



An
Bord
Pleanála

Inspector's Report

ABP-308450-20

Development	1. Extend existing sheep shed to accommodate slatted shed, 2. Construct manure pit, 3. Open new farm entrance and construct new farm entrance roadway
Location	Carrowkeel, Rahara, Co Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	20/270
Applicant(s)	Henry Finnerty
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party vs. Grant
Appellant(s)	Michael & Mary Doyle
Observer(s)	None
Date of Site Inspection	16 th December 2020
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. Rahara is a dispersed rural settlement located along the Regional Road (R362) running between Athlone and Athleague. The appeal site is located at the north-western end of the village and is annexed from a larger agricultural holding that includes the applicant's dwelling.
- 1.2. The site is currently accessed from the regional road via the house entrance and an agricultural laneway which links to the existing sheds on the site. The site is relatively flat and contains a cluster of agricultural sheds and associated facilities, which are located to the rear of two dwellings and a church.

2.0 Proposed Development

- 2.1. Permission is sought to construct an extension to an existing sheep shed to accommodate a slatted shed. The existing shed is stated to have an area of 165.32 sq.m. and the proposed slatted shed has an area of 168.09 sq.m. An adjoining concrete apron/collection yard, race and crush will be provided with an overall area of 105.23 sq.m. A separate manure pit of 53.51 sq.m. is proposed to the north-eastern corner of the site.
- 2.2. It is proposed to construct a new agricultural entrance and roadway directly adjoining the south-eastern boundary of the existing dwelling. The proposed roadway will extend for c. 50 metres to meet the existing laneway to the rear of the house.
- 2.3. Water supply will be provided by an existing connection and surface water will be disposed to soakpits on the site. Wastewater will be collected in the tank and manure pit and will be land spread in accordance with good agricultural practice.

3.0 Planning Authority Decision

3.1. Decision

By order dated 1st October 2020, Roscommon County Council (RCC) issued notification of the decision to grant planning permission, subject to standard conditions.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The initial planner's report (1st September 2020) can be summarised as follows:

- Development Plan policies support the intensification of agricultural practices in rural areas and the proposal is acceptable in principle at this location.
- The development will assimilate with the existing farmyard buildings and there will be no negative visual impact.
- The proposed new entrance demonstrates sightlines of 70 metres in each direction, but Development Plan standards require 160 metres.
- There is no indication of flood risk associated with the site.
- In conclusion, it was recommended that further information is required in relation to the management of effluent; stock numbers; the justification for the proposed new access; and sightline availability from the proposed new entrance.

3.2.2. On 2nd September 2020, a request for 'further information' was issued by RCC in accordance with the planner's recommendation. The applicant responded to the request on 4th September 2020.

3.2.3. The subsequent planner's report (25th September 2020) confirms that the Environment and Roads sections of RCC have reviewed the further information response and there are no objections. A grant of permission is recommended, subject to conditions, which forms the basis of the RCC decision.

Other Technical Reports

3.2.4. Roads section: Following the receipt of further information, correspondence of 15th September 2020 confirms that there are no objections subject to standard conditions.

3.2.5. Environment Section: Following the receipt of further information, the report of 23rd September 2020 confirms that there are no objections subject to standard conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One submission was received by the planning authority on behalf of the appellants. The issues raised are covered in the grounds of appeal.

4.0 Planning History

P.A. Ref. PD07/1215: Permission granted for the construction of a farm entrance, access road and sheep shed.

5.0 Policy Context

5.1. Development Plan

The operative plan for the area is the Roscommon County Development Plan 2014 - 2020, the lifetime of which has been extended in accordance with the provisions of section 11(1)(b) of the Planning and Development Act 2000 (as amended). The relevant provisions of the Plan can be summarised as follows:

Agriculture

- Policies 3.23 and 3.29 aim to facilitate the development of agriculture and agricultural intensification while seeking to protect and maintain the biodiversity and rural character of the countryside, wildlife habitats, water quality and nature conservation.
- Objectives 3.4 and 3.6 aim to ensure that all agricultural development complies with necessary regulations concerning pollution control and does not have a negative impact on the scenic amenity of the countryside.
- Section 9.26 sets out Development Management standards in relation to agricultural buildings and structures; traffic; pollution control; and nature conservation.

Landscape

- Objective 7.37 seeks to minimize visual impacts on areas categorized within the Landscape Character Assessment including “moderate value”, “high value”, “very high value” and with special emphasis on areas classified as “exceptional value”.
- Objective 7.40 seeks to protect important views and prospects in the rural landscape.

5.2. Natural Heritage Designations

The site is located c. 1km from Lough Funshinagh Proposed Natural Heritage Area. It is c. 1.5 km from the nearest Natura 2000 site, Lough Funshinagh Special Area of Conservation (SAC).

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, comprising extensions and improvements to an existing farm complex, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

The decision of RCC to grant permission has been appealed by Michael & Mary Doyle. The appeal file would indicate that the appellants are the owners of one of the adjoining dwellings to the south of the site. The grounds of appeal can be summarised as follows:

- The RCC decision made no reference to the submission by the appellant.
- While the application is for an extension to a sheep shed, the further information submitted raises concerns that the shed would be used for cattle, which would be contrary to Dept. of Agriculture practice.

- The development does not meet Teagasc recommendations that sheds should be at least 100 metres from adjoining dwellings.
- The extension will cause nuisance, foul odours and disturbance.
- The appellant will suffer loss of privacy in the rear garden area and devaluation of their property.
- No condition was included for screening landscaping along the appellants boundary to reduce noise and nuisance associated with the development.

6.2. Applicant Response

The applicant's response can be summarised as follows:

- Records show that RCC have taken their objections into account.
- The application documents make it clear that the proposed slatted shed will be used to house cattle.
- The development will be designed and operated in accordance with Dept. of Agriculture specifications with regard to the type and numbers of animals to be housed and farm management practice.
- The proposal involves the extension of an existing farm complex that pre-dates the construction of the appellants' house. A letter of support for the development is included from the owner of the other adjoining house.
- There is no Teagasc regulation requiring a minimum separation distance of 100 metres from other dwellings.
- The proposed development will enhance existing farm management measures and concerns regarding noise and smell are exaggerated.
- The appellant has recently removed a section of mature hedge which gave ample privacy and screening from the farmyard.
- The farmyard is significantly lower than the adjoining dwelling and the road level, which significantly reduces the impact of the development.

- This is the most suitable location for the development and the slatted tank will be highly beneficial for the collection of slurry and effluent from the development.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. Having regard to the documentation submitted in connection with the application and the appeal, and having inspected the site, I consider that the main issues for assessment are as follows:

- The principle of the development
- Visual amenity
- Residential amenity
- Traffic
- Effluent storage and disposal.

7.2. **The principle of the development**

7.2.1. At the outset I wish to address the concerns raised in the appeal regarding the nature of the proposed development. The appellant claims that there is conflicting information regarding the use of the shed for sheep and/or cattle, owing largely to the description of the development as an extension to the existing sheep shed.

7.2.2. In response, the applicant appears to contend that the description of the development as an extension to the existing sheep shed is accurate, and that the purpose of the extension, i.e. to accommodate a slatted shed, does not restrict its use to the housing of sheep. The applicant states that the documents clearly outline that the slatted shed will be used to house cattle and that it will operate in

accordance with the Department of Agriculture, Food and Marine (DAFM) requirements.

7.2.3. While I understand that the appellant may have been confused by the description of the development, I consider that it is technically an accurate description and is consistent with the documents and drawings submitted with the application. The development does not involve an increase in stock numbers, and this is reflected in the limited scale of the proposed shed. I consider that issues relating to the number and type of stock will be adequately regulated by the DAFM and this can be satisfactorily addressed by means of condition.

7.2.4. The proposed development involves a relatively small extension to a long-established farmyard and will facilitate improved agricultural practice in relation to effluent collection. I consider that the proposal would be consistent with the of the CDP aims to facilitate agricultural development in rural areas and, accordingly, I have no objection to the principle of the development.

7.3 Visual amenity

7.3.1. In accordance with the CDP Landscape Character Assessment, the site is not affected by Scenic Routes or views to be preserved and is classified as being of 'moderate value'.

7.3.2. The proposed shed is of a relatively small scale in the context of the overall complex of buildings within this yard. The site is setback a distance of c. 65 metres from the public road and does not occupy a prominent position. I consider that the proposal development will effectively assimilate within the existing complex and wider landscape and will not detract from the visual amenity of the area.

7.4 Residential amenity

7.4.1. The appellants raise concern about the proximity and use of the proposed development and the associated nuisance impacts on their property relating to noise, odour and privacy. Firstly, I wish to clarify that the 100-metre separation distance from dwellings, as cited by the appellant, relates to a condition / limitation on exempted agricultural developments as per the Planning and Development Regulations 2001 (as amended). This restriction does not apply when planning permission is sought.

- 7.4.2. On inspection of the site I note that the appeal site and the appellants' rear garden are separated by a low concrete block wall. It would appear that a section of substantial coniferous hedge cover has been removed on the appellants' side of the boundary wall. A section of this dense mature hedging remains in the north-western corner of the garden and it would appear that it would have previously provided effective screening between the two properties along the entire rear garden boundary.
- 7.4.3. Whilst the proximity of the proposed development to adjoining properties is acknowledged, I consider that the long-established existence of the farmyard must be a significant factor in the assessment of the application. The proposal constitutes a relatively small extension to the existing complex, and it has been clarified that there will be no intensification of stock numbers. The development is a reasonable expansion and improvement of existing facilities which should be supported in accordance with CDP policy. Given the limited scale and nature of the development, I consider that any associated impacts such as noise and odour are not likely to be significant and, in any case, are an inevitable consequence of agricultural activity that should be expected in a rural area.
- 7.4.4. While I do not consider that the scale of the extension justifies a condition to carry out screen planting between the development and the appellants' property, it should be noted that any such condition would not be feasible due to the presence of the access road and hardstanding areas at this location.

7.5 Traffic

- 7.5.1 In response to the RCC further information request, the applicant submitted proposals for the setback of the existing roadside boundary and the provision of 160-metre sightlines in each direction. Whilst section 9.38 of the CDP indicates that the 160-metre requirement relates to regional roads with a design speed of 100 kph, I note that a 50 kph speed limit applies within the village at this location.
- 7.5.2. The planning authority has deemed the proposals to be acceptable subject to conditions. While the setback requires the removal of the existing roadside hedge, which should generally be avoided in rural areas, I note that the subject site is located within a village and that the setback would achieve consistency with the existing boundaries either side of the site. Accordingly, I have no objection to the

proposed access arrangements and do not consider that the proposed development would have any adverse impacts relating to traffic conditions.

7.6 Effluent storage and disposal

- 7.6.1. Again, it is important to note that the proposed development does not involve an increase in stock numbers. It would, therefore, provide improved management measures to cater for existing levels of activity.
- 7.6.2. The application includes a Nutrient / Fertiliser Plan for 2020 prepared by Teagasc. The plan outlines that the manures produced on the holding and storage facilities on the farm amounts to a total slurry storage requirement of 156m³ over the required 18-week period. I note that the capacity of the proposed slatted tank can accommodate this requirement. The application also includes details of land availability for slurry spreading, including land to the rear of the application site as well as land in the townland of Pollalaher, located c. 10km south of the application site. Proposals in this regard have been considered acceptable by the planning authority, subject to conditions.
- 7.6.3. Ultimately, the management of effluent arising from agricultural activities and the undertaking of land-spreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, and the applicant will be required to construct and operate the development in accordance with the relevant DAFM specifications. Subject to compliance with these requirements, I am satisfied that the proposed development would not give rise to a risk of water pollution or represent a threat to public health by reason of effluent storage and disposal impacts.

8.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development, and separation distance to 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.

9.0 Recommendation

Having regard to the above and the reasons and considerations set out hereunder, it is recommended that permission should be granted, subject to conditions.

10.0 Reasons and Considerations

Having regard to the established agricultural use of the site and its location within a rural area, the character and pattern of development in the area, and the modest scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously detract from the amenities of the area or the amenities of property in the vicinity, would not interfere with the safety and free flow of traffic, and would be acceptable in terms of effluent storage and disposal proposals. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 9th July 2020, as amended by proposals submitted on 4th September 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. All foul effluent and slurry generated by the proposed development and in the farmyard 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.

5. 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.

6. Slurry generated by the proposed 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.

7. A minimum of 18 weeks storage shall be provided in the underground storage tank.

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

8. (a) The vehicular access to the site and the achievable sightlines shall be constructed and maintained in accordance with the site layout plan submitted to the planning authority on the 4th September 2020.
(b) The sight lines indicated shall be permanently maintained and kept free from vegetation or other obstructions.
(c) The proposed new entrance shall have wing fencing splayed at an angle of 45 degrees and shall be recessed 4 metres behind the new roadside boundary.
(d) The access shall be developed and available for use prior to the commencement of any other element of the development.

Reason: In the interests of traffic safety.

Stephen Ward
Senior Planning Inspector

22nd January 2021

