



An  
Bord  
Pleanála

## Inspector's Report ABP-306334-20.

### Development

Permission to (i) widen agricultural entrance (ii) for underground effluent storage and associated site works.

Retention permission sought for (i) slatted feeding area with underground effluent storage tank and concrete apron, (ii) agricultural entrance with farm roadway, (iii) two loose shed with farm road and all associated site works.

### Location

Rathkenty, Lisronmagh, Clonmel, Co. Tipperary.

### Planning Authority

Tipperary County Council.

### Planning Authority Reg. Ref.

19/600923.

### Applicant(s)

Richard & John Lalor.

### Type of Application

Permission & retention permission.

### Planning Authority Decision

Grant subject to conditions.

### Type of Appeal

Third Party.

### Appellant(s)

Sean Smith.

### Observer(s)

None.

### Date of Site Inspection

16<sup>th</sup> March 2020.

### Inspector

A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located approximately 6.6km to the north of the town of Clonmel and approximately 1.km to the east of Lisronagh in Co. Tipperary. Fethard lies approximately 5.5km to the north of the site. The wider area is very rural in character with a very small number of farms and one-off houses.
- 1.2. The site has a stated area of 0.4ha and is accessed over the L-6501-0 local road. There is a house located immediately along the boundary of the proposed development site and to the east of the local road. The road serving the site, is a narrow local, approximately 4m in width, and lightly trafficked road. The roadside boundaries comprise extensive hedgerows with trees.
- 1.3. The River Moyle runs to the west of the site, where it skirts the boundary of the subject site. The subject site forms a small area of a larger landholding which extends to the north of the proposed development site and extends to 200 acres. The development site is in two parcels, one to the east of the local road, and one to the west of the local road.

## 2.0 Proposed Development

- 2.1. There are two elements to the proposed development as follows:

Permission sought (i) to widen agricultural entrance and (ii) for underground effluent storage and associated site works.

Retention permission sought for (i) slatted feeding area with underground effluent storage tank and concrete apron, (ii) agricultural entrance with farm roadway, (iii) two loose shed with farm road and all associated site works.

As advised, the subject site comprises two parcels of land.

- 2.2. In terms of the land to the east of the local road, and to the south of the third-party house, permission is sought to widen the agricultural entrance and an underground effluent storage tank and retention permission is sought for the two loose sheds and farm road.

2.3. The land to the west of the local road, and to the north west of the third-party house, retention permission is sought for a slatted feeding area with underground effluent storage tank and concrete apron and agricultural entrance with farm roadway.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission for the proposed development, subject to 4 conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The planning report considered the detail and nature of the proposed development, together with submissions made in relation to the proposal, as well as policy requirements. The report recommends that a request for further information, relating to sightlines, effluent and dung storage, and other unauthorised development issue. Following the submission of the response to the FI request, the planners report formed the basis of the Planning Authority's decision to grant permission.

##### **3.2.2. Other Technical Reports:**

SEE Clonmel Borough District: Site notices correct. No further comments in connection with any other issues.

##### **3.2.3. Prescribed Bodies;**

Irish Water: No Objection

Department of Culture, Heritage and the Gaeltacht: Notes the presence of Recorded Monument TS03230 Enclosure in proximity to the site. The report also submits that issues relating to Architectural Heritage and Natural Heritage are not applicable.

### 3.2.4. Third Party Submissions:

There is 1 third party submission in relation to the proposed development. The issues raised reflect those issues raised in the appeal and are summarised as follows:

- Structures for feeding livestock, cattle shed effluent storage are within 100m of houses and 10m of the public road.
- Visual impacts associated with the sheds on elevated lands.
- New entrances cause flooding and hazardous road conditions on a 12ft wide road which is inadequate to accommodate cars. It is not designed for agricultural heavy machinery.
- Removal of hedgerows are a liability to public road safety, a disruption to local wildlife and are not in keeping with scenery.
- High concentration of gates in a short stretch of narrow road raises road safety issues.
- Questions raised regarding material used for the construction of road.
- Level of machinery using the unauthorised roads directly adjacent to objectors' home is causing not only road safety issues but significant degradation of quality of life for objector and family.
- Environmental, health and safety issues raised due to the location of the effluent storage facilities and feeding being carried out from the road.
- Noise associated with the animals.
- The plans do not include the proximity of habitable dwellings or the topography of the lands.
- Procedural issues with regard to previous planning applications and public notices.
- Proximity of the River Moyle and the land is subject to flooding. An EIA should have been prepared.
- Soak pits are not adequate for water disposal/effluent runoff from cattle or livestock sheds and hard areas.

## 4.0 Planning History

On the landholding:

**PA ref 19/600043:** Permission granted for the construction of sheep shed with effluent storage tank and hardcore yard and all associated site works. This site is located to the north and east of the current site and located adjacent to the stable blocks and yard. The house on the landholding is also located in this area of the landholding.

The Board will note that there is an enforcement file **TUD018-164** refers. This file relates to two agricultural buildings and roadways, 2 entrances onto the L6501-0, infilling of lands with crushed stone and development of roadways etc; and structure for keeping of pig.

The Board will also note that the third-party objector referred to a planning application, 19600440 refers, which was made on the subject site. No information or documentation is available in relation to same.

Adjacent site:

**PA ref P37211:** Permission granted for a dwelling, septic tank and outhouses.

**PA ref P39176:** Permission granted for a bungalow and septic tank

**PA ref 96/479:** Permission granted for an extension to dwelling.

## 5.0 Policy Context

### 5.1. Development Plan

The site is located in the open countryside within Co. Tipperary and is for an agricultural development. The South Tipperary County Development Plan 2009 (as varied) is the relevant policy document.

Chapter 5 of the Plan deals with Economic Development and section 5.6 deals with Rural Economy. Chapter 7 of the Plan deals with Landscape, Water Quality & Heritage with Section 7.2 dealing with landscape. The subject site does not lie within a primary or secondary amenity area. Section 7.3 of the plan deals with Natural Heritage and the following policy is considered relevant:

## Policy LH5: Biodiversity, Trees and Habitats

It is the policy of the Council to conserve, protect and enhance the county's bio-diversity, including trees and hedgerows, in accordance with the County Biodiversity Plan (and any review thereof) and the standards set out in this Plan (as varied).

### 5.2. Natural Heritage Designations

The site is not located within any designated site. The site is located approximately 2.3km to the west of the Lower River Suir SAC, Site Code 002137 and approximately 3.8km to the west of Slievenamon Bog NHA, Site Code 002388.

### 5.3. EIA Screening

Having regard to nature of the development comprising the development, and retention, of an agricultural development, 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 at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a third-party appeal against the decision of the Planning Authority to grant permission for the proposed development. The grounds of appeal are similar to those raised with the Planning Authority and are summarised as follows:

- Concerns raised with the PA have not been considered.
- The objector was not given the opportunity to comment on the response to the FI request.
- A Stage 2 Appropriate Assessment is required, and it is a concern that the development could have the potential to impact on the nearby SAC.

- Agricultural machinery is using the rubble roads and gateways to the structures and there are legitimate concerns that impact, road safety issues, environmental issues and impact to their family home and well-being.
- Fodder being fed daily to animals from the public road is causing very unsafe driving conditions.
- In addition, it is submitted that the development is causing road subsidence and slippery conditions in the winter.
- The removal of the hedgerow causing flooding and the gates have poor visibility.
- Noise and odour issues arising from the open sheds.
- Potential for overflowing from the open slatted platform due to increased periods of prolonged rain fall causing pollution to nearby low-lying marsh land, flood plains and river tributaries.
- Impacts on wildlife and visual impacts due to elevated nature of the land.

It is requested that planning permission be refused.

The appeal includes a number of enclosures.

## 6.2. First Party Response

The applicants submitted a response to the third-party appeal on the 22<sup>nd</sup> day of January 2020. The submission is summarised as follows:

- There is no evidence that the appellants objections have not been considered.
- No evidence or examples to support the appellants assertions in relation to potential impacts on the SAC, environment, road safety, quality of life or devaluation of his property have been given.
- No examples of unsafe driving conditions have been provided.
- Removal of hedgerow did not cause flooding and the applicants have re-planted 1500 plants to replace same.

- The sheds are open shelters and only used by animals in the winter, ergo any noise cannot be constant as alleged. No evidence, time and date, or decibel levels have been submitted as evidence of noise.
- It is noted that there are no other objections to the proposed development.
- There has been no overflowing of the open slatted platform due to rain over the past two winters.
- Does not agree with what the appellant considers to be 'close proximity'.

It is considered that as the applicant has not offered any evidence to support his appeal, it is without merit and vexatious.

### 6.3. Planning Authority Response

The Planning Authority has responded to this third-party appeal, as follows:

- The PA considered the objectors submission as part of the assessment.
- The PA considers that the proposed development will not result in any impact on adjoining properties in terms of noise etc. and any noise or odour from the development does not significantly alter the existing environment.
- The PA is satisfied that the proposed new entrance and widening of existing entrances do not pose a traffic risk or impact on safety to road users.
- A Screening for AA was undertaken by the PA and same determined that significant impacts on the Natura 2000 network could be excluded.

It is requested that the Board uphold the decision to grant permission.

### 6.4. Observations

None.



## 7.0 Assessment

I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Procedural issues
2. Scale of Development & Impacts on Residential Amenity
3. Other Issues
4. Appropriate Assessment

### 7.1. Procedural Issues

The Board will note the concerns raised by the third-party appellant in relation to procedural issues, relating to public notices and the information submitted.

7.1.1. In terms of site notices, the appellant submits that it was not erected on the correct colour background due to the previous application, 19600440 refers. I note that this application is not referred to by the PA in their report and no details were forwarded to the Board. Having consulted the Tipperary County Council website, the planning enquiry system indicates that the application was lodged on the 30/04/2019. No due date is advised, and no decision issued. It is submitted that the current appeal should have had yellow background. While I acknowledge the submission, I am satisfied that the appellant submitted their objections within the prescribed timeframe and therefore, the public were notified about the proposed development.

7.1.2. With regard to the issue raised that the objector was not given an opportunity to respond to the further information response, I note that, on the 13<sup>th</sup> of November 2019, a letter was sent to Mr. Smith advising that the response to the FI request had been received. The response to the further information response was received on the same date. As such, I am satisfied that the PA adequately advised in this regard.

7.1.3. I would refer the Board to the application details submitted in support of the proposed development. The information is presented in a very unclear manner and there are a number of inconsistencies in the information provided as follows:

- Part 4 of the application form makes no reference to horses and the information in terms of the size/capacity of slurry tank is in relation to the proposed tank. A request for further information was required to ascertain information in relation to the slatted tank for retention. The response to FI indicates that the slatted tank will have a storage capacity of 103m<sup>2</sup> while the scaled capacity of the tank is approximately 123m<sup>2</sup>.
- The area of the loose sheds is advised at 75m<sup>2</sup> on the submitted plans, but the area for retention on the application form is indicated at 138m<sup>2</sup>.
- No cross sections through the site have been provided. Given the site levels, particularly with regard to the northern area as it slopes towards the River Moyle, this would have been most helpful.

However, I consider the above anomalies to be minor and do not prevent reporting on the application.

## **7.2. Scale of Development & Impacts on Residential Amenity:**

7.2.1. The subject site is located in a rural area of Co. Tipperary where the land use in the immediate area is predominantly agricultural, with a small number of one-off houses. The applicant has an overall landholding in this area of Co. Tipperary of approximately 200 acres which extends towards the north of the subject site. The landholding has an extensive road frontage and planning permission has been granted for the development of a sheep shed adjacent to the existing stables and farmyard, adjacent to the house on the landholding, to the north east of the landholding.

7.2.2. As advised above, there are two elements to the current proposed development, which essentially, created a new farmyard over the two areas of the subject site at the most southern area of the overall farm holding. The proposed development relates to agricultural works and in principle, I have no objection to the proposed development.

7.2.3. In terms of the land to the east of the local road, and to the south of the third-party house, permission is sought to widen the agricultural entrance and install an underground effluent storage tank. Retention permission is also sought for the two loose sheds and farm road. It is indicated that the two sheds will be used to winter 8

horses, 4 in each shed. The sheds have a stated floor area of 75m<sup>2</sup> and the area to the east of the sheds will be hardcore areas. The access road has been constructed, providing access from the public road to the sheds and it is proposed to install a precast effluent storage tank with a capacity of 13.638m<sup>3</sup> to accommodate the sheds and the 8 horses.

7.2.4. In principle, I have no objection to the retention of the two sheds and farm road as constructed. I further have no objection in principle to the proposed installation of the underground effluent storage tank. A condition should be included in any grant of planning permission to limit the number of horses in the sheds to a maximum of 4 each. The sheds should not be used for any other purpose without the benefit of a grant of planning permission in the interests of protecting residential amenity and the proper planning and sustainable development of the area.

7.2.5. The existing entrance to the site where the two loose sheds were constructed, is located at an angle to the public road and is approximately 4.5m in width. The entrance splay extends to the north of the gate and the development seeks to remove a 70m length of existing roadside hedgerow and replace it with a new hedge or timber fence, set back from the existing line of the public road by approximately 7.5m at its widest in order to achieve 70m sight distances to the south of the entrance. Given the very rural nature of the area, together with the nature of the public road and the fact that the sheds are proposed to house only 8 horses, I consider this to be very excessive. In addition, the setting back of the existing roadside boundaries would result in the widening of the local road from approximately 4.5m to up to 9m along the distance of the site, which I consider to be excessive.

7.2.6. Chapter 7 of the South Tipperary County Development Plan 2009 deals with Landscape, Water Quality & Heritage with Section 7.2 dealing with landscape. The subject site does not lie within a primary or secondary amenity area, however, Section 7.3 of the plan deals with Natural Heritage and the following policy is considered relevant:

Policy LH5: Biodiversity, Trees and Habitats

It is the policy of the Council to conserve, protect and enhance the county's bio-diversity, including trees and hedgerows, in accordance with the County

Biodiversity Plan (and any review thereof) and the standards set out in this Plan (as varied).

7.2.7. I would not accept that it is necessary to remove such an extensive length of hedgerow to accommodate the proposed development to the east of the local road and to do so, would contravene the requirements of the above cited policy. In addition, I note that the applicant has indicated the intention to remove trees and hedgerows to the north of this part of the site, and to the front of the house there. A letter of consent from the relevant landowner was requested in order to remove these trees and hedgerows but none was submitted. The Planning Authority seems to accept that these features are within the applicants' ownership but from the plans submitted, this is clearly not the case. As such, I am not satisfied that this element of the proposed development is acceptable. Should the Board be minded to grant planning permission in this instance, the extensive removal of the boundary hedgerow to the west of the southern section of the application site should not be permitted. A short 5m section to the south of the existing gate should be accommodated to provide for an appropriate splay only. Alternative measures to increase sight distances at the entrances, such as the use of mirrors and signage advising of agricultural entrances, should be employed given the very rural nature of the area.

7.2.8. With regard to the second area of the site, the land to the west of the local road and to the north west of the third-party house, retention permission is sought for a slatted feeding area with underground effluent storage tank, concrete apron, agricultural entrance and farm roadway. As part of the proposed development, the applicant again proposes the removal of extensive lengths of hedgerow including approximately 65m to the south of the entrance for retention and approximately 55m to the north, on the western side of the public road. Again, I consider that this extensive removal of hedgerow is inappropriate and contrary to the policy of the CDP, given the very rural nature of the site and the public road.

7.2.9. Retention is also sought for the open slatted feeding area, effluent storage tank and concrete apron as well as the roadway. I have no objection to the retention of the farm roadway. The feeding area is an open structure to accommodate 14 cows for a period of 16 weeks. The storage capacity required is indicated at 75m<sup>3</sup>

and the tank the subject of this retention application, is indicated as having a capacity of 103m<sup>3</sup>. The applicant advises that there is no need for a dung stead.

7.2.10. In terms of the figures presented, there are some anomalies. The response to the FI request states that there will be 14 cows for 16 weeks, but the figures at the bottom of the page 1 of the submission states 7 cows. There is no indication if the cows are dairy. Having regard to the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, S.I. No. 378 of 2006 as amended, the storage capacity required ranges from 29.12m<sup>3</sup> for 7 cows to 58.24m<sup>3</sup> for 14 cows. The hard stand area associated with the slatted tank is scaled at approximately 153m<sup>2</sup> and Tipperary is indicated as having an average net rainfall of 27 millimetres per week, which has a storage requirement of 66.1m<sup>3</sup> and therefore, an overall storage capacity requirement of between 95.22m<sup>3</sup> for 7 cows and 124.34m<sup>3</sup> for 14 cows.

7.2.11. In light of the above, I cannot conclude that the capacity of the slatted tank in this area of the development is acceptable for 14 animals indicated. Should the Board be minded to grant permission in this instance, a condition restricting the number of animals to the feeding area to 7 cows should be included. The applicant has a sufficiently sized farm holding, approximately 200 acres, for spreading of slurry arising from the proposed development. On the date of my inspection, there were over 10 cows present in the feeding area. I did not notice any particular significant smells or noises.

7.2.1. The Board will note the concerns of the appellant in terms of the proposed development and the potential impacts on residential amenity. With regard to the potential for nuisance, I accept that the construction of the development would likely have an impact on road users during the construction phase, which, given its limited timeline, would be acceptable. With regard to the concerns of the appellants in terms of noise and smells, I note the very rural location of the site, and appellants property where agriculture is the primary use. I also note that the land comprises part of a larger farm holding which undoubtedly, has been used as pastures and / or other agriculture related uses, so it is already an established use, in my opinion. I would also consider that the number of animals proposed to be kept over winter in this area of the wider farm holding is small. The proposal will result in 8 horses being kept in

the two loose sheds, and the slatted feeding area will accommodate 14 cows for a period of 16 weeks. As indicated above, the number of cows should be reduced to 7.

7.2.2. In the context of the location of the subject site, I am satisfied that the scale of the development the subject of this appeal is small and acceptable subject to compliance with appropriate conditions. I am therefore satisfied that the development is acceptable in terms of residential amenity. I will address issues relating to AA and flooding further below.

### 7.3. Other Issues

#### 7.3.1. Flood Risk

In terms of flood risk, the Board will note that the subject site lies adjacent to the River Moyle, with the slatted feeding area located approximately 50m from the river. The location of the feeding area lies at a higher level than the river, and the site slopes downwards towards the river from the public road. The appellant has raised concerns regarding the potential for overflow from the open slatted platform due to increased periods of prolonged rain fall causing pollution to the adjacent low-lying marsh land, flood plains and river tributaries. In response, the applicant submits that there has been no overflowing of the open slatted platform due to rain over the past two winters.

In the context of the proposed development, I am satisfied that the development has not been constructed within a flood plain and given the site levels, it is unlikely that it will have any impact on any flood plains. I do not consider that the development if permitted will result in any significant flood risk of adjacent properties. Issues relating to AA will be addressed further below in Section 7.4 of this report.

#### 7.3.2. Other Third-Party Issues

The Board will note that the third-party appellant has raised a number of additional issues in terms of the proposed development including the feeding of animals from the public road and that the development has caused road subsidence which impact on driving conditions of the road. I would agree that the feeding of animals from the roadside is probably not ideal but note that there is a verge immediately adjacent to the feeding area. Given the nature of the local road, I would be satisfied that the

activity of feeding from the road, once the vehicle has been pulled into the grassed verge, would not give rise to significant impacts on other road users.

The Board will also note that the first party responded to the third-party appeal. The submission suggests that 'as the appellant has not offered any evidence to support his appeal, it is without merit and vexatious'. I would consider it reasonable that the applicant is responsible for addressing issues of concern raised by third parties and having regard to the content of the appeal, I am satisfied that the third party has raised valid concerns in terms of the proposed development and perceived impacts on the residential amenities of his home. I would agree that the development the subject of this appeal is in close proximity to his home, contrary to the opinion of the applicant. I would further consider that the development is a development which has the potential to give rise to noise and smells, which would impact on residential amenity. That said, I consider that the small scale of the development, together with the small number of animals to be accommodated on the site, during the winter, is unlikely to significantly impact existing residential amenities in this rural area, subject to compliance with conditions.

### **7.3.3. Development Contribution**

The Tipperary County Council Development Contribution Scheme 2020 is the relevant scheme applicable. Section 6 of the Scheme identifies the classes of development which are liable for development contributions. Classes 11 and 12 relate to the provision of buildings or structures for animals and traditional agriculture. Exemptions for the payment of development contributions are included as follows:

- In the case of stables, the contribution will be applied where the gross floor area, when measured internally, exceeds 200 square metres,
- For the purposes of traditional agricultural development (excluding stables and kennels) this contribution will be applied where the gross floor area, when measured internally, exceeds 500 square metres. Structures with a roof but no walls or walls but no roof are not subject to contributions.

In light of the above, the proposed development is not liable to pay development contributions.

## 7.4. Appropriate Assessment

7.4.1. The site is not located within any designated site and the site is located approximately 2.3km to the west of the Lower River Suir SAC, Site Code 002137. The Board will note that the applicant has made no reference to AA and the AA screening carried out by the PA concludes that there is no potential for significant effects therefore appropriate assessment is not required. The appellant has raised concerns in terms of the potential impacts of the development on the river in the event of overflow from the slatted platform due to increased periods of prolonged rain fall. In response, the applicant submits that there has been no overflowing of the open slatted platform due to rain over the past two winters.

7.4.2. The River Moyle flows immediately to the west of the application site and forms the western boundary of the wider farm holding. The River Moyle is one of the most significant tributaries of the Anner River, which is one of the largest sub-catchments of the River Suir. The River Moyle flows into the River Anner approximately 3.5km to the south east of the subject site and the River Anner flows into the River Suir, a further 4.6km approximately, to the south.

7.4.3. The Lower River Suir SAC is selected for the habitats and species listed in Annex I and Annex II of the EU Habitats Directive as follows:

European Site	Qualifying Interest
<b>Lower River Suir SAC</b>	Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330]
	Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]
	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
	<i>Petromyzon marinus</i> (Sea Lamprey) [1095]
	<i>Lampetra planeri</i> (Brook Lamprey) [1096]
	<i>Lampetra fluviatilis</i> (River Lamprey) [1099]
	<i>Alosa fallax fallax</i> (Twait Shad) [1103]
	<i>Salmo salar</i> (Salmon) [1106]
<i>Lutra lutra</i> (Otter) [1355]	



- 7.4.4. Detailed Conservation Objectives for The Lower River Suir Special Area of Conservation (Site Code 002137) are available with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been designated.
- 7.4.5. In considering the issue of AA, I looked at the qualifying interests associated with the Lower River Suir SAC, with particular focus on the River Moyle. Only a short distance of the River Moyle forms part of the Lower River Suir SAC, extending to approximately 0.7km upstream of the Anner River Confluence. The Board should note that, in 2006, there were two sites, one upstream of the site and outside the SAC boundaries, and one downstream at 0.5km from upstream of the Anner River Confluence with the River Suir, and within the boundaries of the SAC, identified for the presence of River / Brook Lampreys, qualifying interests of the Lower River Suir SAC. There is a further site identified to the south of the River Anner in proximity to where it flows into the River Suir, and within the SAC. These lamprey sites are approximately 1.5m to the north west (upstream) and 4km to the south east (downstream) of the subject site.
- 7.4.6. Consideration of likely significant impacts in terms of Stage 1 AA Screening, is based on the source-pathway-receptor risk assessment principle. I acknowledge that the proposed slatted feeding area is located approximately 50m from the river, as well as the submission of the applicant that there has been no incident of any overflow over the past two winters due to prolonged periods of rainfall. It is proposed that the effluent collected in the tank, from the 14 cows it will accommodate, will be spread on the land across the 200acre farm holding as part of the overall farming practices. The spreading of slurry on lands is governed by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, S.I. No. 378 of 2006 as amended. In this context, I am satisfied that there is no direct SPR between the slatted tank and the river subject to best farming practices being adhered to.
- 7.4.7. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be

likely to have a significant effect individually or in combination with other plans or projects on a European Site, warranting AA.

## 8.0 Recommendation

It is recommended that planning permission be granted for the proposed development for the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the rural nature of the site location, to the provisions of the South Tipperary County Development Plan 2009, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties and would 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, as amended by the further plans and particulars submitted on the 13<sup>th</sup> day of November 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. The proposed development shall be amended as follows
  - (a) No more than 4 horses shall be wintered in each of the two sheds.

- (b) A maximum of 7 cows shall be accommodated on the open slatted feeding area.
- (c) No permission is granted for the extensive removal of roadside hedgerows. At the entrance to the 2 sheds the subject of this retention application, the hedgerow to the south of the entrance shall be set back for a distance of 5m to provide for an appropriate splay only.
- (d) No permission for the removal of hedgerow at the entrance to the open slatted feeding area is granted.

Revised drawings showing compliance with these requirements, including alternative measures to increase sight distances at the entrances, such as the use of mirrors and signage advising of agricultural entrances, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity and to ensure compliance with the policies of the South Tipperary County Development Plan 2009 as it relates to the protection and enhancement of hedgerows and to ensure adequate storage capacity in the slatted tank in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, S.I. No. 378 of 2006 as amended.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to that as specified in the lodged documentation and conditioned here, unless otherwise authorised by a prior grant of planning permission including as follows:

- (a) The sheds for wintering horses shall not be used for any other purpose without the benefit of a grant of planning permission.

**Reason:** In the interest of residential amenity and the proper planning and sustainable development of the area.

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

**Reason:** In the interest of public health.

5. 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.

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

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A. Considine

Planning Inspector

21<sup>st</sup> April 2020