



An
Bord
Pleanála

Inspector's Report

ABP-319972-24

Development

Retention permission for existing building. Planning permission for a manure pit and all ancillary site works.

Location

Tinahalla, Carrick-on-Suir, Co. Tipperary.

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

2474

Applicant(s)

Catherine Foley

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Gerard O' Gorman

Observer(s)

None

Date of Site Inspection

11th October 2024

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.38 hectares and is located within the rural townland of Tinahalla, Co. Tipperary, which is located c. 2km south east of the town of Carrick-on- Suir.
- 1.2. Access to the site is from the R680 at a point where a single white line exists. The site comprises of an existing yard and shed. Agricultural lands rise up behind the shed and are fenced off from the yard area. A number of horses were grazing on these lands on the day of inspection. A single storey dwelling is located to the west of the site.

2.0 Proposed Development

- 2.1. Permission is sought to retain an existing agricultural shed with a floor area of c. 155m². The shed provides for 4 stables, an isolation area, tact room and hay/straw store. The height of the shed is c. 5.2m.
- 2.2. Permission is sought to remove part of the existing roadside boundary and to close up the existing entrance and construct a new entrance to the east of the existing shed. Permission is also sought to construct a manure pit and soiled water tank.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission by order dated 24th May 2024, subject to 7 No. mainly standard conditions. Condition No. 2 required the new entrance to be opened up within 2 months of the final grant of permission and for the area of the existing entrance to be permanently blocked with an earthen bank with landscaping within 2 weeks of the new entrance being opened.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- The planner's report considered that the principle of development was acceptable and that the new site entrance would alleviate the issue in relation to road safety at the site and provide a safer distance for entering and exiting the site. It was considered that the proposed post and rail fence to form part of the replacement boundary treatment was not acceptable and this could be addressed by a condition requiring a bank with landscaping.

3.2.2. Other Technical Reports

- Area Engineer recommended permission subject to conditions.

3.3. Prescribed Bodies

3.3.1. No reports.

3.4. Third Party Observations

3.4.1. One third party observation was submitted to the Planning Authority. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

PA Reg. Ref. 22690

Permission for retention refused on the site for agricultural building and the alteration of the existing access in order to improve sightlines. There was one reason only for refusal which related to inadequate sightlines and traffic safety.

Enforcement

The Planning Authority Report refers to a warning letter and enforcement notice issued by the Planning Authority.

5.0 Policy Context

5.1.1. National Policy Objective 23

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.

5.1.2. S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 set parameters for farmyard and nutrient management and the distances for spreading fertiliser from water sources to prevent water pollution.

5.1.3. Development Plan

5.1.4. Tipperary County Development Plan 2022 – 2028.

Under this plan (CDP) the site is shown as lying within a rural area to south east of Carrick on Suir, a district town within the settlement typology as set out in the plan.

Section 8.4.1 deals with agriculture and horticulture. The Council will support the sustainable expansion of agriculture and horticulture, where it is demonstrated that it respects the natural functions of the environment, including water systems and ecology.

Strategic Objectives

SO-6 To support a sustainable, diverse and resilient rural economy, whilst integrating the sustainable management of land and natural resources.

Policies

10-3 Support and facilitate the development of a sustainable and economically efficient agricultural and food sector and bioeconomy, balanced with the importance of maintaining and protecting the natural services of the environment, including landscape, water quality and biodiversity.

11-1 In assessing proposals for new development to balance the need for new development with the protection and enhancement of the natural environment and human health. In line with the provisions of Article 6(3) and Article 6 (4) of the Habitats Directive, no plans, programmes, etc. or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).

Appendix 3 of the Development Plan identifies that the site is located a landscape character type described as the River Suir Central Plain,

Appendix 6 of the Development Plan sets out Development Management Standards. Section 6.1 deals with Road Design and Visibility. Table 6.1 sets out X Distance Requirements and Table 6.2 sets out Design Speeds and associated Y Distances.

5.1.5. Carrick on Suir Town Development Plan 2013

This site is located on lands zoned as agricultural within the plan boundary.

Section 10.12 deals with Traffic and Road Safety.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. The Lower River Suir SAC Site Code 002137 is located c. 0.6km to the north of the site and the River Suir below Carrick on Shannon pNHA is also located c. 0.6km to the north of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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 grounds of appeal can be summarised as follows:
- Concern regarding traffic safety.
 - Concern regarding absence of parking.
 - Concern regarding unauthorised development.
 - Concern regarding residential amenity and visual impact.
 - Concern regarding environmental impact of manure pit and soiled water tank.
 - Concern regarding potential health impacts.
 - Concern regarding unauthorised dumping and rodent activity.

6.2. Applicant Response

- None submitted.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority response can be summarised as follows:
- Satisfied that the proposed entrance, subject to compliance with conditions is in accordance with Section 10.12, Traffic and Road Safety of the Carrick on Suir Town Development Plan 2013, as varied and Section 6.0 Parking, Traffic and Road Safety of the Tipperary County Development Plan 2022.

- New enforcement file will open regarding unauthorised development on site.
- Subject to compliance with conditions, the construction of the manure pit or soiled water tank will not result in a negative impact on the environment or the amenities of properties in the area.
- The shed is associated with an existing agricultural use in an agricultural setting and presents no design concerns.
- Illegal dumping is not a matter for the Planning Authority.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and inspected the site, and having regard to local/ regional/ national policies and guidance, I consider that the main issues in this appeal are as follows:

- Traffic Safety
- Impact on Visual and Residential Amenities
- Impact on Public Health
- Other Matters
- Appropriate Assessment Screening

7.2. **Traffic Safety**

7.2.1. The site is located on the R680 on a stretch where a single white line exists. The main concerns raised in relation to traffic safety by the objector relate to sightlines and absence of car parking other than for one car within the site.

- 7.2.2. Having inspected the site, I accept these concerns in relation to the existing development. This stretch of the regional road is very busy and there was nowhere for me to park safely adjacent to the site. Sightlines at the existing entrance at this location are inadequate to the east.
- 7.2.3. However, I consider that the application will address these concerns by the provision of a new entrance and the closure of the existing entrance. It is proposed to remove part of the existing boundary in order to facilitate sightlines. I note that there was a previous refusal on this site under PA Reg. Ref. 22690 which provided for the alteration of the existing entrance. I concur with the report of the District Engineer which recommends a grant of permission for the revised entrance location c. 17m to the east of the existing entrance. The proposed entrance complies with the standards set out in Section 10.12 in relation to Traffic and Road Safety of the Carrick on Suir Town Development Plan as amended and Section 6.0 (Traffic and Road Safety) of the Tipperary County Council Development Plan.
- 7.2.4. I note that condition 2 of the Planning Authority requires that the new entrance is constructed within 2 months of a final grant being issued and that the existing entrance is closed within 2 weeks of the new entrance being opened. I also note that this condition requires an earthen bank with planting in lieu of the post and rail fence proposed in the application details. I consider that should the Board be minded to grant permission, a similar condition should be attached.
- 7.2.5. **Impact on Visual and Residential Amenities**
- 7.2.6. Concerns have been raised in the observer's submission regarding the impact on visual and residential amenities.
- 7.2.7. The development consists of the retention of an existing agricultural shed together with the provision of a manure pit and soiled water tank and the provision of a new entrance.
- 7.2.8. The site is located in a landscape character type described as the River Suir Central Plain, which is described in the Landscape Character Assessment in Appendix 3 of the Development Plan as 'an actively worked and highly productive environment and new development would sit comfortably in the landscape and not interfere with or

eliminate its character and values subject to appropriate siting and design. It is largely composed of lowland pasture and arable lands that are deemed to have a high capacity/low sensitivity to agricultural development.

- 7.2.9. I note that the appellant has raised concern regarding the erection of a large sheet of plywood separating the site and the appellant's property. I consider that this plywood sheeting should be removed and replaced with a suitable hedgerow in the interests of visual amenity.
- 7.2.10. The Planning Authority response states that 'the shed is associated with an existing agricultural use in an agricultural setting and presents no design concerns.' I concur with the Planning Authority in this regard and am satisfied that the proposed development is appropriate at this location and fits in with the surrounding context of its location within agricultural lands and buildings and do not consider that it would detract from the scenic amenities of the area.

7.3. Impact on Public Health

- 7.3.1. The appellant has raised concerns regarding impact of the manure pit and soiled water tank in relation to health risks and water contamination.
- 7.3.2. These will be designed and constructed in accordance with the European Union (Good Agricultural Practice for Protected of Waters) Regulations, as amended. These regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources.
- 7.3.3. The Planning Authority response states that subject to compliance with the conditions attached to the permission, the Planning Authority is satisfied that the proposal will not result in negative impacts on the environment or the amenities of properties in the area.
- 7.3.4. I concur with this and recommend the attachment of a similar condition regarding compliance with the provisions of the Good Agricultural Practice Regulations and any subsequent amendments to these regulations.

7.4. Other Matters

- 7.4.1. The appellant raises concerns in relation to illegal dumping and rodent infestation. These matters have been raised with Tipperary County Council and are not matters for the Board.

8.0 Appropriate Assessment Screening

- 8.1.1. I have considered the development proposed for retention and that proposed in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is located in Tinahalla, Carrick-on-Suir, Co. Tipperary. The site is not located on any designated Natura 2000 site. The Lower River Suir SAC Site Code 002137 is the nearest Natura 2000 site and is located c. 0.6km to the north of the site. The proposed development comprises:
- The retention of an existing agricultural shed with a floor area of c. 155m².
 - Permission is sought to remove part of the existing roadside boundary and to close up the existing entrance and construct a new entrance to the east of the existing shed.
 - Permission is also sought to construct a manure pit and soiled water tank.
- No nature conservation concerns were raised in the planning appeal.
- 8.1.3. Having regard to the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The nature and scale of the development
 - The location from nearest European site and lack of connections
 - I have taken into account the Appropriate Assessment screening determination by the Planning Authority which determined that the proposed development is not likely to give rise to adverse impact on the qualifying interests and conservation objectives of any nearby Natura 2000 sites.

- 8.1.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be granted, subject to conditions as set out below.

10.0 Reasons and Considerations

- 11.0 Having regard to the Tipperary County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the retention and completion of the proposed development, would not seriously injure the residential or visual amenities of the area, or of property in the vicinity, would not be prejudicial to public health 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.

12.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within two months of the date of this permission, the proposed entrance shall be opened and the roadside boundary shall be set back.

- (a) Full visibility shall be made available for 160m on both sides of the entrance from a point 4.5m back in from the edge of the road carriageway at the centre of the proposed access point.
- (b) Within two weeks of the new entrance being opened up, the existing entrance shall be permanently closed by blocking of same with an earthen bank and native hedgerow.

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

3. Within two months of the date of this permission the following shall be submitted to the planning authority for written agreement:
 - (a) Details of a revised northern boundary treatment consisting of a earthen bank and native hedgerow in lieu of the proposed post and rail fence.
 - (b) Details of a revised western boundary treatment consisting of a native hedge in lieu of the existing plywood fence at this location.

The agreed boundary treatment shall be implemented in the first planting season following commencement of development.

Reason: In the interest of traffic safety.

4. The collection, storage and spreading of organic fertilisers, soiled water and run-off produced by the farm shall be carried out in accordance with the provisions of the Good Agricultural Practice Regulations and any subsequent amendments to these regulations.

Reason: To ensure the protection of groundwaters in the vicinity of the site.

5. Surface water drainage shall comply with the Planning Authority's requirements, details of which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of public health.
vicinity.

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.

Emer Doyle
Planning Inspector

20th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319972			
Proposed Development Summary	Retention of agricultural shed, creation of new entrance and closure of existing entrance, construction of manure pit and soiled water tank and all associated site works.			
Development Address	Tinahalla, Carrick-on-Suir, Co. Tipperary.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	X	
		No		
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)	Conclusion
No	X	N/A		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: Emer Doyle

Date: 20th November 2024