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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: AA/170267**

**Appeal** by Joseph Killeen and others care of Monkstown, Walterstown, Navan, County Meath against the decision made on the 14<sup>th</sup> day of March, 2018 by Meath County Council to grant subject to conditions a permission to Shane Reynolds care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construct four poultry houses, one office, together with all ancillary structures (to include meal bin(s), soiled water tank(s), and ancillary stores) and associated site works (to include upgrading the existing agricultural site entrance) associated with the above development. This application relates to a development which is for the purpose of an activity requiring a Licence under Part IV of the Environmental Protection Agency Acts 1994 to 2013. An Environmental Impact Statement (E.I.S.) is submitted with this application, all at Monkstown, Navan, County Meath, as revised by the further public notices received by the planning authority on the 19th day of January, 2018.

## **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 agricultural nature of the proposed development in a rural location, where such a use is appropriate;
- the pattern of development in the area;
- the fact that the proposed development will be subject to a licence from the Environmental Protection Agency,
- the requirements of the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2017 (S.I. 605 of 2017), as amended; and
- the provisions of the Meath County Development Plan 2013-2019;

it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would generally be acceptable in terms of traffic safety and 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 application including the environmental impact statement and addendum 1, the submissions made on file, the applicant's response to submissions, the mitigation measures proposed, and the report and assessment of the Planning Inspector. 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 cumulation with other development in the vicinity, and concluded that, subject to the mitigation measures proposed, and subject to 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 report of the Inspector appointed by the Board.

## 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 15<sup>th</sup> day of December 2017 and on the 19<sup>th</sup> day of January 2018, 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. The best practice methods, mitigation measures and monitoring commitments identified in the Environmental Impact Statement, Noise Impact Assessment, Odour Impact Assessment, Odour Management Plan, Appropriate Assessment Screening Report and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and protection of the environment.

3. Details of the finishes of the poultry houses and feed silos shall be submitted to, and agreed in writing with, the planning authority prior to 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 and in the interest of orderly development.

4. (a) The developer shall set back any new roadside gate by 18 metres from the road edge to all vehicles to pull in off the road prior to opening the gate.
- (b) The developer shall maintain sightlines/visibility splay at the entrance to the proposed development at all times. Sightlines shall be maintained at a setback of 2.4 metres from the edge of the public road for 90 metres in either direction. The sightline/visibility splay shall remain clear of all Eir and ESB network poles, fences, walls, piers and hedgerows. A new hedgerow shall be planted over earthen bank behind the sightline/visibility splay.

**Reason:** In the interests of traffic safety and protection of natural heritage.

5. The poultry houses shall be used only in strict accordance with a management schedule which shall 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 Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017, as amended, and shall provide at least for the following:
- (a) Details of the number of birds to be housed.
  - (b) The arrangements for the collection, storage and disposal of manure, effluent, dead animals and waste products.
  - (c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

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

6. All liquid effluent and any other contaminated run-off generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities and 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.

7. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to the proposed swale and soakaway system and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent tanks or to the public road.

**Reason:** In order to ensure that the capacity of effluent storage tanks is reserved for their specific purposes.

8. Poultry manure generated by the proposed development 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 Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2017, as amended.

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

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) A plan to scale of not less than 1:500 showing –
    - (i) The species, variety, number, size and locations of all proposed trees and shrubs.
    - (ii) Details of screen planting.
    - (iii) Hard landscaping works.
  - (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

10. 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.

11. The developer shall prepare, update accordingly and communicate to all site personnel a Construction Environmental Monitoring Plan (CEMP). The CEMP shall include, but not be limited to, operational controls for dust, noise and vibration, waste management, protection of soils and groundwaters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities. The CEMP shall be treated as a live document.



- (a) Dust emissions shall not exceed 350 milligrams per square metre per day.
- (b) All refuelling shall take place in a designated refuelling area at least 30 metres from watercourses, details of same to be included in the CEMP.
- (c) All hydrocarbons, chemicals, oils, et cetera, shall be stored in a dedicated bunded area at least 30 metres from watercourses and capable of storing 110 per cent of the container/tank capacity.
- (d) All permanent tanks shall be bunded and capable of storing 110 per cent of the tank's capacity.
- (e) The applicant shall ensure adequate supply of spill kits and hydrocarbon absorbent pads are stocked and maintained onsite for both construction and operational stage.
- (f) All waste generated during construction, operation or decommissioning, including surplus excavation material to be taken off-site, shall be only recovered or disposed of at an authorised site which has a current Waste Licence or Waste Permit in accordance with the Waste Management Acts, 1996, as amended. This shall not apply to the reuse of excavated material within the applicant's site boundary. The applicant shall retain and make available for inspection, all records relating to the movement, recovery or disposal of waste from the development site.

**Reason:** In the interests of public health, sustainable waste management, orderly development and to provide for the protection of the environment.

12. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

13. 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.

14. (a) The proposed effluent treatment and disposal system serving the proposed office building shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" - Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the office building, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

15. 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.

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

**Dated this            day of            2019.**