



An
Bord
Pleanála

Inspector's Report

ABP-321399-24

Development

The demolition of the existing shed and the construction of 2 new sheds with underground slatted tank and feeding passage and all associated siteworks.

Location

Glenreagh Mor, Holycross, Co. Tipperary.

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

2460367

Applicant(s)

John Fanning.

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Peter Sweetman

Observer(s)

None.

Date of Site Inspection

7th of May 2025

Inspector

Caryn Coogan

1.0 Site Location and Description

- 1.1. The application site which measures 0.770ha, is located in the townland of Glenreagh Mór, approximately 2km north-west of Holycross. The site is occupied by an existing dwelling with 2 no. agricultural sheds. The site is accessed from the local road, L4123.
- 1.2. The immediate area beside the farmyard, has a large volume of one off housing on both sides of the local road.

2.0 Proposed Development

- 2.1. Demolish an existing shed (152sqm.) and permission to construct 2No. new sheds (345sq.m.) with underground slatted tank and feeding passage and all associated sitework.
- 2.2. Following a request for revised proposals the applicant has submitted a revised site layout plan to a scale of 1:500 showing the proposed sheds relocated with a greater separation distance (approximately 20m) from the adjoining residential property. The roller doors will have a metal finish and colour to match the sheeting proposed for the siding of the proposed shed which will be dark in colour green/black.

3.0 Planning Authority Decision

3.1. Decision

Tipperary Co. Co. made a Decision to Grant planning permission for the proposed development subject to 5No. standard agricultural planning conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The nature of the proposed development is considered to be acceptable in principle.
- The new shed consists of two buildings. An A roofed building with an eave height of 6 metres with what appear to be 2 roller doors on the west facing

elevation and a smaller barrel roofed building. The sheds are located in close proximity to the site boundary and closer to the neighbouring residence. A slatted tank is proposed which will hold slurry/soiled waters and may generated odours. The sheds should be relocated so that the distance from neighbouring properties is maximised. In addition, clarity should be sought on the use of the A roofed shed as the design does not appear to be agricultural. The finishes for the door openings to be confirmed and also boundary treatment proposals to the south of the site.

- Further information is sought. Following receipt of additional information as required by the P.A., a recommendation to grant planning permission for the development was forwarded.

3.2.2. *Other Technical Reports*

There were no other technical reports on file. T

3.3. Prescribed Bodies

The planning application was referred to a number of prescribed bodies. However, there were no submissions received.

3.4. Third Party Observations

One submission claiming the planning authority must:

1. Assess the planning merits of Application in accordance with the Planning and Development Act 2000 (as amended) to ensure that the proposed development is in accordance with the proper planning and sustainable development of the area.
2. Is required to form and record a view as to the environmental impacts of the development, considering the EIA Report (EIAR) if furnished by the Applicant, the views of the public concerned and applying its own expertise or to screen the development for Environmental Impact Assessment.
3. Is the competent authority having responsibilities under the Habitats Directive.

4. The development must be assessed for compliance with the requirements of the Water Framework Directive.

4.0 Planning History

There is no relevant planning history.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is Tipperary County Development Plan 2022-2028.

The following are the relevant extracts from the plan:

8.4.1 Agriculture and Horticulture

This 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. In addition, the Council will favourably consider projects ancillary to existing farming activities, such as renewable energy in agriculture, which contribute toward the viability of the farm and the rural community.

Strategic Objective

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).

11 - 14 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.

5.2 National Guidelines

- Climate Action Plan 2023 (as updated)
- Department of Rural and Community Development's Our Rural Future: Rural Development Policy 2021-2025
- Department of Agriculture, Food and the Marine's Food Vision 2030 •
Department of Agriculture, Food and the Marine's Ag Climatise A Roadmap towards Climate Neutrality
- Nitrates Action Programme (NAP) 2022-2025

5.3 Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030

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.

5.4 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.

5.5 Natural Heritage Designations

The appeal site is not located on or within proximity to any designated Natura 2000 site(s) or Natural Heritage Area(s). The nearest European site to the proposed development is the Lower River Suir SAC (002137) 10km south of the site.

Other two sites within 15km of the site are Silvermines SPA (site code 004165) and Anglesey Road SAC.

5.6 EIA Screening

See completed Appendix 1 - Form 1 on file. Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (As amended), and as such preliminary examination or an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged to the Board on 23rd of July 2024, opposing the Planning Authority's (PA) decision to grant planning permission for the development. The grounds of appeal can be summarised as follows:

The threshold for screening for Appropriate Assessment is set out in *Kelly Vs An Bord Pleanala* (2014). There is a dispute between parties as to the precise obligations imposed on the Board in relation to Stage 1 screening by s 177U but its solution is not strictly necessary in these proceedings. There is agreement in the nature and purpose of the screening process which is well explained by Advocate General Sharpston Case in Case C-258/11 *Sweetman*, and it is quoted from paragraphs 47-49:

47. It follows that the possibility of there being a significant effect on the site will generate the need for appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect

is thus a trigger for the obligation to carry out and appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect'.

6.2. Applicant Response

There was no response from the applicant.

6.3. Planning Authority Response

There was no further response from the planning authority.

7.0 Assessment

- 7.1. The proposed development represents an enhancement and improvements to existing and long-established farmyard. According to the submission documents the landholding is only 6ha, with 14No. cattle. It is a small landholding and small farmyard. The existing slurry capacity on site is 61sq.m., under the current proposal it will increase to 185sq.m, within two connected sheds. The overall proposal is to improve the facilities for livestock within an existing farmyard and to ensure adequate slurry storage facilities over the winter months.
- 7.2. Originally, the new sheds were only 11metres from a neighbouring residential boundary. The planning authority requested a revised layout to ensure the separation distances were increased. The separation distance was increased to 20metres from the adjoining property. I note there were no third-party objections to the proposed development from neighbouring residents. The immediate area includes a concentration of linear developments. Unusually the subject farmyard is in close proximity to the number of properties. From my general observations on site an upon examination of the planning histories, the subject farmyard and associated dwelling pre-dates both adjoining dwellings. The dwellings to the north and south of the site have been constructed in the past 10No. years (Planning Reg. Ref. 18601168 and Ref. 15600736). There were no objections form the neighbouring dwellings to the proposed development. The proposal does not represent an

intensification of use , therefore I am satisfied the existing residential amenities associated with the adjoining dwellings will not be unduly compromised.

- 7.3. I consider the development to be in accordance with the Policies 8-4 and 10-3 of the Tipperary County Development Plan 2022-2028. In particular the proposed development complies with the following Strategic Objective **SO - 6** '*To support a sustainable, diverse and resilient rural economy, whilst integrating the sustainable management of land and natural resources*'. In conclusion, I am satisfied with the principle of development. The applicant has stated in the response to further information that he intends to transition into organic farming hence the unusual design of the front building with 2No. roller doors.
- 7.4. Having examined the application details and all other documentation on the planning file, after an inspection of the site, and having regard to relevant local and national planning policies and guidance, I consider that the main issue on this appeal relates to potential impacts on European Sites as raised by the third party on appeal.
- 7.5. There is no increase in stock numbers arising from the proposed development, the proposed works will enhance the environmental sustainability of the farm.

8.0 AA Screening

- 8.1. I note the concerns of the Appellant regarding the issue of Appropriate Assessment. At the outset, for the purposes of clarity, the Board should note that land spreading does not form part of this application and such process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5-10 metres of a watercourse following the opening of the spreading period.
- 8.2. There was no A.A. screening report submitted by the applicant. I note the planning authority carried out a Habitats Directive Appropriate Assessment Screening report, dated 21/11/2024. The Heritage Council, An Taisce and the Minister for Housing,

Local Government were notified of the proposed development. There were no submissions or concerns raised by the Prescribed Bodies.

8.3. European Sites

- 8.4. I have considered the proposed project in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 10km northeast of the nearest European site:

002137 Lower River Suir

The other European sites are in excess of 10km from the subject site with no hydrological link between the site and the European sites.

8.5. Likely Impact of the project (alone or in combination)

- 8.6. The development comprises the demolition of (i) an existing farm building, (ii) construction of e2No. new shed with underground slurry tank. I noted from my site inspection that there were no open water drains contiguous to the farmyard. Having viewed the Environmental Protection Agency's AA Mapping Tool, and having visited the site, I note that there are no direct hydrological connections between the development proposed, the subject site and the European Sites.
- 8.7. I note that the Planning Authority undertook a screening for Appropriate Assessment and concluded that there would be no potential for significant effects on any European Site.
- 8.8. There is no watercourse connected to the farmyard. The nearest watercourse is Farneybridge River, 1km west of the site. There is no hydrological connection between the farmyard and the watercourses in the rear.
- 8.9. There is no hydrological connectivity between the farmyard and the nearest European site to the east, or any other European sites within a 15km Zone of Influence (which were all listed in the planning authority's screening report).
- 8.10. During demolition and construction works of the proposed agricultural building, possible impact mechanisms of a temporary nature include generation of noise, dust, and construction related emissions to surface water. The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites. The separation

distance between the proposed building works and surface water drains offers a considerable buffer area to ensure the existing drains will not be impacted upon the proposed construction works.

8.11. Likely significant effects on the European sites in view of the conservation objectives

8.12. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SACs due to separation distance and lack of meaningful ecological/ hydrological connections. There will be no changes in ecological status of the European sites due to construction related emissions.

8.13. In combination effects

8.14. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

8.15. Overall Conclusion – Screening Determination

8.16. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment Stage 2 is not required.

The determination is based on:

- Having regard to the absence of any direct hydrological connection from the subject site to any European Site.
- Having regard to the distance of the site from the European Sites regarding any other potential ecological pathways.
- Having regard to the screening report and determination of the planning authority.

9.0 Recommendation

I recommend the Board uphold the planning authority's decision to grant planning permission for the proposed development.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development within an established agricultural farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area, would be acceptable in terms of public health and environmental sustainability and would be supported by the relevant provisions of the Tipperary County Development Plan 2022-2028, including Strategic Objective SO-6 (to support a sustainable, diverse and resilient rural economy). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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. The proposed development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended. The applicant shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations. The land spreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations. Prior to the commencement of the development details showing how the applicant intends to comply with this requirement shall be submitted to and agreed in writing with the Planning Authority.

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

3. All oxidisable surfaces shall be painted in a colour to match the existing farm buildings on site and it shall be maintained in perpetuity.

Reason: In the interests of visual amenity.

4. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

5. a) The developer shall ensure that all demolition/construction works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.

b) The developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developers expense, to the satisfaction of the planning authority.

c) No construction/demolition activity giving rise to noise audible from the nearest habitable dwelling shall be carried out on Sundays, Bank Holidays or Public Holidays.

d) All construction and demolition activity giving rise to noise audible from the nearest habitable dwelling shall be restricted to the hours between 8.00a.m. and 6.00p.m, Monday to Friday (inclusive) and to the hours between 8.00a.m. and 2.00pm (inclusive) on Saturdays (excluding Bank/Public Holidays).

Reason: To prevent a noise nuisance or traffic hazard arising from the implementation of the permission

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.

Caryn Coogan
Planning Inspector

12th of May 2025

Form 1 - EIA Pre-Screening

Case Reference	321399
Proposed Development Summary	(i) Demolish an existing shed (ii) Construction of 2No. new sheds with an underground tank
Development Address	Glenreagh Mor, Holycross, Co. Tipperary.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	321399-24
Proposed Development Summary	(i) Demolish an existing shed (ii) Construction of 2No. new sheds with an underground tank
Development Address	Glenreagh More, Holycross, Co. Tipperary
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	This is an agricultural development within a small farmyard and landholding. It will involve the demolition of an existing shed, and its replacement with 2No. sheds including an underground slurry tank.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The rural is a rural area in north Co. Tipperary. There is a considerable level of one-off houses in the area, where the predominant landuse is agriculture.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development represents an enhancement of the existing buildings on site, and will ensure adequate slurry storage for approximately 14No. cattle throughout the winter period.

Conclusion	
There is no real likelihood of significant effects on the environment.	<p>EIA is not required.</p> <p>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)