



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307489-20

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<b>Development</b>	Construction of a slatted shed, silage pit, dung pit and all ancillary site works
<b>Location</b>	French furze, Carrigaline, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	20/4161
<b>Applicant(s)</b>	Mark Forbes
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	(1) Pat & Eleanor O'Keefe (2) Declan & Gillian Thornton
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> September 2020
<b>Inspector</b>	Fergal Ó Bric

## **1.0 Site Location and Description**

- 1.1. The subject site is located at French furze, Carrigaline, approximately 1.5 kilometres south-east of Carrigaline, one kilometre south-east of French furze crossroads with access off a section of the old R612, which in turn is accessed from a realigned section of the R612, which links Carrigaline to the north with Myrtleville to the south. The R612 has a speed limited of 80 kilometres per hour.
- 1.2. French furze is a rural area characterised by agricultural lands with sporadic rural housing.
- 1.3. The subject site has a stated area of 0.34ha and forms part of a larger landholding which comprises six hectares approximately. The site boundaries comprise of hedging, mature trees and vegetation. There is a grassed agricultural roadway developed up through the lands, having a width of approximately three and a half metres. The lands are elevated and rise from north to south and are currently in agricultural use as grassland. There are a number of wrapped fodder bales stored adjacent to the agricultural entrance and adjacent to the appellants dwellings.
- 1.4. There are a number of private residential dwellings, the nearest located approximately one hundred and forty metres north-east of the proposed agricultural development.

## **2.0 Proposed Development**

- 2.1. It is proposed to construct a slatted cattle shed with a floor area of approximately seven hundred square metres and a maximum ridge height of approximately eight and a half metres, a silage pit (approximately 188 square metres) and a dung pit (approximately 54 square metres). The cattle shed would comprise a straw bedded area on one side, a feed passageway in the centre and slats on the other side under which are slurry tanks.
- 2.2. The cattle house is located approximately one hundred and seventy metres back from the agricultural entrance on an old section of the R612. It is proposed to provide new post and wire fencing along the northern, southern and eastern site boundaries in addition to providing additional landscaping proposals in the form of a planted earthen

berm to the north of the development in order to assist in integrating the development more effectively within the local landscape.

- 2.3. Further information and unsolicited further information was submitted to the Planning Authority on the 7<sup>th</sup> day of April 2020 and on the 20<sup>th</sup> day of April 2020 and the 22<sup>nd</sup> day of April 2020 in relation to :the introduction of landscaping proposals and the setting of the proposed slatted unit into the landscape The silage and dung pit were re-located further away from the mature western boundary hedging of the application site; surface water management proposals have been submitted for the length of the farm access laneway and at the entrance point with the public road; Details of the proposed on-site bored well have also been submitted as well as details of the type of animals to be housed within the proposed slatted unit.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission was granted subject to fifteen conditions. The relevant conditions are outlined below: -

*Condition 1:* Clarified that permission was granted for the development as submitted to the Planning Authority, by means of the further information and the unsolicited further information.

*Conditions 2 and 3:* related to the protection of existing trees and hedgerows and landscaping proposals for the site.

Condition 6: related to the external roof and rising wall materials

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

*Conditions 8, 9, 10, 11, 12 and 14:* Relate to preventing water pollution.

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

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

The initial report from the Area Planner raised concerns regarding the potential negative visual impact the agricultural development would have when viewed from the

adjoining R612, traffic movements associated with the agricultural development, details of landscaping proposals.

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

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

*Environment Report:* No objection subject to conditions.

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

### **3.3. Prescribed Bodies**

*Irish Water:* No objection

### **3.4. Third Party Submissions**

Two third-party submissions were received from neighbouring residents who reside north of the proposed development and adjacent to the existing agricultural entrance. The concerns raised are similar to those raised within the appeal submission.

### **4.0 Planning History**

None relevant.

### **5.0 Policy Context**

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

The subject site is located on unzoned lands. The site is located in an area identified as part of the Cork Metropolitan Greenbelt Area, where it is an objective of the Development Plan set out within SRCI 5-3: To retain the open and rural character of lands between and adjacent to urban areas, to maintain the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas.

Objective 5-3 is: To preserve the character of the Metropolitan Greenbelt as established in the Plan and to reserve generally as agriculture, open space, recreation use and protection and enhancement of biodiversity of those lands that lie within it.

The subject site is also located within an area of High Landscape Value , as designated within the Development Plan.

The following policies are considered relevant.

EE 8-1: Agriculture and Farm Diversification

## **5.2. Natural Heritage Designations**

The appeal site is located approximately 0.9 kilometres south of the Cork harbour Special Protection Area (SPA).

## **5.3. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A joint third-party appeal was received from two neighbouring residents who reside adjacent to the farm entrance, north of the proposed development. The issues raised therein are summarised below: -

- Concerns raised regarding the location of the proposed development in proximity to existing residences, the proposals would be elevated above the levels of the neighbouring dwellings.

- The existing roadway and entrance could not cater for the additional traffic that the proposals would generate.
- The green space area between the old section of the R612 road and the realigned R612, which is used by the neighbouring residents, would be adversely impacted upon.
- That slurry generated by the proposed development could adversely impact upon neighbouring residents, particularly in times of heavy rainfall.
- The proposed development could exacerbate surface water management issues in this area which have arisen in the past.
- That the development would generate malodour and noise.
- That the development would adversely impact upon bored wells downhill of the development.
- The applicant may not be the legal owner of the lands in question.

## 6.2. Applicant Response

The applicant's response is summarised below: -

- Details of the agricultural operations have been provided. The applicant currently resides at Knockatoor Carrigaline, (which is located approximately 3.5 kilometres north-west of the appeal site). Mr Forbes also farms 14 hectares at Kilnagleary, Ballincollig (an adjoining townland to the north) and thirty hectares at Crosshaven, both of these holdings within two and a half kilometres of the appeal site. Maps showing the location of the plots has been included with the documentation. This amounts to a total land holding of 48 hectares in this area. Mr Forbes also has other lands at Ragoonagh, Macroom (approximately forty five kilometres north-west of Cork City).
- Mr Forbes is a full-time farmer from which he makes his day to day living.
- The appeal site is located within a greenbelt area, where the purpose is to retain the primary land use as agricultural.
- The site and lands are currently used for grazing of beef cattle and cull cows, which are dairy cows that have come to the end of their dairy cycle.

- There is no cattle housing on the appeal site at present. It is intended that cattle would be housed within the proposed cattle unit for the three or four month winter period, after which they would return to graze the lands until sufficiently fattened.
- All soiled water from the development, including from the silage slab area and the dung pit area would be gathered within the slatted tanks.
- The applicants primary and only branch of farming is beef farming and he is happy to enter into an agreement that no other branches of farming be conducted from the yard or shed.
- The applicant proposes to upgrade the existing agricultural lane with clean stone and soak pits along its length.
- The existing entrance has been the long standing entrance to the holding and has been used without complaint.
- All slurry generated will be spread on Mr Forbes land holding as will the soiled straw bedding.
- All unsoiled surface water will be channelled to soak pits.
- No flood events pertaining to the appeal site have been logged on floodmaps.ie.
- The proposed farmyard has been set into the landscape against a backdrop of existing mature trees and the introduction of an earth berm and landscaping will eliminate any view of the farmyard.

### 6.3. **Planning Authority Response**

No comments were received from the Planning Authority in relation to the appeal.

## 7.0 **Assessment**

7.1. The main issues in this appeal relate to the impact the proposed development would have on the neighbouring residential amenities and traffic and access. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise.

- Principle of Development

- Residential Amenity
- Traffic and Access
- Other Issues
- Appropriate Assessment

## 7.2. ***Principle of Development***

7.2.1. The appeal site is located on unzoned lands in a rural area, approximately one and a half kilometres south-east of Carrigaline. The appeal site forms part of a larger landholding, which is split between three parcels and comprises a total of forty-eight hectares. The applicant also owns two other land holdings at Kilnegleary and Crosshaven, both these holdings are stated to be within a two and a half kilometre distance of the appeal site. Therefore, a consolidation of agricultural facilities is essentially what is being proposed. The applicant states that the proposed shed will be used to winter a maximum of seventy cattle, over eighteen months of age between the months of October/November and January/February and that outside of these months, the cattle will graze the land holdings. The applicant has stated that the ratio of number of cattle to the size of his land holding is in compliance with Teagasc and Department of Agriculture, Food and the Marine Guidelines.

7.2.2. In conclusion, having regard to the existing pattern of development in the area and the nature and size of the proposed development, it is my view that the proposed development, which is located within a designated Greenbelt area, would consolidate the applicants existing agricultural operation, is compatible with the established use on site and would accord with the proper planning and sustainable development of the area, subject to the issues of suitable design and layout, residential amenity and traffic and access being satisfactorily addressed.

## 7.3. **Residential Amenity**

7.3.1. Concerns were raised in the appeal that the proposed development would have a negative impact on the existing residential amenities of adjoining properties in terms of visual impact, traffic, noise and environmental issues during the construction and operational phases.



- 7.3.2. There is an existing agricultural access located between the two appellants' houses. Silage bales are presently stored adjacent to the existing farm entrance. Under these proposals, the applicant states that the silage bales would be relocated into the new yard area, approximately one hundred and forty metres south of the appellants houses which he states should be of benefit to the neighbouring residents. The applicant states that the agricultural laneway linking the entrance to the proposed yard area will be stoned with hardcore and therefore cleaner than at present. Soakpits are also proposed along its length in order to manage surface water run-off
- 7.3.3. Concerns were also raised in the appeal regarding the visual amenities of the area. The applicant proposes to introduce landscaping to the north of the structures in the form of an earth berm and mature planting which would reduce the visual impact from the rear of the neighbouring dwellings. It is considered that the introduction of these landscaping proposals in addition to the separation distances between the development and the neighbouring dwellings, that the impact upon their amenities would not be unduly impacted upon, and with the removal of the silage bales up to the yard area from the entrance area, would also be of benefit to the residents,. This is a matter that could be addressed by means of an appropriate planning conditioned
- 7.3.4. In terms of slurry emanating from the development and run -off, the development would have to adhere to current Teagasc and Department of Agriculture, Food and the Marine regulations, and these will ensure that any run-off from the development would be managed on site within the slatted unit and would therefore not result in contamination of neighbouring bored wells.
- 7.3.5. In conclusion, I am satisfied that the amenities currently enjoyed by the neighbouring residents would not be unduly impacted upon by the proposed development and that the removal of the silage fodder bales from the entrance area would be of benefit to their amenity, in addition to the introduction of the landscaping proposals.

#### **7.4. Traffic and Access**

- 7.4.1. The existing agricultural access is located off an old section of the R612, set back from the newly aligned R612. It is noted that there are a number of agricultural accesses along this section of the R612. The Area Engineer within the Local Authority made no comments in relation to the agricultural access point.

- 7.4.2. Concerns have been raised in the appeal that traffic would be intensify as a result of the proposed development. It is accepted that during the construction phase of the development, there would be additional traffic movements, in terms of materials deliveries and construction traffic. However, these activities would be temporary in nature. The applicant has stated that there would be less activity in the vicinity of the farm entrance as the silage bales would be removed from that area to the proposed silage slab area, approximately one hundred and seventy metres (south) from the agricultural entrance area.
- 7.4.3. The proposed development would provide storage for the silage and would eliminate the need for it to be transported to French furze. Slurry is currently transported to the subject site for spreading. The slurry from the slatted unit will be spread on all three of his local land holdings, including French furze.
- 7.4.4. It is my opinion that the proposed development is acceptable and would not generate a significant number of additional trips onto the R612 and, therefore, would not negatively impact on the operation or free flow of traffic on the regional route.

## 7.5. **Other Issues**

- 7.5.1. In terms of the legal interest, I am satisfied that the applicant has provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 **Recommendation**

I recommend that planning permission be granted subject to conditions

## 9.0 Reasons and Considerations

Having regard to the policies and objectives as set out within the Cork County Development Plan 2014-2020, the rural character of the area, the existing established agricultural use of the lands within a designated greenbelt area, the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the neighbouring residents nor generate any road safety issues. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 31<sup>st</sup> day of January 2020, as amended by further plans and particulars submitted on the 7<sup>th</sup> day of April 2020 and as further amended by unsolicited further plans and particulars submitted on the 20<sup>th</sup> day of April 2020 and 22<sup>nd</sup> day of April 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
  - a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and

- b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

**Reason:** In the interest of environmental protection and public health

3. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended, and shall provide at least for the following:

- a) Details of the number and types of animals to be housed.
- b) The arrangements for the collection, storage and disposal of slurry.
- c) Arrangements for the cleansing of the buildings and structures.

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

4. The landscaping scheme submitted to the Planning Authority on the 7<sup>th</sup> day of April 2020 shall be carried out within the first season following completion of works.

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

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

5. All trees and hedgerows within and on the western boundary of the site and north of the proposed cattle shed and yard area shall be retained and maintained, with the exception of the following:

- a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.

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

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

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

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

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

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

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

8. The agricultural roadway from the public roadway to the slatted shed shall be suitably hard cored and be maintained in a clean and tidy manner all year round. The adjoining public road shall be maintained in a clean and tidy fashion such that no muck, dirt or surface water from the agricultural operations shall be deposited on same.

**Reason:** In the interest of traffic safety

9. All animal feed shall be stored within the silage pit area or within the slatted shed area and no balers or feed shall be stored loose in the agricultural yard or adjacent to the agricultural entrance with the adjoining R612.

**Reason:** In the interest of visual amenity and protection of the environment.

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Fergal Ó Bric

Planning Inspectorate

29th September 2020