



Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: KA/191195

Appeal by Aisling Shankey care of Niamh Tuite and Company Solicitors of Balreask, Navan, County Meath and by An Taisce of Tailor's Hall, Back Lane, Dublin against the decision made on the 17th day of June, 2020 by Meath County Council to grant subject to conditions a permission to Dominic and Patrick Horgan care of Grasstec Limited of Kilpatrick, Ballyclough, Mallow, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of (a) construction of an agricultural building to include livestock cubicles, straw bedded area and underground slatted flow channel, (b) construction of a milking parlour, dairy and ancillary rooms, unroofed assembly areas and underground slatted flow channel, (c) erection of a meal bin, water storage tank and external milk silo, (d) construction of a straw bedded calf rearing building, (e) construction of an underground geomembrane lined slurry lagoon, (f) construction of two number silage pits and a dungstead, (g) alterations to existing agricultural entrance and all associated site works, all at Muff, Nobber, County Meath. Revised public notices were received by the planning authority on the 11th day of May, 2020.

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.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

The Board noted the proposed development provided for the spreading of slurry/wash water on the applicant's landholding to be carried out shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2017, as amended by S.I. 65/2018 and that adequate capacity and storage had been demonstrated. Furthermore, the Board noted that whilst the site was hydrologically connected to Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Bay Special Protection Area (Site Code: 004026), it was located at a significant remove from these designated sites.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Dundalk Bay Special Area of Conservation (Site Code: 000455) and Dundalk Special Protection Area (Site Code: 004026), or any other European Sites, in view of the sites' conservation objectives.

Reasons and Considerations

Having regard to the nature and pattern of development in the area, the established agricultural use of the site and the proposed arrangements for drainage and landscaping, 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 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.

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 15th day of April, 2020, 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 proposed development shall be constructed in accordance with the relevant Department of Agriculture, Food and Marine specifications.

Reason: In the interest of pollution control.

3. Prior to commencement of development, the applicant shall submit the following, for written agreement with the planning authority:

- (a) a revised site layout which shows sightlines of 90 metres in each direction at the entrance to the site, and
- (b) details of pull in bays to be constructed along the northern side of the L-74026 to facilitate vehicles passing.

Reason: In the interest of traffic safety.

4. Prior to commencement of development, the applicant shall submit a herd movement plan for written agreement with the planning authority. It shall indicate the location and frequency of movement of stock on public roads in the vicinity of the site.

Reason: In the interest of traffic safety.

5. (a) Prior to commencement of development, revised details of the planting scheme as shown on Drawing No. A3-2 and A3-3 received by the planning authority on the 15th day of April, 2020, to provide for planting behind the revised sightline shall be submitted to, and agreed in writing with, the planning authority.
- (b) The revised landscaping scheme shall be carried out within the first planting season following substantial completion of the external construction works. 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 interest of residential and visual amenity.

6. 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, noise and traffic management measures and off-site disposal of construction waste.

Reason: In the interests of residential amenity and traffic safety.

7. 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 storage tanks.

Drainage details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. These shall include details of the location of the well serving the site and location and design of soakaway.

Reason: In the interests of environmental protection and public health.

8. The slatted sheds 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) (Amendment) Regulations, 2017, as amended, and shall provide at least for the following:

- (a) Details of the number and types of animals to be housed.
- (b) The arrangements for the collection, storage and disposal of slurry.
- (c) Arrangements for the cleansing of the buildings and structures.

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

9. 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.

10. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to adequate soakpits and shall not discharge or be allowed to discharge to the slurry storage tanks or to the public road. Details of inspection chambers to be installed on all surface water collection pipes prior to discharge to soakpits shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

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

11. Slurry generated by the proposed development shall be disposed of by spreading on land. 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) (Amendment) Regulations, 2017, as amended.

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

12. A minimum of 18 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 interests of environmental protection and public health.

13. Any external lighting shall be properly cowled and directed away from the public roadway and properties to the west and southwest.

Reason: In the interest of traffic safety and to control light pollution in the rural environment.

14. Vermin in the vicinity of the premises shall be controlled in accordance with a scheme of vermin control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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.

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

Dated this day of 2020