



An
Bord
Pleanála

Inspector's Report ABP 308094-20.

Development	Agricultural shed and all associated site works.
Location	Mullannagaun, Ballymurphy, Borris, Co. Carlow
Planning Authority	Carlow Co. Council
Planning Authority Reg. Ref.	19293
Applicant	John Ryan
Type of Application	Permission
Planning Authority Decision	Grant retention
Type of Appeal	Third Party
Appellant	Bernard Cloney
Observer	None
Date of Site Inspection	7/12/2020
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The subject site situated in the townland of Mullannagaun is located approximately 5.6km to the south-east of the town of Borris and approximately 7km to the east of Graiguenamangh in Co. Carlow. Blackstairs Mountain lies circa 2.7km to the east of the site.
- 1.2. The site has a stated area of 0.7456ha and is accessed via the L3007 local road. The agricultural shed the subject of the application has a dark green clad finish. It is setback a minimum of 8.5m from the roadside to the south. The roadside boundary is formed by a low stonewall. The subject shed is situated within an existing farmyard which is accessed from a private lane which serves a number of residential and agricultural buildings.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of agricultural shed with a gross floor area of 812.08sq m and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 8 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further Information was sought in relation to the following matters;

1. The development has been assessed by the Muine Bheag Municipal District Office, who requests the submission of a revised site layout plan showing all the proposed and existing water, sewage, surface water, sealed effluent and outfalls.
2. The development has been assessed by the Council's Environment Department who request the submission of appropriate documentation

compiled by a suitably qualified person indicating the total livestock numbers and the quantity of slurry/farmyard manure that is produced and details of the total storage capacity on the farm. Reference should be made to SI605/2017 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2017 in the calculations.

Report dated 11/8/2020 – Following the submission of a response to the further information requested the Planning Authority were satisfied with the details provided and recommended a grant of permission.

3.2.2. Other Technical Reports

Municipal District Office – Further information requested to provide drawings of the proposed/existing water, sewage, sealed effluent tanks, surface water and outfalls.

Environment – A grant of permission was recommended subject to the attachment of conditions specifying that only clean roof or clean yard water be diverted to the soak pits or surface water drains and that the operation of the facility as a whole shall comply with SI 605/2017 European Communities (Good Agricultural Practice for Protection of Water) Regulations 2017.

Water Services – No objections to the proposals.

Fire Authority – No objection to the proposed development subject to the conditions in relation to fire brigade access and water supplies for firefighting.

3.3. Prescribed Bodies

Irish Water – No objections to the proposal. The area is not served by wastewater/water. No impacts on Irish Water assets.

Department of Culture, Heritage & The Gaeltacht – The proposed development lies in close proximity to the River Barrow and River Nore SAC. Appropriate Assessment screening is required.

An Taisce – Given the proximity of the site to the River Barrow and River Nore SAC as well as to water courses flowing into the SAC, An Taisce considers that there is potential for indirect adverse impacts to the SAC resulting in particular from slurry spreading from the subject shed. The potential impacts of slurry spreading from the

subject development must be assessed, particularly the impacts on the SAC. The application requires screening for Appropriate Assessment.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received two submissions/observations in relation to the application. One submission is in support of the proposal. The other submission raises issues similar to those set out in the appeal.

4.0 Planning History

PA Reg. Ref. CW9276 – permission was granted for the erection of silage base and lean-to cattle shed.

PA Reg. Ref. 07/07 – permission was granted for the construction of a three bay slatted lean to cattle shed, associated concrete aprons and ancillary services to existing farmyard.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located in the open countryside within Co. Carlow and its proposal is for an agricultural development. The Carlow County Development Plan 2009 (as varied) is the relevant policy document.
- 5.1.2. Chapter 11 Design & Development Standards
- 5.1.3. Section 11.10 refers to Agricultural Development.
- 5.1.4. Buildings should be sited as unobtrusively as possible and that the finishes and colours used will blend the development into its surroundings. The Planning Authority will require that agriculture developments will be constructed and located so as to ensure that there is no 296 threat of pollution to ground or surface waters. In assessing planning applications for agriculture developments the Council will have regard to the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006.

5.2. Natural Heritage Designations

5.2.1. The nearest designated site are:

- River Barrow and River Nore SAC (site code 002162) c. 90m north-west of the site.
- Blackstairs Mountains SAC (site code) c.1.8km to the south-east of the site.

5.3. EIA Screening

5.4. Having regard to nature of the development comprising the development, and retention, of an agricultural development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Peter Thompson Planning Solutions on behalf of Bernard Cloney. The issues raised are as follows;

- Under PA Reg. Ref. 07/70 permission was granted for a lean-to slatted shed and other works on site. This shed was constructed and it has been extended without permission. It is stated in the appeal that condition no. 2 and condition no. 3 of the permission which refer to the management and treatment of water run off and the silage effluent were not complied with.
- The appellant considers that the granting of retention permission would endorse other unauthorised development on site including the milking parlour.
- As detailed in the submission from the appellant to the Planning Authority concerns exist relate to the absence of soiled water storage on the farm for runoff, that soiled water, slurry run-off and milk discharge from the farmyard flows and settles onto the public road and roadside ditches and neighbouring

properties, that there are open silage structures without surface water drainage.

- In relation to the further information requested by the Planning Authority the issue of water supply was raised the appellant has concern that his water supply was impacted by farming activity. Regarding the issue of sewage the Teagasc report is based on 109 cows and 20 calves. The existing and proposed shed can accommodate 122 cow with further cows kept in a separate shed. The slurry produced on the farm is based on 109 cows and the quantity is given as 556m³. A slurry capacity of 688.4m³ is provided. If anymore than 12 cows are kept on the farm, there is insufficient slurry capacity.
- It is confirmed in the Teagasc report that there is no storage for soiled water generated in the farmyard apart from the underground tanks. In relation to the sealed effluent tanks the appellant has concerns in relation to their construction. In relation to surface water it is stated that there is no separate storage on-site from soiled water. The Council installed a shore in the public road the L3007 and install a French drain in the margin of the road. Surface water from the farmyard flow into these drainage systems.
- The matter of potential pollution of potable wells in the vicinity of the site is raised.
- Condition no. 4 and no. 5 of the grant of retention permission seek to manage surface water, contamination and pollution and protect roadside drainage. The appellant raises concern that the conditions would not be adhered to.
- In relation to the proximity of the site to the River Barrow and River Nore SAC the appellant has concern that surface water generated on the site contains pollutants and that it flows off site and enters the drainage system which then enters the local river which flows into the River Barrow and River Nore SAC.
- It is considered that given the proximity of the farmyard and the applicant's landholding to the River Barrow and River Nore SAC that there is a need for mitigation measures and that a Stage 2 Appropriate Assessment would be required.

- The slatted shed is located less than 80m from the appellant's property and it is impacted by noise generated. The issue of potential noise impact was not addressed.
- It is considered that the slatted shed is inappropriate in scale and that it detracts from the open and rural character of the area. The farm is located in a visually sensitive location in close proximity to the Blackstairs and Mount Leinster uplands. The farm is also on the 'Sli na Slainte' walking and cycling route which should be protected from inappropriately sited and designed development.
- It is requested that the Board refuse permission on the basis that appropriate assessment cannot be screened out.

6.2. Applicant Response

A response to the third party appeal was submitted by BM Byrne & McCabe Design Ltd. on behalf of the applicant John Ryan. The issues raised are as follows;

- In relation to the matter of failure to comply with the planning conditions of PA Reg. Ref. 07/70, the first party state that if the Planning Authority had issues with breaches of conditions it would not have granted permission which would have exacerbated such breaches.
- Regarding other unauthorised development, the applicant was unaware that a small extension to the milking parlour required planning permission. Any planning issues with unauthorised structures in the farmyard complex will be dealt with once the retention application and appeal have been resolved.
- The appellant raised concerns regarding the sealed effluent tanks and shed construction. It was stated in the appeal that the structures were not constructed by a specialist contractor. The applicant employed the services of Drumphrea Precast to construct the underground tanks. The applicant employed the services of P & R Finn Structural Steel Structures to erect the steel structure and roof cladding.
- Regarding the matter of the build-up of waste on the walking track on the applicant's lands provided for the movement of the dairy herd around the

farm, when the cow herd waits to cross the public road this can lead to them waiting and some waste is generated by the cattle.

- The appellant has raised issues in relation to pollution of his domestic well. It is stated in response that the well serving both the appellant's dwellings is located circa 20m from a septic tank which serves a dwelling at the end of the cul de sac. Given the proximity of the septic tank this is a feasible source of potential pollution. The applicant has confirmed that he has no issues with his water supply which is from a well located across the cul de sac and circa 60m from the agricultural shed for retention.
- In relation to the drainage system on the public road the Carlow Co. Council installed a shore and French drain on the public road (L3007) which discharges onto the appellant's lands. The drains and shore were installed to deal with historical ponding issues on the road in heavy rains due to the slope and curvature of the road.
- Regarding water generated on the site, all rainwater is collected from the roofs of the farm buildings and is diverted to a single drain which runs throughout the farmyard. The drain terminates in the roadside drain and it is solely for rainwater, therefore there is no issue with this discharge to the roadside.
- Regarding the milking parlour, there is a separate holding tank which takes all the dairy washings from the milking parlour and collecting yard. The holding yard has a boundary wall and drainage channel which prevents any run off to the vehicular entrance at the local road. Surface water from the concrete area of the farmyard is diverted to surface water gullies this is a separate system from drainage channel which deal with silage effluent.
- The livestock entrance to the holding yard where the cattle enter and exit twice daily across the cul de sac road is scraped clean after every milking to ensure there is no run off onto the public road.
- Regarding the silage slab, there are drainage channels surrounding the silage areas which are connected to the storage tanks on the site.

- Regarding slurry storage, the total storage available on the farm is 688.4m³. The excess storage available on the farm is currently 132.4m³. The applicant would have capacity for 24 additional dairy cows and 31 additional beef cattle and still be compliant with the minimum standards for slurry storage. The appellant is incorrect in stating if 12 more cows are kept elsewhere on the farm that there is insufficient slurry capacity.
- It is noted that the dairy washings tank provides a means for storing soiled water generated in the farmyard.
- In relation to farmyard manure storage, there is capacity to store 190.4m³. There is a surplus of 126.4 m³ available under animals. This would allow the applicant to house an additional 34 cattle under one year old in his dry bedded houses.
- In relation to environment issues raised in the appeal, it is noted that the Environmental Department of Carlow County Council were satisfied with the proposal and recommended a grant of permission.
- Regarding the appellant's comments in relation to condition no. 4 and no. 5 attached to the retention permission as previously detailed in the appeal response the farmyard does effectively manage the clean surface water, silage effluent seepage and soiled dairy waste water.
- In relation to the matter of appropriate assessment, the Planning Officer in their report on the application screened it out. It is stated in the appeal that a Natura Impact Statement would be required. The applicant engaged the services of Flynn Furney Environmental Consultants to carry out an independent report. The report confirms that a Stage 2 Appropriate Assessment would not be required and that screening for Appropriate Assessment would find that there are no potential impacts on the qualifying interests of the River Nore and River Barrow Special Area of Conservation.
- The applicant engaged the services of IAS laboratories to carry out water testing of the Ballyroughan Little river and the drain which feeds into the Ballyroughan Little. Testing was carried out at the influent of the drain to the Ballyroughan Little, 30m upstream on the influent and 30m downstream of the influent. The results of the testing indicate that there is little difference

between the three locations and that there is no evidence of pollution from the land drain network to Ballyroughan Little.

- Regarding the appellant's comments to noise generated. There has been a decrease in the stock numbers on the farm and this does not represent an increase or significant source of nuisance noise. Noise from mechanical scrapers is low and it is noted that the appellant's home is screened from the agricultural shed by the derelict dwelling and existing farm buildings. It is noted that it is part of country living that there will be some noise from animals and machinery used in the everyday functioning of the farm.
- In relation to the appellant's concerns at the scale of the shed and its siting within a sensitive landscape, it is submitted that the shed is well screened on the south-eastern elevation by an existing stone wall with mature hedging and mature trees. The applicant has planted hedging on the north eastern elevation to provide screening. The shed is positioned as an extension to an existing cubicle shed. It is submitted that the shed is not inappropriate in scale and that it does not detract from the open rural character of the area.
- In conclusion, it is requested that the Board uphold the decision of the Planning Authority to grant retention planning permission of the agricultural shed and associated site works.

6.3. Planning Authority Response

The Planning Authority wish to reiterate the following points regarding the recommendation to grant permission for the retention of the development.

- The application site is located in a rural area. The proposed development is supported by relevant policies and provisions in the Carlow County Development Plan 2015-2021 in relation to rural and agricultural development.
- The agricultural shed for retention forms part of an established farmyard site and is grouped together with the existing farm structures which is in accordance with Section 11.10 of the Carlow County Development Plan 2015-2021.

- The application was assessed by the Council's Environment Department who considered that the total storage capacity of the slurry and manure on the farm having regard to the number of livestock is acceptable. The agricultural shed for retention allows for additional slurry storage capacity on the farm. A condition in relation to the appropriate operation of the overall farm in relation to the protection and management of slurry and soiled water is attached to the permission with regards to the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (SI 605/2017).
- Notwithstanding the content of the appeal the position of the Planning Authority remains as per the Planner's Report.
- The Board is directed to the details set out in the two planning reports and inter department reports for the planning application.

7.0 **Assessment**

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

- Design and its impact amenities of the surrounding area
- Environmental impact
- Appropriate Assessment

7.1. **Design and its impact on the amenities of the surrounding area**

7.1.1. The appeal refers to the design and scale of the subject agricultural shed and its location within an open and rural area close to Blackstairs and Mount Leinster uplands. The appellant also notes that the farm is located adjacent to the 'Sli na Slainte' walking and cycling route which should be protected from inappropriately sited and designed development.

7.1.2. Section 11.10 of the Carlow County Development Plan 2015-2021 refers to agricultural development it advises that Council will require that buildings be sited as

unobtrusively as possible and that the finishes and colours used will blend the development into its surroundings. In relation to visually sensitive areas it is advised in the Plan that the Council will seek to group together and site buildings in an appropriate manner, and require the use of harmonious external materials to minimise obtrusion on the landscape. The use of dark coloured cladding, notably dark browns, greys, greens and reds are most suitable for farm buildings, and roof areas should be darker than walls.

- 7.1.3. The subject agricultural shed proposed for retention has an area 812.08sq m and the ridge height of the structure is 8.16m. It has a dark green clad finish and is setback a minimum of 8.5m from the roadside to the east. It forms part of an established farmyard site and it is grouped together with the existing farm structures. I would concur with the assessment of the Planning Authority that it has been sited and designed in accordance with the relevant policies and provisions in the Carlow County Development Plan 2015-2021 in relation to rural and agricultural development.
- 7.1.4. The site is located within the Blackstairs and Mount Leinster uplands Landscape character area. The lower slopes of the upland area merge into the adjoining landscape character area as rolling farmland. It is advised in the Landscape Character Assessment of the Development Plan that the use of native and indigenous planting in new developments to integrate buildings into the surrounding landscape will be encourage and that new developments should not be sited in prominent locations such as ridges and areas with open exposed vistas.
- 7.1.5. It is of relevance to note that the overall design and layout of the proposed development is typical of similar agricultural structures common to rural areas whilst it is situated immediately alongside the existing farmyard and in a position set back from the public road. The first party in response to the matter state that the agricultural shed is well screened on the south-eastern elevation by an existing stone wall with mature hedging and mature trees. The applicant has planted hedging on the north eastern elevation to provide screening. On inspection of the site I noted the tree planting to front of the shed and also the area planted with hedging.
- 7.1.6. Accordingly, having regard to the foregoing, and in light of the site context, including the screening offered by the surrounding landscape and other features, I am

satisfied that the proposal will not unduly impact on the visual amenity of this rural area.

- 7.1.7. The appellant raises the matter of noise impact from the subject agricultural shed. In response to the matter the applicant's Consultant Engineer notes that it is part of country living that there will be some noise from animals and machinery used in the everyday functioning of the farm. In relation to the number of livestock on the farm holding it is confirmed that there has been a decrease in the stock numbers on the farm and therefore this has reduced the source of nuisance noise. The appellant referred to noise generated by mechanical scrapers. The first party in response to this matter state that noise level is low. They also highlight that the appellant's home is screened from the agricultural shed by the derelict dwelling and existing farm buildings. The appellant's home is located circa 200m from the subject agricultural shed and I note that is separated by other farm buildings. Having regard to the separation distance between the agricultural shed and the appellant's home I am satisfied that the proposal would not unduly impact upon the residential amenities of the property in terms of noise.

7.2. Environmental Impact

- 7.2.1. Section 11.10 of the Development Plan refers to agricultural development it states that the Planning Authority will require that agriculture developments will be constructed and located so as to ensure that there is no threat of pollution to ground or surface waters. In assessing planning applications for agricultural development the Council will have regard to the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006.
- 7.2.2. The appellant has raised the matter of potential for contamination of surface water and private water supplies in the vicinity of the site. Concern was raised in the appeal in respect of the lack of soiled water storage on the farm for runoff and that soiled water, slurry run-off and milk discharge from the farmyard enters the public road and private laneway in the vicinity of the site.
- 7.2.3. In relation to waste generated by the movement of the dairy herd within the farm holding, the first party state that a build-up of waste on the walking track on the applicant's lands occurs due to the movement of the dairy herd around the farm and

while the animals wait to cross the public road. It is confirmed in the appeal response that the livestock entrance to the holding yard where the cattle enter and exit twice daily across the cul de sac road is scraped clean after every milking to ensure there is no run off onto the public road.

- 7.2.4. Regarding the matter of surface water drainage, the appellant stated that soiled surface water from the farm yard enters the public road to the south. In response to this the first party have confirmed that all rainwater is collected from the roofs of the farm buildings and is diverted to a single drain which runs throughout the farmyard. The drain terminates in the roadside drain and it is solely for rainwater, therefore there is no issue with this discharge to the roadside. In relation to the drainage system within the farmyard, I note the Site Plan submitted with the further information response which indicates the locations of existing soakaways and the drainage channel around the silage slab.
- 7.2.5. The appellant referred to milk discharge from the farmyard. I note that the milking parlour is separate from the current application for retention of the 812.08sq m shed, however it is confirmed in the appeal response that there is a separate holding tank which takes all the dairy washings from the milking parlour and collecting yard. An existing boundary wall and drainage channel within the holding yard prevents any run off to the vehicular entrance at the local road. It is detailed by the first party that surface water from the concrete area of the farmyard is diverted to gullies which is a separate system to the drainage channel caters for the silage effluent.
- 7.2.6. The appeal refers to pollution of potable wells in the vicinity of the site including that serving the appellant's property. In response the matter the applicant confirmed that there no pollution concerns in relation to his water supply which is from a well located across the cul de sac and circa 60m from the agricultural shed for retention. It is noted in the appeal response that the water supply serving both the appellant's properties is a well which is situated approximately 20m from a septic tank which serves a dwelling located the end of the lane. The first party suggest that having regard to the proximity of that septic tank to the well that it is a feasible source of potential pollution.
- 7.2.7. The Environmental Department in their assessment of the proposal sought further information indicating the total livestock numbers and the quantity of slurry/farmyard

manure that is produced and details of the total storage capacity on the farm with reference to SI605/2017 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2017 in the calculations. In relation to this I note that report of the Executive Scientist dated the 23rd of July 2020 states that the calculations provided indicate that based on a dairy herd of 93 no. cows that the applicant will have surplus storage capacity of 132m³ and that there is a surplus farmyard manure storage of 126m³. The report of the Executive Scientist states that they were satisfied with the calculations provided which confirm that there is satisfactory storage capacity available to accommodate the proposal. Accordingly, subject to the operations on the farm being carried out as per these details and having regard to the recommendation of the Council's Environment Department, I am satisfied that the proposal would not result in any undue environmental impact.

- 7.2.8. Having regard to the above details, I would consider that subject to adequate conditions regarding surface water and good agricultural practice, that the proposal would pose no significant risk of contamination of surface water or groundwater sources.

7.3. **Appropriate Assessment**

Stage 1 Screening

- 7.3.1. The appeal site is located approximately 90m from the River Barrow and River Nore SAC, Site Code 002162. There is no direct connection between the appeal site and the SAC. A tributary of the River Barrow, the Ballyroughan Little River is located within 250m of the development to the north-east of the appeal site. The Blackstairs Mountains SAC (Site Code 0007700) is located circa 1.8km to the south-east of the site.
- 7.3.2. The qualifying interests/special conservation interests of the designated sites referenced above, are summarised as follows:

River Barrow and River Nore SAC – Site Code 002162
Estuaries [1130]
Mudflats and sandflats not covered by seawater at low tide [1140]

Reefs [1170]

Salicornia and other annuals colonising mud and sand [1310]

Atlantic salt meadows (*Glaucopuccinellietalia maritima*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]

European dry heaths [4030]

Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]

Petrifying springs with tufa formation (*Cratoneurion*) [7220]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Austropotamobius pallipes (White-clawed Crayfish) [1092]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

Lampetra fluviatilis (River Lamprey) [1099]

Alosa fallax fallax (Twaite Shad) [1103]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

Trichomanes speciosum (Killarney Fern) [1421]

Margaritifera durrovensis (Nore Pearl Mussel) [1990]

Blackstairs Mountains SAC (Site Code 0007700)

Northern Atlantic wet heaths with *Erica tetralix* [4010]

European dry heaths [4030]

- 7.3.4. Detailed Conservation Objectives for River Barrow and River Nore SAC (Site Code 002162) are available with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been designated. The Conservation Objectives for Blackstairs Mountains SAC (Site Code 0007700) is to maintain the favourable conservation condition of Northern Atlantic wet heaths with *Erica tetralix* in Blackstairs Mountains SAC, which is defined by a list of attributes and targets and to maintain the favourable conservation condition of European dry heaths in Blackstairs Mountains SAC, which is defined by a list of attributes and targets.
- 7.3.5. Consideration of likely significant impacts in terms of Stage 1 AA Screening, is based on the source-pathway-receptor risk assessment principle. In relation to the Blackstairs Mountains SAC having regard to the lack of physical connection between the appeal site and the designated site and the absence of a hydrological connection there is no potential, therefore, for the subject development to have a significant effect on the Natura 2000 site.
- 7.3.6. The subject agricultural shed is located approximately 90m from the River Barrow and River Nore SAC, however there is no direct hydrological connection between the appeal site and the SAC. The Ballyroughan Little river is situated circa 243m to the north-east of the appeal site. It is hydrologically linked to the River Barrow and River Nore SAC.
- 7.3.7. In relation to the matter of potential adverse effects due to the distance between the development and the European Site and the nature of the development, it is not considered that the construction phase of the development would have any direct impacts on the priority habitats of the SAC.
- 7.3.8. In relation to Ballyroughan Little river, it does not contain qualifying interest habitats of the River Barrow and River Nore SAC and therefore the construction and operation of the development would not have any likelihood of any significant impact resulted from the development. Furthermore, I note that qualifying interest species of

the River Barrow and River Nore SAC including Sea Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Twaite Shad and Killarney Fern are not located within Ballyroughan Little river. Accordingly, any potential impacts can be ruled out.

- 7.3.9. The potential impact which could arise to the other qualifying interest species of the River Barrow and River Nore SAC would be in relation to impacts upon water quality which may occur during the operation phase of the development. There is potential for discharges of polluted water to occur and to travel via groundwater or drainage ditches to Ballyroughan Little river.
- 7.3.10. Regarding slurry storage, the total storage available on the farm is 688.4m³. The excess storage available on the farm is currently 132.4m³. It is proposed that the effluent collected, from the herd of 93 no. cows on the farm, will be spread on the land across the 39.58 hectare farm holding as part of the overall farming practices. The spreading of slurry on lands is governed by the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended. In this context, I am satisfied that there is no direct SPR between the slatted tank and the river subject to best farming practices being adhered to.
- 7.3.11. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (002162) and European Site No. (0007700), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

Having regard to the established agricultural use of the site, the nature, scale and extent of the proposed development proposed to be retained, the nature of the receiving environment, the pattern of development in the vicinity and the relevant provisions of the Carlow County Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would constitute an acceptable use at this location. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained, in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17/07/2020, 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 the 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. All foul effluent and slurry generated by the subject development shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

4. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

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

5. Slurry generated by the subject development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended.

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

6. 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 Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Siobhan Carroll
Planning Inspector

11th of March 2021