

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Monaghan County

Planning Register Reference Number: 15/8

An Bord Pleanála Reference Number: PL 18.245129

APPEAL by Hugh and Fionnuala Sherlock care of planning-appeals.ie of 1 Knockview Gardens, Augher, County Tyrone against the decision made on the 23rd day of June, 2015 by Monaghan County Council to grant subject to conditions a permission to Damien McPhillips care of Joe Beggan of Clonkirk, Clones, County Monaghan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a poultry unit together with underground washings tanks, erect vertical meal bin, develop existing agricultural entrance together with all ancillary site works at Mullatishaughlin Townland, Ballinode, County Monaghan, as amended by the further public notice received by An Bord Pleanála on the 18th day of May, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the rural location of the proposed development and Policy AFP4 in the current Monaghan Development Plan 2013-2019, which seeks to facilitate where appropriate specialist farming practices including poultry rearing, and having regard to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not interfere with the integrity or setting of Clonamully House or its associated curtilage or attendant grounds, would not seriously injure the amenities of the area by way of odour nuisance, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was 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 the Slieve Beagh Special Protection Area (Site Code 004167) or on the Kilroosky Lough Cluster Special Area of Conservation (Site Code 001786) or any other European site, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board considered the Environmental Impact Statement submitted with the application. The Board also noted that the report, assessment and conclusions of the Inspector with regard to this file was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an Environmental Impact Assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board adopted the report of the Inspector. The Board therefore concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable. The proposed development would not be likely to have adverse impacts on the environment and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28th day of May 2016, and by the plans and particulars received by An Bord Pleanála on the 15th day of April 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

3. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied, shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2009 (SI No. 610 of 2010).

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

4. Details of the finishes of the poultry house and the design, scale and finishes of the proposed feed silo shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The finished floor level of the poultry house shall not be more than 300 millimetres above the existing ground level.

Reason: In the interests of visual amenity.

5. Three shelter belts of at least two rows shall be planted along the southern and eastern boundaries of the site. The trees shall consist of native or naturalised species and varieties only, and shall be protected from grazing animals by stock proof fencing. Any trees which, within the period of five years from the first use of the proposed development, die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar species unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development in the interest of visual amenity.

6. With the exception of a four metre wide opening to provide access to the site, all of the existing trees and hedgerows along the northern and north-western boundaries of the site shall be permanently retained at a minimum height of three metres and allowed to grow on and shall be reinforced with additional planting and be protected from damage at all times particularly during building operations.

Reason: In the interest of visual amenity.

7. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

8. Records of poultry litter movements shall be recorded. Records shall be maintained on site and made available to the planning authority on request.

Reason: In the interest of orderly development.

9. All poultry manure moved off farm shall conform to the requirements of the Department of Agriculture, Food and the Marine, Animal Bi-Products Legislation requirements and all Local Authority Guidance on the protection of sensitive waters including water supply sources.

Reason: In the interest of public health.

10. There shall be no change in poultry type and no increase in the numbers of poultry being accommodated at the proposed development without a separate planning permission first having been obtained.

Reason: In the interest of orderly development.

11. The developer shall pay to the planning authority a financial contribution of €3,618 (three thousand, six hundred and eighteen euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

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

Dated this day of 2016.