

Murphy David

From: Kenny Edmond
Sent: 19 May 2017 14:49
To: Murphy David
Subject: RE: 17/218 - Patrick Lalor
Attachments: 2225_001.pdf

The Borris-in-Ossory/Mountmellick MD report in respect of the above application is attached.
Regards,
Edmond

From: Murphy David
Sent: 12 May 2017 15:28
To: Kenny Edmond
Cc: McLoughlin Paul
Subject: 17/218 - Patrick Lalor

COMHAIRLE CHONTAE LAOISE
LAOIS COUNTY COUNCIL

County Hall
Portlaoise
(057) 86 64039

12/05/2017

Planning Application Ref. 17/218
Mr. Paul McLoughlin
Senior Executive Engineer,
Western Area, Roads Section,
Aras an Chontae,

Previous Ref. No's:

Applicant: Patrick Lalor
Application Date: 02/05/2017
Decision Due Date: 26/06/2017

Patrick Lalor has applied for RETENTION to retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard at Grenan Attanagh Co. Laois.

I enclose herewith copy of documents submitted by the above named. Your report and observations are required before 19/05/2017. Further referrals to other sections may be necessary in the processing of the above planning application, and if your report or observations are not received before the above date, the Planning Section shall proceed on the basis that there is no objection to the proposed development.

Your report and observations are required before 19/05/2017.

PLEASE ANSWER THE FOLLOWING:

*PK
20/5/17*

Was site notice erected? _____

Is a referral to another section required

YES / NO

Please specify which one _____

Is mise le meas

ADMINISTRATIVE OFFICER,
PLANNING

This matter is being dealt with by David Murphy at 057 8664228

Laois County Council

Western Area Engineers Report

Planning Applicant Name: Patrick Kelly

Development Location: Greenan Athbungh

Planning Application Number: 17/218

1 Application Type Full Outline

2 Development Type Single Dwelling New Dwelling Retention

Housing Development No. of Units _____

Retail / Commercial No. of Units _____

Agricultural Description _____

Other Description _____

3. Roads and Traffic

Description / No of Road: NP: _____ NSR: _____ Regional: _____ County: Other: _____

a. Applicable Speed Limit: 100kmh 80kmh 60kmh 50kmh 30kmh

b. Traffic Safety N/A

c. Road Drainage N/A

4. Method of Surface Water Disposal

Soakpit Drain Public Sewer Other

Is the proposal acceptable Yes No

5. Site Notice (Circle appropriate answers. If 'N' please clarify the problem)

a. Does the site notice contain the same information as in the referral? (Y) / N

b. Is the site notice inscribed or printed in indelible ink, affixed on rigid durable material and secured against damage from bad weather and other causes? (Y) / N

c. Is the site notice on a white or yellow background? (White) / Yellow

d. Is the site notice erected / fixed in a conspicuous position to the land/ structure and not obscured or concealed;

(i) on or near the main entrance from a public road

(ii) or where there is more than one entrance from public roads, on or near all such entrances or

(iii) on any other part of the land / structure adjoining a public road?

(Y) & state if (i) / (ii) or (iii) applies

N

e. Is the site notice easily visible and legible & not obscured or concealed from outside the land or structure if it does not adjoin a public road? (Y) / N/A

Date Inspected: 18/05/2017

Is this date within 5 weeks of receipt of the planning application? Y / N

6. Comments / FI Requests / Conditions

Western Area Office has no objections to the proposed development & retention

Signed: EDMOND KENNY Date: 18/05/2017

Murphy David

From: Craig, Steven
Sent: 22 May 2017 09:38
To: Murphy David
Cc: Delaney Pat
Subject: RE: 17/218 - Patrick Lalor
Attachments: PR 17 218 Patrick Lalor.docx

Please find attached the report from the Waste Enforcement Section for this application.

Steven

From: Murphy David
Sent: 12 May 2017 15:30
To: Callan Ann Marie; Craig, Steven
Cc: Barrett Orla
Subject: 17/218 - Patrick Lalor

COMHAIRLE CHONTAE LAOISE
LAOIS COUNTY COUNCIL

County Hall
Portlaoise
(057) 86 64039

12/05/2017

Planning Application Ref. 17/218
Ms. Orla Barrett
S.E.E. Environment Section
Laois County Council
County Hall

Previous Ref. No's:

Applicant: Patrick Lalor
Application Date: 02/05/2017
Decision Due Date: 26/06/2017

Patrick Lalor has applied for PERMISSION to retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard at Grenan Attanagh Co. Laois.

I enclose herewith copy of documents submitted by the above named. Your report and observations are required before 19/05/2017. Further referrals to other sections may be necessary in the processing of the above planning application, and if your report or observations are not received before the above date, the Planning Section shall proceed on the basis that there is no objection to the proposed development.

Your report and observations are required before 19/05/2017.

PLEASE ANSWER THE FOLLOWING:

Is a referral to another section required YES / NO

1

Dot
22/5/17

Please specify which one

Is mise le meas

ADMINISTRATIVE OFFICER,
PLANNING

This matter is being dealt with by David Murphy at 057 8664228

MEMORANDUM

| | |
|----------------------------|---|
| To: | Pat Delaney, Administrative Officer, Planning |
| From: | Steven Craig, Assistant Engineer, Waste Enforcement, Environment |
| Date: | 19 May 2017 |
| Applicant: | Patrick Lalor |
| Planning Reference: | 17/218 |
| Site Location: | Grenan, Attanagh, Co. Laois R32 XT81 |

Patrick Lalor has applied for PERMISSION to retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; PERMISSION to construct new crush in collecting yard at Grenan, Attanagh, Co. Laois.

I am of the opinion that Planning Permission could be granted in this instance subject to the following conditions:

1. Waste arising on the site shall be sent for recycling where possible to an authorised licensed facility. Collection and transport of all waste shall be carried out by an authorised waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended.
2. Construction and demolition waste emanating from the development onsite shall be removed to an Authorised Licensed Facility. Under no circumstances shall waste be removed and stored to any lands that are not authorised under the Waste Management Act 1996 as amended and the Waste Management (Facility Permit and Registration) Regulations 2007 as amended.
3. Hazardous wastes generated onsite shall be removed, transported and disposed of by an authorised waste collector under the Waste Management (Collection Permit) Regulations 2008, as amended and comply with the Transfrontier Shipment Regulations and procedures.

Reason: For the Protection of the Environment

Signed:

Steven Craig
Assistant Engineer
Waste Enforcement

LAOIS COUNTY COUNCIL
PLANNERS REPORT

*Agreed
Amended
20.06.17*

Planning File Ref. No.: 17/218

Applicant Name: Patrick Lalor

Development Description: retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard

Development Address: Grennan, Attanagh

Due Date: 26/06/17

RECOMMENDATION: Further Information

Site Location

The subject site is located in the rural townland of Grenan, Attanagh. The site is accessed off a private cul de sac which also provides access to a dwelling and a farmyard in third party ownership. The site has a given area of 0.95ha. On site there are a number of farm buildings including the shed for which retention is sought. The site is surrounded by agricultural land except to the east where the third party farm and dwelling is located.

Designations

The site is not located within or adjacent to a European designated site.

Submissions/Observations

Received from Jacinta & Ned Brennan –The main issues of concern relate to

- The amount of traffic using the laneway of an agricultural. The use of the laneway has intensified recently.

*20/6/17
All*

- The ground level of the new shed and the possibility of water etc flowing towards the complainants house.
- Water discharge – water ponds opposite the Brennan's house and additional run off will make this situation worse.
- Enforcement – work has continued since the enforcement notice issued.
- The accuracy of the animal numbers on the agricultural form are questioned as they seem low to the complainant.
- The Lalor's contend that their residential amenity has been diminished as has the value of their property.
- Lalor's indicate that a new access laneway could be provided to bring traffic away from Brennan's home.

Representations:

None received

Reports:

Area Engineer - report received. Site notice in place on 18/05/2017 – no objections
Enforcement – report received – enforcement notice issued requiring the cessation of the works and demolition of the structure.
Environment – report received, conditional

Planning History

02/721 permission granted to Patrick Lalor to construct a livestock accommodation over existing slats.

Assessment:

This is an application for permission to retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard.

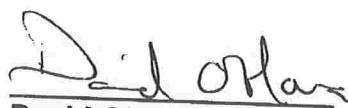
The proposed shed has a floor area of 1266sqm and is finished with concrete walls and green metal cladding. While the scale of the development is large I consider that owing to the location to the rear of an existing farmyard complex there is no issue with the structure.

The main issues referred to in the submission relate to the intensification of activity on site and the movement of vehicles on the access laneway. The access laneway is narrow and is private. From discussions with the complainant on site 3 families have a right of way on this laneway including Lalors. Both Brennan's and Lalor's use this laneway to access their farmyards – I also acknowledge that Brennan's dwelling is in close proximity to the laneway and as such any increase in traffic could have a negative impact on their residential amenity. The question for the Planning Authority is whether the development as proposed will result in an increase in traffic which would have a negative impact on residential amenity, value of property etc. The shed as proposed is 1,266sqm and will accommodate 110 cows. I consider it reasonable to request the applicant to clarify the traffic movements generated by the proposed shed and to clarify the number of stock which will be housed. Also surface water drainage requires additional information.

Recommendation

Further Information as follows;

1. Having regard to the scale of the proposed development, the poor standard of access from the public road and the location of a third party dwelling immediately adjacent to this laneway the applicant shall submit the following information: —
 - The maximum number of animals which the proposed shed can accommodate;
 - The number and types of vehicles using the access laneway on a daily basis;
 - Proposals to mitigate the impact of additional traffic on the dwelling located immediately east of the site.
2. It was noted during a site inspection that the surface water disposal network has not been installed to date and that it is proposed to connect to a watercourse. Having regard to the location of the watercourse at some remove from the proposed shed and the likely volume of surface water run-off the applicant shall submit revised proposals for surface water disposal to a soakpit which shall be designed to B.S. 365.
3. Third Party Submissions have been received in relation to this application. Please comment on issues raised in same.



David O' Hara

A/SEP

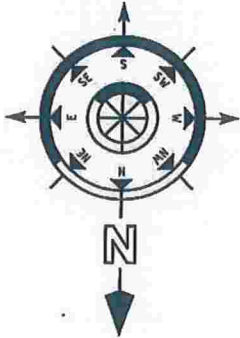
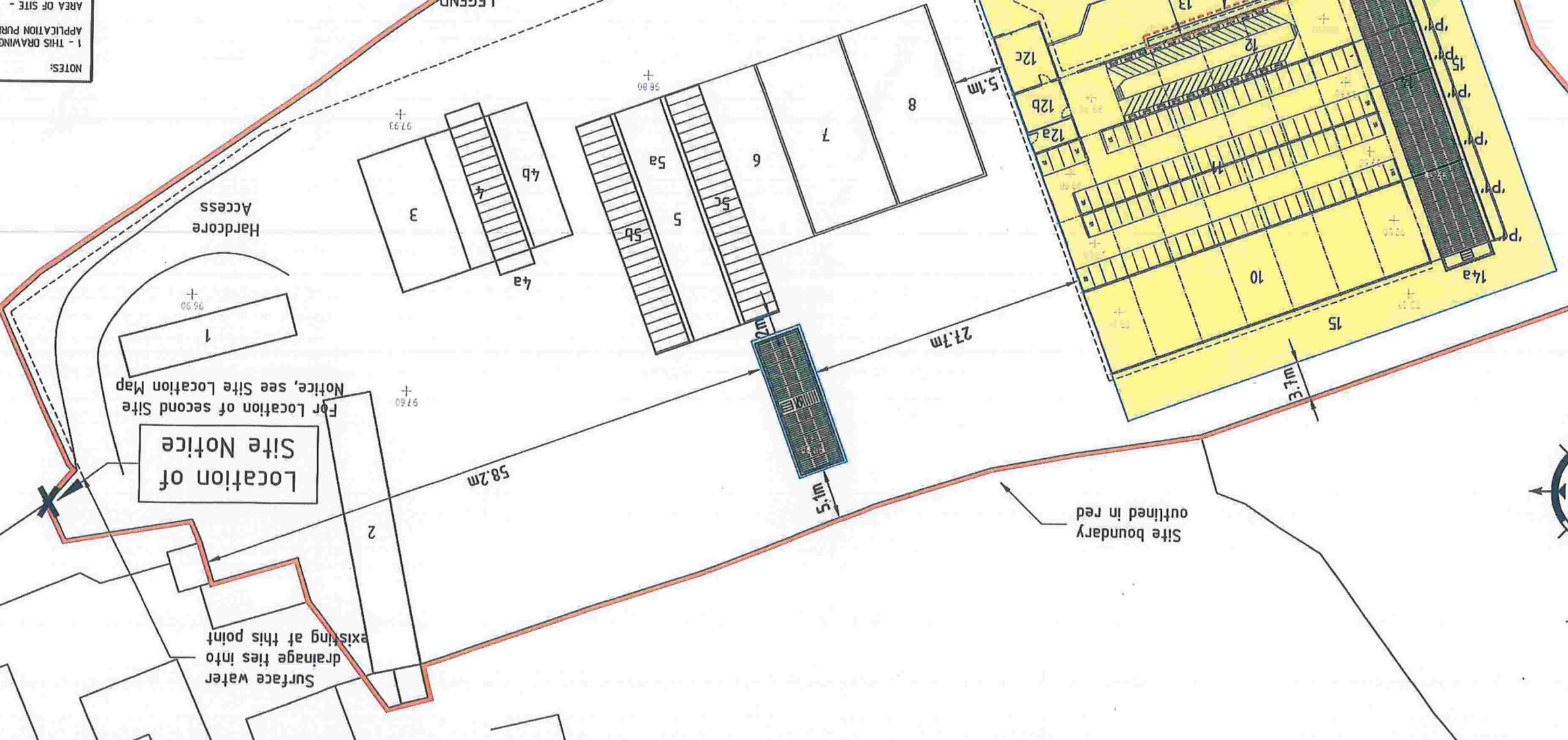
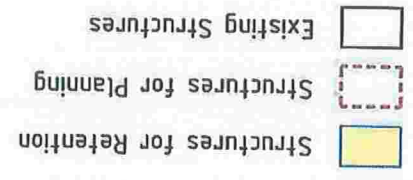
20/6/12



| | | | |
|---|-------|------------|------|
| Rev | 0 | PLAL-1.107 | |
| ENVIRONMENTAL AGRICULTURAL CONSULTANTS M. Cotter B.E., C.Eng., M.I.E.I. Tel: 057 8620157 Fax: 057 8662271 | | | |
| Appr | Date | 28/1/17 | |
| Chk'd | Scale | 1:500/A3 | |
| Design | RD | | |
| PROJECT: FARMYARD DEVELOPMENT | | | |
| TITLE: SITE LAYOUT | | | |
| NOTES: 1 - THIS DRAWING IS FOR PLANNING APPLICATION PURPOSES ONLY. AREA OF SITE - 2.36 ACRES 0.95 HECTARES TOWNLAND - GREENAN | | | |
| Rev | Date | Chk'd | Appr |
| | | | |
| | | | |
| | | | |

- LEGEND**
- Store
 - Hay/Straw Shed
 - Slattd House
 - Slattd Tank
 - Feed Passage
 - Slattd House
 - Slattd Passage
 - Slattd House
 - Feed Passage
 - Slattd Tank
 - Slattd Tank
 - Slattd Tank
 - Slattd Tank
 - Silage Apron
 - Silage Pit
 - Silage Pit
 - Slattd Tank
 - CALVING BOXES & STRAW BEDDED AREA
 - CUBICLE HOUSE
 - MILKING PARLOUR
 - PLANT ROOM
 - OFFICE
 - DAIRY
 - COLLECTING YARD
 - PROPOSED CRUSH
 - Slattd FEEDING AREA
 - Slattd TANK
 - CONCRETE FEED APRON

NOTE: All Levels shown are existing levels unless otherwise stated, and relate to Relative Datum of 100.00m.
No well in the vicinity of Site.

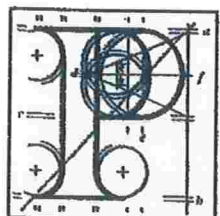


Retention permission sought for 10nos. steel uprights marked 'P1' measuring 3.9m in height.
Permission sought for new Crush in Collecting Yard
10nos. steel uprights sought to cut back height of 1.88m

Location of Site Notice
For location of second Site Notice, see Site Location Map

Surface water drainage ties into existing at this point

Site boundary outlined in red



An
Bord
Pleanála

Inspector's Report ABP-300315-17

| | |
|-------------------------------------|---|
| Development | Retention and completion of slatted tank, animal housing, office, milking parlour, dairy plant room, collecting area, slatted feeding area and associated works, and Permission to cut back steel uprights at slatted feeding area and construction of crush in collection yard. |
| Location | Grennan, Attanagh, Co. Laois |
| Planning Authority | Laois County Council |
| Planning Authority Reg. Ref. | 17/218 |
| Applicant(s) | Patrick Lalor. |
| Type of Application | Retention, completion & permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Jacinta & Ned Brennan |
| Observer(s) | None |
| Date of Site Inspection | 22 nd February, 2018 |
| Inspector | A. Considine |

1.0 Site Location and Description

- 1.1. The subject is located within the rural area of Co. Laois to the east of the town of Durrow. The site is in the townland of Grennan, Attanagh and access to the site is via a cul-de-sac road. This road serves the subject site and a separate small farm holding with family home.
- 1.2. The surrounding area is in agricultural use and within the subject site, there is a collection of existing farm buildings. The site has a stated area of 0.95ha and includes a disused farm house and original stone built farm buildings to the east of the site. These elements front onto the top of the cul-de-sac road and the adjoining neighbouring house. To the rear of these buildings, and towards the west of the site, there are a number of farm buildings which were occupied by livestock on the date of my inspection.
- 1.3. To the west of the identified application site, a large building has been erected which has a stated floor area of 1,266sq.m. This building is the subject of this retention application. The other farm buildings within this farm yard are indicated as having a combined floor area of 708sq.m.

2.0 Proposed Development

The proposed development seeks permission for the retention and completion of slatted tank, animal housing, office, milking parlour, dairy plant room, collecting area, slatted feeding area and associated works, and for permission to cut back steel uprights at slatted feeding area and construction of crush in collection yard all at Grennan, Attanagh, Co. Laois.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development subject to 13 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report considered the proposed development and the submission made in relation to it and concluded that further information was required in relation to the number of animals to be accommodated within the building for retention. In addition, traffic issues, surface water issues and issues raised in the third party submission were also addressed in the further information request.

Following receipt of the response to the further information request, the planning officer was satisfied that the development was acceptable and recommended that permission be granted, subject to conditions. This recommendation formed the basis of the Planning Authority's decision. No Appropriate Assessment was carried out in either planning reports.

3.2.2. Other Technical Reports:

Environment Section: The Waste Enforcement engineer submitted a report advising no objection to the proposed development subject to compliance with three conditions.

Area Engineer: No objection to the proposed development.

3.2.3. Third Party Objections:

One third party objection was submitted from Jacinta & Ned Brennan. The issues raised in this submission are summarised as follows:

- Works have continued since the Warning Letter and Enforcement Notice issued. The applicant has not had regard to the planning authority.
- The applicant is using the lane purely as his agricultural access and the development is devaluing the objectors property due to the intensification of the farmyard, and causing damage to the lane.
- The intensification of the farmyard is unacceptable in terms of noise, vermin, agricultural traffic, cattle movements within 4m of the third party house, dirt and odours.
- Flooding is also a concern as the applicant has no way of discharging surface water.

- Beet is piled just 30m from the objectors home and attracts rats and other vermin.
- The safety of the Brennan family, including children and elderly lady, is compromised.
- The privacy of the neighbours has been destroyed due to the location of the centre of the applicants agricultural enterprise. If permission is granted, then the milking parlour will be in use from 6am to 11pm every day.
- Silage is drawn up to 11pm at night.
- The ESB connection was made after the Enforcement Notice was served.
- Deliveries to the site are being made via the lane very early in the morning including pig slurry and meal deliveries.
- There is the option to provide an alternative access lane to the site and allow for a concrete wall to be constructed to separate both farm yards. If this was accepted, the matter could be resolved.

There are a number of enclosures with the objection.

4.0 Planning History

PA ref 02/721: Permission was granted to Mr. Patrick Lalor for the construction of a livestock accommodation over existing slats

UD Ref 16/76: A warning letter issued to the owners on the 17th October, 2016, and an Enforcement Notice issued on the 7th March, 2017 to cease all development and demolish the unauthorised structure, disposing of the waste material generated to an authorised facility by 5pm on 3rd May, 2017.

The Board will note that the retention application was lodged with Laois County Council on the 2nd May, 2017.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Laois County Development Plan, 2017-2023 is the relevant policy document applicable to the subject site. The site is located within Zone C in terms of the Core Strategy Map and states that Zone C is made up of lowland mixed farmland and settlements with links to Strategic Transportation Corridors and key development areas. It is envisaged that there will be continued growth in the rural economy through specialist agriculture, diversification into complementary food production, rural tourism development opportunities. These stronger rural areas will prosper with intensifications in areas of specialist tillage – especially near major settlements and transportation corridors.

5.1.2. Chapter 5 of the Plan deals with Economic Development and Section 5.10 deals with Rural Economic Activities and the following policies are considered relevant:

- RUR1 Support the expansion, diversification and intensification of agriculture and the agri-food sector by facilitating appropriate related development subject to environmental and planning considerations
- RUR6 Reconcile the need for resource-based economic activities to conduct a reasonable operation and the needs of residents in rural areas to access a good quality of life and access to rural areas;

5.1.3. Chapter 8 of the Plan deals with General Location and Pattern of Development. Section 5.5, and Table 32, deal with Development Management Standards, including for Agricultural Development under DM 33. DM 33 states as follows:

General Consideration for agricultural buildings:

Agricultural developments have the potential to impact on the environment and the landscape. The traditional form of agricultural buildings is disappearing with the onset of advanced construction methods and wider range of materials. Some new farm buildings have the appearance of industrial buildings and due to their scale and mass can have serious major visual impacts.

In dealing with applications for agricultural developments the Planning Authority will have regard to the following:

- 1) Require that buildings be sited as unobtrusively as possible and that the finishes and colour used will blend the development into its surroundings.
- 2) The proposed developments shall meet with the requirements of the Department of Agriculture with regard to storage and disposal of waste.
- 3) The Council accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards) to be functional but they will be required to be sympathetic to their surroundings in scale, material and finishes.
- 4) Buildings should relate to the landscape. Traditionally this was achieved through having the roof a darker colour than the walls.
- 5) Appropriate roof colours are dark grey, dark reddish brown or a very dark green. Where cladding is used on the exterior of the farm buildings dark colours should be used.
- 6) All agricultural buildings should be located an adequate distance from any watercourse to reduce the risk of contamination.

5.2. Natural Heritage Designations

The subject is not located within a designated site. The site is, however, within 700m of the River Barrow And River Nore SAC, Site Code 002162, and 1km from the River Nore SPA, Site Code 004233.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third party appeal against the decision of the Planning Authority to grant permission for the retention of the agricultural development. The submission provides a background to the context of the site and the proposed development. The

6.3. Planning Authority Response

None

7.0 Assessment

7.1. Having regard to the nature of the appeal before the Board, together with the information presented in support of the development, technical reports and third party submission, I consider it appropriate to assess the development under the following headings:

- Scale of development & Impacts on Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. Scale of development & Impacts on Residential Amenity

7.2.1. The subject site is located within a rural area of Co. Laois where the land use in the surrounding area is predominantly agricultural. The original farm comprised a small yard in proximity to the farmhouse, and included a couple of small sheds. This yard was extended to the south west where a straw shed and slatted house, identified as buildings no. 4 on submitted plans, was developed. In addition, a larger, slatted house was constructed to the west which included two slatted tanks, identified as building 5, and a further slatted tank, building no 9, to the north of this building. This additional slatted tank is the subject of this retention application.

7.2.2. On the date of my inspection, the Board will note that all slatted houses were filled with animals. It is clear that the figures provided by the applicant in this instance do not include all the animals housed within the yard. The floor area of the existing buildings on the site is indicated as 708m² while the building to be retained has a stated floor area of 1266m². The slatted tanks to be retained are indicated as having a capacity of 439.69m³. A separate dairy washing tank with a capacity of 155.12m³ is also proposed. A planning history search for the site indicates that permission exists for the following:

Animal Housing: 429m²

Slatted tank capacity: 133.75m³

Silos / Soiled Yards / Dairy: 333m²

Storage buildings 136.23m²

In terms of the proposed development, there is no doubt that the building the subject of this retention application is significantly larger than the original established and permitted farming enterprise at this location. Overall, the scale of the farming enterprise at this site has dramatically increased in my opinion, with the erection of the building, the subject of this retention application.

7.2.3. The application indicates that 110 animals can be accommodated within the building the subject of this retention application. The application form indicated that the development will accommodate 55 dairy cows and 55 young cattle. This is not actually the case however as it is further indicated that the calving boxes can accommodate a further 38 livestock units. Livestock units equates to 38 animals over 2 years old or upto 63 animals under 2 years old. As indicated above, I am concerned the existing numbers of animals have not been included in the figures, and in this regard, I consider that the scale of the operation at this location gives rise to significant concerns, and in particular, how it impacts on the existing residential amenity of the residents in the immediate area.

7.2.4. The location of the farmyard is at the end of a cul-de-sac road, which is used by two families, the applicant and the appellants who also are residents at this location. The appellants have a smaller landholding to the north east of the subject appeal site and this farmstead includes a collection of agricultural buildings, yard and family home. The access to the subject site runs immediately adjacent to the appellants family home. Given the scale of the current operation on the subject site, there is no doubt but that there is potential for impacts arising on the existing residential amenities of the home, notably in terms of noise and traffic, together with the operational hours that arise in a farming enterprise.

7.2.5. Overall, and having regard to the lack of any real detail in the submitted planning application documents, I would not be satisfied that the development, if permitted, would adequately protect the existing residential amenities of the residents living immediately adjacent to the site. While I acknowledge the separation distance between the building and the residential property, having regard to the access arrangements, together with the scale and intensification of use at the farm

yard, I am not satisfied that the development can be accommodated without serious injury to the existing residential amenities of the area. In addition, I note the scale of the landholding available to the applicant and consider that a more appropriate location within the landholding could reasonably be identified.

7.3. Other Issues

The Board will note that the appellants have requested, should the Board be minded to grant permission in this instance, that consideration be given to the provision of an alternative access to the site over lands in the applicants ownership, eliminating the need to pass directly adjacent to the appellants home. This matter might be considered by the Board. However, the intensification of use at the site is significant, in my opinion, and I do not consider that such a proposal would eliminate the impacts on the residential amenity of the property due to the scale of the development for retention.

7.4. Appropriate Assessment:

7.4.1. The subject is not located within a designated site. The site is, however, within 700m of the River Barrow And River Nore SAC, Site Code 002162, and 1km from the River Nore SPA, Site Code 004233. The Board will note that neither the applicant nor the Planning Authority considered matters of AA other than to state within the Planning Report that the subject site is not located within or adjacent to a European designated site. This is clearly not the case having regard to the proximity of the site to the SAC as indicated above, and the presence of a small watercourse in the vicinity of the site.

7.4.2. Through the PAs assessment of the proposed development, an issue in relation to the management of surface waters arising at the site was raised. I would note that there are discrepancies and omissions in the plans and particulars submitted in support of the proposed development. Notably, the concrete and hard core areas are not clearly identified. In addition, the Board will note that the original proposal to deal with surface water was to discharge to a watercourse. It was at the request of the Planning Authority, that the applicant proposed a soakway. Access to the area of the proposed soakway was restricted on the date of my inspection.

7.4.3. In terms of the potential impacts of the development on the integrity of the Natura 2000 site, the Board will note that a number of the conservation objectives for

the site relate to the chemistry and mineral content of the groundwater necessary to support the qualifying interests of the European Site. The subject site is located within an area which has been identified as a Regionally Important Aquifer - Karstified (diffuse) which has an extreme groundwater vulnerability. Having regard to the location of the site, together with the topography of the area, and the lack of clarity in terms of the management of surface water disposal, I have serious concerns that the development has the potential to have a significant effect on the European site, in view of the sites conservation objectives.

7.4.4. Proposals for the management of surface water arising on the site were amended following a request for further information, however, I am not satisfied that the matter has been appropriately addressed. Using the Source-Pathway-Receptor model, it is clear that the site drains in two directions, east and west, and towards rivers which comprise part of the Natura 2000 site, including the River Nore to the West. In addition, reference was made by the applicant to a watercourse into which it was proposed to discharge surface waters. This watercourse is located along the northern side of the access laneway and it is advised that it ultimately flows into the Owenbeg River. On the basis of the information provided with the application and appeal, I cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European sites, the River Barrow And River Nore SAC, Site Code 002162, and River Nore SPA, Site Code 004233, or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

8.1. It is recommended that permission be refused for the following stated reasons.

9.0 Reasons and Considerations

1. Having regard to the scale and intensive nature of the proposed development to be retained and completed, and the proximity to the adjoining residential property, it is considered that the proposed development would seriously injure the residential amenities of this property due to noise, traffic and odour. Furthermore, the Board is not satisfied on the basis of the submissions made in relation to the planning application and the appeal that the proposed location of the large structure has been adequately justified. The retention and completion of the development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal and in the absence of any appropriate assessment, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European sites, the River Barrow And River Nore SAC, Site Code 002162, and River Nore SPA, Site Code 004233, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

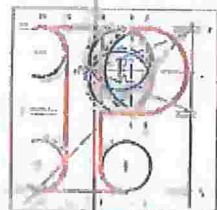
A. Considine
Planning Inspector

8th March, 2018

Our Ref: ABP-300315-17

PA Reg Ref: 17/218

Your Ref:



An
Bord
Pleanála

W

Laois County Council
Áras an Chontae
Portlaoise
Co. Laois



16 AUG 2018

Re:

Retention and completion of slatted tank, animal housing, office, milking parlour, dairy, plant room, collecting area, slatted feeding area and associated works and permission to cut back steel uprights at slatted feeding area and construction of crush in collecting yard.
Grennan, Attanagh, Co. Laois.

Dear Sir / Madam

An order has been made by An Bord Pleanála determining the above-mentioned matter under the Planning and Development Acts 2000 to 2018. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,

Sue Morel
Executive Officer


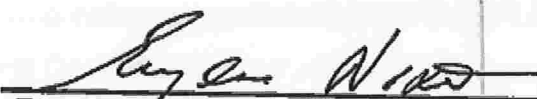
Encls. BP100N

Board Direction Attached

Tel (01) 858 8100
Glaos Áitiúil LoCall 1890 275 175
Facs (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
Riomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

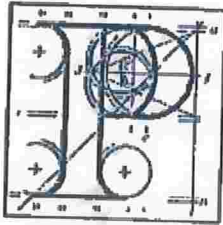
2. On the basis of the information submitted with the application and the appeal, and in the absence of an appropriate assessment screening report, the Board cannot be satisfied that the proposed development, either individually, or in combination with, other plans or projects, would not be likely to have a significant effect on European sites, the River Barrow And River Nore Special Area of Conservation, (Site Code 002162), and River Nore Special Protection Area, (Site Code 004233), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.



Eugene Nixon

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 15th day of August 2018.



An
Bord
Pleanála

Board Direction
BD-000570-18
ABP-300315-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/06/2018.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.


Reasons and Considerations

1. Having regard to the scale and intensive nature of the proposed development to be retained and completed, and the proximity to the adjoining residential property, it is considered that the proposed development would seriously injure the residential amenities of this property due to noise, traffic and odour. Furthermore, the Board is not satisfied on the basis of the submissions made in relation to the planning application and the appeal that the proposed location of the large structure has been adequately justified. The retention and completion of the development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal and in the absence of an appropriate assessment screening report, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European sites, the River Barrow And River Nore SAC, Site Code 002162, and River Nore SPA, Site Code 004233, or any other

European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

Note: The Board noted that the subject site is located in area that is on the boundary between high and extreme groundwater vulnerability.

Board Member


Eugene Nixon

Date: 25/06/2018

Please circulate with Board Order
J

Our Ref: ABP-300315-17

PA Reg Ref: 17/218

Your Ref:



An
Bord
Pleanála



Laois County Council
Áras an Chontae
Portlaoise
Co. Laois

Date: 30 May 2018

Re:

Retention and completion of slatted tank, animal housing, office, milking parlour, dairy, plant room, collecting area, slatted feeding area and associated works and permission to cut back steel uprights at slatted feeding area and construction of crush in collecting yard. Grennan, Attanagh, Co. Laois.

Dear Sir / Madam

I have been asked by the Board to refer to the above-mentioned appeal and, in particular, to the Board's notice to you under section 126 of the Planning and Development Act, 2000 (as amended) in which it was indicated that the Board intended to determine this appeal before 31st May, 2018.

I regret to inform you that, the Board will not now be in a position to determine the appeal before that date. An Inspector's report has been received and the file is at Board level. The continuing delay is due to the necessity to clear the current backlog of cases.

The delay involved is regretted.

Yours faithfully,

p.p. B. Mc Manus

Seamus Grant
Executive Officer
Direct Line: 01-8737137
Encls.
BP93

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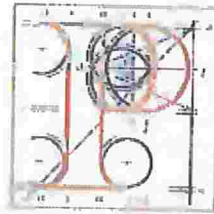
64 Sráid MacÍbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Our Ref: ABP-300315-17

PA Reg Ref: 17/218

Your Ref:



An
Bord
Pleanála

Laois County Council
Áras an Chontae
Portlaoise
Co. Laois
R32 EHP9



Date: 06 April 2018

Re:

Retention and completion of slatted tank, animal housing, office, milking parlour, dairy, plant room, collecting area, slatted feeding area and associated works and permission to cut back steel uprights at slatted feeding area and construction of crush in collecting yard.
Grennan, Attanagh, Co. Laois.

Dear Sir / Madam

I have been asked by An Bord Pleanála to refer to the above appeal.

It is a statutory objective of the Board to ensure that every appeal received is determined within eighteen weeks beginning on the date of receipt of that appeal. This is in accordance with section 126(2)(a) of the Planning and Development Act 2000 (as amended). Where it appears to the Board that it would not be possible or appropriate to determine a particular appeal within this period, a notice must be sent to the parties in accordance with section 126(3)(a) of the Act.

The Board hereby serves notice under section 126(3)(a) that it will not be possible to determine the case within the statutory objective period due to the necessity for further consideration at Inspectorate level. The Board now intends to determine the above appeal before **31st May, 2018**.

The Board will take all such steps as are open to it to ensure that the appeal is determined before that date.

Yours faithfully,

Mary Tucker
Executive Officer
Direct Line: 01-8737132

Encls.
BP90

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64 Marlborough Street
Dublin 1
D01 V902

REGISTERED POST

David O'Hara
Administrative Assistant
An Bord Pleanála
64 Marlborough Street,
Dublin 1

8th December, 2017

Re: Planning Appeal regarding Planning Application

Ref: 17/218 : retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard at Gremmam, Attanagh, Co. Laois

A chara,

I refer to your letter dated 4th December, 2017 regarding the above appeal and now attach a copy of the entire planning file.

If you require any information do not hesitate to contact the undersigned.

Is mise, le meas



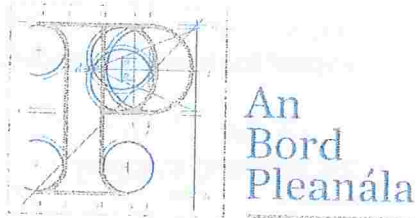
Pat Delaney
Administrative Officer
Planning

(This matter is being dealt with by Marie O'Hara on 057 ~ 86 64114)

Our Ref: ABP-300315-17

PA Reg Ref: 17/218

Your Ref:



An
Bord
Pleanála

LAOIS COUNTY COUNCIL
Áras an Chontae
Portlaoise
Co. Laois
Ireland



Date: 04 December 2017

Re: Retention and completion of slatted tank, animal housing, office, milking parlour, dairy, plant room, collecting area, slatted feeding area and associated works and permission to cut back steel uprights at slatted feeding area and construction of crush in collecting yard.
Grennan, Attanagh, Co. Laois.

Dear Sir / Madam

Enclosed is a copy of an appeal under the Planning and Development Acts 2000 to 2017.

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act 2000 (as amended). Please forward, within a period of 2 weeks beginning on the date of this letter, the following documents:-

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

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64 Marlborough Street
Dublin 1
D01 V902

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act (as amended) applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) the Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, make submissions or observations in writing to the Board in relation to the appeal within a period of 4 weeks beginning on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

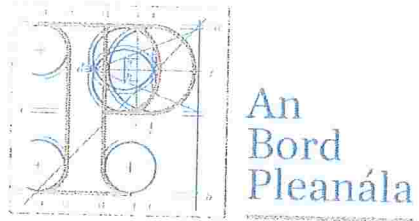
Please note that in accordance with section 251 of the Planning and Development Act 2000 (as amended), the period beginning on 24th December and ending on 1st January, both dates inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations.

Contingency Submission

Our Ref: ABP-300315-17

PA Reg Ref: 17/218

Your Ref:



5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act and that all material relevant to (ABP-300315-17) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,



David O'Hara
Administrative Assistant
Direct Line: 01-8737133

Encls.
BP07 - Xmas

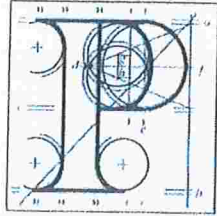
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An Bord Pleanála

Planning Appeal Check List

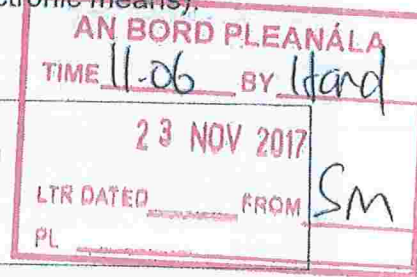
(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).

2. State the

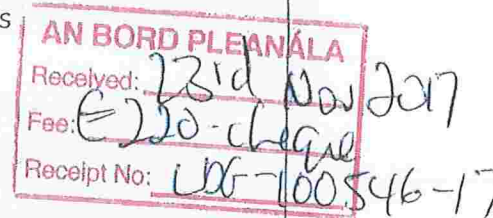
name of the appellant
(not care of agent)

Jacinta and Ned Brennan



address of the appellant
(not care of agent)

Grenan, Attanagh, Co. Laois



3. If an agent is involved, state the

name of the agent

David Mulcahy Planning Consultants Ltd

address of the agent

67 Old Mill Race
Athgarvan
Newbridge
Co. Kildare

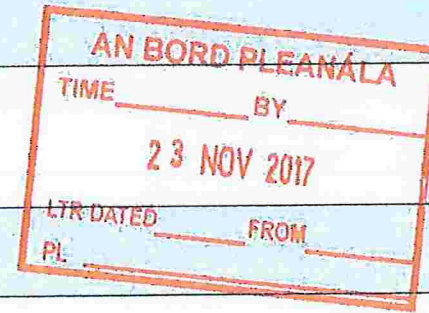
4. State the Subject Matter of the Appeal*

Brief description of the development

Retention of animal housing and associated works

Location of the development

Grenan, Attanagh, Co. Laois



Name of planning authority

Laois County Council

Planning authority register reference number

17/218

* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal. ✓

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based. ✓
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant). ✓
7. Enclose / Pay the correct fee for the appeal and, if requesting an oral hearing of same, the fee for that request see "[Guide to Fees Payable](#)" under heading of Making an Appeal on Home Page of this website for current fees. 220
8. Ensure that the appeal is received by the Board in the **correct manner and in time.**

DM **DAVID MULCAHY
PLANNING CONSULTANTS LTD**
67 The Old Mill Race, Athgarvan, Co. Kildare
PH: 045 405030/086 350 44 71
E-mail: david@planningconsultant.ie
www.planningconsultant.ie
Company No: 493 133 Directors: D. Mulcahy & M. Mulcahy

THIRD PARTY APPEAL

| | |
|------------------|------|
| AN BORD PLEANÁLA | |
| TIME | BY |
| 23 NOV 2017 | |
| LTR DATED | FROM |
| PL | |

CONCERNING

ANIMAL HOUSING

AT

GREANAN, ATTANAGH, CO. LAOIS

LAOIS CO. CO. REG. REF. 17/218

Client: Jacinta & Ned Brennan

22nd November 2017

poor state of disrepair and is **uninhabitable**. The farm buildings include 2 existing buildings with slatted tanks (noted as buildings 4 and 5 on site layout plan).

We note that no details of the existing small concrete apron adjoining the main animal housing building are shown, nor the internal access road, on the drawings submitted.

Access to the site is via a **single lane, narrow laneway** which is shared with the Brennans. This laneway leads to a gate at the end of the laneway which provides access to the site. There is a drain running along the north side of the laneway.

The Brennan's dwelling fronts directly onto the laneway with only a **minor setback** and **no front boundary** separating it from the laneway. The dwelling accommodates **6 people**, Jacinta and Ned, their 3 children and Ned's elderly mother.

The Brennan farmholding includes a large agricultural field to the north of the subject site which slopes down toward the subject site. The Brennans inform us that this field contains a number of **springs** and the **water table is very high** in the field.

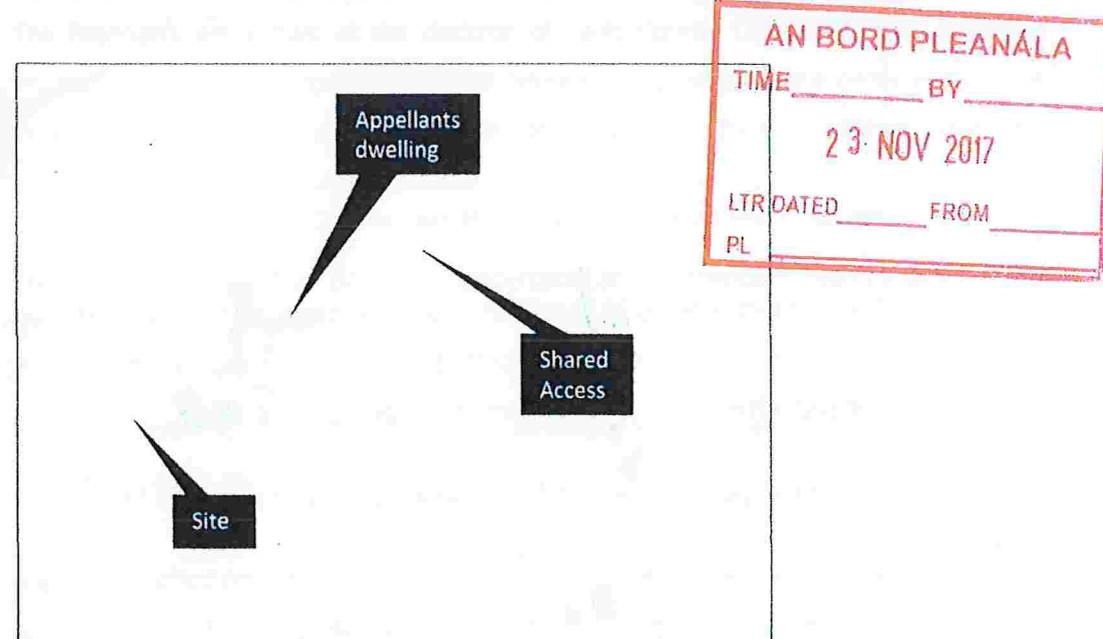


Fig. No.2 Site Location map source (Myplan.ie - OSI Licence No.EN 0080915)



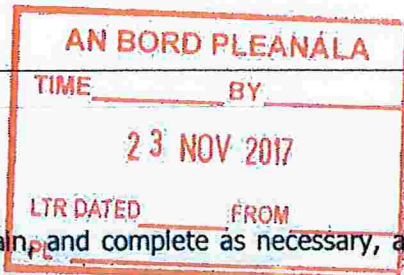
Fig No.3 Brennan's dwelling directly facing onto laneway with minimal setback.



Fig No.4 Brennan's dwelling – note damage to lane surface from commercial vehicles.

2.2 Planning History

02/271 - construct a livestock accommodation over existing slats (noted as 4b on current site layout).



2.3 Proposed Development

The applicant seeks permission to retain, and complete as necessary, a slatted tank, animal housing (1,266sq.m) which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services.

Permission is also sought to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard.

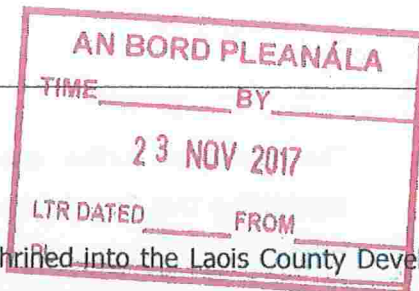
The application initially showed clean surface water drainage to drain into an existing drain at the east end (front) of the site. When the Brennans raised the fact that this **drain does not in fact exist** the clean water drainage was subsequently changed to a soakpit east of the main animal housing building.

There is a notable absence of any information for the areas in and around the buildings. There are **no details** of any concrete yard shown or proposals in relation to the **treatment of soiled surface water**. There are also no details of any internal road system shown.

The applicants included a table showing traffic movements (trip in or out) from the 11th to 16 September with a maximum of 11 movements on a weekday and 11 movements on a Saturday. The vehicle types included jeep, tractor, milk lorry tractor & trailer and van.

The planning application form states that the applicant is the owner of the site however part of one of the **buildings (No.2) is in the ownership of the Brennans**.

As noted there is no dwelling within the farm buildings in the subject site, apart from a derelict dwelling, and it must be recognised that this is **solely a commercial enterprise**. This is critical to the consideration of the impact on residential amenity.



2.4 Planning Context

The protection of residential amenity is enshrined into the Laois County Development Plan 2017-23. Section 5.10 dealing with 'Rural Economic Activities' highlights the conflicts that can occur with rural economic development in rural areas:-

"unlike in urban areas where industrial uses that generate noise and odour can be clearly separated from emission-sensitive residential uses through zoning, this robust system of separating uses does not happen in the same way in rural areas and conflicting uses can occur in close proximity" – emphasis added.

Policy RUR1 seeks to support the expansion, diversification and intensification of agriculture and the agri-food sector by facilitating appropriate related development but, importantly, this is *"subject to environmental and planning considerations"*, of which, residential amenity would be paramount.

Policy RUR6 seeks to *"reconcile the need for resource-based economic activities to conduct a reasonable operation and the needs of residents in rural areas to access a good quality of life and access to rural areas."* – emphasis added.

2.5 Brennan Submission

The Brennan submission pointed out that they had **made complaints** to the Laois Co. Co. Enforcement Section of the Planning Authority about the unauthorised works on the subject site at an early stage of development but an enforcement notice only was issued when the works were nearly fully complete.

The submission also made it abundantly clear that there is no drain to connect into for clean surface water and this eventually led to a soakpit being provided instead at further information stage. We highlight however that the note **still remains on the engineers drawings** submitted at further information stage that surface water will drain into the drain at the front of the site which confuses matters and is misleading.

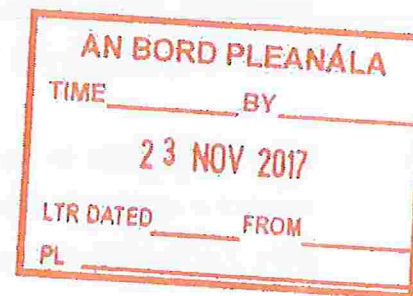
The submission further queried the numbers of animals that the shed will hold highlighting that it could hold **300 animals** at one time (based on Ned Brennan counting the number of cattle led up the laneway into the site)². They argue that the milking parlour will be operational from 6AM to 11PM every day of the year. Currently there are times when activity occurs from **6AM until 11PM at night**. It should be noted that the Brennans are experienced farmers and their views in this regard should be afforded due weight by the Board.

The key issue raised by the Brennans is the impact on the residential amenity having regard to the noise impact, odours, dirt, damage to the lane and drainage arrangements.

The Brennan submission concluded with a very reasonable suggestion that the applicant provide a **separate access lane** through his lands to facilitate access to his farmyard as that would solve all issues.

2.6 Council Decision

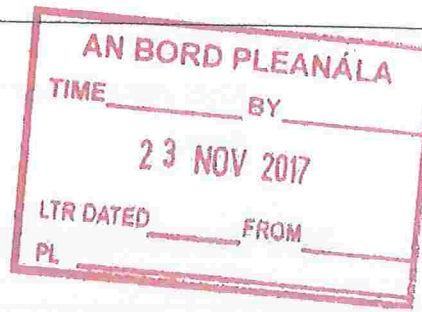
2.6.1 First Planner's Report



The first Planner's report notes that

- *"the scale of the development is large"*
- Brennans' dwelling is in close proximity to the laneway and as such *"any increase in traffic could have a negative impact on their residential amenity"*
- The site is *"not located within or adjacent to a European designated site"* (this appears to represent the full extent of the Appropriate Assessment Screening undertaken).

² Note that 'livestock units' is a very different term from 'animals'. An animal under 2 years is counted as 0.6 Livestock units. Therefore 38 livestock units can mean 63 animals. The Lalor response is quite misleading in this regard.



2.6.2 Further Information Request

A further information request emanated noting the:-

"poor standard of access from the public road" and the "location of a third party dwelling immediately adjacent to this laneway"

and seeking details about the number of animals using the shed and expected traffic. Queries were also raised in relation to the need for a soakpit and to address third party concerns.

2.6.3 Lalor Further Information Response

At further information stage the applicant changed the surface water drainage arrangements. They noted that the animal housing can accommodate 110 animals and the calving boxes can accommodate 38 livestock units – 148 animals in total. They argue that traffic is seasonal in nature and the increase in traffic was only due to the construction phase. The traffic during operation stage will reduce they argue due to improved cattle feeding and storage provisions in the new structure, reduced animal movements and reduced slurry tankers. They also add that the vacant dwelling will be done up in the future (without stating who it is to be occupied by).

2.5.4 Brennan Further Information Submission

The Brennan submission at further information stage refers to traffic movements for 3 days that they recorded with a maximum of **18 traffic movements** on one day alone. Vehicles include tractor with various ancillary trailers, industrial loader, car and Jeep. The movements were from 7.45am until 9.45pm. It also includes a report prepared by this office which refers to the impact on residential amenity and the lack of appropriate

Assessment Screening given the proximity of Natura 2000 sites in the vicinity (two rivers).

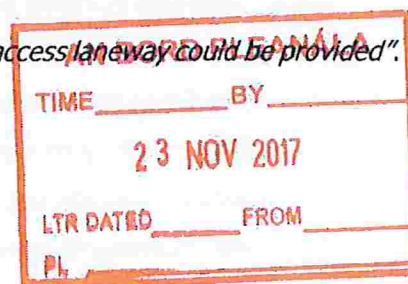
2.6.6 Second Planner's Report

The follow-on report by the LCC Planner notes that the principle of the development is acceptable on the basis of the location to the rear of an existing farmyard and removed from the neighbouring dwelling. It is stated that it is not considered that the shed in its own right impacts on the amenity of the third party and the main issue is the increase in traffic movements generated by the development. It is concluded that the level of traffic is not excessive and equates to 1 or 2 movements per hour over the course of a day.

There is **no consideration** in the report of the **alternative access arrangement** suggested as a reasonable compromise by the Brennans. There is also no consideration of the **alternative locations of the shed** on the applicant's extensive landholding. Finally, there is no consideration of the **lack of soiled water drainage arrangements**.

The Brennans also wish to point out the following issues with the Planner's Report:

1. The Planner's report refers to 3 families on the lane. In reality there is only Brennans living on the lane with Lalor farmyard.
2. The Planner says that "*Lalors contend that their residential amenity has been diminished*". This should be Brennans.
3. The Planner says that "*Lalor's indicate that a new access laneway could be provided*". It was Brennans who indicated such a proposal.



2.7 Interdepartmental Reports

Area Engineer – No objection

Waste Enforcement – conditions to address waste

2.8 Decision

The Council issued a notification to grant permission on the 1st November 2017 subject to 13 conditions.

1. Accord with plans and particulars received
2. Full surface water and effluent drainage facilities shall be provided throughout the site and adjoining yard in accordance with DoAFM, S129, Jan 2016. Details of same including location of existing/proposed soakpit to be agreed with the planning authority prior to commencement Use shall be for agriculture
3. Development shall be constructed in accordance with specifications of DoAFM
4. A safe and dependable water supply shall be laid onto the proposed development
5. Clean surface water run-off to be disposed to soakpit as submitted Requirements of European Communities (Good Ag Practice for Protection of Waters), 2014 to be adhered to
6. Landspreading shall not encroach upon any adjoining properties Precautions to be taken to ensure no pollution of any waterbody
7. Existing road drainage shall not be impaired and the entrance shall be designed to treat uninterrupted flow of road surface water run-off No material from the site to be spread or deposited along the public
8. Waste requirements Financial contribution

We note that there is no condition addressing noise which we find remarkable.



3.0 GROUNDS OF APPEAL



3.1 Residential Amenity

This size and scale of the operation is notably large. This is accepted by the Planning Authority and our clients are of the view that it is probably the **largest such facility in the county**. It therefore deserves a thorough assessment given it is extraordinary size.

Furthermore, it is highlighted that this farm complex is **purely a commercial entity** and is therefore distinguishable from a farm complex which is associated with a farmers dwelling. It must therefore be viewed as a commercial venture in terms of the potential impact on residential amenity with no relaxation or flexibility of any kind afforded, which might be the case for a farm complex with a dwelling. My clients note that the applicant has not proposed to provide such a development in close proximity to his own dwelling which is separate from any of the farming structures but is willing to impose it on them.

As noted above, the Brennan family dwelling is occupied by 6 people and is situated on the laneway leading to this commercial farm complex. Of particular note is the fact that the dwelling is only separated from the laneway by a small tarmac apron and there is no boundary treatment or screening of any kind. As such the occupants of the dwelling are **fully exposed to any noise or disturbance** associated with traffic accessing and egressing the commercial farm complex. As farmers themselves they are used to a certain level of farm activity but the introduction of this large-scale animal housing facility has resulted in such an increase in traffic volumes and associated noise disturbance and odours that they are at their wits end. They initially contacted the Enforcement Section of the Council but did not feel their complaints were properly addressed and then made submissions to the retention application which they also feel were not given proper consideration. We would concur with this view given the shrift nature of the assessment and the lack of assessment in relation to key issues raised in the appeal.

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It is submitted to the Board that the key impacts on residential amenity relate to the **noise** generated by frequent movements of large vehicles along the laneway which can take place from early morning to late evening. The applicants have picked particular days during the year and made arguments that the traffic is relatively light. It is respectfully submitted to the Board that no applicant is going to provide the Council with days where traffic levels are high and therefore the Board are requested to take this into consideration when reviewing these figures. The attention of the Board is drawn to the size of the vehicles involved which tend to be tractor and trailers or large HGVs. It is respectfully submitted that there is no situation where it represents good planning to have such large vehicles passing so close to a residential house. The scale of the animal housing involved in this application means that the **frequency** of these large vehicles passing the Brennan's dwelling has increased significantly despite the arguments put forward by the applicant.

It is also critical to highlight the times at which these vehicles pass as this is something that the LCC Planner's report does not address. As noted by the Brennan's the vehicles have passed by their dwelling as **early as 6am and as late as 11pm**. This is wholly unreasonable in terms of family living by any measurement. Put simply, the Brennan's would not be going to the hassle of having to employ consultants to prepared detail submissions if the problem were not a very real problem for them. They are deeply upset about the impact on their established residential amenity and see this as the final opportunity to block this large-scale development and be able to return to their normal lives. We therefore urge the Board to give their concerns very serious consideration and refuse permission.

In our submission to the Council at further information stage we highlighted an application involving a slatted cattle house, slatted tank, loose cattle house, effluent tank, concrete yard and all associated site work at Rathmoy, Thurles, County Tipperary (**An Bord Pleanala ref: PL 22.225366**). The circumstances are very similar in that the applicant had to pass the appellants house in order to access the slatted cattle house. The appellant argued that this would cause a serious issue in respect of their established

Alternative Access

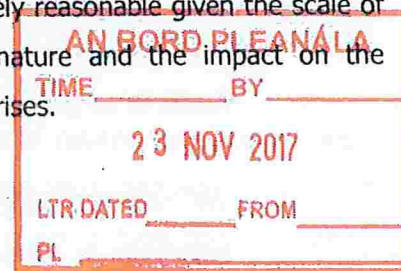
However, in the event that the Board do not agree to refuse permission, the Brennans wish for the Board to consider the solution to the current problem put forward to the Council but which received no attention. This involves the applicant providing an **alternative means of access** to his animal housing which is separate from the existing laneway and would not have a noise and disturbance impact on their dwelling. We consider this to be a logical compromise for both parties. The applicant has ample space to provide an alternative access route at an appropriate distance from the Brennans within lands in his ownership – we would suggest at **40m separation distance** with screen planting to be provide on the Brennan side of the road access. This could be addressed by a condition of planning as the lands are within the ownership of the applicant as demonstrated in the maps submitted. We would further submit to the Board that any condition of planning to this effect would need to make it abundantly clear that vehicular access via the existing laneway to the farm complex would have to **cease in its entirety** or else the new access would be meaningless.

It is considered that a condition of this nature is entirely reasonable given the scale of the proposed development, its wholly commercial nature and the impact on the established residential amenity of the Brennan's that arises.

3.2 Appropriate Assessment Screening

As noted at further information stage the applicant has not submitted an Appropriate Assessment Screening report with the application. The Council, as the competent body, limited the assessment of this issue to a simple statement that the site is "*not located within or adjacent to a European designated site*". We submit that this is both **factually incorrect and does not involve a proper assessment** whereby any potential links to a Natura 2000 site should be assessed.

The purpose of the screening is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with another plan or project is likely to have a significant effect on a site of European-level ecological importance (i.e.



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Natura 2000 sites: candidate Special Areas of Conservation and Special Protection Areas). The absence of any Screening Report from the applicant means that no scientific knowledge has been applied to the Appropriate Assessment in this instance.

The subject site is located on elevated lands which are in close **proximity to the River Barrow and Nore SAC and SPA to the east and west of the site** (Owenbeg River). We submit to the Council that the subject site is located on elevated lands and therefore it is only logical that these lands will drain to one of the two rivers. We are informed by the Brennans that the drain running along the north side of the laneway **connects into a small stream which then flows into the Owenbeg River**. Given the sloping nature of the subject lands where the development is to be retained toward the laneway it is entirely possible that soiled surface water run-off could enter this drain and potentially have an adverse impact on the habitats in the Natura 2000 site.

Given the nature of the proposed development and the scale/intensity of same it is essential that the risk of pollution to the River Nore and/or Owenbeg River which are Natura 2000 sites be fully screened out. Policy DM62 in the County Development Plan 2017-23 (Natura 2000 sites) specifically states that the plan or project will proceed only after it has been ascertained that it will not adversely affect the integrity of a Natura 2000.

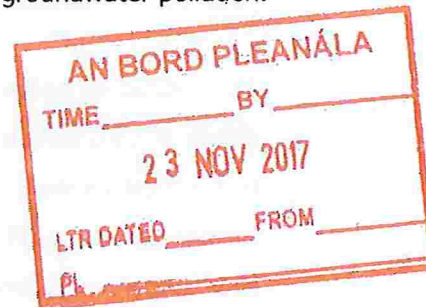
No details of soiled surface water arrangements accompany the application i.e. details of hard surface areas including levels, drainage details and treatment details. This is a critical element of the development and details should show how contaminated surface water run-off will be dealt with. The Council's decision to deal with this matter by requiring such details by way of a condition is wholly unacceptable. This is a critical element of the application, with particular reference to Appropriate Assessment, and in the absence of details we submit to the Board that the applicant should be refused.

In this regard we refer the Board Ref. PL 27.228277 which involved an application for retention of slatted cattle shed unit, feed store shed unit, machinery shed unit and concrete yard at Ballintombay Lower, Greenane, Rathdrum, County Wicklow. The Board

refused permission partly on the basis that insufficient details were provided in respect of collection or treatment of soiled surface run-off from the concrete yard.

The slatted shed unit proposed to be retained is located at a distance of circa 30 metres from the bored well supplying drinking water to a neighbouring dwelling which is contrary to the recommendations, as set out in S.123: Minimum Specification for Bovine Livestock Units and Reinforced Tanks issued by Department of Agriculture and Food, which require a minimum distance of 60 metres and up to 300 metres in vulnerable situations. Furthermore, the applicant has not provided satisfactory measures for the collection or treatment of soiled surface run-off from the concrete yard. It is considered that the proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area. – emphasis added.

We further note that **no Nutrient/Fertiliser Management** is provided with the application showing details of Farm Storage and Nutrient Calculations. It is thus not possible to establish if the slurry tanks are of sufficient capacity to cater for the amount of cattle involved which is a fundamental requirement for a development of this nature. Furthermore, no details are provided on the water-tightness of the slurry tanks which is critical in terms of ensuring that they will not lead to groundwater pollution.



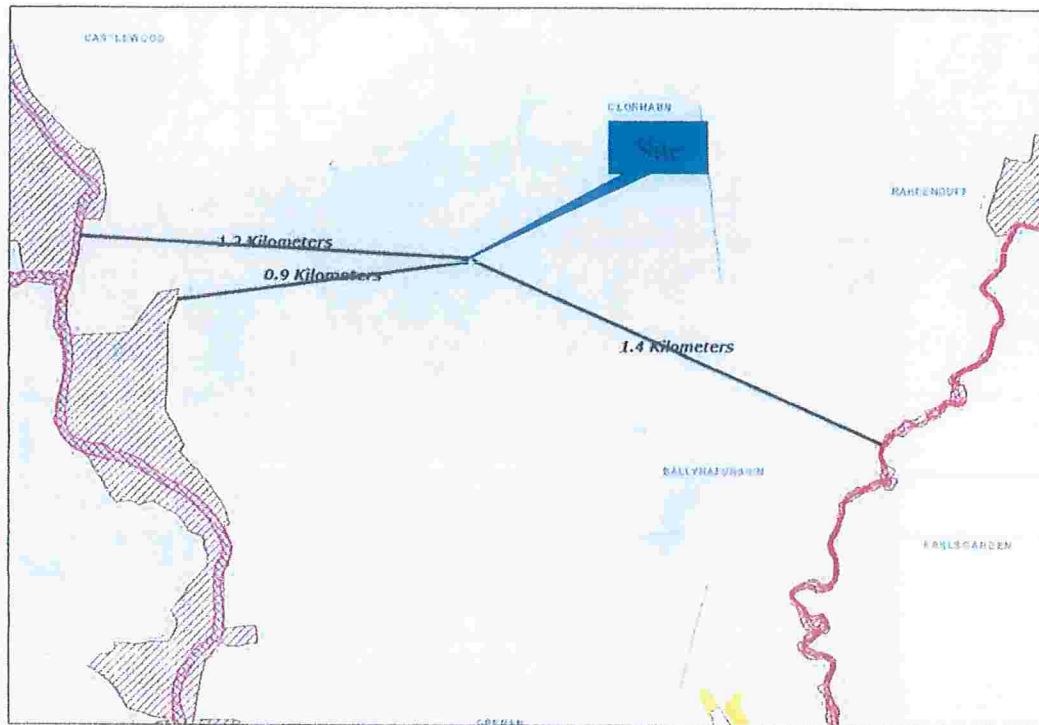


Fig No.5 Proximity of site to Natura 2000 sites (source: Myplan.ie OS Licence No EN10080915).

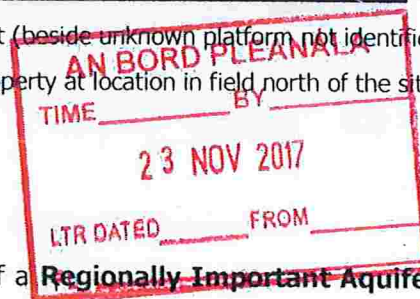
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3.3 Soakpit

It is submitted to the Board that we would have serious concern about the proposed location of the soakpit to cater for clean surface water from the large animal house building. Upon an inspection of the site from the Brennan property it was clear that the area where the soakpit is to be located in fact waterlogged. Our clients note that there are a number of springs in their field which slopes down to the subject site and that the watertable is very high. The ground water drains down toward the Lalor lands and thus the ponding on the site is not a surprise.



Fig No. 6 Ponding in the area of the proposed soak pit (beside unknown platform not identified in the site layout plan). Photo taken from Brennan property at location in field north of the site.



3.4 Groundwater

We note that the site is located on the border of a **Regionally Important Aquifer**. Moreover it is located in an area where the groundwater vulnerability is classified as **extreme**. On this basis it is imperative that full details of soiled water drainage arrangements are provided for proper assessment in order to determine if there is a risk to the groundwater. In the absence of a properly designed hard surface with drainage arrangements and treatment and disposal details there is a high risk that soiled water will drain to the ground. This represents a significant threat to the regionally important aquifer and in the absence of such details the proposed development should be refused. We further note that a crushed stone yard would not be appropriate at this location given the extreme vulnerability of the aquifer and a properly designed concrete yard with full drainage provisions is the only means by which the aquifer could be protected. In the absence of such details it is not possible to grant planning permission.

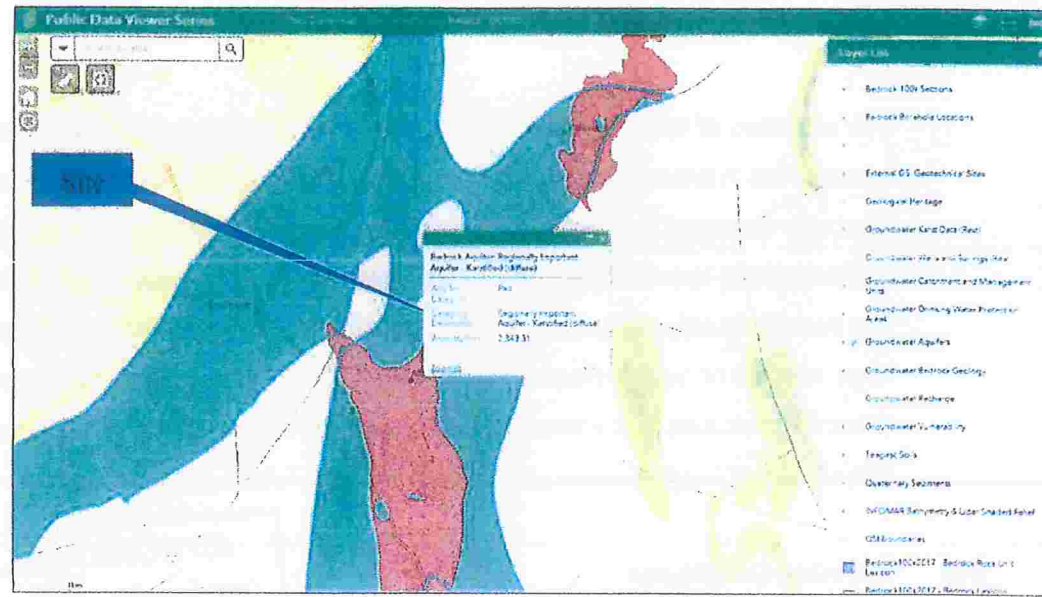


Fig No. 7 Regionally Important Aquifer under the proposed development (source: GSI.ie).

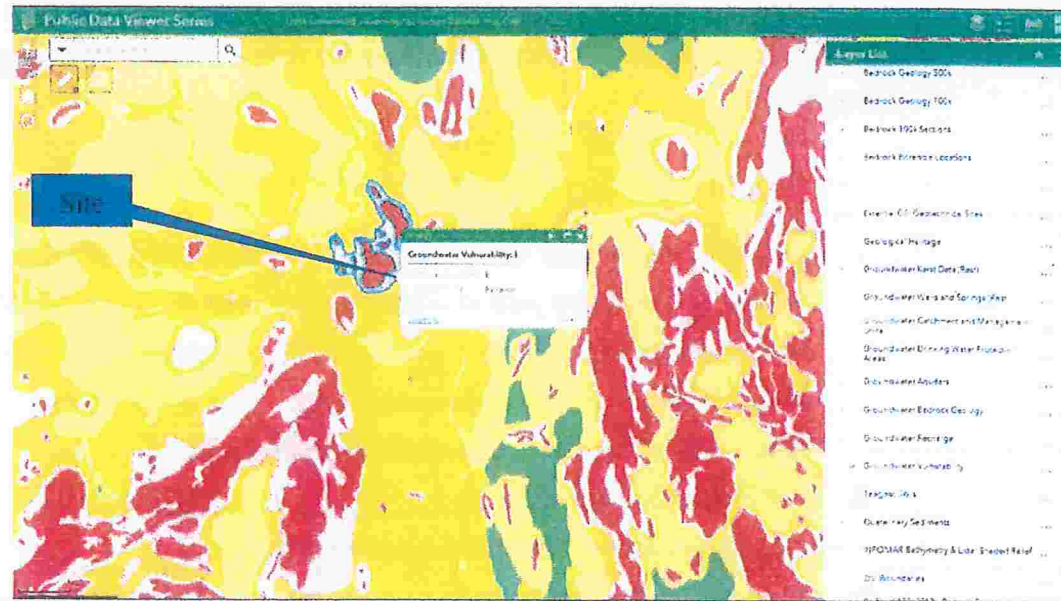


Fig No. 8 Extreme Groundwater Vulnerability Rating (source: GSI.ie).

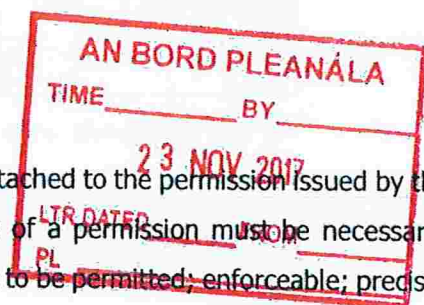
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3.5 Road Damage

The attention of the Board is drawn to the level of damage that has occurred to the laneway which is evident in Figure No.4 above. The frequent movement of large vehicles has badly damaged the road surface including part of the lands owned by the Brennans as the vehicles turn to enter into the Lalor premises. It is submitted to the Board that this damage is only set to continue and the laneway is simply not built to cater for such large vehicles on such a frequent basis. As such the proposed development should be refused on account of the unsuitable nature of the laneway to cater for increased traffic movements of large vehicles and the potential for future damage to occur.

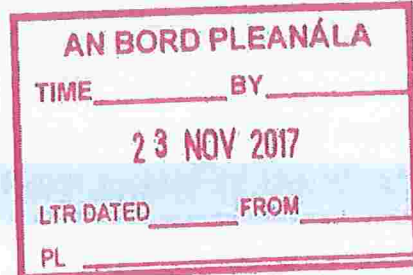
3.6 Planning Conditions

There are serious concerns over the conditions attached to the permission issued by the Council. As the Board will be aware conditions of a permission must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable.



2. *Full surface water and effluent drainage facilities shall be provided throughout the site and adjoining yard in accordance with DoAFM, S129, Jan 2016. Details of same including location of existing/proposed soakpit to be agreed with the planning authority prior to commencement – the appellant has no means to examine same or make a submission as to their suitability.*
8. *Landspreading shall not encroach upon any adjoining properties – this is very general and it is not clear how it could be enforced*
9. *Precautions to be taken to ensure no pollution of any waterbody – this is very general and it is not clear how it could be enforced.*
10. *Existing road drainage shall not be impaired and the entrance shall be designed to treat uninterrupted flow of road surface water run-off – the entrance is already in situ so it is not clear if a new entrance is being required and what exact details are required to be provided.*

-
11. No material from the site to be spread or deposited along the public roadway – how will this be enforced as there is always material deposited along the laneway from large vehicles entering and exiting the site.
 12. Waste requirements – the relevance of these conditions to the scheme is highly questionable



4.0 CONCLUSION

The applicant seeks permission for a large-scale animal housing complex which according to our clients is one of the largest, if not the largest, in the county and further afield. It forms part of a commercial farm complex removed from the applicants own dwelling but situated on lands adjoining our client's family home. All vehicles accessing the commercial farm complex have to pass by our clients' family home which has a minimal setback from the laneway and is fully exposed to same. These vehicles are often large tractors and trailers or HGVs which generate significant noise, and pass by the house on a frequent basis and can occur from early hours to late into the night. Our clients are highly distressed by the impact of this noise on their established residential amenity which they do not consider was afforded proper consideration by the Council. They now rely on the Board to agree that the noise generated by traffic associated with this large scale commercial will seriously injure their residential amenity and should be refused.

My clients also appeal the Councils decision on the lack of a proper Appropriate Assessment Screening given the proximity of two rivers which are Natura 2000 sites and the fact that there is a direct pathway to one of these rivers via the drain that runs on the north side of the laneway. The lack of details for the collection and treatment of soiled water is a fundamental omission from the application and it wholly unacceptable for the Council to try deal with this critical issue by way of condition.

The potential impact on groundwater arising from the proposed development does not appear to have been given any attention by the Council. The site is situated on the border of a Regionally Important Aquifer which has an extreme vulnerability rating and thus is imperative that full details of the collection and treatment of soiled water be provided for proper examination to ensure there is no risk to same.

There are serious concerns over the proposed soakpit to deal with clean surface water run-off given the Brennans field to the north slopes toward the subject site and contains a number of springs and has a high water table. The evidence of ponding at the location of this soakpit points to the fact that this area of the site is wholly unsuitable for a soakpit and raises serious questions about the lack of information about the ground conditions under the proposed development.

Finally there is clear evidence that the narrow laneway which provides access to the commercial farm complex is already badly damaged from large commercial vehicles access same. Allowing permission for the development will only serve to further damage the road surface which is unacceptable.

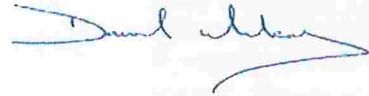
In view of the above it is submitted to the Board that the development does not represent proper planning and sustainable development of the area and should be refused. In the event that Board are considering a grant of permission we strongly urge that the applicant be conditioned to provide a separate access road to the farm complex and that the use of the existing laneway be prohibited.

In the unlikely event that the Board are of the view that permission should be granted my clients quite reasonably suggest an alternative access via the applicant's lands which is separate from the existing laneway. This could be addressed by condition but would have to also stipulate that the laneway could no longer be used by the applicant for any form of movement (vehicles or animals).

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We also request the Board to address the conditions of the permission issued by the Council which do not include any condition imposing noise restrictions or allowing for enforcement of such restrictions at a later date and includes a number of very generalised conditions that cannot be enforced.

Signed:



David Mulcahy
BA (Mod. Natural Sciences), MRUP, MSc. Urban Design, MIPI, MRTPI
David Mulcahy Planning Consultants Ltd
CHARTERED PLANNING CONSULTANTS

Encl.

1. Laois Co. Co. notification to grant permission.
2. Letter of Acknowledgment received from Laois Co. Co. in response to submission to the planning application.
3. Letter from Jacinta Brennan





PLANNING REF: 17/218

SCHEDULE 2 - PAGE 1 OF 4

C.E.O. NO. 659

CONDITIONS

1. The development shall be retained and carried out in accordance with plans and particulars received by the Planning Authority on 2nd May 2017 and further information received on 11th October 2017, except where conditions hereunder specify otherwise.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

2. Full surface water and effluent drainage facilities shall be provided throughout the site and adjoining yard in accordance with the Department of Agriculture, Food and The Marine, S129 'Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads' January, 2016. Details of same, including location of existing/proposed soakpit shall be submitted to the Planning Authority for its written agreement and approval prior to the commencement of development on the proposed site.

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

3. The use of the proposed development shall be used for agriculture and for no other purpose. No business, trade or commercial activity of any kind whatsoever, shall take place from the proposed development.

Reason: In the interest of proper planning and orderly development.

4. The proposed development shall be constructed in accordance with the structural specifications of the Department of Agriculture, Food & Marine.

Reason: In the interests of public health.

5. A safe and dependable water supply shall be laid onto the proposed development.

Reason: In the interests of public health and proper planning.

CONDITIONS

6. All clean surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to a soakpits. The soakpit shall be constructed and located as per details received on 11th October 2017. No such surface water run-off shall be allowed to flow onto the public roadway nor to discharge to the seepage or slurry storage tank.

Reason: To prevent flooding of the public road, in the interests of traffic safety and in the interests of public health.

7. The requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014, S.I 31 of 2014, and to such amendments as may be made to these regulations, shall be adhered to at all times by the applicant.

Reason: In the interests of public health and pollution control.

8. Landspreading shall not encroach upon any adjoining properties.

Reason: To safeguard the amenities of the area.

9. The developer shall take adequate precautions to ensure that waste disposal does not cause pollution to any stream, ditch, or watercourse, or contamination to any source of potable water. The developer shall also take reasonable steps to preserve the amenity of adjacent residential properties, and shall ensure, as far as possible that injury to amenity is not caused by odour, or in any other way.

Reason: In the interests of amenity, public health and pollution control.

10. Existing road drainage shall not be impaired and the entrance shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off.

Reason: To prevent flooding of the public road, in the interests of traffic safety.



CONDITIONS

11. During the development works the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the roadway in a neat, tidy and safe condition.

Reason: To prevent any traffic hazard or nuisance arising from such material.

12.

(a) Waste arising on the site shall be sent for recycling where possible to an authorized licenced facility. Collection and transport of waste shall be carried out by an authorized waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended.

(b) Hazardous waste onsite shall be removed, transported and disposed of by an authorized waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended and comply with the Transfrontier Shipment Regulations and procedures.

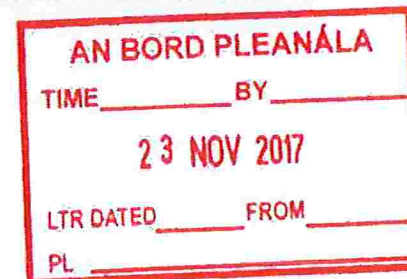
(c) Construction and demolition waste emanating from the development on site shall be removed to an Authorised Licensed Facility.

(d) Only clean uncontaminated waters shall discharge to any drain or watercourses.

Reason: In the interests of public health.

13. Within 8 weeks of the date of the grant of this permission, a contribution shall be payable to Laois County Council, in accordance with the Council's Development Contribution Scheme 2017-2023, in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided or that it is intended will be provided by, or on behalf of, the Council.

The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and penalty interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-



CONDITIONS

| Class of Infrastructure | Amount of Contribution | | |
|-------------------------|--|----------------------|--------|
| | Area of development over 500m ² | € per m ² | Total |
| C3 Agricultural | 766 m ² | 3.0 | €2,298 |
| | Total | | €2,298 |

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Laois County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the planning authority.



3. Letter from Jacinta Brennan

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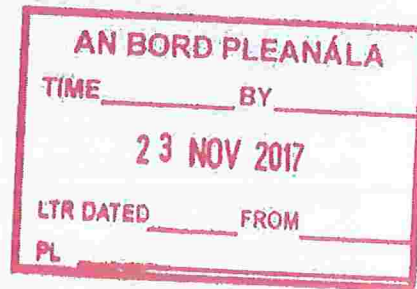
Grennan, Attanagh, Portlaoise, Co. Laois.

20.11.2017

An Bord Pleanála,

64 Marlborough Street,

Dublin 1.



Re: Appeal against Decision of Laois Co. Council to Grant permission to Patrick Lalor 17/218

Dear Sir – Madam,

We, Jacinta and Ned Brennan, in appealing against this Decision, wish to comment as follows.

We had enjoyed a good working relationship with Lalors for almost 40 years and had never disputed anything he has done during all these years. The right-of-way on the lane has never been disputed. But as his landholding has increased we found that his respect for us disappeared. Ned Brennan's mother lives with us. The very significant increase in traffic has caused her to feel very nervous and intimidated when she drives her car from and to the house. Ned Brennan's mother feels intimidated by the volume of stranger's cars, vans and lorries now passing beside her door at all times of day and night. She has lived here all of life and has enjoyed living here until now. Her enjoyment of her home has been badly disrupted by the noise and traffic.

Originally both of these holdings were small family farms; both Brennans and Lalors were approx. 45 acres each. Lalors landholding is now 180 acres which he owned PLUS 150 acres which are leased. Brennans landholding has remained at 45 acres. This yard is now the centre of a major agricultural operation. The volume of traffic has increased; the size of vehicles has increased causing mud in winter and dust in summer passing within 3.0 m. of our dwelling. On occasion large lorries encroach on our yard whilst attempting to access Lalor's yard.

The intensification of heavy traffic with strangers and contractors speeding on the lane is causing the windows in our house to vibrate. We are now seriously concerned that this intensive traffic will cause structural damage to this dwellinghouse. As shown in the photographs the house is very close to the lane.

The noise of this intensive traffic, which commences at 6.00 am in the morning with heavy articulated lorries has seriously disrupted our household, especially in terms of sleep. We now cannot invite friends of our 12 year old daughter to come visit and play. It is way too dangerous for them to play or cycle on the lane.

Our privacy, which we have enjoyed over a long number of years, has been badly destroyed with heavy and strange traffic.

The emotional distress and anxiety that we have suffered over the past 15 months has enormous and caused terrible strain on the relationships within our family. We feel that Lalor has bullied us and has allowed to do so by Laois Co. Council.

The Council made no attempt whatsoever to stop him. It took Laois Co. Council almost 6 months to issue an Enforcement Notice. The work was completed during this period.

This building has caused a flooding problem at our house as the surface water simply has nowhere to go. We argue that the provision of a soakhole where there are springs will be totally ineffective. In fact we are certain that Lalor will never construct the proposed soak hole unless he is absolutely forced to do so within a specific time.


The information provided by Lalor to the Council in relation to the number of animals is very misleading and we are very disillusioned that the Council made no effort to clarify. We feel that all of our information on submissions has been ignored.

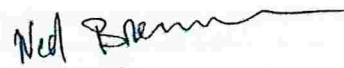
We are very disappointed that Lalors never responded to our suggestion that could resolve the traffic issues at our house. This is the suggestion that Lalor enter his own lands where his lands adjoin the lane and construct an agricultural access to his farmyard.

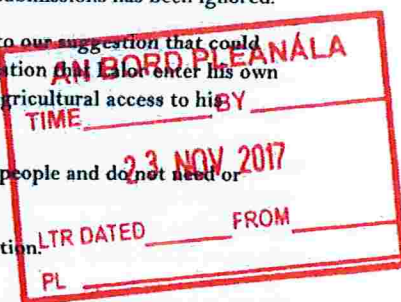
We again we wish to emphasize that we are reasonable people and do not need or want any of this disruption.

We trust that our concerns will be taken into consideration.

Yours faithfully,


Jacinta Brennan


Ned Brennan



2. Letter of Acknowledgment received from Laois Co. Co. in response to submission to the planning application.

AN BORD PLEANÁLA
TIME _____ BY _____
23 NOV 2017
LTR DATED _____ FROM _____
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COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Comhairle Chontae
Laoise
Áras an Chontae
Port Laoise
Contae Laoise
R32 EHP9

Laois County Council
Áras an Chontae
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corpaffairs@laoiscoco.ie
www.laois.ie

ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

LAOIS COUNTY COUNCIL

Planning Reference No.17/218

Applicant: Patrick Lalor c/o Mary Cotter, 7 Kellyville Park James Fintan Lalor Avenue Portlaoise, Co. Laois

Development at: Grenan Attanagh Co. Laois.

A submission/observation in writing, has been received on 24/10/2017 from

Mr. Liam Ryan
For Jacinta & Ned Brennan
Main Street
Abbeyleix
Co. Laois



The appropriate fee of €20.00 has been paid.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001-2015 and will be taken into account by the planning authority in its determination of the planning application.



ADMINISTRATIVE OFFICER,
PLANNING

Planning Authority Stamp:



Tá Fáilte Romhat
Gnó a Dhéanamh
as Gaeilge


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Arena phríomúil ar pháipéar atá 100% atchúrsáilte - Do Chomhshaoil a chosú





COMHAIRLE CHONTAE LAOISE LAOIS COUNTY COUNCIL

Comhairle Chontae
Laoise
Áras an Chontae
Port Laoise
Contae Laoise
R32 EHP9

Laois County Council
Áras an Chontae
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R32 EHP9

T: (057) 8664000
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corpaffairs@laoiscoco.ie
www.laois.ie

Planning Ref. No. 17/218

File Copy

01/11/2017

Jacinta & Ned Brennan
Grennan
Attanagh
Co. Laois

Re: Planning and Development Acts, 2000 to 2016

Patrick Lalor c/o Mary Cotter, 7 Kellyville Park James Fintan Lalor Avenue
Portlaoise, Co. Laois

Dear Sir/Madam,

I refer to previous correspondence in relation to the above planning application and I wish to inform you that a decision has been made. I attach a copy of this decision for your information.

Yours faithfully,



ADMINISTRATIVE OFFICER
PLANNING

Enc.

Tá Fáilte Romhat
Gnó a Dhéanamh
as Gaeilge

COO
MidlandsIrelandie

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Arna phrinteáil ar pháipéar atá 100% athchairsiúilte - Do Chonachtú na choduit





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Planning Ref. No. 17/218

01/11/2017

Mr. Liam Ryan For Jacinta & Ned Brennan
Main Street
Abbeyleix
Co. Laois

Re: Planning and Development Acts, 2000 to 2016

Patrick Lalor c/o Mary Cotter, 7 Kellyville Park James Fintan Lalor Avenue
Portlaoise, Co. Laois

Dear Sir/Madam,

I refer to previous correspondence in relation to the above planning application and I wish to inform you that a decision has been made. I attach a copy of this decision for your information.

Yours faithfully,

ADMINISTRATIVE OFFICER
PLANNING

Enc.

Tá Fáilte Romhat
Gnó a Dhéanamh
as Gaeilge



FILE COPY

LAOIS COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

Reference Number: 17/218

Chief Executive's Order No: 653

SUBJECT:

Application by Patrick Lalor c/o Mary Cotter, 7 Kellyville Park, James Fintan Lalor Avenue, Portlaoise, Co. Laois for PERMISSION to retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard at Grenan Attanagh Co. Laois

Recommended that Permission under the Planning & Development Acts, 2000 to 2016 be granted for this development, subject to compliance with the 13 conditions on schedule 2 attached hereto.

ORDER:

WHEREAS, by Chief Executive's Order No. 02/2015 dated 7th October 2015, John Mulholland, Chief Executive for Laois, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001 as amended, delegated to me certain powers, functions and duties as set out therein.

NOW, THEREFORE, pursuant to the delegation of the said powers, functions and duties aforesaid, I Angela McEvoy, Senior Planner, hereby order that, pursuant to the provisions of Sections 34 of the Planning & Development Acts 2000 as amended, a decision is made to grant Permission to Patrick Lalor for the development referred to in the foregoing report, subject to compliance with the conditions on the Schedule attached hereto.

I further order that a grant of permission issue after a period of one month from the date of this Order unless a valid appeal against the decision is made to An Bord Pleanala and not subsequently withdrawn.


Senior Planner

DATED 1. 11., 2017

SCHEDULE 1

Having regard to the provisions of the Laois County Development Plan 2017-2023 for the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and carried out in accordance with plans and particulars received by the Planning Authority on 2nd May 2017 and further information received on 11th October 2017, except where conditions hereunder specify otherwise.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

2. Full surface water and effluent drainage facilities shall be provided throughout the site and adjoining yard in accordance with the Department of Agriculture, Food and The Marine, S129 'Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads' January, 2016. Details of same, including location of existing/proposed soakpit shall be submitted to the Planning Authority for its written agreement and approval prior to the commencement of development on the proposed site.

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

3. The use of the proposed development shall be used for agriculture and for no other purpose. No business, trade or commercial activity of any kind whatsoever, shall take place from the proposed development.

Reason: In the interest of proper planning and orderly development.

4. The proposed development shall be constructed in accordance with the structural specifications of the Department of Agriculture, Food & Marine.

Reason: In the interests of public health.

5. A safe and dependable water supply shall be laid onto the proposed development.

Reason: In the interests of public health and proper planning.

CONDITIONS

6. All clean surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to a soakpits. The soakpit shall be constructed and located as per details received on 11th October 2017. No such surface water run-off shall be allowed to flow onto the public roadway nor to discharge to the seepage or slurry storage tank.

Reason: To prevent flooding of the public road, in the interests of traffic safety and in the interests of public health.

7. The requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014, S.I 31 of 2014, and to such amendments as may be made to these regulations, shall be adhered to at all times by the applicant.

Reason: In the interests of public health and pollution control.

8. Landspreading shall not encroach upon any adjoining properties.

Reason: To safeguard the amenities of the area.

9. The developer shall take adequate precautions to ensure that waste disposal does not cause pollution to any stream, ditch, or watercourse, or contamination to any source of potable water. The developer shall also take reasonable steps to preserve the amenity of adjacent residential properties, and shall ensure, as far as possible that injury to amenity is not caused by odour, or in any other way.

Reason: In the interests of amenity, public health and pollution control.

10. Existing road drainage shall not be impaired and the entrance shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off.

Reason: To prevent flooding of the public road, in the interests of traffic safety.

CONDITIONS

11. During the development works the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the roadway in a neat, tidy and safe condition.

Reason: To prevent any traffic hazard or nuisance arising from such material.

12.

(a) Waste arising on the site shall be sent for recycling where possible to an authorized licenced facility. Collection and transport of waste shall be carried out by an authorized waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended.

(b) Hazardous waste onsite shall be removed, transported and disposed of by an authorized waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended and comply with the Transfrontier Shipment Regulations and procedures.

(c) Construction and demolition waste emanating from the development on site shall be removed to an Authorised Licensed Facility.

(d) Only clean uncontaminated waters shall discharge to any drain or watercourses.

Reason: In the interests of public health.

13. Within 8 weeks of the date of the grant of this permission, a contribution shall be payable to Laois County Council, in accordance with the Council's Development Contribution Scheme 2017-2023, in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided or that it is intended will be provided by, or on behalf of, the Council.

The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and penalty interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-

CONDITIONS

| Class of Infrastructure | Amount of Contribution | | Total |
|-------------------------|--|----------------------|---------------|
| | Area of development over 500m ² | € per m ² | |
| C3 Agricultural | 766 m ² | 3.0 | €2,298 |
| | Total | | €2,298 |

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Laois County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the planning authority.

FILE

LAOIS COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS, 2000 to 2016

NOTIFICATION OF DECISION

REGISTERED POST

TO: Patrick Lalor
c/o Mary Cotter,
7 Kellyville Park
James Fintan Lalor Avenue
Portlaoise, Co. Laois

Planning Register Number: 17/218
Valid Application Received: 02/05/2017
Further Information Received Date: 11/10/2017
Date of Decision: 01/11/2017

In pursuance of the powers conferred upon them by the above-mentioned Acts, Laois County Council has by Order dated 01/11/2017 decided to GRANT RETENTION to the above named for development of land, namely:- retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard at Grenan Attanagh Co. Laois in accordance with the documents submitted to the Council, subject to the 13 conditions set out in the attached schedule. The Planning Authority have had regard to any submissions, objections or representations made on this file.

Signed on behalf of Laois County Council


ADMINISTRATIVE OFFICER, PLANNING

DATE: 01/11/2017

Please arrange to remove the site notice forthwith.

THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL FINAL GRANT OF PLANNING PERMISSION IS ISSUED.

YOU ARE ADVISED TO CHECK WITH LAOIS COUNTY COUNCIL AND OTHER STATUTORY BODIES SUCH AS E.S.B., EIRCOM, ETC., IN RELATION TO THE LOCATION OF ANY UNDERGROUND SERVICES BEFORE DEVELOPMENT COMMENCES.

Provided there is no appeal against this DECISION a Final Grant of planning permission will issue following the expiration of four weeks.

See next page for details of appeal procedures.

SCHEDULE 1

Having regard to the provisions of the Laois County Development Plan 2017-2023 for the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and carried out in accordance with plans and particulars received by the Planning Authority on 2nd May 2017 and further information received on 11th October 2017, except where conditions hereunder specify otherwise.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

2. Full surface water and effluent drainage facilities shall be provided throughout the site and adjoining yard in accordance with the Department of Agriculture, Food and The Marine, S129 'Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads' January, 2016. Details of same, including location of existing/proposed soakpit shall be submitted to the Planning Authority for its written agreement and approval prior to the commencement of development on the proposed site.

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

3. The use of the proposed development shall be used for agriculture and for no other purpose. No business, trade or commercial activity of any kind whatsoever, shall take place from the proposed development.

Reason: In the interest of proper planning and orderly development.

4. The proposed development shall be constructed in accordance with the structural specifications of the Department of Agriculture, Food & Marine.

Reason: In the interests of public health.

5. A safe and dependable water supply shall be laid onto the proposed development.

Reason: In the interests of public health and proper planning.

CONDITIONS

6. All clean surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to a soakpits. The soakpit shall be constructed and located as per details received on 11th October 2017. No such surface water run-off shall be allowed to flow onto the public roadway nor to discharge to the seepage or slurry storage tank.

Reason: To prevent flooding of the public road, in the interests of traffic safety and in the interests of public health.

7. The requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014, S.I 31 of 2014, and to such amendments as may be made to these regulations, shall be adhered to at all times by the applicant.

Reason: In the interests of public health and pollution control.

8. Landspreading shall not encroach upon any adjoining properties.

Reason: To safeguard the amenities of the area.

9. The developer shall take adequate precautions to ensure that waste disposal does not cause pollution to any stream, ditch, or watercourse, or contamination to any source of potable water. The developer shall also take reasonable steps to preserve the amenity of adjacent residential properties, and shall ensure, as far as possible that injury to amenity is not caused by odour, or in any other way.

Reason: In the interests of amenity, public health and pollution control.

10. Existing road drainage shall not be impaired and the entrance shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off.

Reason: To prevent flooding of the public road, in the interests of traffic safety.

CONDITIONS

11. During the development works the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the roadway in a neat, tidy and safe condition.

Reason: To prevent any traffic hazard or nuisance arising from such material.

12.

(a) Waste arising on the site shall be sent for recycling where possible to an authorized licenced facility. Collection and transport of waste shall be carried out by an authorized waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended.

(b) Hazardous waste onsite shall be removed, transported and disposed of by an authorized waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended and comply with the Transfrontier Shipment Regulations and procedures.

(c) Construction and demolition waste emanating from the development on site shall be removed to an Authorised Licensed Facility.

(d) Only clean uncontaminated waters shall discharge to any drain or watercourses.

Reason: In the interests of public health.

13. Within 8 weeks of the date of the grant of this permission, a contribution shall be payable to Laois County Council, in accordance with the Council's Development Contribution Scheme 2017-2023, in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided or that it is intended will be provided by, or on behalf of, the Council.

The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and penalty interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-

CONDITIONS

| Class of Infrastructure | Amount of Contribution | | Total |
|-------------------------|--|----------------------|---------------|
| | Area of development over 500m ² | € per m ² | |
| C3 Agricultural | 766 m ² | 3.0 | €2,298 |
| | Total | | €2,298 |

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Laois County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the planning authority.

653

LAOIS COUNTY COUNCIL
PLANNERS REPORT

Planning File Ref. No.: 17/218

Applicant Name: Patrick Lalor

Development Description: retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard

Development Address: Grennan, Attanagh

Due Date: 07/11/17

RECOMMENDATION: Grant

Site Location

The subject site is located in the rural townland of Grennan, Attanagh. The site is accessed off a private cul de sac which also provides access to a dwelling and a farmyard in third party ownership. The site has a given area of 0.95ha. On site there are a number of farm buildings including the shed for which retention is sought. The site is surrounded by agricultural land except to the east where the third party farm and dwelling is located.

Designations

The site is not located approx 0.514 miles west and 1.008 miles to the east of a European designated site – River Barrow & River Nore SAC).

The development has been assessed having regard to the requirements of the EU Habitats Directive. Given the proximity of the nearest Natura 2000 site (River Barrow and River Nore), the agricultural nature and extent of the proposed development and its location adjoining the rear of an existing farmyard, it is not considered that it would alone, or in combination with other plans and projects, result in any potential significant impacts on the Natura 2000 Network.

Del
31.12.17
WLL

Submissions/Observations

Received from Jacinta & Ned Brennan –The main issues of concern relate to

- The amount of traffic using the laneway of an agricultural. The use of the laneway has intensified recently.
- The ground level of the new shed and the possibility of water etc flowing towards the complainants house.
- Water discharge – water ponds opposite the Brennan's house and additional run off will make this situation worse.
- Enforcement – work has continued since the enforcement notice issued.
- The accuracy of the animal numbers on the agricultural form are questioned as they seem low to the complainant.
- The Lalor's contend that their residential amenity has been diminished as has the value of their property.
- Lalor's indicate that a new access laneway could be provided to bring traffic away from Brennan's home.

A further submission has been received from Jacinta & Ned Brennan prepared by Liam Ryan and David Mulcahy, Planning Consultants Ltd. The main issues raised related

- To additional and larger traffic generated by the development.
- Longer working hours
- Greater maintenance and attention resulting in greater movement of machinery and animals.
- Brennan's Farm is significantly smaller than Lalor's farm.
- A "similar" type development was refused by An Bord Pleannala based on residential amenity.
- An Appropriate Assessment screening report is required with the application.

Representations:

None received

Reports:

Area Engineer - report received. Site notice in place on 18/05/2017 – no objections

Enforcement – report received – enforcement notice issued requiring the cessation of the works and demolition of the structure.

Environment – report received, conditional

Planning History

02/721 permission granted to Patrick Lalor to construct a livestock accommodation over existing slats.

Assessment:

This is an application for permission to retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard.

The proposed shed has a floor area of 1266sqm and is finished with concrete walls and green metal cladding. While the scale of the development is large I consider that owing to the location to the rear of an existing farmyard complex there is no issue with the structure. The main issues referred to in the submission relate to the intensification of activity on site and the movement of vehicles on the access laneway. The access laneway is narrow and is private. From discussions with the complainant on site 3 families have a right of way on this laneway including Lalors. Both Brennan's and Lalor's use this laneway to access their farmyards – I also acknowledge that Brennan's dwelling is in close proximity to the laneway and as such any increase in traffic could have a negative impact on their residential amenity. The question for the Planning Authority is whether the development as proposed will result in an increase in traffic which would have a negative impact on residential amenity, value of property etc. The shed as proposed is 1,266sqm and will accommodate 110 cows. I consider it reasonable to request the applicant to clarify the traffic movements generated by the proposed shed and to clarify the number of stock which will be housed. Also surface water drainage requires additional information.

Further Information was requested as follows;

1. Having regard to the scale of the proposed development, the poor standard of access from the public road and the location of a third party dwelling immediately adjacent to this laneway the applicant shall submit the following information:
 - The maximum number of animals which the proposed shed can accommodate.
 - The number and types of vehicles using the access laneway on a daily basis.
 - Proposals to mitigate the impact of additional traffic on the dwelling located immediately east of the site.

Response: The applicant has indicated that 110 animals can be accommodated in the shed. Calving boxes and a straw bedded area which can accommodate 38 animals.

The applicant contends that traffic movements will decrease post construction as the structure will house animals over winter and has a large slurry storage area.

2. It was noted during a site inspection that the surface water disposal network has not been installed to date and that it is proposed to connect to a watercourse.

Having regard to the location of the watercourse at some remove from the proposed shed and the likely volume of surface water run-off the applicant shall submit revised proposals for surface water disposal to a soakpit which shall be designed to B.S. 365.

Response: A surface water soakpit is proposed to the east of the site. This is designed to BS 365. Calculations of the soakpit is included.

3. Third Party Submissions have been received in relation to this application. Please comment on issues raised in same.

Response: The applicant has submitted a response to the issues raised in the submissions.

Conclusions

I have considered the information submitted with the application and the submission received from Third parties in assessing this application. The principle of a shed of the scale and size of that proposed is acceptable based on the location to the rear of an existing farmyard and removed from the neighbouring dwelling,. I do not consider that the shed in its own right impacts on the amenity of the nearby dwelling owned by third parties.

I consider that the surface water issues has been adequately dealt with by way of the soakpit proposed.

The main issue relating to this application is traffic and the increase in traffic movements generated by this development. Both the applicant and the third party have submitted details of traffic movements on various random days. The figures suggest traffic movements of between 4-18 per day over 12-15 hour days. I do not consider that this level of traffic is excessive given that it equates to perhaps 1 or maximum 2 movements per hour over the course of a day.

Recommendation

I recommend that permission be granted subject to the attached.

As the roofed area is above 500 m², a financial contribution is required in accordance with the Councils Development Contribution Scheme.

SCHEDULE 1

Having regard to the provisions of the Laois County Development Plan 2017-23 for the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

SCHEDULE 2

1. The development shall be retained and carried out in accordance with plans and particulars received by the Planning Authority on 2nd May 2017 and further information received on 11th October 2017, except where conditions hereunder specify otherwise.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

2. Full surface water and effluent drainage facilities shall be provided throughout the site and adjoining yard in accordance with the Department of Agriculture, Food and The Marine, S129 'Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads' January, 2016. Details of same, including location of existing/proposed soakpit shall be submitted to the Planning Authority for its written agreement and approval prior to the commencement of development on the proposed site.

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

3. The use of the proposed development shall be used for agriculture and for no other ^{purpose} reason. No business, trade or commercial activity of any kind whatsoever, shall take place from the proposed development.

Reason: In the interest of proper planning and orderly development.

4. The proposed development shall be constructed in accordance with the structural specifications of the Department of Agriculture, *food & marine*.

Reason: In the interests of public health.

5. A safe and dependable water supply shall be laid onto the proposed development.

Reason: In the interests of public health and proper planning.

6. All clean surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to a soakpits. The soakpit shall be constructed and located as per details received on 11th October 2017. No such surface water run-off shall be allowed to flow onto the public roadway nor to discharge to the seepage or slurry storage tank.

Reason: To prevent flooding of the public road, in the interests of traffic safety and in the interests of public health.

7. The requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014, S.I 31 of 2014, and to such amendments as may be made to these regulations, shall be adhered to at all times by the applicant.

Reason: In the interests of public health and pollution control.

8. Landspreading shall not encroach upon any adjoining properties.

Reason: To safeguard the amenities of the area.

9. The developer shall take adequate precautions to ensure that waste disposal does not cause pollution to any stream, ditch, or watercourse, or contamination to any source of potable water. The developer shall also take reasonable steps to preserve the amenity of adjacent residential properties, and shall ensure, as far as possible that injury to amenity is not caused by odour, or in any other way.

Reason: In the interests of amenity, public health and pollution control.

10. Existing road drainage shall not be impaired and the entrance shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off.

Reason: To prevent flooding of the public road, in the interests of traffic safety.

11. During the development works the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the roadway in a neat, tidy and safe condition.

Reason: To prevent any traffic hazard or nuisance arising from such material.

12.

(a) Waste arising on the site shall be sent for recycling where possible to an authorized licenced facility. Collection and transport of waste shall be carried out by an authorized waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended;

(b) Hazardous waste onsite shall be removed, transported and disposed of by an authorized waste collector under the Waste Management (Collection Permit) Regulations 2008 as amended and comply with the Transfrontier Shipment Regulations and procedures;

(c) Construction and demolition waste emanating from the development on site shall be removed to an Authorised Licensed Facility;

(d) Only clean uncontaminated waters shall discharge to any drain or watercourses.

Reason: In the interests of public health.

13. Within 8 weeks of the date of the grant of this permission, a contribution shall be payable to Laois County Council, in accordance with the Council's Development Contribution Scheme 2017-2023, in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided or that it is intended will be provided by, or on behalf of, the Council.

~~The contribution payable will be based on the contribution rate applicable at the time of payment and not the rate in existence when permission is granted.~~ The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and penalty interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-

| <u>Class of Infrastructure</u> | <u>Amount of Contribution</u> | | |
|--------------------------------|--|----------------------------|---------------|
| | <u>Area of development over 500m²</u> | <u>€ per m²</u> | <u>Total</u> |
| C3 Agricultural | 766 m ² | 3.0 | €2,298 |
| | <u>Total</u> | | <u>€2,298</u> |

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Laois County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the planning authority.



David O'Hara
A/SEP

31/10/17

LAOIS COUNTY COUNCIL
PLANNERS REPORT

*Agreed
Amended
20.06.17*

Planning File Ref. No.: 17/218

Applicant Name: Patrick Lalor

Development Description: retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard

Development Address: Grennan, Attanagh

Due Date: 26/06/17

RECOMMENDATION: Further Information

Site Location

The subject site is located in the rural townland of Grenan, Attanagh. The site is accessed off a private cul de sac which also provides access to a dwelling and a farmyard in third party ownership. The site has a given area of 0.95ha. On site there are a number of farm buildings including the shed for which retention is sought. The site is surrounded by agricultural land except to the east where the third party farm and dwelling is located.

Designations

The site is not located within or adjacent to a European designated site.

Submissions/Observations

Received from Jacinta & Ned Brennan –The main issues of concern relate to

- The amount of traffic using the laneway of an agricultural. The use of the laneway has intensified recently.

*20/6/17
All*

- The ground level of the new shed and the possibility of water etc flowing towards the complainants house.
- Water discharge – water ponds opposite the Brennan’s house and additional run off will make this situation worse.
- Enforcement – work has continued since the enforcement notice issued.
- The accuracy of the animal numbers on the agricultural form are questioned as they seem low to the complainant.
- The Lalor’s contend that their residential amenity has been diminished as has the value of their property.
- Lalor’s indicate that a new access laneway could be provided to bring traffic away from Brennan’s home.

Representations:

None received

Reports:

Area Engineer - report received. Site notice in place on 18/05/2017 – no objections

Enforcement – report received – enforcement notice issued requiring the cessation of the works and demolition of the structure.

Environment – report received, conditional

Planning History

02/721 permission granted to Patrick Lalor to construct a livestock accommodation over existing slats.

Assessment:

This is an application for permission to retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; PERMISSION to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard.

The proposed shed has a floor area of 1266sqm and is finished with concrete walls and green metal cladding. While the scale of the development is large I consider that owing to the location to the rear of an existing farmyard complex there is no issue with the structure.

The main issues referred to in the submission relate to the intensification of activity on site and the movement of vehicles on the access laneway. The access laneway is narrow and is private. From discussions with the complainant on site 3 families have a right of way on this laneway including Lalors. Both Brennan's and Lalor's use this laneway to access their farmyards – I also acknowledge that Brennan's dwelling is in close proximity to the laneway and as such any increase in traffic could have a negative impact on their residential amenity. The question for the Planning Authority is whether the development as proposed will result in an increase in traffic which would have a negative impact on residential amenity, value of property etc. The shed as proposed is 1,266sqm and will accommodate 110 cows. I consider it reasonable to request the applicant to clarify the traffic movements generated by the proposed shed and to clarify the number of stock which will be housed. Also surface water drainage requires additional information.

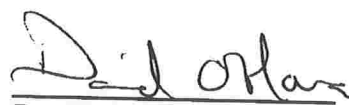
Recommendation

Further Information as follows;

1. Having regard to the scale of the proposed development, the poor standard of access from the public road and the location of a third party dwelling immediately adjacent to this laneway the applicant shall submit the following information: —
 - The maximum number of animals which the proposed shed can accommodate;
 - The number and types of vehicles using the access laneway on a daily basis;
 - Proposals to mitigate the impact of additional traffic on the dwelling located immediately east of the site.

2. It was noted during a site inspection that the surface water disposal network has not been installed to date and that it is proposed to connect to a watercourse. Having regard to the location of the watercourse at some remove from the proposed shed and the likely volume of surface water run-off the applicant shall submit revised proposals for surface water disposal to a soakpit which shall be designed to B.S. 365.

3. Third Party Submissions have been received in relation to this application. Please comment on issues raised in same.



David O' Hara

A/SEP

20/6/12

**ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR
OBSERVATION ON A PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS
ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE
DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE
WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR
OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING
APPLICATION.

LAOIS COUNTY COUNCIL

Planning Reference No.17/218

Applicant: Patrick Lalor c/o Mary Cotter, 7 Kellyville Park James Fintan Lalor
Avenue Portlaoise, Co. Laois

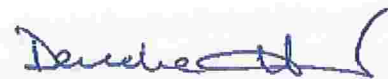
Development at: Grenan Attanagh Co. Laois.

A submission/observation in writing, has been received on 24/10/2017
from

Mr. Liam Ryan
For Jacinta & Ned Brennan
Main Street
Abbeyleix
Co. Laois

The appropriate fee of €20.00 has been paid.

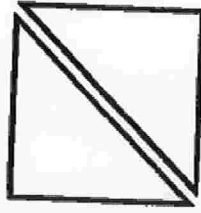
The submission/observation is in accordance with the appropriate provisions of the
Planning and Development Regulations 2001-2015 and will be taken into account by
the planning authority in its determination of the planning application.



**ADMINISTRATIVE OFFICER,
PLANNING**

Planning Authority Stamp:





LIAM RYAN
Architectural Services
Main Street, Abbeyleix, Co. Laois.

t 057 8730 818 e lras@eircom.net
m 086 2666 097

Planning Office,
Laois County Council,
County Hall,
Portlaoise,
Co. Laois.

23.10.2017

Re.: Planning File: 17/218
Applicant: Patrick Lalor
Site at Grennan, Attanagh, Co. Laois.



Dear Planning Office,

Further to the response to the Further Information request we wish to comment as follows.

1.0 Site Layout Drawing: Revised

We refer to copy of the Site Layout Map and refer to the items as numbered on that map as follows:

1. The building coloured in pink on the Site map is actually belonging to Brennans and not to Lalor.
2. The surface water is still showing as discharging to a point right against Brennan's boundary.
3. As stated previously this water will cause flooding to Brennans and there is no permission whatsoever for this water to enter Brennans' lands.
4. This building is called a 'store'. In reality this is old cattle sheds and an old stable. At present it is being used to store rubbish and is vermin infested very close to Brennan's house.
5. Soakhole. Brennans are very concerned about the location and practicality of a soakhole at this location. It is very close to Brennan's boundary and there are numerous water springs at this location at 1.0 m. below ground level.
6. The existing slatted tank, constructed without planning permission is within 3 m of Brennan's boundary and not 5.1 m as shown on the drawings.

2.0 Letter Submitted

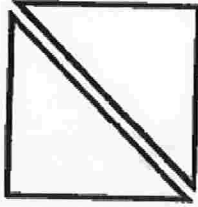
We refer to the letter submitted as part of this F1 response. We are enclosing a copy of this letter and have numbered various statements on that letter and comment on these as follows:

1A: In the application Mr. Lalor had stated 55 cows and 55 calves. This Further information has now changed this figure to 110 animals PLUS 38 livestock units. An animal under 2 years of age is classified as 0.6 livestock units. Therefore the 38 livestock units could be 63 animals. Therefore the total could be 173 animals.

In reality there are 120 cows at the moment therefore the information provided is misleading.

1B: Seasonal nature. This is not true as Lalor is spreading slurry during all months of the year including St. Stephen's Day 2016.

2. The level of traffic generated by the additional developments has most certainly given rise to a massive increase in traffic. We enclose sample sheets to show the traffic on 3 different dates during the year and more can be provided.
3. Reduced number of slurry tanker trips. The absolute opposite is the case as Lalor is continuously drawing in pig slurry to this site.
4. A: This is not a road. It is a private lane.
B: It is disingenuous to suggest Lalor's plan to renovate this old dwelling house. According to the drawing it is a "derelict dwelling". It is located to the back of Brennan's sheds and the location of the springs and the topography of the site means that the floor of one side of this structure is under water during winter months.
5. To say that both parties attract the same type of traffic is utterly untrue. Brennan's traffic consists of tractor and round baler twice a year; Brennan mows his own silage and collects his own meal. Whereas Lalor has 5 or 6 large trailer drawing in grass silage; there was 11 tractors drawing in maize silage last autumn and he also has an artic lorry to deliver meal etc. Lalor landholding is approx. 4 times the size of Brennans. There are also 4 or 5 tractors drawing in fodder beet. Infact last winter there was approx. 200 tons of beet deposited approx. 30m from Brennans dwelling.
6. Lalors landholding at this location is about 100 acres but it is not mentioned that he owns and farms an additional 50 acres at Castlemarket and approx. 16 acres at Fermoyle. The relevance of this is that he is drawing in pig slurry to Grennan, mixing it with the cattle slurry and then drawing the mixture out again to Castlemarket and Fermoyle.
7. A: To say that the construction of the shed has reduced traffic is utterly untrue. In fact the construction of the shed has greatly increased the level of traffic.



LIAM RYAN
Architectural Services
Main Street, Abbeyleix, Co. Laois.

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m 086 2666 097

7 B: Llor is now admitting that all of the works are substantially complete. By this he means all of the Unauthorised Works

8. Traffic is not been kept to a minimum as pig slurry etc. is being brought into the site. This site is being used as an agricultural depot whereby all fertilizer is being delivered to this yard and then delivered out to the out farms.

9. This scale of development is now a commercial development rather than a farm.

10. A lot of anxiety has been and is being caused by the huge increase in traffic often at ridiculously fast speeds right by Brennan's house. This lack of respect is wholly unacceptable.

11. To say that both Brennans and Llor run 'similar type' farm enterprises is not true. The scale of Llor's business is massive in relation to Brennans. There is also no comparison in the hours of operating as Llor starts farming at 6.00 am and often does finish until 10.00 pm at night.

As a further note Brennans are at a loss to why the ESB has authorised a 3-phase connection to this Unauthorised Development.

We note that Llor's submission has made no reference to the disruption to Brennan's privacy as a result of the increased traffic. We contend that this massive development has seriously devalued Brennans dwelling in terms of privacy and amenity.

3.0 Comments

Brennans would like to make the following points:

- 1. Brennans argue that Laois Co. Council is wholly complicit in the construction of this Unauthorised Development in that the Council stood idly by from the time of the initial complaint in September 2016 and did not issue any Enforcement Notice until March 2017 even though it knew, or should have known, that work was continuing on a daily basis during that 6 month period.**

VAT No. IE2696472V
Fully Indemnified Architectural Practice

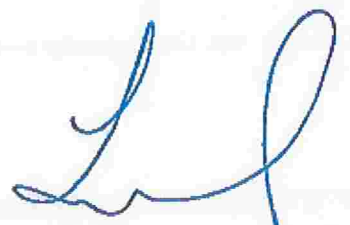


2. Brennans are seriously distraught that the destruction of the residential amenity of this home has been done by Lalor and nothing has been done by Laois Co. Council. This is wholly unacceptable.
3. It must be noted that Lalor owns a dwellinghouse a Grennan, Attanagh on his farm, formerly O'Toole's. He had the option of locating his huge sheds to the back of his own house. Yet he chose to impose on Brennans what he would not impose on himself or his family.
4. We note that Lalor in this response to the FI has made no reference whatsoever to Brennan's suggestion that he Lalor construct an access lane off the existing lane to take all traffic away from Brennan's house and protect the amenity of their dwelling. In not even responding to a suggestion, which could solve this planning issue, Lalor shows further disrespect for his neighbours.
5. We argue that there is now no way Laois Co. Council can grant approval to the decimation of Brennan's residential amenity and consequent decimation in the value of their dwellinghouse. We argue that there is ample precedence in Planning law to support a decision to protect the value, the integrity and the amenity of a dwelling house.

We therefore urge you to Refuse this application.

If we can be of further assistance please contact me.

Yours sincerely,



Liam Ryan.
Agent for Jacinta and Ned Brennan.



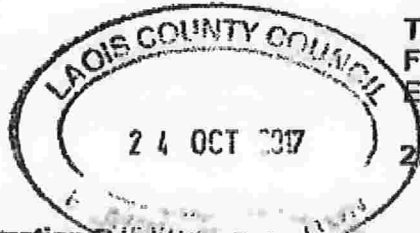
ENVIRONMENTAL AGRICULTURAL CONSULTANTS

Planning Department
Laois County Council
Aras an Chontae
Portlaoise
Co Laois.

7 Kellyville Park
James Finlan Lalor Avenue
Portlaoise
Co Laois

T (057) 862 0157
F (057) 866 2274
E mcotter@eaectd.com

27th Sept 2017



Re: Further Information Request - Patrick Lalor
Planning Reference Number 17/218

A Chara,

With regard to your letter dated 20th June 2017, the further information requested is set out below.

Item 1:

The maximum number of animals which the proposed shed can accommodate.

1A The cubicle house element of the shed has 110 cubicles and can accommodate 110 animals.

The calving boxes and straw bedded area has the capacity to accommodate 38 livestock units, if required.

The number and types of vehicles using the access laneway on a daily basis.

1B The traffic will vary depending on time of year as farm work is seasonal in nature. Traffic movements in and out of the Lalor farmyard along the road that they share with the Brennans were recorded over a number of days in September. These would be sample typical days. See attached Table 1.

Proposals to mitigate the impact of additional traffic on the dwelling located east of the site:

It is accepted that while the shed was under construction that there was additional traffic on the road.

2. Apart from the construction phase element, the new shed does not give rise to additional traffic movements. The shed provides winter accommodation reducing the necessity to move cattle between this farm holding and the farm holding in Ironmills. The new shed also provides improved cattle feeding and feed storage

ENVIRONMENTAL AGRICULTURAL CONSULTANTS

facilities, thus reducing the number of vehicular movements to and from the farmyard. The changes in farming practices that the new shed facilitates, does of itself provide mitigation of the impact of the farming activities on the dwelling house to the east of the site.

These include:

Reduced number of animal movements between this holding and the holding at Ironmills

Animals are not walked along the road,

③ Reduced numbers of slurry tanker trips, as the new shed provides additional slurry storage capacity on this holding.

Item 2:

Proposals for surface water disposal to a soakpit

Revised site layout drawing reference no PLAL - 1.107 Rev 1 is attached. This shows proposed location of soakway designed to BS 365, to accommodate the surface water from the shed. A copy of the design is also attached.

Item 3:

Third party submission comments

It is noted that some of the matters raised in the submission are addressed in the responses provided above in Items 1 and 2.

The Lalors and Brennans have been farming neighbours for a long number of years, and have shared resources and helped each other over the years, as acknowledged in the submission on their behalf.

Both the Brennan and Lalor families have historically used the road in question for access to their homes and farm enterprises. While the farmhouse in this farmyard has been unoccupied since the passing of Mr Lalor's uncle, Mr Lalor's son who works full time on the farm, hopes to do up the farmhouse at a future date. Both families have similar farm type enterprises. Both attract the same type traffic, which includes typically personal vehicles, milk collection lorry, deliveries of meal and fertiliser, vet visits, silage contractors and other miscellaneous. Some vehicles will have reason to call to both farmyards on the same trip, for example the milk lorry.

Both the Brennans and Lalors contribute to the vehicular farm traffic on the road.

The purchase of additional lands which adjoin these lands increased the Lalor holding in this area from 50 to about 100 acres. This improved the viability of the holding.

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The Lalors acknowledge that there was additional traffic on the road arising from the increased sized holding, as the farmyard did not have adequate housing to winter stock. This gave rise to movement of cattle between the Lalor holdings and also movement of slurry.

7a) However the construction of the shed and milking parlour at this location has greatly reduced this movement. The cattle can now be wintered at this location, and resultant slurry arising can be stored and spread on lands at this location. Before matters could be improved, it is acknowledged that the problem was compounded while the shed was being constructed by deliveries of materials.

7b) As the works are substantially complete, this farm holding and associated yard can now function efficiently and for the most part be more self contained, reducing the need to move cattle as frequently and dispensing for the most part with the need to move slurry. The traffic movements are kept to the minimum required in connection with efficient farm management, and are typical of an agricultural area. 8

The Lalors would like to stress that it is not their intention to cause any anxiety to the Brennan family. They are neighbours, they live in the same community, operate similar type farm enterprises, with similar hours of operation and both use the same road for the same purposes. 9 10

11

6 copies of all enclosures are attached

Le meas,




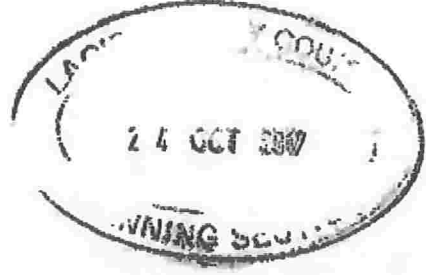

Mary Cotter

Table 1

Vehicular movements to and from Lator's farmyard past Brennan's house between 11th and 16th Sept

| Date | Day | Vehicle Type | Movement details |
|--------------|-----------|---|---|
| 11th Sept | Monday | Jeep Tractor | 3 movements, out in and out 1 movement, out |
| 12th Sept | Tuesday | Milk Lorry Tractor and Trailer Jeep Car | 2 movements, in and out, circa 4am, note also calls to Brennans 3 movements 1 movement, out 6 movements, 3 in and 3 out |
| 13th Sept 17 | Wednesday | Tractor and Trailer | 6 movements |
| 14th Sept 17 | Thursday | Milk Lorry Car | 2 movements, in and out, circa 4am, 2 movements, in and out |
| 15th Sept 17 | Friday | Jeep Lorry Tractor | 1 movement, in 2 movements, in and out 2 movements, in and out |
| 16th Sept 17 | Saturday | Milk Lorry Tractor and Trailer Van Car Jeep | 2 movements, in and out, circa 4am, 3 movements, out in and out 2 movements, in and out 2 movements, in and out 2 movements, in and out |



| Date | Time | Vehicle type |
|------------------------|-------------|--------------------------------------|
| 5 th August | 7:45 am | tractor in |
| | 8:30 am | tractor and slurry tank out |
| | 10:15 am | tractor and lime spreader in |
| | 10:40 am | tractor and slurry tank in |
| | 10:45 am | tractor and lime spreader out |
| | 11:30 am | car and tractor and lime spreader in |
| | 12:05 pm | tractor and lime spreader out |
| | 2:35 pm | car out |
| | 3:00 pm | tractor and slurry tank out |
| | 3:05 pm | tractor and scraper out |
| | 5:35 pm | car in |
| | 5:43 pm | jeep in |
| | 6:45 pm | car out |



| Date | Time | Vehicle type |
|-----------------------|-------------|------------------------------|
| 28 th July | 9:00 am | Red mills lorry in |
| | 10:00 am | Red mills lorry out |
| | 11:30 am | tractor and agitator in |
| | 4:50 pm | tractor and dung spreader in |
| | 5:00 pm | jeep in and white van in |
| | 5:05 pm | jeep out |
| | 7:30 pm | white van out |
| | 7:35 pm | tractor and loader in |
| | 8:30 pm | white van in |
| | 9:45 pm | white van out |



| Date | Time | Vehicle type |
|-----------------------|-------------|-------------------------------|
| 11 th July | 6:30 am | jeep in |
| | 8:00 am | tractor and cattle trailer in |
| | 8:30 am | tractor and trailer out |
| | 1:55 pm | tractor in |
| | 4:35 pm | tractor and lime spreader in |
| | 4:50 pm | tractor and lime spreader out |
| | 5:15 pm | tractor and lime spreader in |
| | 5:30 pm | tractor and lime spreader out |
| | 5:55 pm | industrial loader in |
| | 6:00 pm | tractor and lime spreader in |
| | 6:15 pm | tractor and slurry tank out |
| | 6:45 pm | industrial loader out |
| | 7:00 pm | jeep in |
| | 7:10 pm | industrial loader in |
| | 7:20 pm | blue van in |
| | 8:45 pm | blue van out |
| | 9:00 pm | industrial loader out |
| | 9:30 pm | tractor and lime spreader out |



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E-mail: david@planningconsultant.ie
www.planningconsultant.ie
Company No. 493133 Directors: D. Mulcahy & M. Mulcahy

Reg. Ref. 17/218

Application to retain and complete as necessary for a slatted tank, animal housing which incorporates cubicle area, calving boxes, milking parlour, dairy, office, plant room, slatted feeding area, collecting area, steep uprights at slatted feeding area, and all associated ancillary works and services; permission to cut back steel uprights at slatted feeding area; permission to construct new crush in collecting yard at Grenan, Attanagh, Co. Laois.

Planning Department
Laois County Council



Dear Sir/Madam,

I have reviewed the planning file on line (Reg. Ref. 17/218) and the relevant sections of the County Development Plan as requested. My observations are as follows:

Residential Amenity

The protection of residential amenity is enshrined into the Laois County Development Plan 2017-23. Section 5.10 dealing with 'Rural Economic Activities' highlights the conflicts that can occur with rural economic development in rural areas:-

"unlike in urban areas where industrial uses that generate noise and odour can be clearly separated from emission-sensitive residential uses through zoning, this robust system of separating uses does not happen in the same way in rural areas and conflicting uses can occur in close proximity".

Policy RUR1 seeks to support the expansion, diversification and intensification of agriculture and the agri-food sector by facilitating appropriate related development but, importantly, this is subject to environmental and planning considerations, of which, residential amenity would be paramount.

Policy RUR6 seeks to reconcile the need for resource-based economic activities to conduct a reasonable operation and the needs of residents in rural areas to access a good quality of life and access to rural areas.

It is submitted to the Council that the size and scale of the development in this case is substantial. This point has already been addressed in the Liam Ryan submission but we wish to highlight the following points raised by the Brenan's:

1. Larger commercial enterprise means results in more frequent and larger quantities of feedstuffs being delivered, larger meal Lorries etc.
2. Large size of new shed in addition to sheds already holding cattle means extra capacity to fatten livestock. This had the effect of adding to traffic with Lorries bringing increasing amounts of heavy cattle to factories at early hours in morning.
3. Recent purchase of land in the locality coupled with separate parcels already in the locality means extra drawing of cattle slurry, animals from sheds to grass and then back to sheds in winter months, additional travel for feeding etc.

4. Larger enterprise requires greater attention, maintenance etc., such as hedge-cutting, fertiliser spreading, feed deliveries, inward and outward movement of animals from different holdings belonging to Lalors, increased amount of slurry spreading etc.

5. The Brennan's farm consists of 40 acres at house and 40 milking cows, 7 sheep, 2 horses. The farm is 50% - 60% smaller in acres than the holding that Lalors operate/ own at that 'neighbouring' point. Land is leased for cattle 15 mins away, however no slurry is drawn from home sheds to this farm.

6. Lalors milking close to 200 cows and feeding for slaughter close to 80/90 beef cattle in sheds on the neighbouring farm. These enterprises are not in any way shape or form similar.

7. Resultant larger scale means earlier mornings and late nights for Lalors than Brennan farm, tractors, lorries drawing cattle, feed etc passing by bedroom windows front door at early hours and late at night.

This size and scale of the operation will inevitably conflict with the established residential use at this location by reason of noise, odour and general disturbance and this has been the experience of the Brennan family to date. While the right to support agricultural development is fully recognised by the Brennan family it cannot be at the expense of their right to enjoy the amenity of their family home. We refer the Council to an application involving a slatted cattle house, slatted tank, loose cattle house, effluent tank, concrete yard and all associated site work at Rathmoy, Thurles, County Tipperary (**An Bord Pleanla ref: PL 22.225366**). The circumstances are very similar in that the applicant had to pass the appellants house in order to access the slatted cattle house. The appellant argued that this would cause a serious issue in respect of their established residential amenity and make their dwelling uninhabitable. The Bord agreed with their position and refused permission for the following reason:

"Having regard to the scale and nature of the proposed development and the close proximity to adjoining residential properties, it is considered that the proposed development would seriously injure the residential amenities of those properties. Furthermore, the Board is not satisfied on the basis of the submissions made in relation to the planning application and the appeal that the proposed location has been adequately justified. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area".