

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Meath County

**Planning Register Reference Number: KA/150797**

An Bord Pleanála Reference Number: PL 17.245907

**APPEAL** by John Kearns care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan against the decision made on the 25<sup>th</sup> day of November, 2015 by Meath County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of one number pig house together with all ancillary structures (to include meal storage bin(s)) and associated site works (to include relocating the existing entrance) at Drakestown, Carlanstown, Kells, County Meath. The proposed development was revised by further public notices received by the planning authority on the 2<sup>nd</sup> day of November, 2015.

## 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 design, nature, scale, layout and rural location of the proposed development, the pattern of development in the area and the provisions of the Meath County Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to an undue risk of water pollution, would not be prejudicial to public health and would 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.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars submitted on the 21<sup>st</sup> day of October 2015, 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. The pig house and ancillary structures shall be used only in strict accordance with a management schedule to be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (SI No.31 of 2014), and shall provide at least for the following
  - (a) Details of the number and types of animals to be housed at any one time.
  - (b) The arrangements for the collection, storage and disposal of all effluent generated from the facility.
  - (c) The arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

**Reason:** In order to avoid pollution and to protect residential amenity.

3. All aspects of the slatted tank beneath the pig house shall be designed and constructed in accordance with the Department of Agriculture, Food and Marine Specification number S123. Certificates of structural integrity of the tank shall be submitted to the planning authority prior to first use and on a 10 year basis thereafter, in order to confirm that no leak of slurry to ground occurs.

**Reason:** In the interest of environmental protection and public health.

4. All contaminated and soiled waters shall be directed to the underground storage tank proposed on site. No effluent or other contaminated run-off shall discharge or allowed to be discharged to any stream, river, watercourse or public road.

**Reason:** In the interest of environmental protection and public health.

5. All clean stormwater from buildings and impermeable areas shall be separately collected and discharged to the adjoining watercourses and shall not be allowed to discharge to the foul effluent drains, slurry storage tanks or to the public road. Full details of stormwater layout, including levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of amenity, public health and to prevent pollution of watercourses.

6. 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. Details of the means of disposal shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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, 2014 (SI No. 31 of 2014). No slurry or soiled water shall be spread within 100 metres of any dwellinghouse or public building without prior consent of the owners and occupiers.

**Reason:** In the interest of residential amenity, public health and to prevent pollution of watercourses.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following

(a) A plan to scale of not less than 1:500 showing –

- (i) the species, variety, number, size and locations of all proposed trees and shrubs,
- (ii) details of screen planting, and
- (iii) hard landscaping works.

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of two years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

8. Prior to commencement of development, a Transport Management Plan, including details of haulage routes, vehicle types, purpose and frequency of all trips anticipated to and from the site, all in connection with the operation of the development, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of traffic safety and orderly development.

9. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Acts 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.

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

**Dated this            day of            2016.**