



An  
Bord  
Pleanála

## Inspector's Report ABP-310777-21

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<b>Development</b>	Milking parlour with handling yard, storage silo, storage tank, agricultural shed, silage slab with concrete apron, slurry lagoon and underground slurry tank. Associated site works.
<b>Location</b>	Lisduff Townland and Cregga Townland, Elphin, Co Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	20493
<b>Applicant(s)</b>	Laragan Dairies Ltd.
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party Appeal
<b>Appellant(s)</b>	Valerie Byrne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> September 2021
<b>Inspector</b>	Susan Clarke

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## 1.0 Site Location and Description

- 1.1. The 5.592ha appeal site is situated approximately 4.5km southeast of Elphin in County Roscommon. The townland boundary between Lisduff and Cregga bisects the centre of the site in a north-south direction. The site is located in the centre of a landholding measuring approximately 227ha. It is located approximately 400m south of the local road L1410 and 1.2km east of the regional road R368. A limestone quarry (Hanly Quarry) is located approximately one kilometre southeast of the site. The closest dwelling is located on the L1410, 375m north of the site. The rural area is sparsely populated and is predominately in agriculture use.
- 1.2. There is an existing farmyard complex including a milking parlour on the landholding that is located south of the site. Farm access tracks run throughout the landholding. The topography varies significantly across the landholding and wider area with steep hills and valleys.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of:
  - A milking parlour including a handling yard,
  - A feed storage silo,
  - Milk storage tank,
  - Cubicle shed with concrete aprons,
  - Silage slab with concrete apron,
  - Slurry lagoon,
  - Underground slatted slurry tank,
  - Connections to services, and
  - Associated works to facilitate the development.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Local Authority issued a Notification of Decision to Grant for the development on 10<sup>th</sup> June 2021 subject to 18 No. conditions. The Conditions include *inter alia*:

- Condition No. 2: Prior to commencement of the development, the agricultural entrance permitted under Reg. Ref. 21/204 shall be constructed and available for use.
- Condition Nos. 5 to 8: Waste/effluent management requirements.
- Condition No. 10: No surface water run-off shall discharge onto the public road.
- Condition No. 11: Water usage to be recorded.
- Condition No. 12: Existing milking parlour to cease operation and be permanently removed.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

There are two Planning Reports on file dated 20<sup>th</sup> January 2021 and 10<sup>th</sup> June 2021, respectively. The Planning Officer in the former report refers to the policy context for the development. The siting of the proposed development was considered acceptable having regard to the potential visibility of the structures from existing dwellings, public roads and wider landscape. It was considered that the development would not give rise to an unacceptable residential impact, provided all environmental and public health aspects of the proposal could be satisfactorily addressed.

Having regard to the matters raised by the Local Authority's Environment Section, the Report recommended further information be requested including the preparation of a Nutrient Management Plan (NMP) to detail: livestock numbers, a soil sampling programme, housing facilities, location of karst features, and measures to avoid run-off from internal farm roads discharging to karst features. In addition, further information was sought in relation to *inter alia* details of the existing housing facilities; the preparation of a Construction Waste Management Plan; the identification of any

wells in the area; estimation of the volume of water to be extracted from the proposed well to serve the development; submission of design details for the discharge point for surface water; details illustrating how vehicular access will be achieved; and the undertaking of archaeological pre-development testing and preparation of archaeological assessment.

The latter Planner's Report (dated 10<sup>th</sup> June 2021) refers to the further information submitted and considered that, having regard to the additional information and subject to the conditions recommended by the Environment Section, should be granted permission subject to 18 No. conditions.

### 3.2.2. Other Technical Reports

- Environment Section (11<sup>th</sup> January 2021): Further information was recommended (as referred to above).
- Environmental Section (8<sup>th</sup> June 2021): Recommends granting permission subject to conditions including those in relation to the storage and spreading of organic fertilisers produced on the farm, and the management of surface water.

### 3.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht: No comments received.

### 3.4. Third Party Observations

Ms Valerie Byrne of Lisduff, Elphin, Co. Roscommon submitted an observation (dated 5<sup>th</sup> January 2020) to the Local Authority in respect of the proposed development. The observation was signed by nine individuals. The key points from the observation can be summarised as follows:

- The proposal will have a significant impact on the visual amenity of the landscape.
- There is a risk that groundwater will become contaminated during the winter period, and which may in turn contaminate private wells.
- There is an increase volume of water flowing towards the dwelling to the north of the development due to the removal of hedgerows on the farm with the result that

the occupant had to have a drain constructed to protect their property. Concern that the proposed development will exasperate the problem.

- Information missing from the Nutrient Management Plan (NMP).
- Unroofed lagoon may not have the capacity to hold slurry and rainwater in winter periods.
- Concerns that an increased volume of rainwater entering the groundwater will impact on the permeability of the soil around the existing percolation areas used to dispose of effluent from the wastewater treatment plants associated with the existing dwellings.
- Activity associated with the quarry could impact the underground slurry tanks which could in turn impact groundwater.
- Two public water sources will be put at risk as a result of the development.
- The proposal should not proceed in the absence of a safe ingress and egress of traffic to the farm.

Subsequent to the statutory notices being readvertised at RFI stage, Ms Byrne submitted an additional observation (dated 26<sup>th</sup> May 2021) to the Local Authority. In summary, the observation states that the concerns outlined in the first observation have not been adequately addressed in the RFI Response.

## 4.0 Planning History

**Roscommon Reg. Ref. 21/204:** Planning permission granted on 16<sup>th</sup> July 2021 for the construction of an agricultural entrance onto the L1410. The permitted entrance is located north of the subject site and will facilitate access to the proposed development.

- 4.1. **Hanly Quarry:** I note that there are a number of planning applications in relation to the neighbouring quarry. Planning permission (Reg. Ref. 20/310) was recently refused (13<sup>th</sup> September 2021) by the Local Authority for an 8.6ha extension to the quarry over a 24 No. year period for three reasons relating to unauthorised development, and the submission of an insufficient NIS and EIAR. At the time of writing this Report, the period in which an appeal of the Local Authority's Decision to An Bord Pleanála could be sought was still live. There is an overlap of approx. 8.6ha between the farm

landholding (227ha) and the quarry extension. Whilst the landownership boundary for both applications is similar there are also notable differences.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Roscommon County Development Plan 2014-2020. (The Roscommon County Development Plan 2021-2027 is currently being prepared.) Chapter 3 of the Development Plan addresses economic development and refers to the importance of agriculture in the county and the need to facilitate the development of agriculture and agricultural practices. Policies and objectives aimed at addressing water pollution and habitat protection, as part of agricultural development, are included in Chapter 3 of the Development Plan. Section 4.2 of the Development Plan addresses water services, including water quality and groundwater protection. Chapter 9 of the Development Plan provides Development Management Guidelines & Standards. Section 9.3 in relation to storm water disposal states:

With regard to on site storm water disposal the following should be considered:

- Surface water may be disposed of to soak pits and water courses including roadside drains. The Planning Authority will require on site testing in relation to the suitability of a site to dispose of storm water satisfactorily. Likewise, the capacity of drains and watercourses to receive storm waters may also be required to be verified as deemed.
- Petrol interceptors will be required to be installed in developments.
- Surface waters shall not be allowed flow onto a public road or neighbouring property.

Section 9.5 provides guidance in relation to rural siting and design, while subsections 9.5.1 and 9.5.2 provide guidance in relation to access and roadside boundaries, respectively.

Section 9.26 relates to agricultural activity and states *inter alia*: The Council will require that agricultural developments comply with the Department of Agriculture's 'Guidelines on Control of Pollution and Farmyard Wastes', 1985. The Council will exercise its

powers under the Planning and Development Act 2000 as amended and under the Water Pollution Act as amended (1990) to ensure that agricultural development will not cause pollution to watercourses. All new and existing agricultural developments will be required to ensure that all effluent, including yard run-off, is collected and stored within the confines of the development. When assessing the adequacy of effluent handling facilities the following will be considered to be soiled waste: Slurry; soiled water run-off; milk washings; silage effluent; and dung stead.

The Development Plan's Landscape Character Assessment confirms that the site is located in LCA 29: Strokestown Drumlin and Turlough Belt which is defined by a series of rounded hills to the east, an area of high ground to the west at Rathcroghan and otherwise by the clustering of lakes and turloughs. These turloughs combine with the rolling drumlin hills to create the essence of the character of this landscape. This character area is of Moderate landscape value. The main features of value are the planned settlement of Strokestown and its associated demesne.

## **5.2. National Guidelines and Legislation**

The following legislation is relevant:

- EU (Good Agricultural Practices for the Protection of Waters) Regulations (2017) Statutory Instrument (SI) No.605 of 2017, as amended by SI No.65 of 2018.

## **5.3. Natural Heritage Designations**

The nearest designated site - Annaghmore Louth (Roscommon) SAC (site code 001626) - is located approximately 2.5km south of the appeal site.

## **6.0 The Appeal**

A Third-Party Appeal has been lodged by Valerie Byrne of Lisduff, Elphin, Co. Roscommon. The Appeal was signed by nine individuals. The grounds of appeal can be summarised as follows:

- The proposal does not comply the Development Plan (Sections 9.3, 9.5, 9.5.1, 9.5.2, 9.26.1, and 9.26.2)



- No surface water drainage system is available. The Applicant proposes discharging stormwater to a low-lying area on the farm, which is adjacent to a neighbouring property.
- No on-site testing was requested by the Planning Authority and testing was not carried out by the Applicant. As a result, it is not possible to determine if the proposed solution for the discharge of stormwater will operate satisfactorily. As such, permission should be refused on these grounds.
- As the Applicant did not propose to install a petrol interceptor the planning authority should have requested one to be installed or refused permission. This is important given the karst feature in the area.
- There is a risk of water entering the neighbouring property in storm conditions.
- The proposed development is located on top of a hill breaking the skyline. It is quite reasonable that a more suitable location could be found where the buildings would not impact on the landscape or break the skyline given that the proposal is located on a farm of 227ha. The development could have been located close to the existing farm buildings where it would be less physically prominent and lessen the visual impact. This suggested location would pose less of a risk in terms of stormwater discharge.
- The development does not include any details in relation to safe access arrangement but instead the developer has informed the planning authority of its intention to apply for planning permission for a new entrance to serve the site. Planning permission should not have been granted until such time as the Planning Authority was satisfied the required sightlines were achievable.
- The revised NMP does not adequately address the issue of storage for farmyard waste and yard run off. No details has been supplied on providing freeboard and capacity for rainfall on open tanks as required under Good Farming Practice Regulations. Calculations or provisions for effluent produced from the silage stored on the silage base are not provided for in the NMP.
- There is a storage shortage of 4,424.72m<sup>3</sup>. This could have a serious impact on public health and safety.
- The Applicant states that the farm is not intensive, yet a derogation is required.

- The Planning Authority failed to analyse the NMP and identify missing information, in particular, why only tank lengths are given.
- The farm has many karst features, and it is vital that farm waste is stored and managed correctly to ensure water supply to residents close to the farm who rely on private wells for their water supply are protected.
- A letter (dated 5<sup>th</sup> July 2021) from Leitrim Organic Farmers is attached to the Third-Party Appeal. The key points from the letter can be summarised as follows:
  - Concern regarding the negative effect the proposal could have on the environment and residents in the area.
  - Queries how the development complies with the EU water quality and EU habitats directives.
  - Request that the impacts on Annaghmore Lough SAC 001626 and Cregga Turlough be considered.
  - The site provides habitats for whooper swans and golden plover.
  - As there is a quarry adjacent to the site there is reason to believe that with more intensive rainfall events, and with the permeable nature of the rock underlying the farm, that there is significant risk to well water supplying local houses.

## 6.1. Applicant Response

6.1.1. A First Party Response to the Third-Party Appeal was submitted by Collins Boyd Engineering on behalf of the Applicant. The key points in the Response can be summarised as follows:

- The site is located within landscape character 29: Strokestown Drumlin and Turlough Belt, which has a moderate value (lowest value in the county). There are no protected views or prospects in the vicinity. The proposal is typical of a type of farm building and industrial building constructed throughout Roscommon. The buildings are clustered so that they will read as one when viewed from the north or south. They will not be visible from any public areas to the south. The view from the north will be local and because of the topography there will not be any distant views.

- There is sufficient capacity and lands on which to spread slurry at the appropriate time. The Appellant's contention in relation to silage effluent does not have any effect on storage capacity and it carries no environmental risk as effluent is collected when no animal slurry is generated and can be safely discharged at appropriate times.
- The lands do not fall directly from the proposed farmyard to other landholdings or properties. The surface water will flow towards the area to the north east of the site and will dissipate from there towards a low-lying area in the centre of plot Nos. 3 and 5 from where it will percolate to ground. This is how greenfield surface water runoff from the general area around the site is disposed off with no significant impact on the receiving area. Plots 3 and 5 are one of the driest areas on the farm due to the underlying bedrock.
- It is not anticipated that the increase in surface runoff will cause any flood risk to adjoining properties.
- The extensive road network on the farm for the most part drains through natural percolation on to the adjoining lands. This has been a successful system and it is anticipated that this system will be successful in draining runoff from the proposed development.
- Planning permission has been obtained for a new entrance onto the L1410 (Ref. 21/204) which will be used principally by HGVs collecting milk.
- There is no bulk storage of fuels on the site and any fuels that are kept on the farm will be located within a bunded storage facility. The main risks from hydrocarbon contaminants is likely to arise during the construction period. There are well tested processes and procedures in place to minimise the risk from accidental spillages.
- The Planning Authority did not make any request for further information on surface water as it considered that the separation of the proposed development from adjoining properties and sensitive land uses did not generate a particular risk of flooding, damage to property or need for a petrol interceptor.
- The site was chosen as it was considered to be the weighted centre of the farm holding in terms of travel distances and land area and is the optimum location for the efficient production of milk and the best management of livestock. The existing

farm buildings are at the edge of the holding and for this reason are a sub-prime location for a milking parlour and associated housing.

- In relation to whooper swans and golden plover, the Applicant is aware that swans have foraged on the farm, where larger fields on the landholding provide a safer area for them. The site of the proposed development would not be a favoured location due to existing hedgerows which could be used by predators. The Applicant has no evidence that the golden plover is present on the site of the proposed development and it is possible that it winters in the general area. It is not a typical area for breeding by plovers.

## 6.2. Further Responses

Valerie Byrne made a further submission to An Bord Pleanála on 8<sup>th</sup> September 2021. The key points from this Submission are:

1. The structures will be visible up to distances of 6km away. Alternative locations on the farm for the proposed structures are suggested.
2. The Applicant has adopted a hap hazard approach to disposing of silage effluent.
3. Revised figures are submitted with the Submission to demonstrate that there is insufficient storage capacity.
4. Animals aged 6-24 months have not been included in the calculations in the NMP. The planner has made no provision for slurry requirements for calves born and housed in the calf shed during springtime.
5. The application should be refused until a comprehensive NMP is prepared to include all slurry requirements on the farm to ensure the farm can be developed without the threat of pollution to groundwater.
6. Certainty is required that the disposal of surface water runoff will not cause flooding. Calculations have been included with the Submission to demonstrate the volume of water that could be generated over a 12-hour period of rainfall at a rate of 25mm per hour.
7. The planning permission to facilitate a new entrance to the farm is acknowledged.
8. The preparation of a construction management plan and provision of a bunded storage area for storing fuels are welcomed. However, concerns remain that contamination may occur from day-to-day operation.

### 6.3. Observations

None.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, Third-Party Appeal, First-Party Response, and further Third-Party Submission; inspection of the site; and having regard to relevant local/regional/policies and guidance, I consider that the main issues on this appeal are as follows:

- Visual Impact,
- Water Quality,
- Waste Storage Capacity,
- Traffic and Road Safety, and
- Appropriate Assessment.

Each of these issues is addressed in turn below.

### 7.1. Visual Impact

The Appellant contends that the proposed structures will have a visual impact on the area and that alternative sites on the landholding could be used which would have a reduced visual impact. As outlined above, the topography in the area, and across the 227ha of land comprising the farm, consists of steep valleys and hills. The proposed farm, whilst not located on the most elevated position on the overall landholding, is located on the side of a hill. The Applicant has outlined the technical justification for the location of the proposed structures within the overall landholding (i.e. increased efficiency and reduced animal lameness). The cubicle shed will have a maximum height of 8.872m, the milking parlour will measure 6.813m in height, and the slurry lagoon will have a maximum height of 3.55m. It is proposed that the cubicle shed and milking parlour will both have roofs and sections of their side elevations constructed with dark green cladding.

As highlighted by the Applicant, the proposed development does not impact any designated protected views or scenic routes in the Development Plan. Whilst I accept that the proposal will have a visual impact on the area, particularly when viewed from the north, I consider this to be acceptable having regard to the agricultural appearance of the structures in a rural setting. In particular, the dark green cladding will facilitate the integration of the structures into the landscape. Furthermore, the landscaping proposal (Dwg. No. 117, Rev. PL0) will further screen the structures. Due to the steep topography, existing hedgerows, proposed landscaping treatment, the distance between the proposed structures and the L1414, and the parallel orientation of the structures, all the structures will not be fully visible from the one-off dwellings positioned on the L1410. Views of the structures along the road will be transient and short lived.

In conclusion, while I accept that the structures will be visible in the surrounding area, in the context of the Development Plan's policy which recognises agriculture as a key contributor to the economic and social viability of rural areas, the proposal is not an unreasonable intrusion on the rural landscape. I reiterate that the proposed structures will not impact upon any views or scenic routes identified in the Development Plan. As such, I do not consider that the visual impact is such to justify a refusal.

## **7.2. Water Quality**

The issue of water quality is a central component of the Third-Party Appeal. At the outset, I highlight that the EU (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (As Amended) provides a basic set of measures to ensure the protection of waters against pollution caused by nitrogen and phosphorus from agricultural sources. For farmers these require, amongst other things, keeping soiled water to a minimum, collecting effluents, sufficient storage capacity to meet minimum requirements in the Regulations (and these facilities must be kept leak-proof and structurally sound) and diverting all clean water from roofs to a clean water outfall. Compliance with the Regulations is linked to the payment of the Single Payment Scheme (and related schemes).

### 7.2.1. Stormwater Disposal

The Appellant argues that the disposal of surface water run-off may cause flooding of neighbouring properties. It is argued that as site testing has not been completed, there is a risk that the disposal of stormwater could contaminate local water supplies. Furthermore, it is argued that due to insufficient waste storage capacity and land spreading area, there is potential for negative impacts on water quality in the area.

In terms of surface water disposal, the Applicant proposes to dispose of stormwater to a low-lying depressed area north of the site. I note from my site visit that with the exception of a drain along a field boundary to the north of the site, there are no nearby waterbodies. This drain leads to the depressed area. The closest dwelling to the depressed area is located approx. 355m to the north. No water wells have been identified in the surrounding area. I note from the EPA's soil classification that the soil type in the area is Surface water Gleys and Groundwater Gleys, above limestone bedrock. I also note the findings of the soil samples submitted with the application. The Appellant has attempted to calculate the volume of stormwater generated from the concrete areas, milking parlour roof area, and cubicle shed. With reference to Section 8 (Winter Facilities) of the Teagasc Dairy Manual 2016, which advises that average net rainfall during the specified storage period for Roscommon is 26mm per week, I do not consider the Appellant's calculation (i.e. a 12-hour period of rainfall at a rate of 25mm per hour) to be reasonable.

I note that the Appellant raises concerns in relation to potential impacts from the proposed development and the quarry located to the east of the site. Both businesses have been operating side-by-side in the past without any known negative impacts on the surrounding area, including water quality. I do not foresee any reason why the development as currently proposed in conjunction with the quarry would cause a negative impact on the surrounding environment.

The Appellant considers that the Planning Authority should have refused permission as a petrol interceptor is not proposed as part of the development. I agree with the Applicant that the greatest risk of pollution from hydrocarbons is at construction stage. Having regard to the nature of the proposal and receiving environment, I do not consider that there is a significant risk of pollution that warrants the instalment of a petrol interceptor. Should the Board be minded to grant permission for the proposed

development, I recommend that a bunded storage area be provided for fuels by way of condition.

The Applicant advises that he is availing of a nitrates derogation thereby permitting the application of 250kg of nitrogen per hectare. The total landholding is stated as being 227.47ha. A total of 49,300kg of nitrogen is produced on the farm (cows 44,500 kg + cattle 4,800kg). As such, 216.73kg of nitrogen is permitted to be applied as per the derogation provisions in the 2014 Regulations. Therefore, I consider that there is sufficient land to dispose of the nitrates produced on the farm. Should the Local Authority's refusal to extend the neighbouring quarry (Reg. Ref. 20/310) be appealed and overturned by An Bord Pleanála the total site area available for land spreading would be reduced by approx. 8.6ha. However, there would still be adequate land available to comply with the 250kg of nitrogen per hectare threshold. As per the GAP Regulations organic fertilizers are not permitted to be spread within 15m of any karst feature. Furthermore, as outlined in the RFI Response, in karst regions slurry can only be applied at a maximum rate of 25m<sup>3</sup>/Ha in any 42-day period.

In conclusion, having regard to the nature of the proposed development, the size of the landholding, the proposed extent of hard surface and roof areas, the proximity of the depressed area to the nearest dwelling, the greenfield nature of the surrounding lands, the topography of the site and surrounding area, and the location of a field drain between the depressed area and the nearest dwelling, I do not consider that there is a significant risk of flooding to nearby properties or to water quality as a result of the proposed development.

Furthermore, I highlight that a representative from the Local Authority's Environment Section carried out a site visit on 7<sup>th</sup> January 2020 (one of the wettest periods in the year). Details of the design of the discharge point were requested in order to reduce the scouring of the bed of the receiving water course and details of controls to be put in place to reduce the risk of potential flooding/inundation of the receiving water course. The Applicant confirmed in the RFI response that a headwall will be constructed at the outfall and that rocks and stones will be added to the drain downstream of the outfall to protect the soil from being scoured and to dissipate the flow of water. The Environment Section confirmed the proposal was acceptable subject to conditions.



Having regard to the foregoing, I do not recommend that planning permission is refused on grounds of potential impacts of stormwater disposal on water quality.

### 7.3. Waste Storage Capacity

The Appellant argues that there is insufficient storage capacity proposed with the development and that permission should be refused until a comprehensive Nutrient Management Plan is prepared. The Appellant states in the Third-Party Appeal that there is a shortfall of 4,424.72m<sup>3</sup> (when the existing storage facilities are not included). In a Further Response (dated 8<sup>th</sup> September 2021), the Appellant calculates that there is a shortfall of 1,969.32m<sup>3</sup> when the existing storage facilities are included.

The Applicant advised at RFI stage that the existing facilities on the farm will continued to be used with the exception of the milking parlour which will be discontinued. I note that the Local Authority attached a condition (No. 12) requiring that the existing milking parlour cease operation and be permanently removed.

I calculate the available storage areas in the Tables below based on the drawings submitted with the application and with reference to Teagasc Dairy Manual 2016.

<b>Table 1: Existing Covered Tanks</b>							
<b>Tank</b>	<b>Length (m)</b>	<b>Width (m)</b>	<b>Depth (m)</b>	<b>Gross Volume (m<sup>3</sup>)</b>	<b>Rainfall Reduction (m<sup>3</sup>)</b>	<b>Freeboard<sup>1</sup> Reduction (m<sup>3</sup>)</b>	<b>Net Storage (m<sup>3</sup>)</b>
<b>2A</b>	49.5	3.0	1.2	178.2	0.0	29.7	148.5
<b>2B</b>	49.5	3.0	1.8	271.8	0.0	29.7	242.1
<b>3A</b>	23.2	18.9	1.8	802.4	0.0	87.7	714.7
<b>4A</b>	25	18.9	1.8	864.7	0.0	94.5	770.2
<b>6A</b>	19.2	10.1	1.8	353.5	0.0	38.6	314.8
<b>Total Net Storage from Existing Covered Tanks</b>							<b>2,190.3</b>

<sup>1</sup> A freeboard (200mm) allowance is taken from the internal tank depth to get the net depth. Source: Teagasc Dairy Manual 2016.

<b>Table 2: Existing and Proposed <u>Uncovered Tanks</u></b>							
<b>Tank</b>	<b>Length (m)</b>	<b>Width (m)</b>	<b>Depth (m)</b>	<b>Gross Volume (m<sup>3</sup>)</b>	<b>Rainfall Reduction<sup>2</sup> (m<sup>3</sup>)</b>	<b>Freeboard Reduction (m<sup>3</sup>)</b>	<b>Net Storage (m<sup>3</sup>)</b>
<b>Existing Tank 7</b>	22.5	10.7	2.4	577.8	112.7	72.2	392.9
<b>Slurry Lagoon</b>	25	25	3.4	2,093.8	292.5	187.5	1,613.8
<b>Slatted Tank</b>	55.5	4.7	3.4	879.4	122.9	78.8	677.8
<b>Total Net Storage from Existing and Proposed Uncovered Tanks</b>							<b>2,684.5</b>

<b>Table 3: Total Net Storage</b>	<b>M<sup>3</sup></b>
Total Net Storage from Existing Covered Tanks (Table 1)	2,190.3
Total Net Storage from Existing and Proposed Uncovered Tanks (Table 2)	2684.5
<b>Total Net Storage</b>	<b>4,874.8</b>
<b>Table 4: Slurry Storage Requirements</b>	<b>M<sup>3</sup></b>
Slurry Produced (Animals)	<b>3,510</b>
<b>500 cows x 18 weeks x 0.33 m<sup>3</sup>/week<sup>3</sup> = 2,970</b>	
<b>200 cattle (6-12 months old) x 18 weeks x 0.15 m<sup>3</sup>/week<sup>4</sup> = 540</b>	
<b>Dirty Yards</b>	109.7 <sup>5</sup>
<b>Dairy Washings</b>	628.3 <sup>6</sup>
<b>Total</b>	<b>4,248</b>

<sup>2</sup> Source: Teagasc Dairy Manual 2016.

<sup>3</sup> Ditto.

<sup>4</sup> Ditto.

<sup>5</sup> NMP submitted with the application.

<sup>6</sup> Ditto

Total Net Storage (Table 3)	4,874.8
Slurry Storage Requirements (Table 4)	4,248
<b>Surplus</b>	<b>626.8m<sup>3</sup></b>

Having regard to the above analysis, I consider that there is sufficient storage capacity between the existing and proposed tanks to facilitate the development with a surplus of 626.8m<sup>3</sup>.

The Appellant raises concerns in relation to the disposal of silage effluent. Ms Byrne calculates that the total silage effluent will be 1,890m<sup>3</sup>. The Applicant argues that silage effluent does not have any effect on storage capacity and that it carries no environmental risk as it is collected when no animal slurry is generated and subsequently can be safely discharged at appropriate times. Having regard to the fact that the majority of the effluent would be generated during the summer months shortly after the silage is harvested and when the cattle are not being housed inside, I consider the Applicant's argument to be reasonable. Should the Board be minded to grant permission for the proposed development, I recommend that the drainage details connecting the silage pit to the slatted tank be agreed with the Local Authority. Furthermore as highlighted above, there will be surplus storage capacity.

In conclusion, I consider the Nutrient Management Plan submitted in respect of the proposed development to be robust and that there is sufficient storage capacity to accommodate the proposed development. Furthermore, as outlined above, I do not consider that the proposed development represents a significant risk to water quality. In conclusion, the proposed development would not be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area.

#### 7.4. **Traffic and Road Safety**

The Appellant raised road safety concerns in relation to how the proposed development would be accessed in the Third-Party Appeal. However, a later Submission (dated 8<sup>th</sup> September 2021), Ms Byrne acknowledges that planning permission has been secured for a new entrance to the landholding (Reg. Ref.

21/204). I have reviewed the permitted development in the context of the proposed development and consider that there are no traffic safety issues arising.

## 7.5. **Appropriate Assessment**

The closest European site to the subject site is Annaghmore Lough (Roscommon) SAC (site code 001626). It is located approximately 2.5km south of the appeal site.

Cregga turlough is located north of Annaghmore Lough and approx. 2km from the site. It is not a designated European site.

I note that Leitrim Organic Farmers argue that the site provides habitats for Whooper Swans and Golden Plover. The Applicant states that the site of the proposed development would not be a favoured location due to existing hedgerows which could be used by predators. The Applicant has no evidence that the Golden Plover is present on the site. It is highlighted that Birdwatch Ireland advise that the area is not typical for breeding plovers.

The qualifying interests for the Annaghmore Lough (Roscommon) SAC (site code 001626) are: (1013) Geyer's Whorl Snail *Vertigo geyeri* and (7230) Alkaline fens.

The conservation objectives for the SAC are: To restore the favourable conservation condition of Geyer's Whorl Snail [1013] and to maintain the favourable conservation condition of Alkaline fens [7230].

Having regard to the foregoing and to:

- the nature and scale of the proposed development, including the provision of sufficient waste storage facilities and land spreading capacity,
- the absence of a direct pathway connecting the subject site to the SAC,
- the topography of the site (i.e. the subject site slopes down in a northerly direction away from the SAC),
- the nature of the immediate receiving environment (agricultural land),
- the existing use of the lands (i.e. agricultural use with associated limited anthropogenic activity),
- the separation distance between the subject site and the SAC, and

- no loss, fragmentation disruption or disturbance to European sites or their annexed species either directly or indirectly,

I do not consider that the proposal would be likely to significantly impact the qualifying interests of Annaghmore Louth (Roscommon) SAC. Furthermore, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site. As such, I consider that no Appropriate Assessment issues arise.

## 8.0 Recommendation

I recommend that planning permission be granted, subject to the conditions outlined below.

## 9.0 Reasons and Considerations

Having regard to the nature, scale and appearance of the proposed development, the nature of the receiving environment, and the provisions of the Roscommon County Development Plan 2014-2020, subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the visual amenities of the area, would not be prejudicial to public health, would not be likely to cause a deterioration in the quality of waters in the area 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.

## 10.0 Conditions

1.	The development shall be completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 15th day of April 2021, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>A minimum of 18 weeks storage shall be provided on the landholding. Planning permission will be required for any additional storage capacity to accommodate any increase in livestock numbers and type from that outlined in the submitted Nutrient Management Plan with the application.</p> <p>Reason: In the interest of environmental protection and public health.</p>
3.	<p>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 2014 (As amended).</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>
4.	<p>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 public road.</p> <p>Reason: In the interest of public health.</p>
5.	<p>All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to the depressed area and shall not discharge or be allowed to discharge to the storage tanks or public road.</p> <p>Inspection manholes shall be installed on all surface water collection systems/pipelines prior to their discharge point to the depressed area and or surface water drains in accordance with the submitted details.</p> <p>The discharge point to the adjoining field drain shall be constructed in accordance with the submitted details, shall be monitored and inspected on a weekly basis with inspection records of the discharge retained for</p>

	<p>inspection by the Planning Authority or other statutory body on request. Where a discharge of potentially polluting mater is noted the Planning Authority shall be notified immediately.</p> <p>Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes and in the interest of public health.</p>
6.	<p>On completion of the construction of the proposed milking and handling area, the existing milking parlour shall cease operation and be permanently removed.</p> <p>Reason: In the interests of proper planning and orderly development.</p>
7.	<p>Construction and demolition waste shall be managed in accordance with the On-site Construction Waste Management Plan submitted in respect of the application.</p> <p>Reason: In the interest of sustainable waste management.</p>
8.	<p>The agricultural entrance permitted under Reg. Ref. 21/204 shall be completed as per the permitted plans and particulars and available for use prior to the operation of the subject development.</p> <p>Reason: In the interest of traffic safety.</p>
9.	<p>A bunded area shall be provided for the storage area of fuels. The details of this area shall be agreed in writing with the Planning Authority prior to the commencement of the development.</p> <p>Reason: In the interest of public health and to prevent pollution of watercourses.</p>
10.	<p>Details of the drainage management of the silage pit to the slatted tank shall be agreed in writing with the Planning Authority prior to the commencement of the development.</p> <p>Reason: In the interest of public health and to prevent pollution of watercourses.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

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, 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.

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.

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Susan Clarke  
Planning Inspector

19 October 2021