

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Monaghan County

Planning Register Reference Number: 16/46

An Bord Pleanála Reference Number: PL 18.246752

APPEAL by Catherine and Joseph Markey care of J.G. Consulting of Corrymeela, Church Road, Malahide, County Dublin against the decision made on the 24th day of May, 2016 by Monaghan County Council to grant subject to conditions a permission to David Millar care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of one number organic poultry house, together with all ancillary structures (to include meal storage bins(s), soiled water tank(s) and associated site works (to include new site entrance) at Drumhillagh, Ballybay, County Monaghan.

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 County Development Plan 2013-2019 which seeks to facilitate, where appropriate, specialist farming practices including poultry rearing, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse visual impact, would not seriously injure the amenities of the area by way of odour or noise nuisance, 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 application, as amended by the further plans and particulars submitted on the 29th 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. 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. In this regard-
 - (a) uncontaminated surface water run-off from the roof of the poultry house shall be disposed of directly in a sealed system to existing drains, streams or adequate soakpits, and
 - (b) run-off from the concrete yard areas and all soiled waters shall be directed to a storage tank.

Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. All poultry manure generated in the poultry house shall be disposed of off-site. The arrangements for the collection, storage and disposal of poultry manure shall comply with the requirements of the Department of Agriculture, Food and the Marine, Animal By-Products legislative requirements and all planning authority guidance on the protection of sensitive waters including water supply sources.

Reason: In the interest of public health.

4. Poultry litter movements off-site 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.

5. There shall be no change in poultry type or numbers of poultry being accommodated at the proposed development without the prior written agreement of the planning authority.

Reason: In the interest of orderly development.

6. Details of the finishes of the poultry house and feed silo and the fencing arrangements for the five-metre-wide buffer zones around drains and watercourses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof cladding of the poultry house and the finishes of the feed silo shall be dark green in colour.

Reason: In the interest of visual amenity and environmental protection.

7. The vehicular entrance and associated sightlines shall comply with the requirements of the planning authority. Details of the proposed access arrangements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

8. In the first planting season following the commencement of development, the site shall be landscaped in accordance with the scheme submitted to the planning authority on the 29th day of April, 2016 and the hedgerow shall be set back and shall be planted. Any failures within the planting scheme shall be replaced in the subsequent planting season.

Reason: In the interest of visual amenity.

9. With the exception of the trees and hedgerows to be removed to facilitate the construction of the poultry house and site entrance, all existing trees and hedgerows on the site and in the range areas shall be retained and shall be reinforced with additional planting and protected from damage at all times particularly during building operations.

Reason: In the interest of the visual amenity.

10. 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.

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

Dated this day of 2016.