



An
Bord
Pleanála

Board Order
PL 16.246604

Planning and Development Acts 2000 to 2017

Planning Authority: Mayo County Council

Planning Register Reference Number: P15/188

Appeal by Cathal O'Reilly care of McCarthy Keville O'Sullivan Limited of Block 1, Galway Financial Services Centre, Moneenageisha Road, Galway against the decision made on the 21st day of April, 2017 by Mayo County Council to refuse permission for the proposed development.

Proposed Development: Construction of a new poultry house with a total of 38,000 places for broiler chickens and a new silo, together with all ancillary works and services located at Woodpark, Ballyhaunis, County Mayo. Significant further information, which included an Environmental Impact Statement, was furnished to the planning authority on the 21st day of December, 2015. Revised public notices were received by An Bord Pleanála on the 18th day of January, 2017.

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 nature and extent of the proposed development consisting of an expansion of agricultural activities in an established farming area, to the rural location of the site, to the pattern of development in the surrounding area and the provisions of the Mayo County Development Plan 2014-2020, 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 unacceptable 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.

Environmental Impact Assessment

The Board considered the nature, scale and location of the proposed development, the documentation submitted with the planning application, including the Environmental Impact Statement and supporting documentation, the further submissions made in the course of the planning application and the appeal, the mitigation measures proposed, the Planning Inspector's reports, assessments and conclusions. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in combination with other development in the vicinity and concluded that, subject to implementation of the mitigation measures, and compliance with the conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the reports of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, in particular, the Lough Corrib Special Area of Conservation (Site Code: 000297), taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the planning application and the Inspector's reports and submissions on file. In completing the screening exercise, the Board adopted the reports of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

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 21st day of December, 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. In particular, the mitigation measures described in the further information submitted to the planning authority, shall be implemented in full during the construction and operation of the development.

Reason: In the interest of clarity.

2. (a) Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.
- (b) The water supply shall have sufficient yield to serve the proposed development, and the water quality shall be fit for purpose.
- (c) All uncontaminated roof water from buildings and clean yard water shall be collected separately and, where not reused, 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 storage tanks or to the public road.
- (d) Provision shall be made for groundwater and surface water monitoring and details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of environmental protection and public health.

3. The poultry house 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 Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended, and shall provide at least for the following:
 - (a) details of the number and types of birds to be housed. The amount of litter generated by the proposed development shall not exceed 272 tonnes per annum,
 - (b) the arrangements for the collection, storage and disposal of litter and effluent and which shall include a traffic management plan,
 - (c) arrangements for the cleansing of the buildings and structures and the public road where relevant,
 - (d) arrangements for control of dust, odour and noise, and
 - (e) a comprehensive carcass disposal plan for routine and catastrophic mortalities.

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

4. Odour and noise management plans, consistent with the odour and noise assessment reports submitted to the planning authority on the 21st day of December, 2015, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenity of property in the vicinity.

5. All liquid effluent and any other contaminated run-off generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed storage facilities. No effluent or other contaminated run-off 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.

6. Litter generated by the proposed development shall be disposed of by spreading on land off-site, 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 Union (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

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

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. In accordance with the requirements of the planning authority, the developer shall submit details for the provision of at least three passing bays along the public road serving the development at points where it fronts lands in the applicant's landholding as indicated in the details submitted to the planning authority on the 21st day of December, 2015.

Reason: In the interest of traffic safety.

9. Details of the finishes and colour of the poultry house and the proposed feed silo shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. 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 that may exist within the site.

11. 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 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 2017