

New Planning Regulations

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The new Planning and Development Regulations (2001) have reduced the threshold sizes and altered the exemption conditions for farm buildings. Any significant farmyard development will in future require planning permission.

The immediate impact at farm level relates to developments at the planning stage. All applications under the Department's On Farm Investment Schemes, including Farm Waste Management and Dairy Hygiene, received on or after April 2 have to comply with the new exemption requirements set out in the Regulations.

New exemption thresholds

Most of the common animal related farmyard structures are defined under Class 6 (roofed structures for housing cattle, sheep, goats, donkeys, horses of all kinds, deer and rabbits) and Class 8 (roofless cubicles, self feed silos and silage areas, structures for the making or storage of silage, feeding aprons, assembly yards and milking parlours. The new exemption limit for any one new structure in either class is 200 square metres (old limit 300 square metres).

There is also a new aggregate limit of 300 square metres (old limit 450 square metres) for all such structures in the same class. This means that where an individual wants to build a slatted cattle shed, (e.g. with a gross floor space of 120 square metres along side), other buildings (totalling 220 square metres), planning permission is required. This is because the total area of the Class 6 buildings, including the proposed slatted shed will exceed 300 square metres.

Storage structures exempt

Effluent tanks are no longer listed for calculation purposes. This means that all manure, slurry and effluent storage facilities are ancillary to the buildings they serve and as such are not included in the calculations for planning exemption. This will facilitate the provision of additional storage without having to seek planning permission.

There is, however, a new proviso that the capacity of all such effluent stores be determined and constructed in line with Government (DAFRD and DOELG) requirements and must take account of the need to control water pollution. These requirements are taken to include any storage periods and capacities set out in by-laws, the Nitrate Code of Practice (1996) and impending new statutory rules.

Other changes

There is a new Class 7 for the housing of pigs, poultry and mink. The exemption limits (75 metres for individual structures and 100 metres on aggregate) are such that all commercial operations are likely to require planning permission.

The exemption limits for dry stores, barns, sheds and glass-houses (new Class 9) are unchanged at 300 square metres for individual structures and 900 square metres on aggregate.

All weather lunging areas, exercise areas and gallops for horses are defined in the new Class 10. These are exempt from planning provided they are not situated within 10 metres of the public road, the entrance is not directly off the public road and a height of 2.0 metres is not exceeded. There is also a requirement that they are used for exercising and training only and not for the staging of public events.

A new condition for exempted development status precludes the use of unpainted metal sheeting for the roofs and external cladding of structures in Classes 6,7,8 and 9. This puts an effective ban on the use of galvanized and aluminium coated sheeting. In future planning conditions may even specify the precise colour of the roof and side cladding.

New fees

The fees for agricultural buildings are €80 for each building or €1.00 for each square meter of gross floor area in excess of 200 square metres whichever is the greater, subject to a maximum of €300.

The fee for retention of an unauthorized structure has been increased from one and a half to three times the normal rate. The gross floor area comprises the total roofed area and includes external feed passages with roof overhang.

Public notification

The newspaper notice must be placed two weeks prior to making the planning application. The full page of the newspaper showing the notice must be submitted with the application. The site notice must also be erected two weeks before the application is made and must now be retained on the site for a minimum period of five weeks from the date a valid application is received by the Planning Authority. A copy must be submitted with the application.

Implications for grant-aided works

Where a grant approved building proceeds on the basis that planning permission is not required, but on completion is found to require it, the approval may be withdrawn. Assuming the applicant successfully applies for permission to retain the structure grant aid may then be payable subject to a 10 per cent penalty.

It is important to be aware that grant approval relates to the application documents including the site map and drawings. It is not unusual for builders to suggest design and/or sighting modifications when quotations are being discussed. This is fine provided any desirable alterations are included in the plans and re-submitted to the FDS.

A 10 per cent penalty may be incurred if the completed works are at variance with the approved plans. It can be even more serious if a new structure does not conform to the maps/drawings on which a grant of planning permission was made. Again permission to retain the structure is required before grant aid is payable and a 10 per cent penalty may be imposed.