

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cavan County

Planning Register Reference Number: 16/161

An Bord Pleanála Reference Number: PL 02.247060

APPEAL by Owen Lynch of Feaugh, Poles, County Cavan against the decision made on the 13th day of July, 2016 by Cavan County Council to grant subject to conditions a permission to Sean King of Feaugh, Poles, County Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of one number poultry house with associated site works, underground holding tank, concrete apron and meal silo at Feaugh, Poles, County Cavan.

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 seriously injure the amenities of the area or of property in the vicinity by way of odour nuisance or noise, 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 likely significant effects of the development, either individually or in combination with other plans or projects, on European sites, having regard to the conservation objectives of such sites. The Board was satisfied, having regard to the proposed surface water discharge and monitoring arrangements and the fact that all foul effluent generated on site is to be transported off-site by a licensed contractor, and having regard to the significant separation distances involved between the site and the nearest European site, 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 Lough Oughter and Associated Loughs Special Area of Conservation (Site Code 000007) or any other European site in view of the sites' conservation objectives.

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 17th day of June 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 the interest of environmental protection and in order to ensure that the capacity of storage tanks is reserved for their specific purposes.

3. All soiled water from the proposed development shall be directed to a storage tank, and shall subsequently be transported off-site for disposal.

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

4. Manure generated by the proposed development shall be disposed of either by transportation off-site or by spreading on land. 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.

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

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

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area before development commences.

6. All sound trees on site (including those in surrounding hedgerows) shall be retained, except those whose removal is specifically required in order to facilitate the actual physical development of the site.

Reason: In the interest of visual amenity.

7. The site and its boundaries shall be landscaped to the written satisfaction of the planning authority. Prior to commencement of development, a landscaping scheme shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include the provision of screen planting, consisting of native or naturalised species and varieties only, which 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.

8. Records of poultry manure movements and/or disposal, and of all soiled water disposal, including dates, volumes disposed and the locations of disposal facilities, shall be maintained. Such records shall be kept up to date and made available to the planning authority on request.

Reason: In the interests of orderly development and public health.

9. All poultry manure moved off farm shall conform to 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 increase in the numbers of poultry being accommodated at the overall 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 €3,658 (three thousand, six hundred and fifty-eight 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 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.