

An
Bord
Pleanála

Board Order
ABP-317140-23

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/393

Appeal by Brendan Cunningham of Corratober, Kingscourt, County Meath against the decision made on the 21st day of April, 2024 by Meath County Council to grant subject to conditions a permission/outline permission to Annalitten Foods Limited care of Michael Heatherton Architectural and Engineering Servies Limited of Cogan Street, Oldcastle, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) Construction of free-range poultry unit with manure loading canopy areas, (2) installation of proprietary wastewater treatment unit and percolation area, and (3) completion of all ancillary site works and associated site structures (to include two number meal storage bins and four number soiled water storage tanks) at Corratober, Kingscourt, County Meath. The proposed development was revised by further public notices received by the planning authority on the 28th day of March, 2023.

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.

Reasons and Considerations

Having regard to the size, scale and agricultural nature of the proposed development which is located in an area which is zoned 'RA – Rural Area', in the Meath County Council Development Plan 2021-2027, and in consideration of Development Plan Policies RUR DEV SO 1 (continued vitality and viability of rural areas) and RD POL 12 (development of agriculture), 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.

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 received by the planning authority on the 22nd day of February 2023, except as may otherwise to 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 the 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 development shall provide no more than 32,000 places for poultry hens.

Reason: In the interest of clarity.

3. Prior to commencement of development, the developer shall submit a detailed Odour Management Plan for the written agreement of the planning authority, to demonstrate how odour will be managed within the site and to ensure that emissions and odours do not result in significant impairment of, or significant interference with amenities of the environment outside the site boundary.

Reason: In the interest of residential amenity and orderly development.

4. The developer shall retain a separation distance of five metres between the drainage watercourses along the northern and eastern site boundaries and any free-range areas for birds.

Reason: To protect the watercourses from contamination from surface water runoff containing nutrients.

5. The landscaping scheme shown on drawing number A1-01- Amended Site Layout Plan, as submitted to the planning authority on the 22nd day of February, 2023 shall be carried out within the first planting season following substantial completion of 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 visual amenity and biodiversity.

6. 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 to ground in appropriately sized soakaways

- (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.
- (c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.

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

- 7. The developer shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations. The removal of organic waste material and its spreading on third party lands, by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Prior to commencement of development, details showing how the developer intends to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

In the interest of clarity land spreading on this land holding is not applied for nor granted in this application or permission.

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

8. Details of the finishes of the poultry house and manure loading canopies, the location of fencing of paddocks and other areas and the design, scale and finishes of the proposed feed silo and external storage tanks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area before the development commences and in the interest of orderly development.

9. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

10. In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body either at construction or operational phase, the planning authority and Inland Fisheries Ireland, shall be notified as soon as is practicable. A copy of the clean-up plan shall be submitted to the planning authority.

Reason: In the interest of public health.

11. All soiled waters and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

Reason: In the interest of public health.

12. The building shall be used for agricultural/horticultural storage and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

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

13. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

14. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.


Reason: To safeguard the amenity of property in the vicinity.

15. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

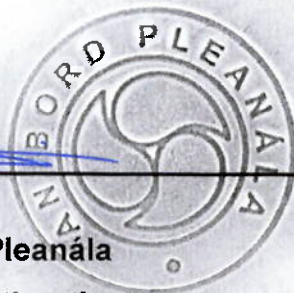
Reason: In the interest of residential amenities, public health and safety and environmental protection.

16. 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.


Liam Bergin

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



Dated this 6th day of November 2024.