



An
Bord
Pleanála

Inspector's Report

ABP-307547-20

Development	Construction of an agricultural building, milking parlour, meal bin & water tank storage, straw bedded calf rearing building, underground slurry lagoon, and 2 silage pits.
Location	Muff, Nobber, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	KA191195
Applicant(s)	Dominic and Patrick Horgan.
Type of Application	Permission.
Planning Authority Decision	To grant with conditions.
Type of Appeal	Third Party
Appellant(s)	1. Aisling Shankey. 2. An Taisce.
Observer(s)	None
Date of Site Inspection	7 th October 2020
Inspector	Deirdre MacGabhann

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	7
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. Development Plan.....	9
5.2. Natural Heritage Designations	9
5.3. EIA Screening	9
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	10
6.3. Planning Authority Response	11
6.4. Observations	11
6.5. Further Responses.....	11
7.0 Assessment.....	11
7.3. Environmental impact assessment.....	13
7.4. Scale of the development and impact on landscape.....	13
7.5. Access/traffic issues.....	14
7.6. Environmental issues and cumulative effects.....	16

7.7. Impact on residential amenity.....	19
7.8. Alternative sites.....	19
7.9. Impact on natural heritage.	20
8.0 Appropriate Assessment.....	20
9.0 Recommendation.....	21
10.0 Reasons and Considerations	21
11.0 Conditions	21

1.0 Site Location and Description

- 1.1. The 3.44ha appeal site is situated c.3km to the south east of Kilmainhamwood and c. 1.5km north west of Nobber, in the townland of Muff, County Meath. The site lies in a rural area which is characterised by a gently undulating topography, agricultural fields, separated by hedgerows and mature trees and scattered rural development.
- 1.2. The site itself is situated on a minor road, L74026, a cul-de-sac off the R162. It site lies to the north of, and inside a bend in, the public road. The site comprises an agricultural field, bounded by hedgerows, and part of the field to the north of it. Access to the site is currently from the adjoining public road, at the location of the bend in the road.
- 1.3. To the west of the site is a residential property and a cluster of traditional farm buildings/structures and to the north west of this is Recorded Monument ME005-067, 'Lisanarwer' a ring fort. To the south west of the site is a newer two storey residential property (appellant).

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information submitted on the 15th April 2020 (readvertised 9th May 2020), comprises construction of the following agricultural structures, creating a new farmyard at the site (gross floor area of 4,250sqm):
 - Agricultural building to house livestock cubicles, straw bedded area and underground slurry storage tanks,
 - Milking parlour, dairy and ancillary rooms, unroofed assembly areas and underground slurry storage tank,
 - Straw bedded calf rearing building,
 - Silage pits and dung stead, and
 - Meal bin, water storage tank and external milk silo.
- 2.2. It is proposed to alter the existing entrance to the site to provide a gated entrance, inset c.17m from the edge of the public road, and 80m sightlines in each direction. The front boundary hedgerow will be removed to provide the sightlines and replaced

with new planting behind the new sightlines. Water supply will be via an existing connection to a private well (location not indicated). Wastewater will be discharged into underground storage tanks. Clean surface water will be disposed of into a proposed soakaway on the applicant's lands (location not indicated). Accompanying the planning application is a Slurry Management Report, Archaeological Impact Assessment and Planting Scheme.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 17th June 2020, the planning authority decided to grant permission for the development subject to conditions, including the following:

- C2 – Limits the use of the building to agricultural purposes only (no commercial or other use).
- C3 – Development to be carried out in accordance with the Farmyard Plan submitted.
- C4 and C5 – Prior to commencement, applicant to provide revised details of 90m sightlines and pull in bays along the L-74026.
- C6 – Requires the recovery/disposal of waste arising, construction of the development, milking parlour, slatted tanks, silage pits and dung stead and land spreading to be constructed or undertaken in accordance with the relevant statutory instruments.
- C7 – Governs the management of soiled water and effluents arising from the development.
- C8 – Precludes pollution of watercourses.
- C9 – External finish of buildings.
- C10 – Disposal of uncontaminated surface water.
- C11 to 13 – Development charges.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 4th November 2019 – Refers to the policy context for the development, submissions and technical reports. It considers that an appropriate assessment screening report is not required, the development is acceptable in terms of siting and design (structures are typical of any large scale agricultural development in the county). The report recommends further information on the matters raised in technical reports, by prescribed bodies and third parties (see below) and to provide a schedule of planting to screen the development from nearby national monuments and residential properties.
- 16th June 2020 – Refers to the further information submitted and considers that the matters raised have been adequately addressed. It recommends granting permission for the development subject to conditions.

3.2.2. Other Technical Reports

- Architectural Conservation Officer (18th October 2019) – Recommends archaeological assessment given the proximity of the site to numerous recorded monuments and high likelihood of sub-surface remains.
- Environment (25th October 2019) – Recommends further information in respect of nearby wells, depth of soil above water table, relocation of slurry lagoon >50m from surface water features, details of arrangements for the discharge of clean surface water and construction of slurry lagoon. Subsequent report (15th June 2020) raises no objections subject to conditions.
- Transportation (31st October 2019) – Recommends further information in respect of sightlines and set back of entrance gate (to permit an articulated truck and trailer to pull off the road prior to reopening the gate). Subsequent report (15th June 2020), no objections subject to conditions that 90m sightlines and pull-in bays on the northern side of the L-74026 are provided.

3.3. Prescribed Bodies

- DCHG (10th October 2019) – Recommends an archaeological assessment of the development, given that it is large scale and site lies in the vicinity of Recorded Monument ME005-067, ‘Lisanarwer’ a ring fort. Subsequent submission (14th June 2020) states that on the basis of the results of the

geophysical survey, archaeological test excavations and conclusions of the report, there are no further archaeological requirements.

- An Taisce (15th October 2019) – Impact on sub-surface archaeology due to proximity to ring fort. Recommend a geophysical survey. PA to ensure no impacts on surface or groundwater quality. Recommends feed management plan to reduce methane emissions.

3.4. Third Party Observations

3.5. There are two third party observations on the proposed development, made by the owners/occupiers of land and residential properties to the west and south west of the appeal site. Matters raised are:

- Lack of consultation.
- Scale and proximity of development to residential property (industrial nature of the development). Risk of future intensification.
- Increase in HGV traffic. Inadequate access road and location on a bend. Risk of traffic hazard. Safety risk (access by emergency vehicles). Inadequate passing places. No other dairy farm on access road so no current requirement for access on it for feed delivery vehicles etc. No herd movement plan. Movement of cattle to and from development would obstruct the road. Excretions would cause dangerous road conditions. Impact on recreational use of road. Impact of development on culvert under the public road and risk of flooding. Future maintenance of the public road. Loss of hedgerow will expose a soft verge, risk to health and safety. No dimensions of vehicles likely to be using the road.
- Impact on residential amenity. Noise from development (including construction), constant moving of material from silage pits, odour and light pollution. Impact on ability to work and risk to health of family. Increase in vermin, rodents and wild birds and need for crow bangers and consequential noise from these. Late night working. Absence of evidence to support claims that noise and air pollution will be insignificant. No information on pest control measures or environmental monitoring.

- Environment. Concentration of treatment systems. Risk of contamination of the adjacent stream and private well water (soil types allow any pollutants to travel quickly). Slurry lagoon located in the flood plain. Risk of pluvial flooding and damage to property (with weather patterns and climate change). No environmental impact statement. No information on location of observer's well. No evidence of compliance with Department of Agriculture standards for buildings and structures. Location of slurry storage tanks close to minimum distance from nearest watercourse (50.11m) and risk of effects on waterbody and observer's well. Risk of tank leakage. Inadequate site assessment. Management of run off from unroofed dung shed. Lack of clarity regarding how clean surface runoff will be managed/processed. Clean surface water impractical on a farm setting. No location for soakaway. Inadequate capacity of water storage tanks for rainwater. Materials to be used to clean milking parlour and how these materials will be treated post cleaning.
- Natural heritage. Proximity of site to Special Area of Conservation, 700m from the site (River Dee). Impact of the development on fresh water mussels and salmon spawning beds in River Dee.
- Landscape. Impact on historic hedging if reduced in height to provide sightlines. Inadequate planting to screen the development (size of trees to be planted and spacing).
- Archaeology. Inadequate archaeological impact assessment. Needs to be evaluated by DCHG.
- Alternatives sites. Development could be situated elsewhere on applicant's landholding which would be removed from observer's property (alongside junction of local road with R162).
- Oversight of development given location of agent.
- Challenging timescale to response to FI.

4.0 Planning History

4.1. None.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Meath County Development Plan 2013 to 2019 recognises that the agriculture sector plays an important role in environmental management and landscape protection and in maintaining and enhancing the quality of the rural countryside (section 10.8). A strategic Goal of the Plan is to maintain a vibrant and healthy agricultural sector based on the principles of sustainable development, whilst facilitating diversification. Policy RD12 facilitates the development of agriculture whilst ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.
- 5.1.2. Section 10.9 of the Plan sets out policy in respect of agricultural development. This includes provision of buildings to a design, materials specification and appearance and at locations which would be compatible with the protection of rural amenities, nutrient balancing of farm waste and, whilst recognising the primacy in land use terms of agricultural in rural areas, the unnecessary location of major new farm complexes proximate to existing residential development.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is removed from sites of natural heritage interest (see attachments). The nearest proposed Natural Heritage Area, Breaky Loughs pNHA, is c.8km to the north west of the appeal site and the nearest European site, River Boyne and River Blackwater Special Area of Conservation and Special Protection Area, c. 12km to the south west. The stream lying to the east of the site flows into the River Dee c.420m to the south east of the site, and this river ultimately discharges c.30km downstream into Dundalk Bay, a designated SPA and SAC.

5.3. EIA Screening

- 5.3.1. The proposed development is of a type that constitutes a project for EIA purposes i.e. construction works. However, it does not fall within any of the agricultural, infrastructure or other Classes of development set out in Schedule 5 of the Planning

and Development Regulations 2001 (as amended) and environmental impact assessment is, therefore, not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are two third party appeals in respect of the proposed development made by An Taisce and the owner/occupier of the dwelling to the south west of the appeal site (which is also made on behalf of the owner/occupier of the property to the west of the site). Matters raised are:

- Environment. Development is part of a current intensification of the dairy industry with impacts on individual site area and cumulative effects on nitrates, water quality, ammonia air pollution, greenhouse gases and biodiversity loss. Cumulative effects not assessed. Mitigation measures to control methane emissions not adequately addressed.
- Scale of development. Insufficient regard to scale of development. Considerably larger than any other farming operation near the subject site. Disproportionate to existing dwellings and farm holdings.
- Assessment of the planning application. Matters raised by third parties have not been adequately addressed. No evidence of engagement with/evaluation of recommendations made by prescribed bodies.
- Inappropriate prioritisation of animal welfare over human welfare.
- Lack of fairness (applicant was not afforded sufficient time to respond to the applicant's response to the request for further information).

6.2. Applicant Response

6.2.1. The applicant makes the following response to the appeal:

- Development complies with the County Development Plan and is located in an existing agricultural holding.
- The development complies with, and will be built to, Department of Agriculture Regulations.

- The site is best suited to the proposed development, located in an existing dairy farm. Every measure will be taken to mitigate the impact of the development on neighbouring properties.

6.3. Planning Authority Response

6.3.1. The planning authority make the following response to the appeal:

- The development was consistent with the policies and objectives of the County Development Plan 2013-2019. Refer the Board to the Planning Report dated 15th June 2020. Request the Board to grant permission for the development with the proposed conditions.

6.4. Observations

- None.

6.5. Further Responses

6.5.1. The Board cross circulated the appeals submitted. An Taisce refer to the third party appellant's appeal but raise no new issues in their comments on it. It is stated that they consider that the scale and site suitability of the proposal has not been justified.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file and inspected the site, I consider that the main issues in this appeal relate to:

- Environmental impact assessment.
- Scale of the development and impact on landscape.
- Access/traffic issues.
- Environmental issues and cumulative effects.
- Impact on residential amenity.
- Alternative sites.
- Impact on natural heritage.

7.2. In addition, the appellant raises the following issues which I comment on briefly below.

- Inadequate assessment of the planning application, inadequate time to make responses – The appeal has afforded the appellant the opportunity for the matters raised in the course of the planning application to be subject to further scrutiny by the Board.
- Lack of consultation – The applicant is not obliged to consult with residents in the area. Notification of the proposed development has been given via statutory site and newspaper notices and this process has facilitated observations by third parties at planning application and appeal stage.
- Oversight of the development – Mechanisms for adherence to statutory codes, within and outside of the planning system, are not matters for the Board, as they lie outside of their legal jurisdiction.
- Animal welfare over human welfare – Decision making within the planning system is guided by the national, regional and local planning policy framework for proper planning and sustainable development and properly includes an assessment of the likely effects of a development on residential amenity and public health.
- Archaeology – The applicant has submitted an Archaeological Impact Assessment. This has been reviewed by the Department of Culture, Heritage and the Gaeltacht who have concluded on the basis of the results of the geophysical survey, the archaeological test excavations and conclusions of the report that there are no further archaeological requirements. It is evident therefore that the planning authority consulted with this statutory body and took account of their findings of no impact.
- Monitoring of environmental conditions (nos. 6, 7, 8, 9 and 10) – This is a matter for the planning authority under their statutory powers of enforcement and/or other relevant statutory bodies and again lies outside the Board's jurisdiction.

7.3. Environmental impact assessment.

7.3.1. This matter has been addressed in section 5.3 of this report and for the reasons stated, environmental impact assessment is not required.

7.4. Scale of the development and impact on landscape.

7.4.1. The proposed development is situated on land which is currently in agricultural use (pasture). The proposed use is therefore consistent with the existing land use and, in principle with the policy framework set out in Meath County Development Plan 2013 to 2019 which supports the development of agriculture, subject to amenity and environmental safeguards.

7.4.2. The proposed development comprises a large farm complex, and it will introduce substantial structures into the landscape which will occupy a large part of the agricultural field in which it is located. I would accept therefore that the proposed development is a 'step change' from the buildings in the immediate vicinity of the site, including the smaller traditional structures to the west of it. However, the development is not an unusual one in the Meath countryside and is typical of the larger agricultural farm yards. Further, the height of the proposed development is a maximum of c.9.4m (cubicle houses), with other structures subservient to this scale. It compares reasonably well to the maximum ridge height of the dwelling to the south west of it which is c.8.4m. Whilst the development would appear bulky in its physical form, the applicant's proposes substantial landscaping, with the planting plan providing:

- Retention of northern and eastern field boundaries, which includes mature ash, whitethorn and gorse,
- Retention of existing trimmed hedgerows along the southern and western boundaries, except to provide sightlines,
- Planting of gaps in the western boundary with a new hedgerow on top of an earth berm.
- Replacement planting behind the proposed sightlines to comprises double staggered row of mixed hedging plants on top of an earth berm (see Planting Scheme), and

- Internal planting to the west of the proposed structures, including field maple, alder, silver birch, beech, holly etc.

7.4.3. I note that the trees and hedgerows will be planted using bareroot stock or container grown, ranging in size from 8/10cm to 90/120cm. 'Whips' or immature trees are more likely to establish quickly and catch up in size than larger trees that are planted and they are not, therefore, inappropriate. Further, upon maturing, the proposed planting will substantially screen the development, in perpetuity, from the road network and nearby dwellings. The development will result in the loss of the existing hedgerow, but this will be a short term impact, with the proposed hedgerow species replacing it, with no net loss in biodiversity.

7.4.4. Having regard to the foregoing, whilst I would accept that the proposed development will introduce large structures into the appeal site, these are not unusual in rural County Meath or inconsistent with the height of existing structures in the immediate area of the site. Further, the development provides substantial landscaping which will integrate the development into the countryside and screen any significant views of it. I do not consider therefore that the development is inappropriate in terms of its scale or that it would seriously impact on landscape character, to the detriment of the wider area.

7.5. Access/traffic issues.

7.5.1. Access to the appeal site is from the adjoining minor road. This single track lane is narrow, with high roadside banks and a number of informal passing places. It serves the appeal site, the two residential dwellings to the west and south west of the site and a small cluster of farm buildings further west of the appeal site (see attachments).

7.5.2. The applicant states that the lane is currently used on a daily basis for farm machinery, feed delivery vehicles and articulated lorries accessing the applicant's land and a farmyard at the end of the L74260. It is further stated that post construction traffic associated with the development will remain similar to existing, a milk collection undertaken every 2-3 days and feed deliveries.

7.5.3. The appellant argues that as there is no existing dairy farm on the lane and I would accept this point. However, I would also accept that (a) there are agricultural vehicle

movements associated with the use of agricultural land and farm structures on the lane, and (b) that vehicles movements associated with the proposed development are likely to be quite modest, given the inherent nature of the development as a dairy farm i.e. restricted to feed deliveries, milk collection, silage, slurry and animal movements, with some of these carried out intermittently over the farming year.

- 7.5.4. The proposed development provides a gated entrance to the site, setback from the public road to allow larger vehicles to pull off the road, and provision of 90m sightlines in each direction. Detailed design of the sightlines can be addressed by condition and avoid creation of a soft verge (as argued by the appellant). Further, condition no. 5 of the planning authority's grant of permission requires the provision of pull in bays along the north side of the L74026 which will provide additional passing points.
- 7.5.5. Having regard to these factors, the established use of the road by agricultural machinery, the nature of the proposed development and the road improvement works which will be carried out, I do not consider that the proposed development will give rise to traffic hazard, obstruction of emergency vehicles or obstruction of the public road. Construction traffic is likely to be more substantial, but the short term impacts can be managed by condition.
- 7.5.6. With regard to animal movements, the applicant states that these will be largely within the farm, with limited requirement to cross the L74260. There are no details on file where these movements are likely to take place, or their frequency. However, this is a matter which could be addressed by condition to ensure that impacts on the public road are minimised.
- 7.5.7. The appellant refers to the impact of the development on a culvert under the public road and the risk of damage to it during construction and operation of the development from heavy vehicles. This matter has not been raised by the planning authority's Transportation section and in the event of an impact, this would be a matter for the roads authority. If the Board are minded to grant permission for the development they could require a condition survey of the local road and culvert in advance of commencement, however, given the agricultural nature of the development and existing use of the lane by agricultural vehicles, I do not consider that this is warranted.

7.6. Environmental issues and cumulative effects.

- 7.6.1. The appellant raises a number of environmental issues which I deal with in turn.
- 7.6.2. Risk of flooding and water pollution. Two wells lie to the west of the appeal site serving the residential dwellings to the west and southwest of it. The appeal site slopes gradually to the east, away from these wells, falling towards the drainage ditch/stream that runs alongside the eastern boundary of the site. This ditch flows in a southerly direction to join the River Dee c.420m south of the appeal site. The river had 'moderate' WFD status for the period 2013 to 2018.
- 7.6.3. At the time of site inspection, the appeal site was generally dry underfoot and the trial hole had no significant standing water, confirming the applicant's assertion that water table is c.2.4m below surface and upper soils are free draining. In contrast, the lower lying land to the east of the field was wetter than elsewhere and this change in characteristic can be seen in photographs of the field (e.g. photographs 1 and 5).
- 7.6.4. The appeal site is not identified as having been flooded or at risk of flooding, having regard to existing and potential weather patterns and climate change (OPW flood information). The appellant's photographs indicate flooding of a section of the public road and adjoining lands, as a consequence of water overspilling from an adjoining field ditch/stream. The appellant does not indicate where the flooding took place, but from the information available I would surmise that it lies to the south east of the appeal site, as the ditch/drain to the east of the site, crosses the public road.
- 7.6.5. Effluent arising from the development will be directed to underground slurry storage tanks. These will be built to Department of Agriculture specifications and leak tested in advance of use. The separation distance of the storage tanks from the watercourse to the east is at least 50m and increases to c.68m. It therefore satisfies the Department's minimum distance of 50m and is therefore compliant with this standard (if the Board decided to increase the separation distance the built structures would be closer to the appellant's properties). Further, the built structures are situated on a more elevated part of the site, removed from the wetter area alongside the stream/ditch and c. 70m from the location that is possibly affected by localised flooding of the adjoining the public road.

- 7.6.6. The applicant recognises the environmental damage that can occur from inappropriate land spreading. It is proposed, therefore, to spread slurry produced by the farm in line with an up to date nutrient management plan in accordance with the European Union (Good Practice for the Protection of Waters) Regulations 2014 (as amended), which provide for the protection of surface waters.
- 7.6.7. It is stated that clean water from concrete yards and the roof of two of the cubicle houses will be directed to a soakaway on the applicant's land. Rainwater from the roof of the milking parlour and calf house building will be harvested, stored on site and reused for the cleaning of the milking parlour and livestock waiting yard. Whilst these arrangements are consistent with good practice, the applicant has not provided a surface water management plan or identified the location of the proposed soakaway. Given the observed soils on site, I consider that this matter could be addressed by condition.
- 7.6.8. The appellant questions the adequacy of the site assessment, however, having regard to the observed site characteristics and proposed means to manage waste water on site i.e. to contain dirty water for discharge elsewhere and to discharge clean water to a soakaway, I consider that sufficient information has been provided.
- 7.6.9. In summary, having regard to the foregoing, and subject to the operation of the proposed development in accordance with Department of Agriculture standards, I do not consider that there is substantial risk of pollution of water bodies in the vicinity of the site or the appellants wells. Whilst I note the appellant's concerns that there are no details regarding means to comply with Department of Agriculture standards, this is a matter which falls outside of the planning system and one which is regulated by another code.
- 7.6.10. An Taisce argues that the intensification of dairy farming is leading to an increase in nutrient pollution of waters and biodiversity loss (nitrogen and phosphorus) and that the cumulative effect of the development is not being assessed. As stated previously, the applicant proposes to comply with the current standards for the development as set out and regulated by the Department of Agriculture. These standards are set out to ensure compliance with national and European policy, including the protection of water quality under the Water Framework Directive. In this instance, I have accepted that subject to compliance with these standards, the

proposed development is unlikely to give rise to an increase in nutrient pollution individually, or therefore, in combination with other similar development. (The proposed development also includes substantial tree planting which will increase the biodiversity of the site).

- 7.6.11. Noise. My understanding of dairy farming is that there is likely to be noise associated with mobile plant on the site, feed deliveries and the operation of the milking parlour. (The applicant has stated that crow bangers will not be used). Noise sources are therefore reasonably limited, typical of the rural environment and/or temporary. The proposed cattle housing units and milking parlour are also situated >c.130m from the two residential dwellings and separated from them by proposed landscaping. Having regard to these factors, I do not consider that noise emanating from the proposed development is likely to be excessive or to detract from the residential amenity of nearby residential properties. Construction noise is likely to arise but would be short term and could be controlled by condition.
- 7.6.12. Light pollution. The proposed development is a rural land use and not one which is typically associated with light pollution. Whilst seasonal activities may generate some night time mobile activity (e.g. cutting silage), long term impacts from mobile nocturnal activities are unlikely. With regard to permanent lighting of the facility, this matter could be addressed by condition to minimise light glare outside of the site.
- 7.6.13. Odour and vermin. Malodours from the development are likely to arise principally from excrement and slurry, with greatest risk at times of slurry agitation, movement and spreading. The applicant states that stock will be fed low protein diets which can reduce emissions on site by 30% and that low trajectory splash plates and/or band spreaders, which reduce ammonia emissions, will be used to spread slurry in accordance with the requirements Departmental guidelines. I assume this to be the 'Code of Good Practice for Reducing Ammonia Emissions for Agriculture' DAFM, 2019 which sets out a range of work practices to reduce odorous emissions. (The applicant also refers to the EPAs guidelines on odour impacts and emissions control measures for intensive agriculture, but this refers primarily to the pig industry).
- 7.6.14. Whilst I would accept therefore, that malodours from the development are likely to arise, I consider that with the application of best practices, these effects would be minimised, and having regard to the location of the proposed development in a rural

area and downwind of the nearby residential properties, the development is acceptable in this regard.

7.6.15. An Taisce raise concerns regarding ammonia air pollution and the contribution that intensive agriculture is making to greenhouse gas emissions. Much of their arguments relate to the wider policy framework for the agricultural sector and strategic environmental assessment (e.g. 2030 Agri-Food strategy). As previously stated, the proposed development is consistent with the current planning policy framework for the sector which supports the development of agriculture in the county. Environmental emissions from the industry are dealt with under a separate code, over which the planning system has no jurisdiction. Further, the applicant has demonstrated that he will comply with these codes and in doing so minimise emissions. Of itself, the development which would comprise a very modest proportion of the national dairy herd (1.5 million cows, IFA Dairy Fact Sheet, Factsheet on Irish Dairying 2020), cumulative impacts would be equally modest.

7.6.16. With regard to vermin, this matter can be addressed by condition.

7.7. Impact on residential amenity.

7.7.1. Having regard to the foregoing, and the matters discussed in respect of noise, odour, vermin, visual amenity and traffic, I would accept that the proposed development will impact on the character of the area of the appeal site. However, having regard to the separation distance between the built structures of the proposed development and residential dwellings in the vicinity of the site, the implementation and maturing of proposed landscaping and operation of the development in accordance with Department of Agriculture standards, including the guidelines on reducing ammonia emissions, I do not consider that the proposed development would give rise to seriously detract from the residential amenity of properties in the vicinity of the site.

7.8. Alternative sites.

7.8.1. In response to the appeal, the applicant has stated that the development has been sited to meet farm objectives, e.g. minimise walking distances for cow welfare and efficiency. There is no information to demonstrate how the site meets these objectives within the wider farm lands relative to others and there would be merit in

this analysis. However, there is no statutory requirement for the location of a site to be justified and the suitability of the location for the proposed development must therefore be adjudicated on its own merits.

7.9. Impact on natural heritage.

- 7.9.1. The appellant refers to the proximity of the development to European sites and the impact of the development on fresh water mussels and salmon spawning beds in the River Dee.
- 7.9.2. The appeal site is removed from sites of natural heritage interest. As stated, the nearest proposed Natural Heritage Area, Breaky Loughs pNHA, is c.8km to the north west of the appeal site and the nearest European site, River Boyne and River Blackwater Special Area of Conservation and Special Protection Area, c. 12km to the south west. However, the stream to the east of the site discharges into the River Dee, which ultimately discharges into Dundalk Bay, a designated SAC and SPA over 30km to the north east of the appeal site.
- 7.9.3. Discharges from the site will comprise slurry and clean water. Slurry will be spread on land in accordance with a Nutrient Management Plan and Department of Agriculture requirements (this includes an appropriate stand-off from water bodies). Clean water will be discharged via a soakaway (as discussed previously). Subject to adherence to these mechanisms, and having regard to the distance of the appeal site from sites of nature conservation interest, no impacts on natural heritage are likely to arise as a consequence of the proposed development.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the location of the proposed development, significantly removed from downstream European sites, even in the absence of the proposed means to discharge clean surface water and dispose of foul effluent off site in accordance with the European Union (Good Agricultural Practice for the Protection of Waters) Regulations, 2014 (as amended), 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.

9.0 Recommendation

- 9.1. Having regard to the foregoing, I recommend that the Board grant permission for the development.

10.0 Reasons and Considerations

Having regard to the nature and pattern of development in the area, the established agricultural use of the site and the proposed arrangements for drainage and landscaping, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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.

11.0 Conditions

1.	<p>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 15th 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be constructed in accordance with the relevant Department of Agriculture, Food and Marine specifications.</p> <p>Reason: In the interest of pollution control.</p>
3.	<p>Prior to the commencement of development the applicant shall submit for written agreement to the planning authority</p>

	<p>(a) a revised site layout which shows sightlines of 90m in each direction at the entrance to the site, and</p> <p>(b) Details of pull in bays to be constructed along the northern side of the L-74026 to facilitate vehicles passing.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Prior to the commencement of development the applicant shall submit a herd movement plan for written agreement to the planning authority. It shall indicate the location and frequency of movement of stock on public roads in the vicinity of the site.</p> <p>Reason: In the interest of traffic safety.</p>
5.	<p>(a) Prior to the commencement of development the applicant shall submit for written agreement to the planning authority revised details of the planting scheme, Drawing No. A3-2 and A3-3 submitted to the planning authority on the 15th April 2020, to provide for planting behind the revised sightline.</p> <p>(b) The revised landscaping scheme shall be carried out within the first planting season following substantial completion of the external construction 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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6.	<p>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 intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction waste.</p> <p>Reason: In the interests of residential amenity and traffic safety.</p>

7.	<p>Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard –</p> <p>(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and</p> <p>(b) all soiled waters shall be directed to storage tanks.</p> <p>Drainage details shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. These shall include details of the location of the well serving the site and location and design of soakaway.</p> <p>Reason: In the interests of environmental protection and public health.</p>
8.	<p>The slatted sheds 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> <p>(a) Details of the number and types of animals to be housed.</p> <p>(b) The arrangements for the collection, storage and disposal of slurry.</p> <p>(c) Arrangements for the cleansing of the buildings and structures.</p> <p>Reason: In order to avoid pollution.</p>
9.	<p>All foul effluent and slurry generated by the development shall be conveyed through properly constructed channels to the proposed 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.</p> <p>Reason: In the interest of public health.</p>
10.	<p>All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to adequate soak pits 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</p>

	<p>installed on all surface water collection pipes prior to discharge to soak pits 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 order to avoid pollution and to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.</p>
11.	<p>Slurry generated by the proposed development shall be disposed of by spreading on land. 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>
12.	<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 interests of environmental protection and public health.</p>
13.	<p>Any external lighting shall be properly cowled and directed away from the public roadway and properties to the west and southwest.</p> <p>Reason: In the interest of traffic safety and to control light pollution in the rural environment.</p>
14.	<p>Vermin in the vicinity of the premises shall be controlled in accordance with a scheme of vermin control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the</p>

	<p>Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
--	---

Deirdre MacGabhann

Planning Inspector

20th October 2020