

OFFALY COUNTY COUNCIL

PLANNING REPORT

PL REF. NO: 07/466

APPLICANT: JAMES WILLIAM & RICHARD FRYDAY

LOCATION: GORTNAMUCK, KILCORMAC, CO OFFALY

PROPOSAL: **Permission for the CONSTRUCTION OF OVERGROUND EFFLUENT STORAGE TANK AND ALL ASSOCIATED SITE WORKS**

DECISION DUE DATE: 21/05/2007

SITE NOTICE: On date of inspection the site notice was visible, legible and in accordance with the provisions of Article 19 of the Planning and Development Regulations 2001.

BRIEF SITE DESCRIPTION: Site located on a county road in the townland of Gortnamuck, Kilcormac. There are existing agricultural units on site. The site is irregular in shape. The application has 50.58 hectares of land in the immediate area. The application refers to 3.403 hectares of land. The gross floor space of the proposed structure is 826.60 m2.

The applicant's are the stated owners of the site.

RELEVANT PLANNING HISTORY:

No site history, checked 09/05/2007.

Planning Application 07/474 submitted for construction of a slatted livestock shed, no decision made to date.

PRE-PLANNING CONSULTATIONS: None.

INTERNAL REPORTS: Received and noted from the Area Engineer and Environment.

PRESCRIBED BODIES: None.

3RD PARTY OBSERVATIONS: None.

PROPOSED SERVICES:

WATER: Existing well

WASTE WATER:

SURFACE WATER: Drain on farm.

ASSESSMENT:

I have inspected the site and considered the plans and particulars submitted with the application and all internal reports. I propose to assess this application under the following headings:

- Development Plan Policies
- Roads and Traffic Safety
- Public Health & Services
- Siting & Design
- Other

DEVELOPMENT PLAN POLICY:

Section 4.9 Agricultural Development Volume 1 County Development Plan 2003 – 2009 as amended.

Roads & Traffic Safety

Satisfactory. Proposed structure does not interfere with existing SLD.

Public Health & Services

Environment have no objections to the proposed development subject to standard conditions.

Siting & Design

Satisfactory.

Other

As the proposed development is greater than 500 m² a development contribution payment will be applied.

CONCLUSION & RECOMMENDATION:

Having regard to the above, I am satisfied that any outstanding issues can be dealt with by condition and that subject to these that the proposal would accord with the proper planning and sustainable development of the area. I hereby recommend that permission be granted for the reasoning outlined in Schedule 1 and subject to the conditions in Schedule 2.

FIRST SCHEDULE

Having regard to the rural and agricultural nature of the site, the intended use of the proposed building, the policies of the current Development Plan and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity.

For inspection purposes only.
Consent of copyright owner required for any other use.

SECOND SCHEDULE

1. The development shall be carried out in accordance with plans and particulars submitted to the Planning Authority on 27/03/2007, except where altered or amended by conditions in this permission.

Reason: To define the scope of permission, in the interest of orderly development.

2. Livestock manure and other organic fertiliser, soiled water and effluents from dungsteads, farmyard manure pits or silage pits arising or produced in a building or yard on a holding shall, prior to its application to land or other treatment, be collected and held in a manner that prevents the run-off or seepage, directly or indirectly, into groundwaters or surface waters of such substances.

Reason: In the interest of public health.

3. The applicant shall ensure that all farm activities are carried out in accordance with the recommendations set out in EC (Good Agricultural Practice for Protection of Waters) Regulations 2006.

Storage facilities shall:

- (a) Be designed, sited, constructed, maintained and managed so as to prevent run-off or seepage, directly or indirectly into groundwater or surface water of livestock manure, organic fertiliser, soiled water and effluents from dungsteads, farmyard manure pits or silage pits
- (b) Comply with such construction specifications for those facilities as may be approved from time by time by the Minister for Agriculture and Food.

Reason: In the interests of orderly development of the site, of public health and to minimise the risk of pollution.

4. All farmyard manure held for landspreading and slurry and silage effluent shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply. In particular in accordance with the EC (Good Agricultural Practice for Protection of Waters) Regulations 2005, organic fertiliser or soiled water shall not be applied to land within-
 - (a) 200m of the abstraction point of any watercourse, borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 100m³ or more of water per day or serving 500 or more persons
 - (b) 100m of the abstraction point (other than an abstraction point specified at paragraph (a)) of any surface watercourse, borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 10m³ or more of water per day or serving 50 or more persons,
 - (c) 25m of any borehole, spring, or well used for the abstraction of water for human consumption other than a borehole, spring or well specified at paragraph (a) or (b).

- (d) 20 m of the Grand Canal
- (e) 5m of a surface watercourse, increasing to 10m of a surface watercourse where the land has an average incline of greater than 10% towards the watercourse.

Reason: In the interest of protecting public health

5. All silage effluent shall be disposed of in good time before the winter slurry storage period commences. In general, landspreading of slurry shall not take place during the months of November, December, January and February of any year henceforth. However, landspreading of slurry shall be allowable during the month of February of any year, in the event of suitable growth and weather conditions occurring during this month. During the remainder of any year, slurry and silage effluent shall be spread only when the ground conditions are suitable so as not to cause run-off of effluent into watercourses or seepage into ground water at times of high watertable.

The application of fertiliser to land in County Offaly is prohibited in the following periods:

- 15th September to 12th January in the case of the application of chemical fertiliser.
- 15th October to 12th January in the case of the application of organic fertiliser (other than farmyard manure).
- 1st November to 12th January in the case of the application of farmyard manure.

Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.

6. Landspreading of slurry and silage effluent shall not take place at any time of any year when the ground is frozen. Livestock manure and other organic fertilisers, effluents and soiled water shall be applied to land in as accurate and uniform a manner as is practically possible.
- (a) Fertilisers or soiled water shall not be applied to land in any of the following circumstances-
- (i) The land is waterlogged;
 - (ii) The land is flooded or likely to flood;
 - (iii) The land is snow-covered or frozen;
 - (iv) Heavy rain is forecast within 48hours, or
 - (v) The ground slopes steeply and, taking into account factors such as proximity to waters, soil condition, ground cover and rainfall, there is significant risk of causing water pollution.
- (b) Organic fertilisers or soiled water shall not be applied to land-
- (i) By use of an umbilical system with an upward-facing splash plate,
 - (ii) By use of a tanker with an upward-facing splash plate,
 - (iii) By use of a sludge irrigator mounted on a tanker, or

- (iv) From a road or passageway adjacent to the land irrespective of whether of not the road or passageway is within or outside the cartilage of the holding.
- (c) Under no circumstances shall any of the storage facilities be allowed to overflow.
- (d) Silage effluent shall be collected and disposed of in accordance with in accordance with the most recent edition of Agri-Environmental Specifications for REPS (Rural Environment Protection Scheme).

Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.

7. (a) All roof water and surface water from clean paved areas shall be disposed of separately to soak ways or watercourses on applicants lands and prevented from entering onto soiled paved areas or otherwise becoming soiled. Soak holes are not acceptable. If this is not feasible a report from an indemnified engineer verifying the suitability of the soil to accept the proposed run off from the development shall be submitted to this Local Authority prior to the commencement of any works on site.
- (b) Gutters and down pipes shall be properly maintained and gullies constructed in such a manner as to prevent soiled water entering them.
- (c) No surface water, effluent or soiled waters shall be allowed to discharge to a public roadway.

Reason: To prevent mixing of clean and soiled waters in the interests of pollution control.

8. No silage effluent or slurry shall be spread within 100 meters of any dwelling without prior consent of the owners and occupiers of said dwellings.

Reason: In the interest of the preservation of the reasonable residential amenity of residential dwellings.

9. All oxidisable and surfaces of the development shall after weathering be painted a dark green/ mid grey / rust-brown and the painting shall be maintained and renewed as necessary.

Reason: In the interest of the visual amenity of the area.

10. Having regard to the respective capacity provided in the slurry storage tank, the number of cattle to be housed shall not exceed the standards set out in the most recent edition of Agri-Environmental Specifications for REPS.

Reason: In the interests of public health and to ensure that the risk of pollution or odour nuisance is minimized.

11. The effluent tank shall be roofed with a series of reinforced concrete slabs or slatted covers.

Reason: In the interests of safety

12. Waste sent off site for recovery or disposal shall only be conveyed by an authorized waste contractor and transported from the proposed development site to an authorized site of recovery/disposal in a manner, which will not adversely affect the environment.

Reason: To provide for the recovery/disposal of waste and the protection of the environment.

13. Maximum load in any one spread of slurry, soil water, silage effluent shall not exceed 35m³ / ha (3,000 gls/acre)

In addition to the above:

Soiled water shall not be applied to land:

- (a) Quantities which exceed in any period of 42 days a total quantity of 50,000litres per hectare, or
- (b) By irrigation at a rate exceeding 5mm per hour

Reason: To prevent overloading onto the soil

14. Farmyard manure where taken onto land and stored in a heap for composting the manure should be stored in heaps 2m high located not less than 100 m from domestic well; 300m from public supply; 30 m from public road or water body. Farmyard manure shall not be stored where there is a high risk of polluting groundwaters.

Farmyard manure shall not be held in a field at any time as applicable as follows:

- (a) 15 September to 12 January in the case of chemical fertiliser
- (b) 15 October to 12 January in the case of organic fertiliser (other than farmyard manure)
- (c) 1 November to 12 January in the case of farmyard manure

Reason: To prevent water pollution

15. All buildings shall be constructed in accordance with the Department of Agriculture and Food minimum specifications.

Reason: In the interests of orderly development of the site, of public health and to minimise the risk of pollution.

16. The applicant shall farm in accordance with all cross – compliance measures as part of the single payment scheme.

Reason: In the interest of public health and avoidance of pollution.


17. Prior to commencement of development, a contribution shall be payable to Offaly County Council, in accordance with the Council's Development Contribution Scheme, in respect of public infrastructure and facilities benefiting development in County Offaly, excluding Birr and Tullamore Town Council area, that is provided or that 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 interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-

Class of Infrastructure		Amount of Contribution
Agricultural Development	@ €2.70 per sq.m.	
326.60 sq.m.	x €2.70 =	€881.82
Total due		€881.82

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

Elaine Walsh



Assistant Planner

09/05/2007



10/5/07