

9. What should a location map or plan show?

In addition to the details indicated in PL.2 - "Making a Planning Application", the following information will normally be needed:

- the applicant's farm and the farmyard development, watercourses, drains, houses, schools, churches or public assembly buildings in the vicinity;
- other land in the vicinity in the ownership of the applicant or landowner marked or coloured separately;
- land both on and off the applicant's farm available for effluent spreading, together with any watercourses, drains, dwelling houses, schools, churches or public assembly buildings within 100 metres of such land.

10. What should a site or layout plan show?

In addition to the detail indicated in leaflet PL.2 - "Making a Planning Application", the following information will normally be needed:

- existing farm buildings and structures, surfaced and unsurfaced yards, directions of falls, soiled yards, silage pits etc.;
- proposed farm building and structures, as above;
- all yard gates and walls;
- existing and proposed effluent storage tanks marked or coloured separately;
- effluent and soiled water drainage layouts and roof water and other clean water collection and disposal systems. All underground water channels, drains and pipes should be shown;
- all adjoining watercourses, wells, water supplies etc.;
- any existing and proposed septic tanks;
- roads and site boundaries and distances to these.

11. Where can I get advice on effluent storage and disposal?

You are advised to design effluent storage facilities in accordance with "Codes of Good Agricultural Practice to Protect Waters from Pollution by Nitrates" (Edition 1996) issued by the Department of Agriculture and Food and the Department of the Environment and Local Government. Advice on farm development generally is available from your local Teagasc office and the Farm Development Service (FDS) of the Department of Agriculture and Food.

12. Do I need any other permission?

You will not be entitled solely by reason of a grant of permission to carry out your proposed development. You may have to apply for a licence under the Local Government (Water Pollution) Acts, 1977 and 1990 for the discharge of effluent or other wastes to a sewer or to lakes, rivers, groundwaters etc.

Certain intensive pig and poultry rearing activities (i.e. those above specified thresholds) require an integrated pollution control (IPC) licence from the Environmental Protection Agency: details may be obtained from

the Agency's Licensing Division, telephone 053-60600.

You will need permission if you are making a connection to a public or group water main or sewer. If you are installing a septic tank in an unserved area, you may need to submit trial hole and percolation results.

Generally, all new buildings and extensions must also comply with building regulations, which set out basic design and construction requirements. Details of the regulations are in PL.11 "A Guide to the Building Regulations" and further information may be obtained from the local authority.

The planning authority will advise on design, finishing and siting of developments. You are advised to check the local development plan.

You can obtain details of all the statutory requirements which must be met before development can commence from the planning authority.

13. Are there dangers from power lines?

You should contact your local E.S.B. office if your works are near existing electricity lines, if there are dangers with clearance heights under power lines or if the construction work will bring anyone within reach of the electricity supply to your farm. In fact, you must do so where any overhead lines come within 6 metres of the construction works. You must also give 2 months notice to the E.S.B. if you intend to carry out any construction activity within 6 metres of overhead lines. Underground Service Providers (e.g. gas, electricity, water, sewerage) should be consulted to avoid damage to pipes or ducting etc. before commencement of work. Information videos, particularly, "Lifelines" and "Power 2 Shock" and an information poster on "Avoidance of electrical hazards when working near overhead lines" are available from E.S.B. As with farm machinery, construction work can bring you into contact with live electricity and lead to severe injury or death. A booklet entitled "Farm Well, Farm Safely" is available free of charge from E.S.B.

The law governing the planning system is set out in the Planning and Development Acts 2000 and 2001 and the Planning and Development Regulations 2001 to 2002. These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2, telephone (01) 6476995/4.

The leaflets in this series are:

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Tá leagan Gaeilge den bhileog seo ar fáil



PL 6 - Agricultural & Farm Development - The Planning Issues

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Generally, smaller developments of an agricultural or forestry nature are exempt, however, larger developments do require planning permission. In addition, any development for which an Environmental Impact Assessment (EIA) is required needs planning permission. This leaflet is a simple guide for farmers outlining the main features of the planning system they are likely to encounter.

This leaflet is intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information you should consult your local planning authority.

1. Do I need planning permission?

Generally, planning permission is required for any development of land or property unless it is specifically exempted from this need. The term development includes the carrying out of any works (i.e. building, demolition or alteration) on any land or buildings and includes the making of a material (i.e. significant) change of use of structures or land.

2. What is exempted development?

Exempted development is development for which planning permission is not required. Categories of exempted development are set out in planning law. Much agricultural development, especially uses of land for agricultural purposes, is exempted. In other cases certain thresholds exist, these may include size or height. Where these thresholds are exceeded, the exemptions no longer apply. The purpose of exemption is to avoid controls on developments of a minor nature. The main exemptions are set out in the next paragraph.

3. What are the exemptions from planning permission?

The following are exempted development:

- the use of land for agriculture or forestry (but see EIA requirements at Question 4 below);
- the use of farm buildings or forestry buildings for these purposes (but see conditions below);
- the maintenance of land for agricultural processes;
- the erection of a wall or fence, but not one of sheet metal or one bounding a garden or in front of a dwelling house (there are separate exemption arrangements for houses);
- temporary use of land (for 10 days or less) for camping or mooring of a boat. Conditions and restrictions apply i.e. a distance of 50m from the public road and within 100m proximity to each other;
- temporary use of the land by scouting organisations for a period of 30 days or less a year;
- works involving the construction of or maintenance of a gully, drain, pit or water-course;
- works involving minerals and petroleum prospecting under the terms of a licence for either purpose issued by the Minister for Communications, Marine and Natural Resources.

Buildings and Structures

The provision of the following types of agricultural buildings and structures is exempted development:

Type 1

A roofed structure housing cattle, sheep, donkeys, horses, deer or rabbits, provided that its floor area does not exceed 200 square metres and that the total floor area of all Type 1 structures within the farmyard complex (or 100 metres of it) does not exceed 300 square metres;

Type 2

A roofed structure housing pigs, mink or poultry provided that its floor area does not exceed 75 square metres and that the total floor area of all Type 2 structures within the farmyard complex (or 100 metres of it) does not exceed 100 square metres. In addition boundary fencing of a mink holding must be escape-proof for mink;

Type 3

Roofless cubicles, open loose yards, self feed silo or silage areas, feeding aprons, assembly yards, milking parlours and silage making/storage structures, provided that the floor area of any new structures does not exceed 200 square metres and that the total floor area of all Type 3 structures within the farmyard complex (or 100 metres of it) does not exceed 300 square metres;

Type 4

A store, barn, shed, glasshouse etc. not exceeding 300 square metres in floor area and not used for housing animals or storing effluent provided that the total floor area of all Type 4 structures within the farmyard complex (or 100 metres of it) does not exceed 900 square metres;

Type 5

An unroofed fenced area for exercising and training horses with an all-weather surface, provided the structure is not more than 2 metres high. The structure must not be used for staging public events and the entrance should not be directly off a public road;

Type 6

A roofed structure for housing greyhounds, provided that the floor space does not exceed 50 square metres and that the total floor area of all Type 6 structures within the same complex (or 100 metres of it) does not exceed 75 square metres;

Type 7

A roofless hard-surfaced yard or enclosed area (in connection with the keeping of greyhounds), provided that the total floor area does not exceed 100 square metres and that the total floor area of all Type 7 structures within the same complex (or 100 metres of it) does not exceed 150 square metres.

However these exemptions are subject to the following conditions:

- they may only be built in rural areas (all 7 Types) - rural areas are those outside town and city council boundaries. They must be used for the purpose of agriculture only;
- distance from a public road must be at least 10 metres (all 7 Types);
- the distance from houses, schools, churches or public assembly buildings must be at least 100 metres unless the owners and occupiers give their consent in writing to lesser distances (all 7 Types);
- height above ground level cannot exceed 8 metres within 100 metres of a public road (all Types except Type 5 and 7);

- no unpainted metal sheeting shall be used for roofing or on the external finish (except for Type 5, 6 and 7);
- effluent storage facilities must be in line with Department of Agriculture and Food requirements and be adequate to ensure no water pollution (all Types except Types 4, 5, 6 and 7);
- they must be used for agricultural purposes only (Types One to Five) and for the breeding and keeping of greyhounds, as appropriate (Types 6 and 7).

The exemptions do not apply if the development would involve interference with sites, features etc. listed for preservation in the development plan or draft plan.

4. Other Exempted Activities:

Certain types of other activities are exempted development for the purpose of the Regulations including:

- land reclamation (including field drainage, removal of fences, improving existing fences, improvement of hill grazing or reclamation of estuarine marsh land or callows);
- intensive agriculture, provided the land involved is less than 100 hectares;
- initial afforestation. The European Community (Environmental Impact Assessment) (Amendment) Regulations, 2001 provided for the introduction of a new statutory consent system for forestry which is operated by the Minister for Communications, Marine and Natural Resources;
- replacement of broadleaf high forest by conifer species provided the area involved is less than 10 hectares;
- peat extraction provided where the area is less than 10 hectares, or where the area is more than 10 hectares, the drainage of the bogland must have already commenced.

5. What about Environmental Impact Assessment (EIA)?

The following agricultural and forestry developments must be subjected to EIA as part of the planning process. An application for planning permission, including an Environmental Impact Statement (EIS), must be submitted in such cases:

- (a) The restructuring of land holdings, where the area is greater than 100 hectares,
- (b) the use of uncultivated land or semi-natural areas for intensive agricultural purposes, where the area involved would be greater than 100 hectares;
- (c) water management projects for agriculture;
 - where the catchment area involved would be greater than 1,000 hectares, or
 - where more than 20 hectares of wetlands would be affected;
- (d) initial afforestation which involves an area of 50 hectares or more;
- (e) replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares;

- (f) deforestation for conversion to other land use, provided the area deforested is greater than 10 hectares of natural woodland or 70 hectares of conifer forest;
- (g) land reclamation from sea where the area reclaimed would be greater than 10 hectares;
- (h) peat extraction which would involve a new or extended area of 30 hectares or more;
- (i) intensive poultry-rearing installations with more than 40,000 places;
- (j) pig-rearing installations, with more than 2,000 places for production pigs (over 30 Kgs.) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit;
- (k) seawater fish breeding installations, provided the output exceeds 100 tonnes per annum;
- (l) fish breeding installations upstream of drinking water intakes and other freshwater fish breeding installations exceeding 1 million smolts with less than 1 cubic metre per second per 1 million smolts low flow diluting water.

EIA will be required for projects in the above-mentioned categories even where the listed thresholds are not exceeded, if the planning authority considers that there are likely to be significant effects on the environment.

6. Where can I get further information on EIA?

PL.9 - "Environmental Impact Assessment" explains the EIA process and what an Environmental Impact Statement (EIS) is. The planning authority will explain which development proposals require EIA and you are strongly advised to contact the planning authority for pre-application consultations if your proposal may involve the preparation of an EIS.

7. How much will a planning application cost?

Planning application fees vary depending on the nature and size of the proposed development. Full details are set out in the explanatory notes to the application form. The planning authority cannot decide on an application until the correct fee is paid.

Fees are subject to revision. Details of fees are available from your local planning authority or An Bord Pleanála.

8. What documents do I need to submit?

PL.2 - "Making a Planning Application" sets out the documents needed with all planning applications. The additional documents needed for agricultural development include:

- Schedules of proposed and existing buildings with floor areas, numbers of animals presently housed and to be housed;
- Schedules of proposed and existing effluent storage and spreading methods, capacities, arrangements for ensuring effluent is not diluted with clean water and for ensuring effluent does not cause pollution, etc.;
- Where appropriate, signed agreement with other landowners for spreading effluent on their lands.