

An
Coimisiún
Pleanála

Commission Order
ABP-322338-25

Planning and Development Act 2000, as amended

Planning Authority: Cavan County Council

Planning Register Reference Number: 23/60314

Appeal by David Brouder care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin and by others against the decision made on the 26th day of March, 2025 by Cavan County Council to grant subject to conditions a permission to Frank Conaty 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 together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and all associated site works (to include new/upgraded site entrance) arising from the above proposed development at Lismacanigan Upper, Mountnugent, County Cavan, as amended by the further public notices received by the planning authority on the 27th day of February, 2025.

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 location of the site within agricultural lands, the provisions of the Cavan County Development Plan 2022-2028 with respect to agricultural development, the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant negative impact on amenity of neighbouring residential properties, would not give rise to significant odour or noise issues and would not result in a detrimental impact on Mountnugent River or Lough Sheelin or be a risk to groundwater in the locality. 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 18th day of February 2025, 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 number of birds housed in the proposed facility shall not exceed 39,000 (non-free range) or 25,000 birds if operated to a free-range standard, in accordance with the documentation submitted in support of the subject application.

Reason: In the interest of clarity.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. The design and construction of the proposed poultry house, meal storage bin and soiled wash water tank shall be in accordance with the Department of Agriculture, Food and Marine specifications S100, S101, S110, S123, S129 and S150, as applicable.

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

5. 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, and
- (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 interests of environmental protection and public health.

- 6. (a) During the enabling works/construction stage of the proposed development, the appointed contractor shall adhere to the Construction Environmental Management Plan (CEMP) as received by the planning authority. An appointed Construction Environmental Manager, or other suitability qualified person, shall oversee the implementation of the Final Construction Environmental Management Plan.
- (b) Following construction, certification shall be provided by the appointed Construction Environmental Manager, or other suitably qualified person, confirming that the construction measures have been carried out in full. This certification may be made available to the planning authority upon request.

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

7. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes of the proposed buildings shall be submitted for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

8. Prior to the commencement of development, details of all internal fencing, site subdivision and site boundary treatments shall be submitted for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

9. Prior to the commencement of development, details of the water supply to the proposed development shall be submitted for the written agreement of the planning authority.

Reason: In the interest of public health and to ensure adequate water facilities.

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.

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

11. (a) Poultry manure and wash water (any organic fertiliser associated with the poultry operation) shall be removed off-site and disposed of in the manner outlined in the application documents.
- (b) The removal of organic waste material and its spreading on land 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.
- (c) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations.
- (d) Where a third party removes the slurry or manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

Reason: To prevent soil contamination and risk of soiled water run-off.

12. The revised Environmental Monitoring Programme, received by the planning authority on the 18th of February 2025 shall be implemented in full during the operation of the proposed development.

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

13. The proposed new entrance onto the public road shall be carried out in accordance with the plans submitted with the planning application. In addition, the following requirements shall apply:

- (a) The complete width and depth of the entrance and the public road fronting that entrance shall have a structural overlay applied (100 millimetres AC 20 Base course and 50 millimetres HRA), tied into existing road levels.
- (b) Surface water infrastructure shall be installed at the proposed entrance to the site in accordance with the plans submitted which shall ensure that no surface water from the site enters the public road.
- (c) The developer shall liaise with the relevant utility providers for the setback of any poles to facilitate the site entrance and sight lines. HGV turning movements to facilitate this development shall be carried out within confines of the site, i.e. within the dedicated turning circle to be provided within the site.
- (d) 90 metre sightlines shall be maintained in both directions at the proposed site entrance on the Local Road L7082-0, measured three metres back from the road edge.

Reason: In the interest of traffic safety.

14. The following additional procedures shall be adhered to:

- (a) The transport of poultry manure and soiled water shall be in suitably contained, leakproof vehicles.
- (b) Casualty birds shall be disposed of by an approved waste contractor and in accordance with Department of Agriculture regulations.
- (c) The temporary on-site storage of carcasses shall be in sealed containers.
- (d) Any alteration to the disposal method for manure, soiled water and casualty birds shall only be implemented with the prior written approval of the planning authority.
- (e) Packaging waste, contaminated drums, equipment and protective clothing shall be collected and stored in suitably sealed leakproof containers, where practicable, pending disposal in accordance with the Waste Management Act, 1996-2008.

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

15. Detailed records shall be maintained in regard to manure and soiled water disposal, these 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.

16. 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 the following:

- (i) existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping,
- (ii) the measures to be put in place for the protection of these landscape features during the construction period, and
- (iii) the species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

All planting shall be adequately protected from damage until established. 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 interests of residential and visual amenity.

17. All over fuel tanks (or other tanks containing liquids other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

Reason: To prevent water pollution.

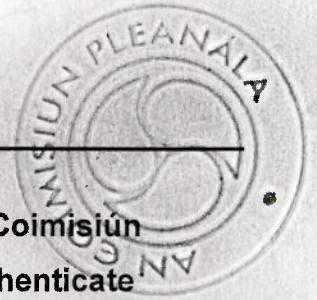
18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.

Mary Gurrie

Mary Gurrie

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this *02* day of *September* 2025.