



An  
Bord  
Pleanála

## Inspector's Report 309125-21

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<b>Development</b>	4-bay double slatted shed with a creep area and underground slurry storage tank and all associated works
<b>Location</b>	Rathoma, Killala, Co. Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	20266
<b>Applicant(s)</b>	Nicholas Bourke
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Dolores Campbell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 <sup>th</sup> May 2021
<b>Inspector</b>	Louise Treacy

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.965 ha and is located in the rural area of Rathoma, approx. 5.6 km to the south-west of the town of Killala, Co. Mayo. The site is agricultural in nature and accommodates a derelict dwelling towards its eastern corner, adjacent to the public road. Access to the site is via an agricultural entrance gate adjacent to this derelict dwelling. The site boundary at the public road is characterised by a low hedge and intermittent mature trees.
- 1.2. The site contours increase noticeably from the southern end of the site towards its central/north-easterly portion, beyond which they decrease again towards the Cloonaghmore River to the north/north-west. A separation distance of approximately 100 m arises between the river and the northern site boundary.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of a 4-bay double slatted shed with a creep area and underground slurry storage tank along with all associated site works.
- 2.2. The proposed slatted shed has a stated area of 499.20 m<sup>2</sup> and is set back from the roadside boundary by 68 m. The height of the structure ranges from 4.2 m to 8.162 m. Two underground storage tanks are proposed, each with a stated capacity of 213.53 m<sup>3</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Grant Permission subject to 9 no. conditions issued on 7<sup>th</sup> December 2020.
- 3.1.2. All conditions are generally standard in nature.

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

#### 3.2.1. **Planning Reports (30<sup>th</sup> June 2020; 20<sup>th</sup> August 2020 and 1<sup>st</sup> December 2020)**

3.2.2. Mayo County Council's Planning Officer recommended that Further Information be requested in relation to:

3.2.3. (1) whether runoff/storm water from the development will enter the Cloonaghmore River or a watercourse flowing into this river; (2) how rainwater and surface water run-off will be treated on the site; (3) a revised section drawing clearly indicating the existing and proposed levels, as there appears to be an excessive dig proposed to accommodate the development; (4) the discrepancy in the submitted fertiliser plans, which refer to spread lands at Ballygone; (5) a site plan showing the location of the existing water main and proposed connection to same, including clarification of whether the main is from a public supply or group water scheme, with proof that a connection is possible.

3.2.4. The Planning Officer subsequently recommended that Clarification of Further Information be requested in relation to 1 no. item concerning the extent of dig proposed to accommodate the proposed development (4 m). The applicant was required to clarify why an alternative location for the development within the site was not considered. An advice note was issued to applicant, which strongly advised the relocation of the slatted shed towards the southern site boundary, where less excavation would be required.

3.2.5. In responding to this request, the proposed development was relocated in a southerly direction within the site, with a reduced set-back of 37.574 m arising to the roadside boundary. Following their assessment of the revised proposal, the Planning Officer considered that the proposed development was acceptable and recommended that planning permission be granted.

#### 3.2.6. **Other Technical Reports**

3.2.7. **Water Services:** None received.

3.2.8. **Ballina Municipal District:** None received.

### 3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** None received.

### 3.4. **Third Party Observations**

- 3.4.1. One third party observation was made on the application by Dolores Campbell of Ballygaddy Road, Tuam, Co. Galway (the appellant). The issues raised in the observation reflect those of the appeal (see section 6.1 of this report).

### 4.0 **Planning History**

- 4.1. None.

### 5.0 **Policy and Context**

- 5.1. The Draft Mayo County Development Plan 2021-2027 has been prepared by Mayo County Council. Until such time as this plan is formally adopted, the Mayo County Development Plan 2014-2020 remains the statutory local planning policy document for the purposes of adjudicating this appeal case.

#### 5.2. **Mayo County Development Plan 2014-2020**

#### 5.3. **Agriculture**

- 5.3.1. Volume 2 of the development plan sets out planning guidance and standards for development in the county, including agricultural development. The principal aim is to support agriculture in the County subject to best environmental standards which promote maintaining good water quality and biodiversity. Farming activities shall comply with the provisions of S.I. No. 610 of 2010, European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (now superseded by 2017 Regulations).
- 5.3.2. **Objective AG-01:** It is an objective of the Council to support the sustainable development of agriculture, with emphasis on local food supply and agriculture diversification (e.g. agri-business and tourism enterprises) where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity.

#### 5.4. **Flooding & Soil Erosion**

5.4.1. **Objective FS-01:** It is an objective of the Council to restrict inappropriate development in areas at risk of flooding (inland or coastal) as identified on flood risk maps, erosion and other natural hazards or would cause or exacerbate such a risk at other locations. As part of this, the Planning Authority shall require a Flood Risk Assessment and/or a Landslide Risk Assessment for any new development.

#### 5.5. **Water Quality**

5.5.1. **Objective WQ-01:** It is an objective of the Council to implement the Western River Basin District Management Plan Water Matters 2009-2015 to ensure the protection, restoration and sustainable use of all waters in the County, including rivers, lakes, ground water, coastal and transitional waters, and to restrict development likely to lead to deterioration in water quality or quantity.

#### 5.6. **Landscape Protection**

5.6.1. **Objective LP-01:** It is an objective of the Council, through the Landscape Appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.

5.6.2. **Objective LP-02:** It is an objective of the Council that all proposed development shall be considered in the context of the Landscape Appraisal of County Mayo with reference to the four Principal Policy Areas shown on Map 3A Landscape Protection Policy Areas and the Landscape Sensitivity Matrix (Figure 3), provided such policies do not conflict with any specific objectives of this Plan.

5.6.3. The site is located in Policy Area 4 – Drumlins and Inland Lowland. The landscape sensitivity matrix indicates that “industrial/commercial” developments, which is considered the most relevant development category in this case, have low potential to create adverse impacts on the existing landscape character. Such development is likely to be widely conceived as normal and appropriate unless siting and design are poor.

## 5.7. Natural Heritage Designations

- 5.7.1. The subject site is located 5 km to the south-west of Killala Bay/Moy Estuary SPA, 5.4 km south-west of Killala Bay/Moy Estuary SAC, 8.5 km south-west of Lackan Saltmarsh and Kilcummin Head SAC, 5 km to the north-east of River Moy SAC, 6km east of Bellacorick Bog Complex SAC and 10.2 km south-east of Glenamoy Bog Complex SAC.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A third-party appeal has been lodged by Dolores Campbell, Ballygaddy Road, Tuam, Co. Galway, the grounds of which can be summarised as follows:
- The slatted shed is large for the acreage of this farm.
  - The access points serving the proposed slatted shed are unclear.
  - The applicant does not reside in the local area and this matter has not been fully dealt with by Mayo County Council.
  - The proposed shed has a negative visual impact in views from the public road, with no landscaping available to offer screening.
  - The development is near drains which flow into the Cloonaghmore River, which is a nutrient sensitive salmonid river zone.
  - The low-lying surrounding area is sensitive to flooding.
  - A public mains connection has been provided to an existing shed and not to the proposed development as indicated on the site layout plan.
  - The applicant extracts large volumes of river water from the Cloonaghmore/Palmerstown River with slurry tankers and heavy machinery.
  - The applicant has a well structure on the riverbank to pump water, which is believed to be unlicensed and unmetered.

## 6.2. **Planning Authority Response**

6.2.1. None received.

## 6.3. **Applicant Response**

6.3.1. None.

## 6.4. **Observations**

6.4.1. None.

## 7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Visual Impact of the Proposed Development
- Impact on Cloonaghmore River
- Flooding
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

### 7.3. **Visual Impact of the Proposed Development**

7.3.1. The appellant submits that the proposed development would have a negative visual impact in views of the site from the public road, with no landscaping available to offer screening. I note that the subject site is located in Landscape Policy Area 4 (Dumlins and Inland Lowland) with reference to Map 3A of the Mayo County Development Plan 2014-2020. Industrial/commercial developments in such areas are considered to have low potential to create adverse impacts on existing landscape character and are likely to be widely conceived as normal and appropriate unless siting and design are poor.

7.3.2. The subject site is located in a rural area, which is characterised by agricultural land use. In my opinion, the proposed development is typical of the structures which characterise such rural areas and will not read as a jarring feature in the landscape. I further note that intermittent mature trees are located along the roadside boundary of the site, which will interrupt public views of the structure from the local road. Based

on the foregoing, I am satisfied that the proposed development would have no undue visual impact at this location and that additional screen planting is not necessary in this instance.

#### **7.4. Impact on Cloonaghmore River**

- 7.4.1. The appellant submits that the proposed development is near drains which flow into the Cloonaghmore River, which is a nutrient sensitive salmonid river zone. The appellant asserts that the applicant extracts large volumes of river water with slurry tankers and heavy machinery. It is further asserted that the applicant has a well structure on the riverbank to pump water, which the appellant believes to be unlicensed and unmetered.
- 7.4.2. In considering the issues which have been raised, I note that the alleged abstraction of water from the Cloonaghmore River is not a matter which is open for consideration under this appeal case. I further note that the applicant's agent has clarified that the proposed source of water for the proposed development is via public mains, as illustrated on the site plan drawings which accompany the application.
- 7.4.3. The proposed development was originally proposed at a set-back of 147 m from the Cloonaghmore River, with this separation distance increased to 172 m on foot of the applicant's Response to the Request for Clarification of Further Information. I note that this separation distance is significant. I further note that the applicant's agent has clarified that no run-off/storm-water from the proposed development will enter the Cloonaghmore River or a watercourse flowing into the river. Clean run-off/storm-water will be directed to a soakaway (Response to Request for Further Information as received by Mayo County Council on 30<sup>th</sup> July 2020 refers). In my opinion, these arrangements are acceptable.
- 7.4.4. 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. The applicant will also be required to construct the structure in accordance with the relevant Department of Agriculture, Food and the Marine (DAFM) specifications. Subject to compliance with these Regulations, DAFM specifications and the imposition of suitable conditions in this regard, I am satisfied that the proposed development would have no significant negative impact on the Cloonaghmore River.



## **7.5. Flooding**

- 7.5.1. While the appellant submits that the low-lying area surrounding the subject site is subject to flooding, I note that no evidence has been provided with the appeal submission to support these claims. No concerns in relation to flooding have been identified by Mayo County Council.
- 7.5.2. In reviewing the OPW National Flood Hazard Mapping records, I note that no historic flood events are recorded at the subject site, which reflects the information shown in the flood points maps of the Strategic Flood Risk Assessment of the 2014-2020 County Development Plan. Based on the foregoing, and the separation distance between the proposed development and the Cloonaghmore River, I am satisfied that no issues arise with respect to flooding in this instance.

## **7.6. Appropriate Assessment**

- 7.6.1. The subject site is not located within or directly adjacent to any European site.
- 7.6.2. A review of EPA online mapping facilities confirms that the Cloonaghmore River flows in a generally north-easterly direction beyond the subject site for a distance of approximately 6 km, where it connects into the Killala Bay/Moy Estuary SPA and SAC. In considering the likelihood of the proposed development to have a potentially significant effect on the SPA and SAC, and using the source-pathway-receptor concept, I note that no pathway exists between the subject site and the Cloonaghmore River.
- 7.6.3. Thus, it is reasonable to conclude that the proposed development, either individually or in combination with other plans and projects, would not be likely to have a significant effect on the Killala Bay/Moy Estuary SPA and SAC, or any other European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission be granted subject to conditions.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the rural location of the proposed development and the objectives of the Mayo County Development Plan 2014-2020 to support the sustainable development of agriculture in the county, 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 and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 30<sup>th</sup> day of July 2020 and the 13<sup>th</sup> day of November 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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:</p> <ul style="list-style-type: none"><li>(1) Details of the number and types of animals to be housed.</li><li>(2) The arrangements for the collection, storage and disposal of slurry.</li><li>(3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).</li></ul>

	<p><b>Reason:</b> In order to avoid pollution and to protect residential amenity.</p>
3.	<p>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:</p> <p>(a) 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.</p> <p>(b) All effluent and soiled waters shall be directed to a storage tank.</p> <p>(c) No effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.</p> <p>Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of environmental protection and public health.</p>
4.	<p>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.</p> <p><b>Reason:</b> To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.</p>
5.	<p>A minimum of 18 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, 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><b>Reason:</b> In the interest of environmental protection and public health.</p>

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Louise Treacy  
Planning Inspector

13<sup>th</sup> May 2021