



An
Bord
Pleanála

Inspector's Report

ABP-321708-25

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| Development | Construction of milking parlour and all associated site works. |
| Location | Breanrisk, Drumlish, Co. Longford. |
| Planning Authority | Longford County Council |
| Planning Authority Reg. Ref. | 2460263 |
| Applicant(s) | Thomas Prunty |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Patrick O'Neill |
| Observer(s) | None |
| Date of Site Inspection | 4 th April 2025 |
| Inspector | Kenneth Moloney |

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1.0 Site Location and Description

- 1.1. The appeal site is located in rural area situated approximately 2.5km west of Drumlish, Co. Longford.
- 1.2. The appeal site is located within an operating livestock farm, and the proposed development site is located adjacent to the existing farmyard that includes several agricultural buildings.
- 1.3. The site for the proposed agricultural building is situated to the immediate west of these existing agricultural buildings.
- 1.4. A two-storey farmhouse is situated to the immediate south of the farm buildings.
- 1.5. There are two established vehicular accesses off the adjacent public road to the northwest serving the existing farm, a vehicular entrance to the south serving the farmhouse, and approximately 150 metres north a second vehicular entrance serving the farm buildings.
- 1.6. The gradient of the site, adjacent to the farm buildings, slopes slightly downwards towards the public road to the west.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following development.
 - The construction of an agricultural type building which will incorporate a milking parlour with underground effluent storage tank.
 - Adjoining tank room, plant room and office, and
 - all ancillary site works.
- 2.2. The total floor area of the proposed agricultural building is c. 200 sq. metres and will be situated to the immediate west of an existing agricultural building, which has a larger floor area of c. 428 sq. m.
- 2.3. The proposed agricultural building will be finished in a mass concrete / block wall at its lower level and grey / green coloured cladding at upper level.
- 2.4. The overall height of the proposed agricultural building is approximately 6.4 metres above ground level.

- 2.5. The applicant's response to the appeal submission includes an amendment that provides for stockproof fencing to the north of the farmyard adjacent to the existing access lane.

3.0 Planning Authority Decision

The Planning Authority decided to grant planning permission subject to 11 no. conditions. The conditions are standard for the development type.

3.1. Planning Authority Reports

- 3.1.1. The Planning Officer's report dated 19th December 2024, notes the following.

- Proposal relates to an extension of existing farm operation.
- No potential for significant effects on the Natura 2000 network arising from the proposed works
- EIA not required.

- 3.1.2. Other Technical Reports

- None

3.2. Prescribed Bodies

- **Uisce Éireann:** No objection subject to standard conditions.

3.3. Third Party Observations

One observation was received by the PA and the issue raised relates as follows.

- The site location map, indicating the applicant's land ownership, includes 3 no. parcels of land owned by the observer.

4.0 Planning History

Subject Site

Planning Authority Reg. Ref. 15/137:

Permission granted, on 12th November 2015, subject to conditions, for proposed extension and alterations to existing two-storey farmhouse and all ancillary site works.

Planning Authority Reg. Ref. 06/896

Permission granted on 21st February 2007, subject to conditions, for demolition of existing cubicle shed, cow byre and storage shed and erection of a four bay slatted shed in their place together with resurfacing of existing silage slab and wall and all ancillary works.

Planning Authority Reg. Ref. 96/13413

Permission granted on 10th May 1996, subject to conditions, for the erection of slatted tank and yard.

Planning Authority Reg. Ref. 92/12115

Permission granted on 11th January 1993, subject to conditions, for the erection of a slatted cubicle house.

5.0 Policy Context

5.1. National and Regional Policy

- 5.1.1. A central aim of national policy (National Planning Framework/NPF) is to recognise the role of the rural countryside as a lived-in landscape and focusing on the requirements of rural economies and rural communities based on “agriculture, forestry, tourism, and rural enterprise while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities”. The Regional Spatial and Economic Strategy (RSES) reflects the NPF position.

5.2. Longford County Development Plan, 2021 – 2027

5.2.1. Chapter 9 Rural Economy

Section 9.3.2 of the Plan advises that agriculture remains a vital sector to the economy of Longford and its social fabric, and beef and dairy production are central to agriculture development. The following policies are relevant to the proposed development.

- CPO 9.13 – Maintaining a healthy agricultural sector
- CPO 9.14 – Support agricultural development as a means to sustaining rural economy
- CPO 9.16 – Support the rural economy
- CPO 9.17 – Facilitate environmentally sustainable agricultural activities.

5.2.2. Chapter 16 Development Management Standards

Section 16.4.15.1 ‘Agricultural Development’ advises in relation to scale, siting and layout of agricultural buildings which should respect, and where possible, enhance the rural environment. The Plan also advises that all new and existing agricultural developments will be required to ensure that all effluent is collected and stored within the confines of the development. The following DM standards are relevant to the proposed development.

- DM 16.168 – Design and siting of agricultural buildings
- DM 16.169 – Cluster agricultural buildings and structures together
- DM 16.171 – Harmonious external materials recommended.
- DM 16.114 – Access and sight distances

5.3. Natural Heritage Designations

- Lough Forbes Complex SAC (Site Code 001818) 4.6km southwest
- Ballykenny-Fisherstown Bog SPA (Site Code 004101) 4.6km southwest
- Cloonageeher Bog NHA (Site Code 001423) 1km west.

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

This is a third-party appeal, and the grounds of appeal may be summarised as follows.

- The blue line boundary on the applicant's site location map includes 3 no. parcels of land owned by the appellant.
- The vehicular entrance is close to a bend on the public road and c. 45 metres from the appellant's house.
- Stock proof fencing will be required to prevent livestock from entering the appellant's property.
- Currently a different entrance is in use.

7.2. Applicant Response

The following is a summary of the applicant's response.

- The 3 no. parcels of land were included in the applicant's landholding by error.
- A revised site location map and site layout map is submitted with the relevant 3 no. parcels of land excluded from the applicant's landownership.
- A revised site layout map is submitted indicating boundaries on either side of the access lane to the north to be fenced with stock proof fencing.

7.3. Planning Authority Response

- None

7.4. Further Responses

The appellant responded to the applicant's response, as follows.

- Acknowledges that stock proof fencing will be provided either side of the entrance.
- A third piece of stock proof fencing is required on the third parcel of land north of the public road.
- Submitted that the entrance has been widened, and surface water is now blocked.
- The lane is a right of way and will need to be kept in good condition.

8.0 Assessment

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Landownership
- Boundary Treatment
- Traffic Safety

8.1. Principle of Development

- 8.1.1. The proposed development, which is intended for agricultural purposes, is located within an existing farmyard in a rural area where the predominate land use is agriculture. The established farm has a number of farm buildings, and the proposed development would effectively represent an extension to an existing farm operation.

The Longford County Development Plan, 2021 – 2027, supports agricultural developments (Policy Objective 9.14) that supports the rural economy (Policy Objective 9.16) and the extension to an established farm operation would be consistent with these policy objectives.

8.1.2. Further I would note that the design and layout of the proposed milking parlour is consistent with the existing farm buildings, in terms of scale and form, and smaller in floor area than the adjacent farm building. In addition, the siting of the proposed agricultural building (c. 200 sq. m.) adjacent to an existing agricultural building (c. 428 sq. m.) is consistent with DM Standard 16.169 of the Longford County Development Plan. DMS 16.169 requires that farm buildings are clustered to allow for integration and assimilation to the landscape and to minimise obtrusion in the landscape. The proposed agricultural building is set back approximately 1m from the existing agricultural building to the immediate east and would assimilate and integrate with existing agricultural buildings on the site, given its scale and proximity to existing buildings.

8.1.3. Accordingly, on the basis of the established agricultural use on the site and in light of the scale and the intended use of the proposed development for agricultural purposes, I would consider that the development proposed is acceptable in principle at this location.

8.2. Landownership

8.2.1. Concerns in relation to third party lands situated within the applicant's blue and red line boundary with the application documentation related to 3 no. parcels of land situated to the north of the existing farmyard. The applicant's amendment (dated 23rd January 2025) in their response to the appeal submission, excludes these third-party lands from the applicant's blue and red line boundary. I would consider that the applicant's response and amendment to the site area has adequately addressed the third-party appellant's concerns in respect of landownership. Furthermore I would note that these amendments would have no material impacts on the proposed development.

8.3. Boundary Treatment

- 8.3.1. The appellant raises concerns in relation to livestock from the existing farm entering his property and the potential for interfering with the public road and submits that stock proof fencing will be required to safeguard these issues.
- 8.3.2. The access lane in question is located to the immediate north of the proposed development site and provides direct access from the farmyard to the public road, north of the farmyard. The access lane measures approximately 20m in length and is approximately 3m wide. I note that the applicant included amended proposals (dated 23rd January 2025) which includes stockproof fencing along the boundary of the applicant's site adjacent to the access lane and the neighbour's property. The proposed stock proof fencing would therefore prevent livestock, using the access lane, entering neighbouring land in separate ownership.
- 8.3.3. Although the applicant included stock proof fencing adjacent to the existing laneway and the appellant's land south of the public road, the appellant is concerned that stock proof fencing is not included for the third parcel of land situated north of the public road. This parcel of land is located on the opposite side of the public road from the applicant's site. Further the land in question is not adjoining the application site and is outside the applicant's ownership. I would therefore consider that the provision of stockproof fencing in respect of the third parcel of land, to the north of the public road, outside of the applicant's ownership, is outside the scope of this application.
- 8.3.4. I would consider, based on my site assessment, and the amended proposals providing for stockproof fencing adjacent to the appellant's land ownership south of the public road, that the concerns raised in the appeal submission are adequately addressed.

8.4. Traffic Safety

- 8.4.1. The appellant refers to traffic safety and access as an issue in the appeal.
- 8.4.2. I would consider that the provision of stock proof fencing, as described above, would mitigate any concerns in relation to public safety on the access lane and the adjoining public road, as this fencing would contain livestock and prevent livestock

entering onto the public road. The appellant also raises concerns in relation to surface water on the access lane, however the proposed development would not give rise to any additional surface water flow on the public road.

- 8.4.3. The access lane to the north of the development site is an established agricultural entrance providing access to the established farm operation, and the proposed development of an agricultural building is therefore an extension to an established use. Although I would acknowledge that the development proposed would result in increased usage of the agricultural entrance, having regard to the proposed development.
- 8.4.4. In relation to sightline provision I would note that DMS 16.114 advises that on a local road with a speed limit of 60kph that unobstructed sight distances of 65m shall be provided. Furthermore, DMS 16.114 advises that in terms of local roads, the sightline provision is also subject to the discretion of the Planning Authority where a lesser distance is demonstrated to be adequate in terms of traffic safety.
- 8.4.5. Noting the appellant's submission refers to a bend on the public road, I noted from my site assessment that the bend on the public road is minor and would not interfere with visibility from the vehicular entrance and that sightlines in excess of 65 metres in either direction would be achievable.
- 8.4.6. Having regard to the established use on the site, the modest scale of the proposed development, the available sightline provision at the vehicular entrance, I would not consider that proposed development would endanger the public safety by reason of traffic hazard.

9.0 AA Screening

- 9.1. I have considered case ABP-321708-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.1. The proposed development comprises of the construction of an agricultural type building which will incorporate a milking parlour with underground effluent storage tank and is located in a rural area. The construction and operation of such development would be required to accord with the requirements of the Good Agricultural Practice regulations SI 113 of 2022.

- 9.1.2. There are other agricultural structures and activities adjacent to the current application site, which give rise to potential in-combination effects. It is noted that the carrying out of land spreading does not form a specified part of this application. Such activities are similarly required to operate within the legislation defined in S.I. 113 of 2022, regarding manure storage, minimisation of soiled water and general good agricultural practice, etc. Therefore, it is considered that any in-combination effects arising from the combined operation of these activities with the proposed operation of the farm will be negligible.
- 9.1.3. The closest European Site, part of the Natura 2000 Network, is the Lough Forbes Complex SAC (Site Code 001818) and Lough Forbes Complex SAC (Site Code 001818) both 4.6km southwest of the proposed development. I noted on site inspection that there were no land drains within the immediate vicinity of this site or an ecological pathway from the development site to the nearest European Site.
- 9.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.2. The reason for this conclusion is as follows:
- The absence of any ecological pathway from the development site to the nearest European Site.
 - Location-distance from nearest European site.
- 9.3. 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.
- 9.4. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the location of the proposed development within an established farmyard complex and the modest scale of the proposal, it is considered that, subject to compliance with the conditions as set out below, the development would not seriously injure the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The subject development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Board on the 23rd day of January 2025, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the application, unless

otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. All construction activities on site shall be carried out/managed in such a manner that no polluting material or contaminated surface water enters groundwater, any watercourse, or public roadway.

Reason: In the interests of ensuring the protection of water quality in the receiving environment.

4. 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 ground in appropriately sized soakaways.

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2022, as amended shall be strictly adhered to.

Reason: In the interest of public health.

5. All soiled waters and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the

proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

Reason: In the interest of public health.

6. The proposed development shall be designed, sited, 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 landspreading 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.

NOTE: Where 20% or more of the holding lies within one or more counties of higher storage requirement as specified the holding shall be deemed for the purposes of the European Union (Good Agricultural Practice for the protection of waters) (Amendment) Regulations 2022, as amended, to lie wholly within the county in relation to which the longest storage period is specified.

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

7. The Applicant shall enter into water and wastewater connection agreement(s) with Uisce Eireann, if required. The Applicant shall be required to adhere to the standards and conditions set out in that agreement. **Reason:** In the interest of public health.
8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the

area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Kenneth Moloney
Senior Planning Inspector

28th April 2025

Form 1 - EIA Pre-Screening

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| Case Reference | ABP-321708-25 |
| Proposed Development Summary | Construction of milking parlour and all associated site works. |
| Development Address | Breanrisk, Drumlish, Co. Longford. |
| | 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. | |
| <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 type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required. | |

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

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| 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)? | |
| Yes <input type="checkbox"/> | Screening Determination required (Complete Form 3) |
| No <input checked="" type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |