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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 18/402**

**Appeal** by Richard and Triona Graham of Ardardagh, Stradone, Cavan and by Seán and Siobhán O’Connell care of Smith Associates of “Fairview House”, Deanery Street, Belturbet, County Cavan against the decision made on the 27<sup>th</sup> day of February, 2019 by Cavan County Council to grant subject to conditions a permission to Gary Smith 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:** Construction of one number free range poultry house together with all ancillary structures (to include meal bin(s), soiled water tank(s) etc.) and all associated site works (to include upgrading the site entrance) arising from the above proposed development at Ardardagh, Stradone, County Cavan as revised by the further public notices received by the planning authority on the 31<sup>st</sup> day of January 2019.

## **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 nature, scale and design of the proposed development, the nature of the receiving environment, the pattern of development in the vicinity and the provisions of the Cavan County Development Plan 2014-2020, 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, would not be prejudicial to public health, would not be likely to cause a deterioration in the quality of waters in the area and would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate agricultural use in this rural location. 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 to the planning authority on the 25<sup>th</sup> day of January 2019 and the 31<sup>st</sup> day of January 2019, 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. Details of the finishes of the poultry shed and the design, scale and finishes of the proposed feed silos shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The poultry house and feed silos shall be finished in green and the roofing material shall be dark green or black in colour.

**Reason:** In the interest of orderly development and the visual amenities of the area.

3. Prior to commencement of development the developer shall submit to, and agree in writing with, the planning authority details for the treatment of the vehicular entrance into the site, which shall be used as the only vehicular entrance and exit for construction and operational traffic for the proposed development.

**Reason:** In the interest of traffic safety.

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. The slatted shed 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 Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI Number 65 of 2018, and shall provide at least for the following:
- (a) details of the number and types of birds to be housed,
  - (b) the arrangements for the collection, storage and disposal of slurry, and
  - (c) arrangements for the cleansing of the buildings and structures.

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

6. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry 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 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.

8. Slurry 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 Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI Number 65 of 2018.

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

9. A minimum of 22 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

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

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed boundary treatments at the perimeter of the site and the range lands, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In order to screen the development, in the interest of visual amenity.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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 residential amenities of property in the vicinity.

12. The developer shall pay to the planning authority a financial contribution of 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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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

**Dated this            day of            2019**