

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Meath County

**Planning Register Reference Number: KA/150639**

An Bord Pleanála Reference Number: PL 17.246455

**APPEAL** by An Taisce of The Tailors' Hall, Back Lane, Dublin and by Loughcrew Heritage Protection Association care of Hendrik W. van der Kamp of 1 Woodstown Court, Knocklyon, Dublin against the decision made on the 22<sup>nd</sup> day of March, 2016 by Meath County Council to grant subject to conditions a permission to Francis Naper care of Grasstec Limited of 2 Glenerden, Glasheen Road, Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** (a) Widening of existing agricultural entrance and construction of new agricultural entrance, (b) demolition of existing agricultural building to include livestock housing and general storage, (c) construction of the following: (i) agricultural building to include milking parlour and ancillary rooms, (ii) unroofed waiting yard and handling facilities, (iii) roofless cubicles and slatted slurry tank, (iv) geomembrane lined slurry store, and (v) soiled water/parlour washing tank, (d) erection of meal bin and water storage tank, and (e) erection of external milk storage tank, along with associated site works at Mullagh, Loughcrew, Oldcastle, County Meath. The proposed development was revised by further public notices received by the planning authority on the 25<sup>th</sup> day of February, 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**

In coming to its decision the Board had regard to:

- the nature and extent of the existing agricultural activity on the site,
- the nature and extent of the development proposed,
- the provisions in respect of agricultural development in rural areas in the Meath County Development Plan 2013-2019,
- the provisions of the said development plan in respect of heritage landscapes, monuments and protected structures, including the designed historic demesne estate at Loughcrew, a landscape of special national/international importance within which the site is located,
- the pattern of development in the area,
- the submissions on file, and
- the report of the Planning Inspector.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

The Board had regard to the Natura Impact Statement submitted with the planning application, the documentation submitted at further information stage, the submissions on file and the Inspector's report and completed a screening for Appropriate Assessment.

The Board accepted and adopted the Inspector's screening assessment 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 site's 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 Lough Sheelin Special Protection Area (Site Code 004065), Lough Bane and Lough Glass Special Area of Conservation (Site Code 002120), White Lough, Ben Loughs and Lough Doo Special Area of Conservation (Site Code 001810), River Boyne and River Blackwater Special Area of Conservation (Site Code 002299), Lough Lene Special Area of Conservation (Site Code 002121) or River Boyne and River Blackwater Special Protection Area (Site Code 004232) in view of the sites' conservation objectives.

### **Environmental Impact Assessment Screening**

The Board had regard to the nature and extent of the development proposed, the documentation on file including submissions from the parties, the planning authority's analysis in respect of Environmental Impact Assessment and the report of the Board's Inspector.

The Board examined the proposal in light of Schedule 5 of the Planning and Development Regulations 2001, and decided that no mandatory Environmental Impact Assessment was required. The Board further examined the proposed development in light of the criteria set out in Schedule 7 of the said Regulations and considered:

- the characteristics of the proposed development entailing a change from a 300 cattle dry farm to a 370 cow dairy farm and 50 calves involved a limited increase in livestock numbers,
- the location of the proposed development on an existing farmholding and outside any designated European Site, and
- the characteristics of the potential impacts of the proposed development which were addressed in detail in the Inspector's report,

and concluded that the proposed development would not be likely to have significant effects, direct or indirect, on the environment alone or in cumulation with other proposed plans or projects. The Board concluded that the preparation of an Environmental Impact Statement is not required.

## **Proper Planning and Sustainable Development Conclusion**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure or detract from the landscape, would not adversely affect the integrity of the national monuments and protected structures, would not seriously injure the visual amenities of the area, would not endanger public health by reason of water pollution 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 application, as amended by the further plans and particulars submitted to the planning authority on the 29<sup>th</sup> day of January, 2016 as set out in the further public notices received on the 25<sup>th</sup> day of February, 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. The number of animals simultaneously based at the farmyard with use of the milking parlour twice daily shall not exceed 370 cows and 50 calves. These maximum numbers shall not be increased without a prior grant of planning permission.

**Reason:** To limit the volume of soiled waters and volume of manure spread on the landholding in the interests of protection of groundwater and surface waters from pollution.

3. All effluents and farmyard manure shall be managed and disposed of in strict accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014.

**Reason:** To prevent pollution and in the interest of the proper planning and sustainable development of the area.

4. The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and which shall include the following requirements:

- (a) Details of the location of the site compound to include areas for storage of plant and equipment, materials and waste, site offices and associated facilities.

- (b) Details of:

- (i) site security fencing, if any,

- (ii) timing and routing of construction traffic,

- (iii) measures to prevent queuing of construction traffic on the adjoining road network,

- (iv) measures to prevent the spillage or deposit of clay, rubble or other debris on lands outside the site curtilage including the public road network,

- (v) mitigation measures for noise, dust and vibration, and for monitoring of such levels,

- (vi) preventative measures for control of silt or other pollutants from entering surface water run-off.

A record of daily checks that the works are being undertaken in accordance with the Construction and Demolition Management Plan shall be maintained and retained for inspection by the planning authority.

**Reason:** In the interest of orderly development and the protection of the sensitive landscape and monument in the immediate vicinity and public safety.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Detailed proposals for measures for the management of dust emissions to provide for the protection of adjoining properties shall be included. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of clarity and the protection of the landscape, monuments and water sources in the vicinity of the site and orderly and sustainable development.

6. Details of the materials and finishes, including textures and colours for the external facades and roofs, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Following completion of the development, the external facades and roofs shall be maintained in good condition with continuation of use of similar materials and finishes, including textures and colours, to those originally agreed with the planning authority.

**Reason:** In the interest of visual amenity and satisfactory integration into the landscape.

7. The following requirements shall be provided for and adhered to in the development:
  - (a) Two groundwater monitoring wells shall be installed, one on the upper section and the other on the lower section of the landholding with provision for monitoring and inspection by statutory bodies at locations to be agreed in writing with the planning authority in consultation with a hydrogeologist prior to commencement of development.

- (b) A 10 metre riparian zone adjacent to watercourses (Dromine River and tributaries) in which no land spreading shall take place shall be agreed in writing with the planning authority prior to commencement of development and fenced off during land spreading periods.
- (c) A plan indicating a system of marker poles which shall be erected on the lands in the northern section of the landholding identified as “exclusion zones” in the hydrogeological assessment report lodged with the planning authority on the 29<sup>th</sup> day of January, 2016 shall be submitted to and agreed in writing the planning authority prior to commencement of development. No land spreading shall take place in these exclusion zones.

**Reason:** In the interest of clarity, protection of the exclusion zones from manure spreading and the protection of groundwater and waterways from pollution.

- 8. The access gate at the proposed entrance shall be set back by a minimum distance of six metres from the edge of the carriageway of the public road. In this regard a plan/drawing shall be submitted to and agreed in writing the planning authority prior to commencement of development.

**Reason:** To provide for an off-road waiting area for farm vehicles, in the interest of traffic safety and convenience on the L2800 part of the Boyne Valley Scenic Route.

- 9. The mitigation measures specified within the ecological assessment report submitted to the planning authority on the 29<sup>th</sup> day of January, 2016 shall be implemented and maintained in full on a permanent basis.

**Reason:** In the interest of ecological and environmental protection.

10. The landscaping, tree and vegetation, planting and reconstruction of the front boundary wall as shown in the plans and specifications submitted to the planning authority on the 29<sup>th</sup> day of January, 2016 shall be implemented in full within the first planting season following the commencement of the development and maintained in full on a permanent basis.

**Reason:** In the interest of visual and natural amenity.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains within the site.

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.



13. 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 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 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.

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

**Dated this            day of            2016.**