

An  
Bord  
Pleanála

Board Order  
ABP-310326-21

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## **Planning and Development Acts 2000 to 2021**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 21/496**

**Appeal** by Paul and Denise Molloy of Culmullen, Drumree, County Meath against the decision made on the 7<sup>th</sup> day of May, 2021 by Meath County Council to grant subject to conditions a permission to John Brady care of Wynne Civil Engineering Limited of Greenhills, Kill, County Kildare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of use of existing underground agricultural storage tank from agricultural storage to storage of brewing and distilling wastes for recovery to agricultural land, tillage and grassland and permission for a new recessed site entrance. The application is accompanied by a Natura Impact Statement (NIS). The proposed works will also require a Waste Facility Permit Application, all at Culmullin, Drumree, County Meath.

## **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.**

CMG

## Reasons and Considerations

Having regard to the location of the site, to the planning history and established use on the site, to the pattern of development in the area and to the nature, scale and extent of the proposed development, 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, including property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate use in the agricultural area. 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 the totality of the documentation on file including the reports of the planning authority. It was determined that the information provided with the application was sufficient in terms of description of the nature, scale and extent of the proposed development and in relation to associated matters including land spreading (which will be subject to management under separate legislative provisions). Furthermore, the Board determined that the scale and extent of development for which permission was sought is appropriate at this location and would not seriously injure the amenities of the area, and that the volume of activity proposed had been comprehensively assessed to enable a determination in this regard. The Board also noted the documentation submitted with the application and determined that the full scope of the development is set out therein and does not conflict with the nature and extent of planning permission granted under planning register reference number DA/130261, except with regard to the change specifically set out in the description of the proposed development included in the statutory notices.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. All relevant conditions attached to planning register reference number DA/130261 shall be complied with in full to the satisfaction of the planning authority.

**Reason:** In the interest of the proper planning and sustainable development of the area.

3. (1) The developer shall provide and maintain sightlines of 120 metres to the nearside road edge from a setback of three metres. The works required to provide the unobstructed sightlines shall be completed prior to any other works commencing on site.

36

- (2) The entrance gate shall be recessed at least 17 metres from the edge of the road.

**Reason:** In the interest of sustainable transport.

4. (1) Prior to commencement of any site activity, the developer shall require authorisation under the Waste Management (Facility Permit and Registration) Regulations Statutory Instrument S.I. 821 of 2007, as amended. No material can be imported to the site until the authorisation is in place.
- (2) The land spreading activities shall be carried out in accordance with the requirements of the Good Agricultural Practice for the Protection of Waters Regulations 2017.
- (3) All land spreading activities shall be carried out in accordance with the Nutrient Management Plan, as submitted with the application.
- (4) The applicant shall prepare an Odour Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any works on site unless otherwise agreed with the planning authority.

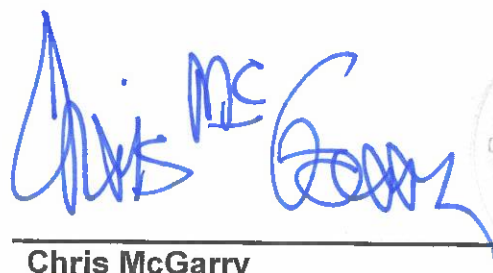
**Reason:** In the interest of public health.

5. The suite of measures proposed in the Natura Impact Statement submitted in support of this application to mitigate and avoid any potential detrimental impact of the River Boyne and River Blackwater Special Area of Conservation (Side Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) resulting from the discharge of sediments or other materials from the development site to the adjacent stream shall be implemented in full.

**Reason:** To preserve the integrity of Natura 2000 Sites protected under the Habitats Directive (92/43/ECC) and the Birds Directive (79/409/EEC).

6. Any clearance of vegetation from the development site shall only take place outside the main bird breeding season (that is from the 1<sup>st</sup> day of September to the end of February).

**Reason:** To avoid the destruction of the nests, eggs and nesting of breeding birds.



**Chris McGarry**

**Member of An Bord Pleanála**

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

**Dated this 20<sup>th</sup> day of May 2022.**

