



An
Bord
Pleanála

Inspector's Report

ABP-307109-20

Development	Construction of extension to sheep shed to include effluent tank and permission to construct a grain storage shed to include concrete apron and all associated works.
Location	Menlough, Eighter, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20120
Applicant(s)	Richard Flynn
Type of Application	Retention and Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Peter and Margaret O'Neill
Observer(s)	None
Date of Site Inspection	22/07/20
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Menlough Eighter in County Galway, c. 600m north of Menlough village and c.17km northeast of Athenry town centre. The site is accessed off a local road that runs from north to south and connects to the R339 regional road between Caltra and Monivea. The local road primarily serves agricultural lands, farmyards and one-off houses. The surrounding area is generally characterised by gently undulating agricultural fields bounded by a mix of ditches, walls, hedgerows and trees.
- 1.2. The appeal site is stated to measure 1.239ha and comprises an agricultural farmyard. The roadside boundary is enclosed by an existing stated storage building, the entrance with gates and a low boundary wall. A second stated storage building is set back behind a grassed area c.8m from the road edge. The northern boundary includes a number of existing agricultural structures directly to the boundary.
- 1.3. The application site is L-shaped with its southern and part of its western boundary adjoining the applicants single storey family home. There appears to be a closed up access road with entrance running along the northern boundary of the site. There are two existing single storey dwellings located to the north of the site the nearest of which appears to belong to the appellant.

2.0 Proposed Development

- 2.1. The development for retention comprises the following:
 - A 183.8. sq.m sheep shed, 21.4m long, 7.62m wide with a 6.05m high mono-pitch roof and c. 4m to the wall plate level. The structure is built onto the existing northern boundary wall and an existing shed to the west. The development is shown as c. 0.3m off the northern site boundary.
- 2.2. The proposed development comprises the following:
 - A 167.22sq.m extension to the sheep shed to be retained, providing one overall 6.05m high pitched roof, 18.4m long and 10.413m wide. It will join to an existing wall in the yard providing a c. 4m wall plate level elevation. The structure will enclose an existing meal store with a door provided to the south elevation.

- The combined sheep shed is to be served by an underground effluent tank, 2.4m deep, 3.5m wide and 4.8m long.
- A 367.35 sq.m grain storage shed to the rear of the application site. The grain shed will have a pitched roof at 7.05m and will be 24m long and 15.8m wide. This shed is shown a stated 0.3m off the northern site boundary.
- A 291.48 sq.m concrete apron to the front of the proposed grain store and behind existing slatted shed.

2.3. In addition to the standard application documents, the planning application is accompanied by a Nutrient Management Plan (appears to have been submitted to the Planning Authority as unsolicited further information). It includes, farm and soil fertility summary, a fertiliser plan, livestock numbers (365 sheep), soil samples etc and details of the lands farmed by the applicant.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The planning authority decided to grant permission on the 26/03/20, subject to nine conditions of a standard nature, including the following:

C.4 and 5 measures to control, manage and remove surface waters,

C.6 measures to control, manage and remove wastewater materials

C.8 and 9 restrictions on spreading and in accordance with EU Regulations 2017 and the submitted Nutrient Management Plan.

4.0 **Planning Authority Reports**

4.1. **Planning Reports**

- Following an initial request for further information the Planner's report raised no major concerns over the development. The report recommended that permission be granted subject to conditions which is consistent with the Notification of Decision to Grant Permission.

4.2. Other Technical Reports

- Environment Report: No objection subject to conditions. It is noted that the report refers to the proximity of 6 SAC's within 15km of the site and that an Appropriate Assessment was conducted under planning reference number 19/133 and a separate AA may be needed for this application.

4.3. Prescribed Bodies

- None

4.4. Third Party Observations

- One submission was received on behalf of Peter & Margaret O'Neill. The issues raised in the submissions are similar to those issues raised in the grounds of appeal and are summarised in section 7.1.

5.0 Planning History

- P.A. Ref. 19133 Grant of permission 06/05/19 for slatted shed, concrete apron and all associated works.

6.0 Policy Context

6.1. Galway County Development Plan 2015-2021

The subject site is not zoned in the Development Plan.

Chapter 11 is titled Agriculture, Fishing, Marine Resources & Forestry and sets a number of policies and objectives aimed at supporting sustainable agricultural developments.

Chapter 13 is titled Development Management Standards & Guidelines. Section 13.10 sets out Guidelines for Agriculture Development. Of relevance are DM standard 33- Agricultural Buildings and DM standard 34- Agricultural Effluent.

6.2. Natural Heritage Designations

The Lough Corrib SAC is located between 3.8 and 5km to the south west of the application site.

7.0 The Appeal

7.1. Grounds of Appeal

The main grounds of appeal include the original observation to the Planning Authority which can be summarised as follows-

- Observers reside in close proximity to the site. Farmyard is 7.5m from their dwelling
- Applicant acquired permission for a slatted shed under 19/133 but has not built this development
- The O'Neill's reported a matter of unauthorised development to the Planning Authority- the development is subject to the retention element of this application
- Proximity of shed 15m from dwelling will result in noise, pollution and emission of noxious smells and gases. This will be made worse by proposed extension with effluent tank.
- Adverse effect on quality of life and value of property, noise will affect sleep and health. Noxious smells and gases will impact on daily lives.
- Applicant could expand to the east

The grounds of appeal also refer to a number of other structures on the site and their planning status. These structures are not being applied for as part of this application. The appellant refers to the development being retained being within 13.5m of their dwelling house.

7.2. Applicant Response

- None

7.3. Planning Authority Response

- The Planning Authority did not respond to the grounds of appeal.

7.4. Observations

- None

8.0 Assessment

8.1. Main Issues

8.1.1. I consider the main issues in determining the appeal are as follows-

- Principle of the Development
- Impact on Amenities
- Planning Application 19/133
- Matters of Unauthorised Development
- Appropriate Assessment

8.2. Principle of the Development

8.2.1. The site is located within a rural area where the predominant land use is agriculture. The site is also an established farmyard agricultural complex. I am satisfied that the proposals for retention and for permission are consistent with the nature of development in the area and is broadly supported by the agricultural policies and objectives of the Development Plan.

8.3. Impact on Amenities

8.3.1. When considering the design and layout for agricultural buildings, the Development Plan DM Standard 33 requires new buildings to be located within or adjoining existing farmyard complexes. In this regards the sheep shed to be retained and extended is located within the existing farmyard. The proposed grain storage shed is to be located to the rear of an existing slatted shed adjoining the rear farmyard. In my view these developments are not excessive in scale having regard to the existing setting and other buildings in the farmyard.

8.3.2. DM Standard 33 also encourages the use of muted coloured materials. The sheep shed to be retained makes uses of existing block walls and is roofed with a grey

cladding that is in keeping with the finishes of other existing structures in the yard. The proposed extension is to be finished with similar cladding. The grain storage shed is to be constructed with concrete block walls and selected cladding. It is recommended that the Board can manage details of final finishes through condition should permission be granted.

- 8.3.3. DM Standard 33 also requires regard to the proximity of existing dwellings. The sheep shed to be retained is located c.13.5m from the nearest point of the appellants dwelling to the north. It is noted existing structures numbered 17, 18 and 21 on the site layout map are located similar distances if not closer than the structure to be retained. Having viewed the site from the closed up access road along the northern boundary of the site and adjoining the neighbouring dwelling I note that views of the sheep shed are not obvious. Notwithstanding this, it is my opinion that any available views from the rear of the adjoining dwelling would not be incongruous or out-of-character with the existing agricultural buildings along this boundary or in the farmyard. The proposed grain storage shed is to be located c.110m to the west of the neighbouring dwelling and to the rear of an existing slatted shed. I have no concerns over visual impact in this regard.
- 8.3.4. The appellants raise concerns over noise, pollution and emission of noxious smells and gases from the sheep shed and the impacts of same on their residential amenity. It is acknowledged that there is potential for impacts on their dwelling on occasions throughout a year given the farmyards close proximity. However, the development has built up the northern boundary providing a degree of increased enclosure to the farmyard along this boundary. The sheep shed to be retained and extended appears to allow the applicants to consolidate and make more efficient use of the existing agricultural complex at this location and is consistent with DM Standard 33 in terms of siting. The farmyard is established and as such I am satisfied that the development to be retained and extended would not be unduly injurious to residential amenity of existing dwellings in the area.
- 8.3.5. In conclusion, it is my view that the overall development would not have an unreasonable impact on the visual amenities of the area or the residential amenities of property in the vicinity and would be consistent with what would reasonably be expected from such agricultural developments in rural areas.

8.4. Planning Application 19/133

The appellants refer to the above grant of permission for a slatted shed on the 06/05/19 and question the need for the sheep shed being retained in the subject appeal. The permitted structure is to be located to the south east of the farmyard and its grant of permission does not limit the applicant from developing other areas of the farmyard. It is noted that planning permission 19/133 will not expire until 2024 and the applicants may yet take up that permission.

8.5. Matters of Unauthorised Development

I have considered the appellants references to unauthorised development on the site. Part of this application is to regularise the sheep shed in close proximity to the appellants home and it is being assessed on its merits. The other structures referred to in the appeal are matter of 'planning enforcement' that falls under the jurisdiction of the Planning Authority.

8.6. Appropriate Assessment

Having regard to the minor nature of the proposed development, including the development to be retained which will generally consolidate the operations of the existing agricultural complex, the containment of foul effluent generated in the sheep shed in an underground tank and the surface water discharge arrangements to soak pits, the location of the site and the separation distance to the nearest European site, no Appropriate Assessment issues arise and 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.

9.0 Recommendation

- 9.1. It is recommended that retention permission and permission should be granted, subject to conditions, for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the established agricultural use of the site, the nature, scale and appearance of the development for retention and the proposed development, the nature of the receiving environment, the pattern of development in the vicinity and the provisions of the Galway County Development Plan 2015-2021, 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. 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.

11.0 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 within three months of the date of this order 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 structures shall be used only in strict accordance with a management schedule, which shall be submitted to and agreed in writing with the planning authority, within three months of the date of this order. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI 65 of 2018, and shall provide at least for the following:</p> <ul style="list-style-type: none">a) Details of the number and types of animals to be housed.b) The arrangements for the collection, storage and disposal of slurry.c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant). <p>Reason: In order to avoid pollution and to protect residential amenity.</p>
3.	<p>All foul effluent and slurry generated by the development shall be conveyed through properly constructed channels to the proposed storage facilities</p>

	<p>and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.</p> <p>Reason: In the interest of public health.</p>
4.	<p>All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to adequate soakpits and shall not discharge or be allowed to discharge to the slurry storage tanks or to the public road.</p> <p>Reason: In order to avoid pollution and to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.</p>
5.	<p>Slurry generated by the 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) Regulations 2017, as amended by SI 65 of 2018.</p> <p>Reason: To ensure the satisfactory disposal of water material, in the interest of amenity, public health and to prevent pollution of watercourses.</p>
6.	<p>A minimum of 18 weeks storage shall be provided in the underground storage tank. Within three months of the date of this order, 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>
7.	<p>Details of the materials, colours and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.</p> <p>Reason: In the interest of visual amenity.</p>

Adrian Ormsby
Planning Inspector

31st July 2020