

An
Bord
Pleanála

Board Order ABP-317963-23

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: 23/185

Appeal by James Mooney and others care of James Mooney of Doogary, Aughamore, Ballyhaunis, County Mayo against the decision made on the day of 10th day of August, 2023 by Mayo County Council to grant subject to conditions a permission to DN Farm Limited care of C.L.W. Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of one number poultry house and one number manure loading/general purpose store together with all ancillary structures (to include two number meal storage bins and two number soiled water tanks) and site works (to include upgraded site entrance) associated with the development, all at Doogary, Aughamore, Ballyhaunis, County Mayo.

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.

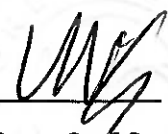
Reasons and Considerations

Having regard to the rural location of the site, the character and pattern of development in the vicinity, and the policies and objectives of the Mayo County Development Plan 2022-2028, 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 result in the creation of a traffic hazard, and 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, taking into account the nature, scale and location of the proposed development, and the Natura Impact Statement submitted with the planning application, the proposed development, by itself or in combination with other plans or projects, would not be likely to have an adverse effect on any designated European Sites, in view of the qualifying interests or Conservation Objectives of the sites, and that standard planning conditions that would be employed regardless of proximity to a European Site and effectiveness of same do not constitute mitigation for the purposes of Appropriate Assessment.

Appropriate Assessment: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the River Moy Special Area of Conservation (Site Code: 002298), the Urlaur Lakes Special Area of Conservation (Site Code: 001571), the Errit Lough Special Area of Conservation (Site Code: 000607), the Derrinea Bog Special Area of Conservation (Site Code: 000604) and the Carrowbeh/Caher Bog Special Area of Conservation (Site Code: 000597) are the European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that a Stage 2 Appropriate Assessment is, therefore, required.

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Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the River Moy Special Area of Conservation (Site Code: 002298), the Urlaur Lakes Special Area of Conservation (Site Code: 001571), the Errit Lough Special Area of Conservation (Site Code: 000607), the Derrinea Bog Special Area of Conservation (Site Code: 000604) and the Carrowbehy/Caher Bog Special Area of Conservation (Site Code: 000597) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The proposed 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 18th day of July, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.


Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented in full and an Ecological Clerk of Works shall be appointed to oversee all construction activity on site.

Reason: To protect the integrity of the European Sites.

3. There shall be no increase in the numbers of poultry being kept on site, and on the overall landholding, without a separate planning permission first having been obtained.

Reason: In the interest of clarity and environmental protection.



4. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to, construction phase controls for waste management, protection of soils, groundwaters, and surface waters, site housekeeping, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

5. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent water pollution.

6. The developer shall implement all works necessary to ensure adequate sight visibility at the vehicular entrance to the site from the public road, and to provide passing bays along the local road (L1913) and in the vicinity of the junction between the L1913 and the N17, in accordance with the plans and particulars received by the planning authority on the 18th day of July, 2023 prior to carrying out any other works on foot of this grant of planning permission.

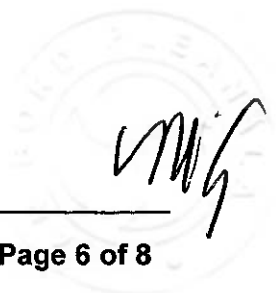
Reason: In the interest of traffic safety.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include a dense two-metre-wide planting belt and buffer area with the provision of screen planting, consisting of native or naturalised species and varieties only. Any plants which die, are removed or become seriously damaged or diseased, 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.

8. 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, and
 - (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. 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.



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.

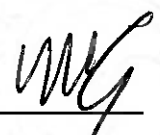
Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

10. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times (corrected for a tonal or impulsive component) as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

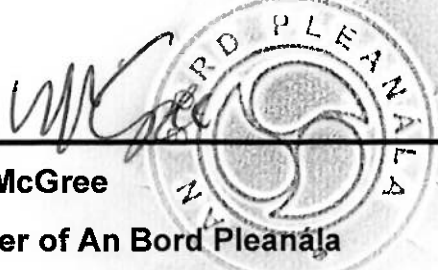
11. Details of the colours and finishes of the proposed poultry house and associated structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Dated this 17 day of DECEMBER 2024.