



An  
Bord  
Pleanála

Board Order  
ABP-318154-23

---

## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 23/50608**

**Appeal** by Andrew Cassidy and others of Rahan, Letterkenny, County Donegal against the decision made on the 7<sup>th</sup> day of September 2023 by Donegal County Council to grant, subject to conditions, a permission to Rodney Black care of Trevor Robb of Killyclugg, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Erection of two number poultry sheds with meal silos, effluent tanks and all associated site development works including the upgrading of existing access road at Rann, Letterkenny, County Donegal.

## **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 in an established farming area in a rural location, and to the policies and objectives of the County Donegal Development Plan 2024-2030, 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 or of property in the vicinity by way of odour or noise nuisance, would not be prejudicial to public health and would generally 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.

### **Appropriate Assessment: Stage 1**

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this Appropriate Assessment screening, the Board agreed with the Inspector's recommendation that it is not possible to exclude that the proposed development alone could give rise to significant effects on the Lough Swilly Special Area of Conservation (Site Code: 002287) and the Lough Swilly Special Protection Area (Site Code: 004075) , in view of the sites' conservation objectives. This determination is based on:

- the Appropriate Assessment Screening report submitted as part of the Natura Impact Statement,
- the requirement for mitigation measures that go beyond those integral to the proposed development, and
- the modelling of atmospheric emissions to exclude significant effects.

## **Appropriate Assessment: Stage 2**

The Board agreed with the Inspector's recommendation that the proposed development, by itself or in combination with other plans or projects would not adversely affect the site integrity of the Lough Swilly Special Area of Conservation and the Lough Swilly Special Protection Area in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on the following:

- detailed assessment of construction and operational impacts,
- effectiveness of mitigation measures proposed,
- emissions from the proposed development are below levels that could result in significant effects on European Sites,
- application of planning conditions to ensure measures are implemented, and
- the proposed development will not affect the attainment of conservation objectives for the European sites examined.

## 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 24<sup>th</sup> 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 development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures identified and contained within the Natura Impact Statement submitted with the application shall be implemented in full.

**Reason:** To protect the integrity of European Sites.

3. The development shall provide no more than 20,000 places for poultry. There shall be no change in poultry type and no increase in the numbers of poultry being accommodated at the proposed development without a separate permission first having been obtained.

**Reason:** In the interest of orderly development.

4. The best practice methods identified in the Noise Impact Assessment, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interests of clarity and protection of the environment.

5. Prior to commencement of development, permanent visibility splays of 160 metres shall be provided in each direction to the nearside road edge at a point 2.4 metres back from the road edge at location of vehicular entrance. Visibility in the vertical plane shall be measured from a driver's eye - height of 1.05 metres and two metres positioned at the setback distance in the direct access to an object height of between 0.26 metres and 1.05 metres. Vision Splays to be calculated and provided as per Figure 16.2 of Chapter 16 County Donegal Development Plan 2024-2030.

**Reason:** In the interest of traffic safety.

6. Prior to commencement of development, the existing roadside boundary shall incorporate an entrance with a minimum width at road fence to line of gates of 9.15 metres minimum depth from road fence to line of gates of 2.45 metres and a minimum width on line of gates of 4.9 metres.

**Reason:** In the interest of traffic safety.

7. All overhead and underground poles and lines shall be set back to line of new fence line at the developer's expense and no obstructing pole(s) shall be left on the layby.

**Reason:** In the interest of traffic safety.

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

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

9. Archaeological monitoring shall be carried out during excavation works. Said monitoring shall be carried out by an archaeologist approved by the Department of Housing, Local Government and Heritage and paid for by the developer. If archaeological monitoring of the site reveals deposit(s) of archaeological potential, then excavation and construction works shall cease until permission is obtained from the planning authority for recommencement of works. The planning authority shall be empowered to require the carrying out of an archaeological assessment report of the site including re-siting, excavation or preservation in situ. Where archaeological material is shown to be present, a detailed Archaeological Impact Statement shall be included within the report. The potential impact of the proposed development on the archaeology within the site shall be described in details. The Impact Statement shall give specific information on the external levels (corrected to Ordnance Datum) and location of all proposed foundations, service trenches and all other subsurface works associated with the development. The levels of the archaeology within the site shall also be detailed within the report.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.



10. An exclusion zone shall be set and submitted to the planning authority prior to the commencement of development with regard to the recorded monument DG061-000. The exclusion zone shall be set in advance of any machinery tracking on site and shall remain intact during the entirety of the construction phase. The exclusion zone shall follow the Zone of Notification and restrict access to any machinery, vehicles as well as the use of this area for storage of material or dumping of spoil.

**Reason:** In order to conserve the archaeological heritage of the site.

11. Poultry manure generated by the proposed development shall be removed from the poultry sheds and disposed of offsite at the end of each batch (at least three times/annum) or by other means acceptable in writing to the planning authority,

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

12. (a) Soiled water arising from the development shall be directed to and collected in the proposed soiled water storage tanks in accordance with the Department of Agriculture and Food Specifications S123 and S129 and shall not discharge or be allowed to discharge to the foul effluent tanks or to the public road
- (b) Uncontaminated surface run-off from roofs and clean paved areas shall be collected separately from effluent in rainwater harvesting tanks and all excess uncontaminated surface run off shall discharge to the detailed land drain as per the submitted site layout plan.

- (c) No surface water from site shall be permitted to discharge to public road and the developer shall take steps to ensure that no public road water discharges onto site.

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

- 13. (a) Soiled water from washing of the poultry sheds shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. 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 the Protection of Waters) (Amendment) Regulations 2022.
- (b) Soiled water shall not be spread on or applied to land where there is a risk that the effluent will run from the land into any river, ditch, stream or other watercourse.
- (c) Effluent, manure or soiled water shall not be caused or permitted to flow onto adjoining property or to enter any stream, ditch, drain or other watercourse or to overflow the effluent storage tank.

**Reason:** To ensure the satisfactory disposal of waste materials, in the interests of amenity, public health and to prevent pollution of watercourses.

- 14. Detailed records shall be maintained in regard to soiled water disposal which shall include such matters as dates, volumes disposed of and outlet locations. The records shall be kept up-to-date and shall be available at all reasonable times for inspection by an authorised person of the planning authority and be provided to the planning authority on request in writing.

**Reason:** In the interests of public health and environmental sustainability.



15. (a) The temporary on-site storage of carcasses shall be in sealed containers.
- (b) Containers shall be washed and disinfected at the end of each cycle.
- (c) Any carcasses of birds shall be disposed of by an approved waste contractor and shall be removed from site fortnightly.
- (d) Any alteration to the disposal method for slurry, manure, soiled water and disposal of carcasses shall only be implemented with the prior written approval of the planning authority.

**Reason:** In the interests of orderly development and public health.

16. Prior to commencement of development, a detailed odour/waste management plan for the operational development shall be submitted for the written agreement of the planning authority which makes particular reference to odour and control of pests.

**Reason:** In the interests of orderly development and public health.

17. The developer shall operate the facility in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with amenities of the environment beyond the site boundary. Removal or disposal of effluent and cleaning of poultry houses shall be undertaken in such a manner to reduce impacts from odour or noise to prevent nuisance to premises in the surrounding area.

**Reason:** In the interests of public health and environmental sustainability.

18. Site development and building works shall be carried out between the hours of 0700 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.

19. Truck movements to and from the site shall not commence before 0800 hours or after 1800 hours.

**Reason:** In the interest of residential amenity.

20. Prior to commencement of development, a detailed landscaping scheme shall be submitted to the planning authority for written agreement and thereafter any such scheme as may be considered acceptable shall be implemented within first planting season following commencement of development. The said scheme shall include substantial semi-mature broadleaved trees native to the area. Any trees dying within subsequent three years shall be replaced.

**Reason:** To preserve the amenities of the area.

21. 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

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



Dated this *19<sup>th</sup>* day of *March*, 2025.