



An
Bord
Pleanála

Inspector's Report ABP – 306941 – 20.



Development

Retention of an existing agricultural livestock isolation shed; an adjoining tool store & medicine store/portacabin; four horse stable block together with all associated site works.

Location

Agher, Summerhill, County Meath.

Planning Authority

Meath County Council.

Planning Authority Reg. Ref.

TA/91835.

Applicant

Cathal McGrath.

Type of Application

Retention Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party

Appellant(s)

1. Keith Brunkard & Hilda Cullivan.
2. Hilda's Homemades Limited.

Observer(s)

None.

Date of Site Inspection

2nd day of July, 2020.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 0.2ha area. It is served by an entrance onto the southern side of the L-6212-11 local road which is located c0.4km to the south west of another local road called 'New Road'; c1.2km to the north east of its intersection with the L6211; and, c2.4km as the bird would fly to the centre of the village of Summerhill in County Meath. The L-6212-11 provides connection to the public road network for parcels of agricultural, farmsteads, farmyards, and a significant number of one-off houses. This appeal site is bound and neighboured by residential developments to the east, west and south west.

2.0 Proposed Development

- 2.1. Retention of an existing agricultural livestock isolation shed; an adjoining tool store and medicine store/portacabin; a four-horse stable block together with all associated site works. These structures have a combined gross floor space of 271.4m² (Note: Building A1 – 117.12m²; Building A2 – 13.14m²; Building A3 – 2.4m² and Building C – 107.71m²).
- 2.2. This application is accompanied by a covering letter from the applicant's agents which includes the following comments:
- In relation to the structure referred to as 'Shed A' (Note: also referred to as Shed A1 in the submitted drawings) it is noted that it was subject to a previous retention permission and permission application which was refused retention permission under P.A. Reg. Ref. No. TA/180754. This building is described as a steel framed shed structure with a metal clad roof and a combination of open sided and partially enclosed concrete walls with timber cladding to the upper half. It has a stated floor area of 117.12m² but it includes two further ancillary areas including a medicine store with a bathroom with a stated floor area of 13.14m² and a small tool shed measuring 2.4m².
 - 'Shed A' is contended to have previously contained a slatted shed structure, but it is indicated that this has been filled in and the slats covered over. This shed structure is reliant upon straw bedding for the housing of animals and a small slatted area immediately to the front (southern side) is primarily intended for the

collection of surface water with the area underneath backfilled with hardcore so that it effectively acts as a soak pit.

- There is an extensive farmyard with various agricultural sheds and a silage pit further south on the site where the predominant farming activities of the applicant takes place.
- 'Shed A' is intended to be used solely as an isolation unit separating off activity from the main farming area.
- 'Building B' relates to an agricultural building which has been regularised through a grant of permission under P.A. Reg Ref. No. TA/180754.
- 'Building 'C' with a stated floor area of 107.71m² and a maximum ridge height of 4.75m requires regularisation. This building is described as a four separate stable building with a storage area and central passageway constructed of a steel framed structure with a metal deck roof and is timber clad.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 25th day of February, 2020, the Planning Authority granted retention permission subject to conditions. Of note are the requirements of the following conditions:

Condition No. 2: Requires clarification of site distances between structures and the site boundaries.

Condition No. 3: Restricts any use of an automatic feeder system within Shed A1.

Condition No. 4: Deals with drainage matters.

Condition No. 5: Restricts the development from resulting in nuisance and/or pollution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision. They considered that the key planning considerations in this case was firstly the design and

siting of the proposed development; and, secondly access. They note their inspection of the site and that Shed A is a dry bedded shed with no slats or underground holding tank. In addition, they noted the presence of external slats to the southern end of this structure and that there was no underground tank associated with the same. In relation to an automatic feeder none was observed. Their report concludes with a recommendation to grant permission for the development sought.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- 3.4.1. The Planning Authority during their determination of this application received two third party appeals which I have read, and I consider that the concerns raised in them correlate with those raised in their appeal submissions to the Board.

4.0 Planning History

4.1. Site

- 4.1.1. Of relevance to this appeal are the following recent planning applications:

- **P.A. Ref. No. TA180754:** Retention permission was sought for a development consisting of permission for 2 no. agricultural sheds together with all associated site works. These sheds were referred to in the documentation as 'Shed A' and 'Shed B'. The Planning Authority decided to grant retention permission subject to conditions for 'Shed B' which I note was located in farm yard area containing two other substantial agricultural buildings whereas 'Shed A', which is again being sought for retention permission under this current application, was refused retention permission for the following stated reason:

"Based on the lack of clarity received in the further information response in regards to the location of adjacent wells of neighbouring properties and the current and

proposed use of 'Shed A' it is considered that the development would be contrary to the proper planning and sustainable development of the area and would be prejudicial to public health".

5.0 Policy & Context

5.1. National Guidelines and Legislation

- EU (Good Agricultural Practices for the Protection of Waters) Regulations (2017) Statutory Instrument (SI) No.605 of 2017, as amended by SI No.65 of 2018.

5.2. Development Plan

5.2.1. The Meath County Development Plan, 2013 to 2019, is the statutory plan for the area, under which the site is located on un-zoned land outside of a defined settlement within the open countryside.

5.2.2. Chapter 10 of the Development Plan deals specifically with the matter of Rural Development. It includes the following 'Strategic Objectives':

RUR DEV SO 6: *"To protect and enhance the visual qualities of rural areas through sensitive design".*

RUR DEV SO 7: *"To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable development and the management of environmental resources."*

RUR DEV SO 8: *"To support and protect the existing economic base and seek to diversify the economy through both inward investment and the promotion of agriculture, forestry and tourism-related industries in rural areas."*

5.2.3. Section 10.8 of the Development Plan indicates that agriculture has traditionally been the most important contributor to the rural economy of the County and it sets out the following goal: *"to maintain a vibrant and healthy agricultural sector based on the*

principles of sustainable development whilst at the same time finding alternative employment in or close to rural areas to sustain rural communities". It also sets out the following policies:

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 11: *"To protect the economic and social benefits of local country markets devoted to the sale of local agricultural and craft produce and to support their role as visitor attractions."*

RD POL 13: *"To protect agricultural or agri-business uses from unplanned and/or incompatible urban development."*

5.2.4. Section 10.9.1 of the Development Plan sets out a number of factors that will determine the suitability of the location of agricultural buildings.

5.3. Natural Heritage Designations

5.3.1. There are no Natura 2000 sites on or within the surrounding area in which this appeal site is located; notwithstanding, within a 15km radius of the site there are the following Natura 2000 sites:

- The Special Area of Conservation: River Boyne and River Blackwater SAC (Site Code: 002299) is located c7.2km to the north west of the site.
- The Special Protection Areas: River Boyne and River Blackwater SPA (Site Code: 004232) is located c8.9km to the north west of the site.
- The Special Area of Conservation: Rye Water Valley/Cartron SAC (Site Code: 001398) is located c14.5km to the south east of the site.

5.4. Environmental Impact Assessment Screening

5.4.1. **Preliminary Examination:** Having regard to the nature and scale of the development sought for retention, the significant distance between the appeal site and the nearest Natura 2000 site identified under Section 5.3.1 of this report above, and the absence

of a pathway to any Natura 2000 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 at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The 3rd Party appeal received by the Board from Hilda Homemades Ltd. can be summarised as follows:

- The Planning Authority did not take into consideration public health and safety concerns with respect to this development.
- No objection is made in relation to the retention of the four-stable block.
- Sheds A1 and A2 were constructed in 2015 and Shed C was constructed in 2018 both without planning permission but during the time in which P.A. Reg. Ref. No. TA/180754 was being determined by the Planning Authority.
- This current application was submitted to address an enforcement notice.
- The applicant has shown blatant disregard for the planning process by way of constructing these structures without obtaining prior permission.
- The appellants contend that they operate a fruit and vegetable growing as well as a food producing business beside the existing unauthorised developments subject of this application and that they had to endure significant dis-amenity since their construction by way of noise pollution, malodours and the like. It has also resulted in increased vermin issues which has impacted their fruit growing business by increasing costs and reducing business profitability.
- Concern is raised that Shed A1, which is proposed to be used to house sick and diseased cattle and calving, is located less than 50m away from their business. This shed structure is also less than 10m from the appellants fruit and vegetables that are grown and used in their food production business. Its use and proximity are a serious concern for their food related business.

- The noise from this shed has resulted in serious nuisance during the day and night.
- The effluent associated with sick animals, calving waste, and the like within 50m of their business is a cause of nuisance.
- The waste management and effluent arising from this shed is questioned.
- This development should be refused on the grounds that it would facilitate unauthorised development in close proximity to their residential property.
- The distance of this isolation shed is approx. 250m from the existing farmyard complex and results in unnecessary sprawl of the applicant's farm buildings. The applicant has a significant landholding and there are other more appropriate alternative locations to locate the isolation shed.
- No biosecurity plan has been submitted to detail how their business will be protected from disease.
- There is no evidence, risk assessment or hydro-geological survey from a suitably qualified person to prove beyond reasonable doubt that no run-off or seepage of contaminants or other biohazards would occur.
- There is also no proof provided that the tanks have been filled in as is contended.
- There are no details of how/where animal waste from sick animals and calving waste is stored and contained.
- The accuracy of the location of shed A1 and A2 are questioned.
- This proposal is contrary to Section 11.13.3 of the Development Plan as no manure pit or waste management practices are identified in this application on site.
- Photographs taken by the Council show waste clearly seeping into a small slatted area immediately to the front of the shed.
- The Planners Report refers to policy RD POL 11 which seeks to protect economic and social benefits of local country markets devoted to the sale of local agricultural and craft produce and to support their role as visitor attractions. Yet no account was had to the protection of the appellants business at this location.

- Concern is raised that Condition No. 2 required that within 1 month of the grant of permission that the applicant submit a site layout plan clearly indicating the exact distance of Shed A1 and A2 from the site boundaries.
- No evidence has been provided to support that the interior northern and eastern elevations have been lined to reduce noise and dust particles.
- The fact that this is an application for retention should not convey an advantage for the applicant.

6.1.2. The Board also received another separate 3rd Party appeal from a Mr. Keith Brunkard and a Ms. Hilda Cullivan. Having read this appeal submission it is my view that it raises a number of the same issues raised in the 3rd Party appeal submission that I have summarised under Section 6.1.1 above. In addition, it also raises the following concerns:

- This development gives rise to serious injury to their residential amenity due to their home being located within 50m of Shed 'A1'. At such close proximity any grant of permission for the development would result in a continuance of existing nuisances arising from these structures and their uses. In particular by way of noise, malodours, dust from the animal feeders, detritus from the manure pile blowing into their property in adverse weather conditions, increased vermin issues, public health and safety concerns including potential contamination of private water wells in its vicinity.
- This development has also aggravated health issues of their family members. In particular respiratory conditions with concern raised from the dust blowing in from cattle feeders used in this development.
- This development diminished the visual amenities of their setting, in particular those of adjoining and neighbouring residential properties.

6.2. Applicants Response

6.2.1. The applicant's responses to the two separate 3rd Party appeals can be summarised as follows:

- The applicant was unable to arrange an environmental specialist to advise on the potential environmental concerns raised by the appellant due to the current

pandemic restrictions, but should one be required by the Board there is no objection to providing the same.

- The shed of concern was built in March 2014 after the applicant purchased the site. They were under the presumption that this and the associated works were exempted development.
- The applicant farms a pedigree herd and imported animals are tested on arrival to the farm before being introduced to the existing herd.
- The applicant effectively operates a closed herd and their definition of a sick animal is one that may need assistance or isolation.
- To date Shed A1 has only been used during the winter months.
- Waste from the shed is negligible due to the low occupancy of the shed and short duration of animals stay. Any waste generated, if necessary is officially removed to a designated dung stead in the main farm.
- The portacabin structure was added in 2018 and a timber lattice has been added so it assimilates with its environment as well as remains portable.
- The appellants do not raise concerns in relation to the horse stable structure.
- The applicant does not use a cattle feeder and does not accept that noise as well as dust nuisances arise from his use of Shed A. Any particles of dust arising are natural farm products to be expected in a country type setting.
- The slatted tank has now been filled.
- There is a vermin problem associated with the appellants land planted with carrots behind the appellants property. Alongside the appellants cooking and composting of their own commercial waste.
- It is not accepted that their activities have had any detrimental impact on any of their neighbour's rights or their health.
- There is a substantial thick hedge separating the site from the appellants property.
- The odours, noise and dust are no more than would arise in a normal farming activity. They are not valid concerns in a rural area.
- The isolation unit is used to house a calving pen and it supports 6 cows per year.

- Waste generated is collected and transported to the main dung stead. It is handled in accordance with good farming techniques and required practices.
- This shed was constructed prior to expansion of the farm with the larger complex of buildings constructed at a later date.
- The accuracy of the shed has been queried by the Council and has been addressed. The discrepancies arise from inaccuracies in the Ordnance Survey Map which formed the basis of the planning application.
- This development does not give rise to any visual amenity diminishment.
- Alternative locations did not exist at the time the structures were built.
- No evidence has been provided to support any devaluation of property.
- The Planning Authority has permitted the development subject to conditions.

6.3. Planning Authority's Response

6.3.1. The Planning Authority's response can be summarised as follows:

- All matters raised by the appellants have already been considered by them.
- This development is consistent with relevant planning provisions.

7.0 Assessment

7.1. Overview

7.1.1. I have reviewed the proposal in light of relevant planning policy provisions, the planning history of the site and the submissions made by the appellants in their grounds of appeal submissions alongside the applicant's and the planning authority response to the same.

7.1.2. I observed that whilst the predominant land use in this un-zoned rural area is agriculture. Notwithstanding, the site is bound and neighboured by existing residential development to the east, west, south west and north. Within the wider setting there is a high proliferation of residential developments within the immediate site context with significant residential development aligning the heavily trafficked local road within the vicinity of the entrance serving the site. There is c102m stretch of the eastern

boundary of the site adjoining agricultural land. As such this irregular shaped site is by and large bound by existing residential developments and their associated open spaces.

7.1.3. Having regard to the sites un-zoned rural location, subject to ensuring that there are no adverse impacts on the environment and neighbouring amenities, I am generally satisfied that the development to be retained under this application is not inconsistent with the pattern of development one would expect in such a rural area which lies is evidently under significant pressure for one-off dwellings due to its proximity to Dublin city. I am also cognisant that agricultural developments, subject to safeguards, is a type of development broadly supported by policies and objectives set out in the current Meath County Development Plan. Accordingly, I consider that the substantive planning issues arising in the determination of this appeal case as follows:

- Suitability of Location and Planning History
- Drainage
- Devaluation of Properties in the Vicinity
- Adverse Health Impacts

7.1.4. I also consider that the matter of '*Appropriate Assessment*' also needs examination.

7.2. **Suitability of Location and Planning History**

7.2.1. Section 10.9.1 of the Development Plan recognises the primacy of agriculture use of land within rural areas of the county but it also sets out that the presence of individual housing should not impinge unduly on legitimate and necessary rural activity. It further indicates that regard should also be had to the unnecessary location of major new farm complexes proximate to existing residential developments.

7.2.2. The three agricultural buildings for which retention permission is sought by way of this application arguably are of a modest nature, scale and extent totalling to a given 271.4m² gross floor area. In my view they should not be seen in isolation as they form part of the applicants larger farm holding which appears from the information on file to contain two defined farmyard areas where there are a consolidation of agricultural related buildings to the south and to the south east of this modest in area appeal site. As such, and of concern, the three agricultural structures for which retention

permission is now sought under this application do not form part of any defined existing consolidation of agricultural buildings within the applicants landholding with Shed A1 (the contended isolation shed) and Shed 2 (Medicine) store having minimal separation between them and in particular the adjoining and neighbouring residential properties to the east and west of them.

- 7.2.3. In terms of separation distance between physical boundaries the actual distance appears to be disputed and appears to be different to a previous recent planning application under which the retention of 'Shed A1' was refused (Note: P.A. Ref. No. TA/180754). The given reason for refusal essentially considered that there was a lack of clarity received in the further information response in regards to the location of adjacent wells of neighbouring properties and that the current and proposed use of this shed was considered to be contrary to the proper planning and sustainable development of the area alongside would be prejudicial to public health.
- 7.2.4. This uncertainty arising in relation of the actual separation distances between Shed A1 and Shed A2 in the documentation was noted by the Planning Authority in their determination of this application, with this appearing to come to their attention by way of the 3rd party submissions received, together with an examination of the planning history relating to this particular agricultural structure. Notwithstanding, they did not seek for this to be clarified during and prior to their determination of this planning application. But rather by way of Condition No. 2 which requires that: "*within one month of the grant of permission the applicant shall submit a site layout plan clearly indicating the exact distance of Shed A1 & Shed A2 from the site boundaries for the written agreement of the Planning Authority*". The stated reason for this is simply given as: "*in the interests of clarity*".
- 7.2.5. If the distances are to be roughly accepted from the submitted documentation on file at the nearest point Shed A1, the isolation shed which is also used as a calving shed, is within 2.8m of the side boundary with the appellants property and Shed A2 the medicine store within 3.1m. At the time of inspection, I noted that the applicant was also not living in the residential property to the south of Shed A1 and Shed A2 with the persons in this property having no relationship with the applicant. The boundary of this property is within c8.5m from the boundary of this residential property. This property boundary also appears to have been modified as well as there appears to be a less robust boundary *in situ* when compared to that of the appellants property.

- 7.2.6. Of further concern is the limited documentation submitted with this current application in terms of verifying the modifications to the structure relating to the manner in which wastewater, effluent and surface water discharged within the confines of the site. I am cognisant that Section 11.13.3 of the Development Plan indicates that agricultural developments shall comply with all relevant regulations in relation to farmyard pollution and waste with this to be done within the confines of the site as well as policy RD POL 44 requiring such applications to meet the highest standards in environmental protection.
- 7.2.7. Further there is no clarity provided on the scope of amendments, if any, that have actually occurred in relation to dealing with these matters when compared with the recent application made under P.A. Ref. No. TA/180754 which I note indicates that the wastewater is routed via Shed A2 to an existing wastewater treatment septic tank in a House labelled 'House X', i.e. the nearest dwelling to the west of the appeal site, in the drawings accompanying this previous planning application. It is unclear, in my view, if this arrangement has ceased.
- 7.2.8. Moreover, the submitted drawings do not support that the slatted areas observed internally and/or externally have been in anyway amended and there is little clarity or assurance provided that, if it is to be accepted, that there are provisions in place to deal with contaminated water arising from the use of this shed and in turn that no contamination issues could arise to properties in its vicinity. With these properties appearing to be dependent solely upon potable water from proprietary wells.
- 7.2.9. The documentation also indicates the provision of a bathroom which is unclear what provisions are in place for the treatment of foul water arising from the use of the same.
- 7.2.10. Whilst I consider that there is limited potential to arise in terms of adverse visual, residential, or environmental from Shed A2 due to its limited nature, extent and associated contended use as primarily a medicine store. I am not convinced that Shed A1 has been sited with the view of minimising the potential of giving rise to adverse impact and nuisances to residential properties in its immediate vicinity, with residential properties irrespective of whether they also contain a home based enterprise are sensitive to change.
- 7.2.11. While I accept that noise, dust and some degree of visual intrusion as well as visual overbearance may arise from agricultural buildings in proximity to residential

properties new agricultural developments should seek to balance and mitigate adverse impacts so as no serious injury occurs to established residential amenities.

- 7.2.12. I therefore consider in choosing a location to site new agricultural buildings the choice of location relative to a prevalence of existing residential properties; relative to the applicants main farming activities through to with the view of seeking to achieve an appropriate level of consolidation within the landholding as part of safeguarding the visual amenities of the landscape from undue proliferation of *ad hoc* buildings that it would be reasonable for the applicant in deciding upon a location for new agricultural buildings to provide sufficient justification for their choice of location particularly having regard to the fact that the site is bound by existing residential development on all but one section of its eastern boundary.
- 7.2.13. Whilst such proximity may be desirable for the applicant it is a concern that they would decide to locate this building where very limited separation distances could be achieved from existing third party residential properties who I note, having regard to the documentation on file, appear also to run a craft food company alongside grow produce for this business at this location. It is therefore not unreasonable in my view that they seek to protect their enterprise from undue harm and/or detriment as there is a level of protection provided for such enterprises for example under RD POL 11 of the Development Plan.
- 7.2.14. It is also further concerning this building is also remote from where farm waste would be stored with it being unclear where relative to the Shed A1 structure itself is located this dung stead is. It appears that it is not located within the confines of the appeal site area itself and it also does not appear to be indicated within the blue line area shown in the drawings provided.
- 7.2.15. As such the practicalities of moving farm waste becomes more cumbersome and has more potential to give rise to environmental concerns where there are significant distances between such provisions. In general, the documentation submitted does not provide sufficient clarity on the matters of farm waste, farm waste management, surface water management through to supply of potable water practices for the site area and the buildings thereon. Nor as previously said does it indicate the manner in which the foul water is treated from the bathroom in Shed A1.

- 7.2.16. Whilst it could be conditioned that the applicant be required to comply with the required standards for farm waste management and the general treatment of wastewater I do not consider if Shed A1 was subject simply to planning permission, even if was accepted in good faith that this agricultural building would be used as is contended by the applicant, that it is suitably sited within the applicants farm holding complex where minimal serious injury as well as nuisances would arise for other properties that are more sensitive to change and where no undue pollution arises.
- 7.2.17. I am of the view that there is more appropriate locations within the applicants landholding for the provision of an isolation shed and also the accompanying medicine store (Shed A2) which obviously has a functional synergy with Shed A1 where more sustainable farm waste; general waste water practices through to surface water drainage could be incorporated into its design. Further, where there would be a lesser potential for adverse nuisances to arise by way of noise, dust, malodours, vermin, and the like.
- 7.2.18. If there were no such nuisances arising, I am of the view that it is unlikely that the appellants would go through the expense and waste their time with raising such concerns to the Planning Authority and the Board.
- 7.2.19. The location of Shed A1 and in turn by virtue of the synergy between it and Shed A2 does not achieve an appropriate balance with established residential properties in its immediate vicinity irrespective of the primacy given to agricultural development in the current Development Plan.
- 7.2.20. It would also be normally assumed that an agricultural building for the uses contended for Shed 1 would be located in closer proximity to the applicants actual place of residence for monitoring of livestock where they are sick, injured, in isolation/quarantining having been recently purchased through to calving. It is not and it is remote within the applicant's landholding to their place of residence.
- 7.2.21. I therefore consider to permit the Shed A1 would have the potential to give rise to continued diminishment of the residential amenities in their proximity in a number of manners which could have been avoided if this building alongside Shed A2 were more suitably located within the applicants landholding.
- 7.2.22. I also consider that the proximity of a building of the length of Shed A1 relative to the private amenity space of the existing dwelling to the east, albeit the stated 4.927m

maximum ridge height and the use of some timber cladding would be visually overbearing whereas there is more significant separation distance between it and the property to the west.

- 7.2.23. Based on the above considerations I recommend that the Board omit Shed A1 and Shed A2 as I consider to permit the retention of the same would be contrary to Section 10.9.1 of the Development Plan, this application fails to demonstrate its compliance with policy RD POL 44 and Section 11.13.3 of the Development Plan which requires such development to meet the highest standards in terms of environmental protection, it would result in serious injury to residential amenities and thus would be contrary to the proper planning as well as sustainable development of the area.
- 7.2.24. In relation to Shed C I raise no substantive concerns in relation to its placement within the applicant's landholding, its design, its material finishes, its massing, its scale, and its extent. It is sited in a location where it is not in any way highly visible from the public domain nor would it be highly visible as observed from 3rd Party land in the vicinity.
- 7.2.25. Moreover, at this location it also benefits from more significant lateral separation distance from other 3rd Party lands, in particular lands in established residential development. At such a location it is unlikely to result in any significant diminishment of their established residential amenities.
- 7.2.26. Furthermore, whilst I acknowledge that Shed C is not located where it achieves a high degree of consolidation with what appears to be the main agricultural buildings within the applicants landholdings, unlike agricultural structures Shed A1 and Shed A2 it is more appropriately located within the applicants landholding relative to their agricultural and residential activities. It is also a modest building whose design, materials and layout are reflective of their functional use.
- 7.2.27. I therefore recommend that Shed C be granted as part of a split decision subject to appropriate safeguards.

7.3. **Drainage**

- 7.3.1. Having regard to the information provided on file and based on considerations in my previous section above I consider that there is a lack of clarity and certainty in relation to how the applicant deals with farm waste, surface water drainage and pollutants within the confines of the site or in tandem with the applicants larger agricultural landholding.

- 7.3.2. There is also a lack of clarity in terms of environmental considerations in this area whether that be the hydrology and soil composition of the site through to the agricultural structures, particularly Shed A1 to sources of potable water supply.
- 7.3.3. Moreover, as discussed previously, it is unclear if there is still treatment linkage in terms of waste water treatment with a proprietary wastewater treatment system to the rear of the dwelling to the north west of Shed A1 and if so that this system is designed to have capacity to deal with this waste water.
- 7.3.4. Further, no clarity has been provided in terms of any sustainable water drainage systems to deal with the agricultural structures proposed and modifications to green land within the site area to accommodate external hard stand through to access ways.
- 7.3.5. In my view these are substantive issues for Shed A1 and by virtue Shed A2 which adjoins its northern elevation and I therefore cannot with any certainty make any conclusion that no adverse environmental impact would not arise or that it would not be prejudicial to public health.
- 7.3.6. I therefore consider that the applicant has failed to demonstrate compliance with Development Plan policy RD POL 44 which requires new developments to meet the highest standards in terms of environmental protection and that the applicant has provided no clarity between the discrepancies between the previous planning application P.A. Ref. No. TA/191835 in relation to the servicing and drainage provisions for Shed A1.

7.4. Devaluation of Property

- 7.4.1. In the absence of an examination of this matter by a suitably qualified expert I consider that it is not possible for me to make a determination on whether or not the development sought, if permitted, would give rise to a quantifiable devaluation of the appellants properties.

7.5. Health Concerns

- 7.5.1. The appellants make specific reference to the development for which retention is sought giving rise to adverse impact on them and their family members. In particular by way of dust with further concerns being raised in relation to various related airborne and other diseases that can arise from proximity to such a development.

- 7.5.2. Again, this is not substantiated by any evidence but it was observable in the proximity of the Shed A1 a significant level of flies and other flying insects but I was unable to gain access to this Shed to make any link between it, any associated farm waste practices and the like with what I observed.
- 7.5.3. In relation to the dust, I accept based on the Planning Authority's Planning Officers site inspection that the applicant does have a mobile feeder system within their landholding and there is no clarity provided what other manner animals would be feed at Shed A1 when housed there.
- 7.5.4. It is generally accepted that these systems can produce a large level of dust and given the limited lateral separation distance between Shed A1 and the appellants property the use of such a feeder does have the potential to result in undue dust, noise through to vibrations of a level that could give rise to residential dis-amenity.
- 7.5.5. I therefore recommend that the Board should they be minded to grant retention permission for Shed A1 that a condition be imposed restricting any use of a mobile feeder in relation to the use of this building or within the confines of the site area itself due to the lack of sufficient separation distance between it and existing residential properties.

7.6. **Traffic**

- 7.6.1. The site is served by an existing permitted entrance onto the public road network. I do not consider that the development sought under this application would give rise to significant additional traffic at this entrance and in turn result in any significant additional traffic hazard and/or road safety issue irrespective of the curving alignment, the restricted width and lack of any significant roadside verge. I also note that the existing access has the benefit of permission.

7.7. **Other Matters Arising**

- 7.7.1. Sand Arena: There is a lack of clarity in terms of whether or not the sand arena which adjoins the site has the benefit of permission or whether it is a type of development that would benefit from exempted development provisions. As this structure lies outside of the appeal site area any grant of permission for Shed C should not be construed as authorising structures and/or land uses that may be unauthorised. The Board should they be minded to grant retention permission for Shed C may consider it appropriate to attach an advisory note in this regard. Any unauthorised development

that falls outside the bounds of the appeal site area and the development description given in the public notices is in my view an enforcement matter for the Planning Authority to deal with as they see fit.

7.8. Appropriate Assessment

- 7.8.1. This appeal site is not located within, adjoining, or neighbouring any designated site. The closest Natura 2000 site, i.e. The Special Area of Conservation: River Boyne and River Blackwater SAC (Site Code: 002299) is located c7.2km from it.
- 7.8.2. Having regard to the nature and scale of the development and to the nature of the receiving environment, remote from any European site and with no hydrological links either within or adjacent to the site boundaries to any European site, no appropriate assessment issues arise.
- 7.8.3. I therefore consider it is reasonable to conclude on the basis of the information available that the proposal either individually or in combination with other plans or projects would not adversely affect the integrity of a Natura 2000 site having regards to their conservation objectives and the separation distances involved. Furthermore, I consider it is 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.

8.0 Recommendation

- 8.1. I recommend that the Board issue a Split Decision that first of all refuses retention permission for the agricultural structures identified as 'Shed A1' and 'Shed A2' in the accompanying planning documentation for the following reasons and considerations set out under Schedule 1 below. I secondly recommend that retention permission be granted for 'Shed C' and its associated works for the reasons and considerations alongside the conditions set out in Schedule 2 below.

Schedule 1

Reasons and Considerations

The location of Shed A1 and Shed A2 constitutes inappropriate peripheral development within the agricultural landholding in a significantly developed rural area

with a strong pattern of residential development. If permitted, Shed A1 and Shed A2, in tandem, would seriously injure the amenities of property in the vicinity by reason of their close proximity to residential properties being bound on three sides by existing residential development, including residential development with no legal interest in the agricultural landholding itself, alongside the variety of nuisances that it would give rise to including malodours, noise through to diminished visual amenities.

It is not considered that the siting of Shed A1 and Shed A2 is consistent with the factors for consideration for the placement of agricultural structures as set out under Section 10.9.1 of the Meath County Development Plan, 2013 to 2019, nor has the applicant demonstrated sufficient justification for the siting of these particular structures in close proximity to more sensitive to change existing land uses and that this is the most appropriate location that gives rise to least potential for adverse impact to arise on established amenities of other properties within the immediate vicinity of the applicants landholding.

In addition, the Board is not satisfied that the applicant has demonstrated compliance with Meath County Development Plan, 2013 to 2019, policy RD POL 44. This Development Plan policy requires new developments to meet the highest standards in terms of environmental protection. The applicant has not demonstrated this with the documentation submitted with this application and with their response to the grounds of appeal.

Of further concern in relation to Shed A1, the retention of this structure was previously and recently refused by the Planning Authority under P.A. TA180754. The given reasons for refusal related to lack of environmental clarity. It is not considered that the documentation submitted with this application has addressed this reason for refusal in any substantive way and there appears to be conflicting information in to how waste water and general drainage is dealt with when this application is compared to the details provided with planning application P.A. TA180754.

The Board is therefore not satisfied that this development would not give rise to environmental pollution or that it would not be prejudicial to public health.

For these reasons to permit Shed A1 and Shed A2, with Shed A2 having a functional synergy with Shed A1, would be contrary to the proper planning and sustainable development of the area.

Schedule 2

Having regard to the nature, scale and appearance of agricultural structure labelled Shed C in the submitted documentation and for which retention permission is sought, the modest nature, extent and overall built form of this structure, the nature of the receiving environment, the pattern of development in the vicinity, its separation distances from existing residential properties in separate ownership, and the provisions of the Meath County Development Plan, 2013 to 2019, subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not be likely to cause a deterioration in the quality of waters in the area and would be acceptable in terms of traffic safety and convenience. The proposed development to be retained and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 13th day of December, 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. Within one month from this grant of retention permission the applicant shall submit a site layout plan clearly indicating the exact distance of Shed C from its eastern site boundary for the written agreement of the Planning Authority.

Reason: In the interest of clarity.

3. Shed C shall be used as a stable block purposed only.

Reason: In the interests of development control.

4. (i) Water supply and drainage arrangements for Shed C and its associated yard area, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

(ii) The development shall be operated in such a way that it does not result in pollution of any watercourse and that it will not give rise to a nuisance either to persons at any premises in the neighbourhood or to persons lawfully using any public place in the neighbourhood.

(iii) All uncontaminated roof water from Shed C and its associated yard water shall be separately collected and discharged in a sealed system to adequate soakpit(s) and shall not discharge or be allowed to discharge to the slurry storage tanks or to the public road. Details of inspection chambers to be installed on all surface water collection pipes prior to discharge to soakpit(s) shall be submitted to and agreed in writing with the planning authority, within three months of the date of this order.

Reason: In order to avoid pollution and to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

5. All external lighting system proposed to serve Shed C and its associated yard area shall be submitted to and agreed in writing with the planning authority within three months of the date of this order. It is recommended that external lighting system should be directional and cowled so as to reduce, as far as possible, the light scatter over the surrounding rural area.

Reason: In the interest of visual amenity and in the interest of protecting the open rural countryside from unnecessary light pollution and in the interest in protecting the biodiversity and natural habitats that it contains.

Patricia-Marie Young
Planning Inspector

19th day of August, 2020.