



Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 19469

APPEAL by Michael Callan care of CLW Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan against the decision made on the 2nd day of April, 2020 by Louth County Council to refuse permission.

Proposed Development: Construction of four number poultry houses together with roofed/enclosed service yard, one number office, one number generator store, and one number bin/general purpose store along with all ancillary structures (to include gas storage tanks, three number soiled water tanks, four number meal storage bins and the provision of an on-site waste water treatment system and percolation area) and associated site works (to include new/upgraded site entrance and internal laneway) associated with the above development, including provision for passing bays on the local public road. This application relates to a development, which is for the purposes of an activity requiring a Licence under Part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) has been submitted with this planning application, all at Rathescar Middle, Dunleer, County Louth, as amended by the further public notices received by the planning authority on the 11th day of February, 2020. Further public notices, outlining that an addendum to the Environmental

Impact Assessment (EIAR) and Natura Impact Statement (NIS) were submitted to the Board with the appeal, were received by An Bord Pleanála on the 5th day of August, 2020.

Decision

REFUSE permission for the above proposed development in accordance with 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. On the basis of the information provided with the application and the appeal, particularly in relation to the landspreading areas, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European sites (Dundalk Bay Special Protection Area (Site Code: 004026) and Dundalk Bay Special Area of Conservation (Site Code: 000455), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

2. Due to the inadequacy of the information provided to the Board, particularly in relation to the landspreading areas and biosecurity, the Board is unable to carry out a comprehensive environmental impact assessment of the proposed development as required by legislation, therefore, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

3. Having regard to its scale and nature, and the HGV traffic which would be generated, and the inadequacy in width and alignment of the local road, the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020