and the undertaking of landspreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2017 and that the applicant will be required to construct the structure in accordance with the relevant Department of Agriculture, Food and the Marine (DAFM) specifications.

7.4.4. Subject to compliance with these Regulations, DAFM specifications and the imposition of suitable conditions in this regard, I am satisfied that the proposed development would not have a negative impact on the Cloonaghmore River.

7.5. **Appropriate Assessment**

7.5.1. A review of EPA online mapping facilities confirms that the Cloonaghmore River flows in a generally north-easterly direction beyond the subject site for a distance of approximately 3.3km, where it connects into the Killala Bay/Moy Estuary SPA and SAC. In considering the likelihood of the proposed development to have a potentially significant effect on the SPA and SAC, and using the source-pathway-receptor concept, I note that no pathway exists between the subject site and the Cloonaghmore River. Thus, it is reasonable to conclude that the proposed development, either individually or in combination with other plans and projects,

would not be likely to have a significant effect on the Killala Bay/Moy Estuary SPA and SAC, or any other European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the rural location of the proposed development and the objectives of the Mayo County Development Plan 2014-2020 to support the sustainable development of agriculture in the county, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The finished floor level of the proposed slatted shed shall be at 100.8 m (tbm) as indicated on the Proposed Site Layout Drawing No. CC.1001/PL/382.</p> <p>Reason: In the interest of environmental protection and the avoidance of flooding.</p>

3.	<p>Soil and subsoil from the development shall not be relocated or deposited in the area to the north or west of the site boundary but may be spread in areas to the south or east if required.</p> <p>Reason: In the interest of environmental protection and the avoidance of flooding.</p>
4.	<p>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:</p> <p>(1) Details of the number and types of animals to be housed.</p> <p>(2) The arrangements for the collection, storage and disposal of slurry.</p> <p>(3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).</p> <p>Reason: In order to avoid pollution and to protect residential amenity.</p>
5.	<p>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:</p> <p>(a) All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road;</p> <p>(b) All effluent and soiled waters shall be directed to a storage tank;</p> <p>(c) No effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.</p> <p>Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p>

	Reason: In the interest of environmental protection and public health.
6.	<p>Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended.</p> <p>Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.</p>
7.	<p>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.</p> <p>Reason: In the interest of environmental protection and public health.</p>

Louise Treacy
 Planning Inspector
 3rd February 2020