



An
Bord
Pleanála

Inspector's Report

ABP-315131-22

Development	Retention for milking parlour, storage, extension to silage pit slab and all associated site development works.
Location	Crumlin Big, Moneygall, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2260324
Applicant(s)	Martin Murray
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Flynn
Observer(s)	None
Date of Site Inspection	31 st August 2023
Inspector	Catherine Dillon

1.0 Site Location and Description

- 1.1. The subject site is located approximately c.2km to the south east of Moneygall and south of the M7 motorway in Co. Tipperary. The site is accessed via the L-3225-0 local road and lies to the east of the road. The area is rural in character with a number of farmsteads and one-off houses. There is an existing single storey house located immediately to the south of the site.
- 1.2. There is a stream/drainage system, associated with the Little Brosna River, which runs along the western (roadside) and northern boundary of the site and partially along the eastern boundary. The site has a stated area of 3.163ha.
- 1.3. There is an existing slatted shed on the southeastern section of the site with a section in use as a milking parlour. Within the overall farmyard complex there is a feeding shed, 2 silage slabs, slurry tank and milk storage tanks. There are a tyres and machinery also being stored on the site.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of a milking parlour store, 2 milk storage tanks, a silage pit slab, new site entrance and access road including closing up of the existing entrance and access road as previously granted permission (P.A Ref: 18600498) and all associated works.
- 2.2. The milking parlour has been constructed inside the northern section of the existing slatted shed. A storage building to the north of the existing slatted shed with a floor area of 34m² has been constructed. Next to the storage building are two milk bulk tanks and a cooler system. The silage slab to be retained lies to the north of an existing silage slab and has an area of 836m². A drainage gully extends along the southern edge of the slab.
- 2.3. The cover letter with the planning application states the work was carried out due to changes in the agricultural industry, all of the cattle are housed full time in the slatted shed, and there will be no agricultural animals crossing public roads as a result of these works.

2.4. Maps have been provided indicating the Applicant's landholding/rented lands, with an overall area of 103.5 ha as indicated on the submitted folios. Part 4 of the Planning Application indicates the following:

- 200 dairy cows on site.
- Maximum of 1,800 cubic metres of waste per 18 weeks.
- Slurry spread on land, plastic stored and disposed in collection points.
- Size/Capacity of existing slurry tank = 2332.80m³.
- Silage effluent and soiled yards are diverted to slurry tanks.
- All slurry and effluent disposed by spreading on land as submitted on maps provided.
- Soakaway on site to collect roof water.

2.5. Included within the planning application is a Flood Risk Assessment and landscape scheme. The landscaping scheme indicates the existing 2.2m high concrete wall would be retained along the southern boundary and an acoustic fence proposed with a height of 2.4m with timber finished panels installed along part of this boundary. Tree planting along the southern boundary is indicated, and the northern and western part of the yard is to be enclosed with a holly and hawthorn hedge.

2.6. A revised vehicular access is to be completed in accordance with the access granted in P.A Ref:18600498 and ABP Ref: 304375-19, with sightlines of 90m in both directions.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of further information, the Planning Authority granted retention permission subject to 7 conditions relating to the following:

Condition 2: Sightlines to be 120m in both directions of the access.

Condition 3: Landscape plan to be implemented within first planting season.

Condition 4: Surface water.

Condition 5: Cattle grid to be maintained.

Condition 6: Development to be finished in a dark green colour or similar.

Condition 7: Construction works.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The initial planner's report considered the development acceptable in principle, and further information request dated 15/8/2022 raised several issues as follows:

1. A revised site layout plan (scale 1:500) outlining proposals for sightlines in both directions from the proposed site entrance which accord with the requirements of Section 10.9.1 Road Design and Safe Access of the North Tipperary County Development Plan 2010-2016 (as varied). Such sightlines for the purposes of agricultural entrances are measured from a point 4.5 metres from the road edge at the centre of the proposed access to a point at the near edge of the approaching carriageway for a distance of 90 metres. Forward stopping sight lines of 90 metres measured along the centre line of the public roadway to the entrance should also be indicated. The response is to include a 1:500 Site Layout Plan and section where appropriate, accurately showing:
 - (a) The existing carriageway
 - (b) The existing carriageway-verge
 - (c) The existing roadside boundary
 - (d) Visibility sightlines
 - (e) Road gradient
 - (f) Identification of roadside boundary removal required to achieve sightlines (if required), and proposals for replacement boundary having regard to the significant removal of roadside boundary in a rural area.
 - (g) Written consent from any landowner whose property would be affected
2. The proposed landscaping plan is limited and should also provide for further robust screening and planting along the southern site boundary with the

neighbouring property. The plan should adequately fulfil site-specific requirements in relation to: visual screening, aesthetics, physical barrier. Details of the implementation of the landscaping scheme shall also be submitted.

- 3.2.3. The final planner's report reflects the decision to grant retention permission, subject to conditions. The revised sightlines as submitted by way of further information indicated sightlines of 90m in each direction. A revised landscape plan was submitted. The information received by way of further information is considered in the assessment below.

3.2.4. Other Technical Reports

- 3.2.5. District Engineer: Report dated 5/7/2022: Recommended conditions regarding surface water run off, but noted the sightlines and set back from the boundary was not compliant with previous planning permission.

District Engineer: Report dated 20/10/2022: On receipt of further information response recommended conditions, regarding surface water and sightlines. The engineer noted the submitted drawings indicated proposed 90m sightline however in line with the new CDP the design speed limit in both directions was deemed to be 55-60kph therefore a Y distance requirement of 110-120m shall be provided on both sides of the development and notes that this distance is achievable within the site extends.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received one submission in relation to the application. The main issues raised are similar to those set out in the grounds of appeal.

4.0 **Planning History**

- 4.1.1. **ABP Ref: 304375-19/ P.A Ref:18600498**: Planning permission was granted to Martin Murray for a cattle shed (2,975.28m²), feed store (184.36m²), retaining wall,

silage pit (1,380m²), alterations to existing field entrance and access laneway and all associated site works. On appeal to An Bord Pleanála by a Third Party, permission was granted on 29/8/2019 subject to 7 conditions.

4.2. Enforcement:

TUD-16-165: Enforcement Notice issued and case closed.

TUD 20-220: Current enforcement file relating to unauthorised development and non-compliance with planning permission.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

- 5.1.1. The subject site is located in a rural area outside of the county outside of any designated visually sensitive area or designated protected view.
- 5.1.2. Strategic Objective SO-6 seeks to support a sustainable, diverse and resilient rural economy, whilst integrating the sustainable management of land and natural resources.
- 5.1.3. Chapter 8: Refers to Enterprise and Rural Development of which Planning Policy 8-4 is relevant which seeks to facilitate the development of alternative farm enterprises, whilst balancing the need for a proposed rural-based activity with the need to protect, promote and enhance the viability and environmental quality of the existing rural economy and agricultural land.
- 5.1.4. Chapter 11: Refers to Environment & Natural Assets: Planning Policy 11-1 requires new development to be in line with Article 6 (3) and Article 6 (4) of the Habitats Directive. Planning Policy 11 - 14 seeks to ensure that proposals for agricultural developments, as appropriate, comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 or any amendment thereof.
- 5.1.5. Volume 3- Chapter 6: Parking, Traffic & Road Safety, Tables 6.1 & 6.2 set out sightline requirements for development on rural roads.

5.2. Project Ireland 2040 National Planning Framework (NPF)

Section 5.4 (Planning and Investment to Support Rural Job Creation) of the NPF highlights that ‘creating the environment to support job creation in rural areas will be a key enabler to rejuvenating rural towns and villages, sustaining vibrant rural communities and reversing population decline’. In terms of agriculture, the agri-food sector continues to play an integral part in Ireland’s economy and is Ireland’s largest indigenous industry, contributing 173,400 direct jobs and generating 10.4% of merchandise exports in 2016. The NPF notes that much of the economic benefits in the agri-food sector are dispersed throughout the country making it particularly vital to rural areas and economic development generally. National Policy Objective (NPO) 23 is relevant to the consideration of the appeal which seeks to ‘facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.’

5.3. Natural Heritage Designations

5.3.1. The subject site is not located within or immediately adjacent to any European site. The nearest European sites to the subject site are:

- Kilduff Devilsbit Mountain Special Area of Conservation (SAC) (site code: 000934) c.4.8km south of the site.
- Sharavogue Bog SAC (site code: 000583) 12 kms to north of site.
- Scohaboy (Sopwell) Bog SAC (site code: 002206) c.14kms to the north west of the site.
- Slievebloom Mountains Special Protection Area (SPA) (site code: 004160) c.18km to the north of the site.
- Slievefelim to Silvermines Mountains SPA (site code: 004165) c.19km to south west of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature of the development, comprising the retention of an agricultural development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of Appeal are submitted by John Flynn (adjacent property owner), of which the main points are summarised as follows:

- History of unauthorised development and past failures to comply with conditions attached to the previous planning permission;
- Application is invalid and lack of information in submitted planning application;
- Intensification of the use has not been addressed;
- Environmental concerns regarding slurry disposal, damage to well, dumping on site, no animal details, smell, noise, dust, disposal of dead animals, pollution, surface water disposal, water supply, and rodent increase.
- Landscape plan is aspirational and does not provide details regarding the housing of machinery;
- Increase in traffic movements and traffic safety;
- Landholding too small for the facility;
- Devaluation of property and impact on residential amenity from noise and light pollution;
- This application should be refused.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. The main issues are those raised in the Third Party Appellant's grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Validity of appeal and past failures to comply with conditions;
- Principle of development and intensification of use on the lands;
- Design and Layout;
- Access, Traffic and Road Safety;
- Residential amenity;
- Flood Risk;
- Public health; and
- Appropriate Assessment.

7.2. Validity of Appeal and past failures to comply with conditions

7.2.1. The Appellant considers the application is invalid as details of the stock numbers and the Applicant's landholding details have not been included within the planning details in this proposal. Part 4 of the application form states there are 200 dairy cows on the landholding and maps of additional landholdings/rented lands of 103 hectares has

been provided. I note the number of stock has been reduced by 200 from that submitted in Application P.A Ref: 18/600498 which was stated as 400. Nevertheless, given that part of the permitted slatted shed on site is being used for the milking parlour, I do not anticipate the development would increase animal stock numbers.

7.2.2. The Applicant's landholding/rented land details are necessary regarding the spreading of organic fertilisers such as livestock manure, which were issues considered when the slatted shed was granted permission. Furthermore, the requirement that all organic fertilisers such as livestock manure, dungstead manure, farmyard manure, slurry, soiled water, silage and effluent and parlour washing generated on the farmyard shall be collected and stored in suitable receptacles would be required to be in line with the 'Nitrates Regulation' – European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 or future revisions of these regulations. I would therefore recommend in the event of planning permission being granted a condition is attached requiring all organic fertilisers generated on the farmyard shall be land spread in line with the 'Nitrate Regulation' – European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 or future revisions of these regulations. In this instance, I do not consider the additional land details and cattle numbers is necessary to determine the current proposal and therefore, does not make the application invalid.

7.2.3. I note the Third Party has raised issues regarding the Applicant's failure to comply with past conditions attached to development on the land, and the use of the lands for the storage of farmyard machinery. I also acknowledge the works the subject of this appeal have been carried out without the benefit of planning permission. However, the matter of enforcement falls under the jurisdiction of the Planning Authority, and I would remind the board that enforcement issues are not a matter for the board.

7.3. Principle of the Development and intensification of use of lands

7.3.1. The proposal is seeking the retention of a milking parlour dairy/store, two milk storage tanks, extension to a silage pit slab and a new entrance and access road on an existing farmyard. In terms of planning policy, Policy 8-4 of the County Development Plan seeks to facilitate the development of alternative farm enterprises, whilst balancing the need for a proposed rural-based activity with the need to protect,

promote and enhance the viability and environmental quality of the existing rural economy and agricultural land. In addition, Objective SO-6 seeks to support a sustainable, diverse and resilient rural economy, whilst integrating the sustainable management of land and natural resources.

- 7.3.2. The development seeking retention refers to a milking parlour which I consider an ancillary use to the main agricultural use on the lands. The siting of a new agricultural structure could ordinarily be expected to be adjacent to an existing farmyard and having regard to the established agricultural use on the appeal site, the nature of the proposed development and the policy support at local and national level for developments of this nature, I am satisfied that the principle of the proposed development is acceptable at this location and would not result in an intensification of use and is in accordance with the pertinent policies of the current CDP.

7.4. Design and Layout

- 7.4.1. The milk storage tanks, cooling system, storage building, and silage pit slab are located to the north of the existing slatted shed, and the storage building, and storage tanks are set back c.181m from the road frontage. The overall height of the storage building is 3.5m and the maximum height of the milk storage tank is 4.2m, all of which are below the height of the existing slatted shed and are therefore assimilated within the existing farmyard complex. The design and layout of the development does not have a significant negative visual impact on the surrounding area and is not visible from the neighbouring property to the south being at a lower level than the existing slatted shed.

7.5. Access, Traffic and Road Safety

- 7.5.1. The plans submitted by way of further information dated 27/9/2022, indicate it is proposed to complete the vehicular entrance into the site with sightlines of 90m in both directions. The planner's second report on receipt of the further information details, notes the sightlines are not in compliance with the current Tipperary County Development Plan, however a report from the District engineer is satisfied that the required sightlines of 110-120m can be achieved within the current site's boundaries.
- 7.5.2. Table 6.2 of the County Development Plan 2022-2028 requires sightlines of between 90-120m on rural non-national roads where the speed limit is between 50-60 kph. However, I consider given the rural nature of the road the required sightlines

are at the higher requirement specified in Table 6.2 of the County Development Plan 2022-2028. Having visited the site I would concur with the Local Authority district engineer that sightlines of between 110-120m can be achieved within the current site boundaries if the entrance is moved further north along the site's boundary. This would move the entrance further from the adjoining property to the south. It is recommended in the event of planning permission being granted the entrance and sightlines are revised in accordance with the CDP requirements.

- 7.5.3. The Appellant has raised traffic concerns in relation to an increase in traffic using the site as a result of the development and the rural road being inadequate to accommodate large vehicles. The Appellant contends that the development is a traffic hazard and that it is not possible to determine the extent of increased traffic movements generated by the development due to the contended ambiguity in cattle numbers, the size of the landholding and issues in the past regarding sludge material on the roadway from the farm. I consider a small milking parlour on the subject site would alleviate to a large extent the level of vehicular activity to and from the site, as the milk can be collected at source.
- 7.5.4. The proposed works to the entrance would improve the sightlines and road safety both entering and exiting the farm at this location. I note the Third Party's concerns in relation to possible increased traffic movements however, I am satisfied that the proposed development represents a dairy enterprise that is typical of normal activity with associated vehicular movements in a rural area associated with a farm holding. These vehicular movements would comprise milk collections, deliveries of animal feed and fertilisers, and some intermittent movement of livestock to a mart / other holding. I consider that these types of vehicular movements could be accommodated on this rural road network.
- 7.5.5. In conclusion, I have reviewed the existing access/egress arrangement, and the proposed improvement works to the farm entrance in the context of the proposed development and its associated vehicular movements, and I consider that there are no traffic safety issues arising.

7.6. Residential amenity

- 7.6.1. The subject site is located in a rural area, and the site has always been in agricultural use albeit without any structures before the 2018 retention permission for

the slatted shed. I note the Appellant does not consider the separation distance of the facility from his property is acceptable and that his property existed before the structures on the subject site.

7.6.2. The use of the lands for agricultural purposes in a rural area is an appropriate use on the site. The slatted shed structure has been established by virtue of the ABP decision ABP Ref: 304375-19, and the structures, the subject of this appeal are located away from the residential property and would be screened from the house to the south by the slatted shed. During my site inspection, I observed the storage of farm machinery on the site as mentioned by the Third Party, but this is not a matter for the Board.

7.6.3. The Appellant raises issues regarding the lack of detail for the proposed screen planting on the site and that the development of the site has impacted on his family's quality of life. The landscaping plan purposes the planting of 7 Alder trees in the southwestern corner of the site next to the residential property, and further hedge planting and an acoustic fence behind the slatted shed along the southern boundary to mitigate sound from the farmyard. Although I do not consider the milking parlour, storage building and milk tanks would visually impact on the residential amenity of the adjoining property, the proposed landscaping would mitigate to an extent the existing development on site. The use of lands for agricultural purposes would not preclude the use of the site for the grazing of cattle, which are currently housed in the shed. Nevertheless, if the Board are minded to grant planning permission it is recommended the landscaping scheme is carried out within the first planting season of the grant of planning permission.

7.6.4. It is considered the siting and design of the development within an existing farmyard and the distance to neighbouring properties would not seriously injure the amenities of the area or property in the vicinity.

7.7. Flood Risk

7.7.1. Although the site is located outside Flood Zone A or B, a Flood Risk Assessment (FRA) was submitted with the planning application, dated 21/2/2019, (which relates to P.A Ref: 18/600498). The OPW maps indicate the southern part of the site may be at risk from a fluvial flood event in the Little Brosna watercourse (northern

boundary. The subject site is located within an area of high groundwater vulnerability with a poor aquifer on alluvium subsoil and poorly productive bedrock.

- 7.7.2. I note that the FRA assessment concludes, after modelling, that the development will not be impacted in the event of a 1:100 or 1:1000 year flood event and that no mitigation measures are necessary. The development the subject of this appeal, is largely contained within the existing slatted shed and the milk storage tanks are raised above ground level. Although there was evidence of ponding on the site during my site inspection, the FRA did not indicate any pluvial risk associated with the development. I do not consider the development under consideration would be impacted in the event of a flood to the Little Brosna river and that the works would not increase flood risk elsewhere.

7.8. Public Health

- 7.8.1. The Appellant has raised concerns regarding how the slurry is collected and disposed from the site and evidence of slurry overflowing into his landholding and possible seepage to ground waters into his well. The calculations for slurry storage were assessed when planning permission was granted for the slatted shed and were found to be acceptable. The spreading of slurry on lands is governed by S.I No. 113/2022 entitled 'European Union (Good Practice for Protection of Waters) Regulations 2022, as amended, which provides a separate legal code to govern land spreading. Consequently oversight from the planning system is not required and there is no legal impediments to the Board to determine the appeal. In this context, I am satisfied that there is no direct source-pathway-receptor between the slurry tanks, neighbouring well and the river catchment subject to best farming practices being adhered to.
- 7.8.2. I note the silage slab to be retained as part of this proposal has a drainage gully and the District engineer has recommended all surface water runoff shall be collected and disposed of within the curtilage of the site by means of soak pits designed in accordance with BRE 365 standards, or in the case of an alternative being proposed full details of same should be submitted to the Planning Authority for written agreement. I am satisfied that the development would not represent a significant risk to water quality and would not be prejudicial to public health, subject to this condition

being attached. I recommend that the Board include a condition to this effect, if a grant of permission is issued.

7.9. Appropriate Assessment

- 7.9.1. The site is not located within or close to any European site. The closest Natura 2000 sites to the subject site are listed in 5.2 above of this report. The qualifying interest/special conservation interest of these designated sites are summarised in Table 1 below of this report.

Stage 1 Screening

- 7.9.2. The qualifying interest/special conservation interest of the designated sites referenced above, are summarised in Table 1 as follows:

Table 1: Identification of relevant European Sites

European Site (code)	List of Qualifying Interests	Distance from subject site	Connections	Considered further in screening
Kilduff, Devilsbit Mountain SAC (Site code: 000934)	European dry heaths [4030] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]	c.4.8km south of the site	No hydrological link	No
Sharavogue Bog SAC (site code: 000585)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	c.12kms to the north of site	A tributary of the Little Brosna river to the east and south drains the SAC site. No hydrological link.	No

Scohaboy (Sopwell) Bog SAC (site code: 002206)	Degraded raised bogs still capable of natural regeneration [7120]	c.14kms north west of site	No hydrological link	No
Slieve Bloom Mountains SPA (site code: 004160)	Hen Harrier (Circus cyaneus) [A082]	c.18km to north east of the site	No hydrological link.	No
Slievefelim to Silvermines Mountains SPA (site code: 004165)	Hen Harrier (Circus cyaneus) [A082]	c.19km to the south west of site	No hydrological link.	No

I note that the nearest European Sites are the Kilduff, Devilsbit Mountain SAC, approximately 4.8km to the south of the site, and the Scohaboy (Sopwell) Bog SAC, 14km north west of the site. The Conservation Objectives for both SACs is to maintain or restore the favourable conservation status of the habitat. Consideration of likely significant impacts in terms of Stage 1 AA Screening, is based on the source-pathway-receptor risk assessment principle.

- 7.9.3. Having reviewed the Environmental Protection Agency's AA Mapping Tool, and the absence of any hydrological connection onsite to these European Sites and to the separation distance with regards to any other ecological pathways, I consider that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on these European Sites, in view of the said sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

Having regard to the nature and scale of the development within an established agricultural farmyard, it is considered that, subject to compliance with the conditions

set out below, the development would not seriously injure the visual or scenic amenity of the area and would be acceptable in terms of public health and environmental sustainability. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars submitted to the planning authority on the 27th September 2022, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Within 3 months of the date of this order:

(a) The roadside boundary shall be set back behind the required sight triangle, the sight triangle shall be taken from a point 4.5metres back from the road edge of the centre of the proposed edge at the centre of the proposed access to a point 120metres in both directions at the nearside road edge.

(b) Where the roadside hedge is removed a new roadside boundary edge shall be constructed, the new roadside boundary shall compose of an earthen bank to a consolidated height of 1.2metres that shall be planted with

shrubs suitable for hedging and common to the locality (e.g holly , hawthorn, blackthorn, ash, elder, bramble etc.).

(c) The area between the new road fence and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and thereafter maintained without obstruction, trim and tidy.

(d) The access, driveway and hard surfaced areas within the site shall be surfaced using permeable finishes.

(e) A piped drain to an on-site soakpit of not less than 300 millimetres diameter shall be constructed across the mouth of the entrance, to preserve and maintain roadside drainage in the area.

(f) Wing walls shall be of sod and stone, stone faced masonry or dry stone masonry

Reason: In the interest of traffic safety and visual amenity.

3. Save where modified by the requirements of Condition 2 the Landscape Plan received on 27/9/2022 shall be carried out and completed within the first planting season.

Reason: In the interest of visual amenity.

4. The development shall be carried out in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2022, as amended and shall provide at least for the following:

- (1) Details of the number and types of animals to be housed.
- (2) The arrangements for the collection, storage and disposal of slurry.
- (3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

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

5. All foul effluent and slurry generated by the 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.

Reason: In the interest of public health.

6. (a) All uncontaminated roof water from roofs and clean paved areas within the farmyard shall be collected separately from farmyard materials (slurry, silage effluent, milking parlour washings and contaminated surface water) shall be separately collected and discharged into a sealed system to soakaways and shall not discharge or be allowed to discharge to the storage tanks, a watercourse or the public road.

(b) Within 3 months of the date of this order the applicant shall submit to, and agree in writing with, the Planning Authority, the design and locations of these soakaways.

(c) Inspection manholes shall be installed on all surface water collection systems/pipelines prior to their discharge point to the soakaways in accordance with the submitted details. The discharge points to the soakaways shall be constructed in accordance with the submitted details, shall be monitored and inspected on a weekly basis with inspection records of the discharge 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.

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.

7. All oxidized and galvanised surfaces shall be painted in a dark green colour to match the existing slatted shed.

Reason: In the interest of visual amenity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Catherine Dillon
Planning Inspector

22nd May 2024

Appendix 1

Form 1- EIA Pre Screening Report (EIAR not submitted)

An Bord Pleanála Case Reference	315131-22		
Proposed Development Summary	Retention of milking parlour dairy/store, milk storage tanks, extension to silage pit slab, new site entrance and access road including closing up existing entrance and access road as previously granted permission (Planning Permission Ref: 18600498) and all associated works.		
Development Address	Crumlin Big, Moneygall, Co.Tipperary		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Catherine Dillon**Date:** 15/5/2024