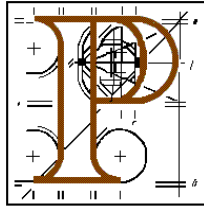


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Mayo County

Planning Register Reference Number: P16/345

An Bord Pleanála Reference Number: PL16.247609

APPEAL by Gavin Canning care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan against the decision made on the 26th day of October, 2016 by Mayo County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Demolition of existing farm buildings and construction of one number poultry house together with all ancillary structures (to include ancillary meal bin and soiled water tank) and site works (including new site entrance) associated with the development at Ballylahan, Foxford, County Mayo.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 size and agricultural nature of the proposed poultry unit and its location in a rural area beside an existing complex of farm buildings, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the character of the area and with objective AG-01 of the Mayo County Development Plan 2014-2020. Having regard to the proposals for the management of litter and effluent, the proposed unit, either individually or in combination with any other plan or projects, would not be likely to have significant effects on the environment or on any Natura 2000 site, would not cause a deterioration in the quality of waters and would not seriously injure the amenities of property in the vicinity of the site. Having regard to the restricted height of the proposed building and the retention of trees around it, the proposed development would not have an adverse effect on the landscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (a) 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 26th day of August 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.
- (b) The development shall provide no more than 39,000 places for the rearing of broilers.

Reason: In the interest of clarity.

2. The measures to control odour set out at section 4(2)(6) and elsewhere in the Environmental Report submitted to the planning authority on the 26th day of August, 2016, shall be implemented in full during the operation of the proposed development. In the event that the development gives rise to odours that cause a serious nuisance for dwellings in the vicinity, the planning authority may direct that its operation cease until revised measures to control such odours have been agreed in writing with the planning authority.

Reason: To protect the amenities of property in the vicinity.

3. All poultry manure moved off farm shall conform to the requirements of the European Union (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014) and those under the Waste Management Act 1996. Records of poultry litter movements shall be recorded. Records shall be maintained on site and made available to the environmental section of Mayo County Council on request.

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

4. 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 shall be disposed of directly in a sealed system, and
 - (b) 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.

5. 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 order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

6. Soiled water from washing of the authorised poultry house shall be disposed of by spreading on land, 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 (SI No. 31 of 2014).

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

7. Details of the finishes of the poultry house and the design, scale and finishes of the proposed feed silo shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The finished floor level of the building shall not be more than 300 millimetres above the existing ground level.

Reason: In the interest of visual amenity.

8. 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 2017.