



Planning and Development Acts 2000 to 2019

Planning Authority: Monaghan County Council

Planning Register Reference Number: 19/122

Appeal by Joseph Markey and others of Drumhillagh, Ballybay, County Monaghan against the decision made on the 15th day of July, 2019 by Monaghan County Council to grant subject to conditions a permission to David Millar care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to construct one number Organic Poultry House, together with all ancillary structures (to include meal storage bin(s), soiled water tank(s) etc.) and associated site works (to include upgraded entrance and internal farm roadway to provide alternate access to existing poultry house) at Drumhillagh [DED: Ballybay Rural], Ballybay, County Monaghan.

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 AGP1 and AGP2 in the current Monaghan County Development Plan 2019-2025, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse visual impact, would not seriously injure the amenities of the area by way of vermin, odour or noise nuisance, would not be prejudicial to public health and would 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to the conditions below, which require that all traffic from the existing and proposed poultry houses use the new entrance, that traffic safety would be increased, and the development would be acceptable in terms of traffic safety.

The Board also considered that the proposed development, given its design, location and form, would not seriously injure the visual amenities of the area, would not be obtrusive or discordant in the landscape and would not militate against preservation of the rural environment and would be consistent with the Development Plan for 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 plan and particulars submitted on the 18th day of June, 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.
 - (a) The proposed new entrance and its connection to the existing poultry house shall be carried out prior to the commencement of construction of the proposed poultry house.
 - (b) Access to the existing poultry house shall be via the proposed new access only. The section of the existing service road to the rear of the existing dwelling house shall be removed prior to the commencement of construction of the proposed poultry house.

The planning authority shall be notified in writing when the above works have been carried out. No construction shall commence on the proposed poultry house until the planning authority confirms in writing that the entrance has been provided and the section of the existing service road has been removed to its satisfaction.

Reason: In the interest of traffic safety.

3. 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 from the roof of the poultry house shall be disposed of directly in a sealed system to existing drains, streams or adequate soakpits, and
 - (b) run-off from the concrete yard areas and 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.

4. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. All poultry manure generated in the poultry house shall be disposed of off-site. The arrangements for the collection, storage and disposal of poultry manure shall comply with the requirements of the Department of Agriculture, Food and the Marine, Animal By-Products legislative requirements and all planning authority guidance on the protection of sensitive waters including water supply sources.

Reason: In the interest of public health.

6. Poultry litter movements off-site shall be recorded. Records shall be maintained on-site and made available to the planning authority on request.

Reason: In the interest of orderly development.

7. There shall be no change in poultry type or numbers of poultry being accommodated at the proposed development without the prior written agreement of the planning authority.

Reason: In the interest of orderly development.

8. Details of the finishes of the poultry house and silo shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof cladding of the poultry house and the finishes of the feed silo shall be dark green in colour.

Reason: In the interest of visual amenity and environmental protection.

9. The vehicular entrance and associated sightlines shall comply with the requirements of the planning authority. Details of the proposed access arrangements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

10. (a) With the exception of the trees and hedgerows to be removed to facilitate the construction of the poultry house and site entrance, all existing trees and hedgerows on the site and in the range areas shall be retained and shall be reinforced with additional planting and protected from damage at all times particularly during building operations.
- (b) In the first planting season following the commencement of development, the site shall be landscaped in accordance with a landscaping scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Any failures within the planting scheme shall be replaced in the subsequent planting season.
- (c) The line of the recess entrance shall be planted with a double staggered row of trees (at maximum three metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly.

Reason: In the interest of visual amenity.

11. 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.

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

Dated this day of 2019.