

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Waterford City and County

Planning Register Reference Number: 16/241

An Bord Pleanála Reference Number: PL 93.247354

APPEAL by Michael O'Brien care of Muiris Ó Criostóir Architecture of The Old Library Building, Friary Street, Dungarvan, County Waterford against the decision made on the 6th day of September, 2016, by Waterford City and County Council to grant subject to conditions a permission to Bryan Doocey care of O'Callaghan Engineering and Design of Ballynona North, Dungourney, County Cork.

PROPOSED DEVELOPMENT: Construction of a poultry house with an office and wash area, feed bins, concrete yard, wash tank and associated works at Ballyea East, Lismore, County Waterford.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

1. The proposed development is located within 120 metres of a disused cottage on adjoining lands. It is considered that while disused, this cottage is potentially habitable. Having regard to the recommendations for a 400 metre separation distance set out in the Environmental Protection Agency (EPA) Guidance document 'Batneec Guidance Note for the Poultry Sector Environment Integrated Pollution Prevention and Control Licence (IPPC)' as published in February 1998, it is considered that the proposed development would seriously injure the residential amenities of this property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the requirement to abstract additional water from an aquifer within one kilometre of a Special Area of Conservation (SAC) designated on the basis of protecting the conservation status of freshwater species, and the requirement as set out in the Environmental Protection Agency guidance document 'Batneec Guidance Note for the Poultry Sector, Integrated Pollution Prevention and Control Licence' as published in February 1998 for possible emergency disposal of carcasses within the lands, An Bord Pleanála is not satisfied on the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Blackwater River Special Area of Conservation, Site Code Number: 002170, in view of the site's Conservation Objectives. In such circumstances, An Bord Pleanála is precluded from granting permission.

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

Dated this day of 2017.