



An
Bord
Pleanála

Inspector's Report ABP-312331-21

Development	Septic tank & percolation area to existing house, 4 bay loose house, associated site works.
Location	Cloonglasney, Knockanillaun, Ballina, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21936
Applicant(s)	Pádraig Egan.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	John Preston.
Observer(s)	None.
Date of Site Inspection	22 June 2022.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a rural residential farmholding located within the townlands of Cloongalsney and Knockanillaun, approximately 4km to the west of Ballina Co Mayo. The appeal site extends to 0.888 hectares and is occupied by a dwelling and a number of farm structures, and forms part of a larger agricultural landholding of 21.16 hectares. Agricultural lands adjoin to the north and south with a high level of scattered residential development also in the local area including the closest dwelling being that of the appellants located directly opposite the road to the west of the site.

2.0 Proposed Development

- 2.1. The application seeks permission for the installation of a new septic tank and percolation area servicing an existing dwelling and construction of a 4 bay enclosed loose house 295.68m². along with all associated site works.
- 2.2. Application details outline that the applicant operates a purebred pedigree Charolais herd farm and given the level of care and attention required, more advanced housing is needed compared to the average suckler herd. It is intended that the shed will be used to house 6 pedigree Charolais Bulls.
- 2.3. The proposed septic tank is intended to replace an existing substandard septic tank serving the dwelling which is to be decommissioned as part of the development.

3.0 Planning Authority Decision

3.1. Decision

Following an initial request for additional information regarding location of dungsteeds and farmyard manure storage, Mayo County Council issued notification of the decision to grant permission and 16, largely standard, conditions were attached.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report sought additional information regarding the location of dungestad, proposals for storage of farmyard manure over winter, clarification of whether a slatted shed or construction of new tank was considered to cater for farmyard manure seepage runoff over the 18 week winter period.

Final report recommends permission subject to conditions.

3.2.2. Other Technical Reports

Environment Section report notes that a small stream Ballmanagh_010 approximately 180m from the site is ranked as having poor status under the WFD status 2013-2018 and is currently marked for review. A second stream the Slieveclaur_010 stream approximately 300m away is rated as having good status and not at risk. These streams make their way to Lough Conn (approximately 4km) which is classed as an at risk lake. It is noted that the location of the existing septic tank in a low lying area which is subject to ponding following heavy rainfall. Area doesn't appear to be at risk from fluvial sources. The proposed works will assist in regularising the operation of the septic tank at the site and prevent previous issues of ponding currently occurring.

Questions arise regarding the adequacy of effluent storage. Further information is required to demonstrate compliance with requirements of the European Union Good Agricultural Practice for the Protection of Waters Regulations 2017.

A second report following further information response asserts that the management of effluent and water are the key matters on this site. It is vital that clean water is not mixed with contaminated effluent to ensure compliance with European Union Good Agricultural Practice for Protection of Waters Regulations. Issues regarding location of cattle feeder and covering of existing dung steads will be dealt with by correspondence with Environment Section.

Water Services Section report. No comments on the application no objection to a grant of permission.

3.3. Prescribed Bodies

No submissions.

3.4. Third Party Observations

3.4.1 Submission by Bury Architects on behalf of John Preston, Rosemary and Nicholas Preston residents of the dwelling directly opposite to the west of the site objects to the proposal on the following grounds:

- Excessive area of hardstand on the site and history of flooding as demonstrated in submitted site photographs Site is overdeveloped.
- No interception provided for surface water before it runs onto the road.
- Inadequate detail provided regarding dungsteeds and animal storage areas.
- Mature trees were cut down and soil profile raised on the site.
- Percolation tests were not carried out on flooding area but on higher ground.
- Proposed shed is located too close to the appellant's house.
- No effort made to mitigate against smells, light pollution and agricultural noise.
- Cattle feeder located almost directly opposite the appellants dwelling. No hardstanding provided which results in poaching, smells and pollution.
- Concern that the importation of fill will displace storm water.
- Due to the limitations of the site the development does not meet the Department of Agriculture guidelines for the control of groundwater pollution.

3.4.2 Second submission following further information maintains objection and notes that flooding occurred on 8th October 2021 (photographs appended). Concerns remain that excavation works will provide a preferential flow path for floodwaters potentially increasing flood areas. Proposal to allow build up of farmyard manure in the shed to a depth of 260mm inappropriate. Location of feeder directly opposite the appellant's

dwelling has resulted in smells, groundwater contamination and is detrimental to residential and visual amenity.

4.0 Planning History

21/66 Refusal of permission August 2021 for construction of a 4 bay enclosed loose house together with associated site works, refused on grounds that based on flooding history and location of septic tank system the proposal may result in an unresolvable scenario regarding the safe disposal of effluent which might require relocation to the location of the proposed shed structure.

5.0 Policy Context

5.1. Development Plan

The Mayo County Development Plan 2014-2020 refers. I note that the members of Mayo County Council adopted the Mayo County Development Plan 2021-2027 on the 29th June 2022. The new plan will come into effect on 10th August 2022, (ie 6 weeks from the date of adoption.)

Agriculture Policy.

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.

Development Standards are set out in volume 2 and in relation to agriculture

Agriculture 56.1 The Council recognises the importance of agriculture and agriculture diversification in the County. It is also recognised that those living on farms and working the land are the guardians of the countryside.

56.2 The principal aim shall be to support agriculture in the County subject to best environmental standards which promote maintaining good water quality and biodiversity. Therefore, the activities on the farm shall comply with the provisions of

S.I. No. 610 of 2010, European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010.

56.3 Large scale agricultural development and/or agriculture-related industry involving processing farm produce will generally be permitted subject to proper planning and sustainable development. When considering such proposals, the following will be taken into account:

- Availability of existing structures/buildings on the farm holding for the development
- Traffic safety
- Pollution and waste control
- Satisfactory treatment of effluents
- Odour
- Noise
- Size and form of the structure and its integration into the landscape
- Visual amenity of the area.

5.2. Natural Heritage Designations

The site is not within a designated area. The nearest such sites are River Moy SAC within 2.5km to the west.
Lough Conn and Lough Cuillin SPA within 4km to the southwest.

5.3. EIA Screening

Having regard to the nature and scale of the development it is considered that 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

6.1.1 The third party appeal is submitted by Bury Architects on behalf of John, Rosemary and Nicholas Preston owners of the dwelling immediately opposite the site to the west. Grounds of appeal are summarised as follows:

- Site for shed is inappropriate on basis of noise generation and proximity to neighbouring dwelling.
- Negative impact on visual and residential amenity, light pollution, and generation.
- Significant level of impervious surfaces on the site suggests overdevelopment for soakaways.
- Notable flooding history on the site as evidenced in photographs appended. Imported fill to the site has the potential to alter overland flow and increase flooding occurrences.
- Insufficient information on management of flooding.
- Storage of waste during the 18 week period is unclear.
- Cattle feeder located in proximity to western boundary in area subject to flooding potentially giving rise to groundwater contamination
- Septic tank location is within a floodplain.
- Ability to comply with conditions 3, 7, 8, 9, 10 and 16 unclear.
- It is noted that Irish Water refer to a public sewer in the vicinity. Concerning that Irish Water did not give consideration to the proposed development.
- Unauthorised works carried out on the site including interferences with the existing septic tank and removal of hardwood trees.
- Concern that cattle are to stand in their own waste for a period up to 18 weeks.
- Request consideration of alternative location for the shed. Sufficient land for alternative location to the north of the site.

- Drain to be formed to accommodate the foul sewer pipe will act as a conduit for surface water to reach the percolation area.
- Site is not suitable for development will give rise to negative impact on the environment and residential amenity and should be refused.

6.2. Applicant Response

The first party did not respond to the grounds of appeal.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1 I have examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions. I note that the main concerns raised within the grounds of appeal refer to the potential negative impact on the established residential amenity of the adjacent dwelling to the west of the site with particular reference to noise and odour and visual impact and negative environmental impacts arising from surface water runoff effluent management and flooding potential.

7.2 The appeal site is part of a well-established overall farm holding and it is evident that works are proposed to improve the environmental standards and the efficiency and viability of the farm and reduce the possibility of negative environmental effects. The proposed upgrading of the existing septic tank is a welcome development given that the existing system is non-compliant with current standards. The existing system comprises a single chamber septic tank and soakaway located in a low lying area which is a natural collection point from the adjoining higher ground and the public road. The location is subject to significant water ponding as is evidenced in photographs appended to the appeal. The development provides for the

decommissioning this existing septic tank and replace it with a new septic tank and percolation area.

- 7.3 In regard to the site characterisation form it is reported that in the trial hole excavated to 2.1m, neither water table nor bedrock were encountered. Soil is described as dark brown topsoil with gravelly silt clay in the 0.3 to 1.3m horizon with sandy silty from 1.3m to the base of the trial hole. Preferential flowpaths were not detected. A T value of 27 was recorded. A septic tank and percolation area discharging to groundwater is proposed. Based on the submitted details it is evident that the site is suitable for the proposed wastewater treatment system in accordance with EPA standards. Clearly the decommissioning of the existing septic tank is in the interest of public health and is a welcome development on the site. The management of surface water runoff on the site to mitigate flooding and runoff to the public road is key to the proper development of the site.
- 7.4 As regards impact on residential amenity, the appellant's property which is the nearest dwelling is located directly opposite the site and within approximately 64m of the proposed loose house. I noted on the date of my site visit that the first party has provided planting of a tree shelter belt to the west of the existing septic tank location which will provide additional screening of the loose shed and wider farmyard from the appellant's dwelling. As regards visual impact on the wider area I consider that the clustering of the proposed loose shed within the existing farm complex is not only appropriate in terms of function but is also justified in terms of visual mitigation. I am satisfied that the screening provided appropriately mitigates visual impact on the appellants dwelling and the proposal is not significant in terms of visual impact.
- 7.5 As regards other potential negative impacts on residential amenity, I note the established nature of this farm complex and rural / agricultural character of the immediate area where there is a tradition of farming practice with associated farm buildings and structures, and also having regard to the extant agricultural buildings and the practice already established on the appeal site. I do not consider that any significant increased loss of residential amenity or other nuisance arises in terms of

noise or odour. I consider that subject to ongoing good farm management and practice no significant negative amenity impacts are likely.

- 7.6 On the matter of effluent storage, the submission in response to the request for additional information notes that there are three existing slatted tanks within the yard with a combined storage capacity of 230.42m³ giving a surplus capacity. As regards effluent run off provision for run off to the existing tank and as noted in report of Environment Section there is adequate capacity subject to appropriate management of effluent and water. I note that the report of Mayo County Council Environment section suggests liaison with the first party regarding good practice and animal husbandry issues as raised within the appeal. On the basis of the information provided it is evident that the development subject of the current appeal can be appropriately managed in accordance with the requirements of the European Union Good Agricultural Practice for the Protection of Waters) Regulations 2017.
- 7.7 On the issue of appropriate assessment screening under the Habitats Directive (92\43\EEC) having regard to the nature and scale of the proposed development and nature of the receiving environment, the possible impacts arising from the project relate to possible impacts arising from farm waste. As the proposal relates to an existing farm enterprise with provision for adequate effluent storage and compliance with SI No 605/2017 – European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 I consider that it is reasonable to conclude that there is no potential for significant effects and that therefore Appropriate Assessment is not required. 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.

8 Recommendation

I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. I recommend that planning permission for the development as set out be granted subject to the following conditions.

Reasons and Considerations

Having regard to the nature and extent of the proposed development and to the history of on-site agricultural activity, to the existing character and pattern of development in the vicinity, if it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further information submitted on 5th November 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed septic tank drainage system shall be in accordance with the standards set out in the documents entitled “Wastewater Treatment Manual – Treatment Systems for Single Houses” – Environment Protection Agency 2021.

Reason: In the interest of public health.

3. The existing septic tank on site shall be decommissioned, emptied, and removed prior to construction of the loose house.

Reason: In the interest of public health.

4. A minimum of 18 weeks storage shall be provided in the underground storage tanks.

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

5. The loose house shall be used only in strict accordance with a management schedule which shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017 (SI No 605 of 2017).

Reason: In order to avoid pollution and to protect residential amenity.

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 Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2017 (SI No 605 of 2017).

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

7. 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, to soakaways and
 - (b) all soiled waters shall be directed to the slatted storage tank.

Reason: In the interest of environmental protection, public health and to ensure a proper standard of development.

8. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the 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.

Bríd Maxwell
Planning Inspector

5th July 2022