



An Bord Pleanála

Inspector's Report

Appeal Reference: PL17.245907

Development: 1 pig house together with all ancillary structures associated site works

Planning Application

Planning Authority: Meath County Council

Planning Authority Reg. Ref: KA/150797

Applicants: John Kearns

Type of Application: Permission

Planning Authority Decision: Refuse

Planning Appeal

Appellants: John Kearns

Type of Appeal: First Party v Refusal

Observers: 16 no. parties

Date of Site Inspection: 15 February 2016

Inspector: Patricia Calleary

Appendices: Photographs & maps

1. INTRODUCTION

- 1.1 PL17.245907 concerns a **first party appeal** against the decision by Meath County Council to issue notification to refuse planning permission for the construction of 1 no. pig rearing/grower house to house 1800 pigs, together with ancillary structures. The reason for refusal centred on the capacity of the local road to accommodate HGV traffic associated with the development and the grounds of the first party appeal is made on the basis that the Planning Authority have based their refusal decision on an overestimation of the traffic which the development would generate.

2. SITE LOCATION AND DESCRIPTION

- 2.1 The appeal site is located in the townland of Drakestown in Co. Meath, located approximately 9km North East of Kells. It is a greenfield agricultural site situated c.1km East of a regional road (R162) and c.2km south of a national road (N52).
- 2.2 The site measuring 6.1 Ha lies within a larger undulating agricultural field. A significant portion of the site is shown marked off to provide a service road c.750m in length running along the southern field boundary. The area within which the building is proposed to be located is broadly rectangular in shape 150m x 160m with an area of c.2.4 ha. It is located at the rear (west) of the field at a level some 6-8m below the public local road fronting the site.
- 2.3 The surrounding area is characterised by agricultural lands with a number of rural houses and agricultural sheds dispersed along the local road. The nearest settlements to the site are Castletown, c.2 Km to the north east and Wilkinstown, 4 Km to the south east. The closest dwellinghouse lies c.100m north of the new access point and c.400m east of the proposed building. There is another existing house located c.420m North East from the proposed building and over 1Km from the proposed access. Treelines and drainage ditches act as natural outer boundaries to the field within which the site would be contained.

3. PROPOSED DEVELOPMENT

- 3.1 The proposed development comprises of the construction of 1 no. pig rearing/grower house together with ancillary structures which include meal storage bins, underground wash water tank and associated site works. The site is proposed to be accessed off a local road to the East, from a new relocated site entrance.
- 3.2 The proposed building is a typical steel framed agricultural building which is shown aligned from NW to SE and will each have dimensions of 110m x

20.3m, with a stated floor area of 2113m² and an overall height of 5.3 m above ground. The building is presented on the planning application drawings with an external plastered concrete blockwall finish to a height of c.2.3m. Supporting documentation states that it will be constructed of either concrete block walls plastered externally or prefabricated wall panels with a dark coloured corrugated clad roof. Vent exhausts are shown protruding from the roof. Internally, pigs will be housed on slatted floors with a 2.4m reinforced concrete manure storage tank underneath to collect slurry directly through the slatted area located at ground level. The storage tank has a stated volume of 5220m³, providing 24 month storage capacity. 2 no. meal silos of 9.1m in height are proposed to be located externally at the front (South East) elevation of the building and these adjoin a feed passageway located within the building.

- 3.3 Externally, there is a deep wash water tank proposed to be laid underground with an outer diameter of 3.1m, a height of 3m and a capacity of 16m³. It is stated that all soiled water will be collected and treated as organic fertiliser.
- 3.4 The proposed facility intends to accommodate 1800 pigs on site. Weaners (young pigs) of c.30-35kg weight will be brought to the facility for 12-14 weeks where they will be reared until they reach a weight of c.110 kg and will then be transported from the facility to an abattoir for slaughter. The proposal aims to provide movements of pigs together in an all in- all out rota. It is stated that space has been included to allow for washing and drying of areas between batches and isolated areas to cater for any sick or injured animals.
- 3.5 Water is proposed to be supplied from an on-site well and this will be stored in a water storage tank(s) of capacity of 12-15m³. Water usage is proposed to be c.4000-5000m³ per year. A 24 hour water supply will be stored on site. The application states that the water required will be well below the potential aquifer yield.
- 3.6 Pigs will be fed with an automated dry feeding system. A total feed of c.25-28 tonnes feedstock per week will be delivered by a feed manufacturer.
- 3.7 Energy supply to the farm will be electric single phase supply. No additional heating is proposed to be supplied to the pig house. Ventilation is stated as being either computer controlled mechanical ventilation or automatically controlled natural ventilation.
- 3.8 The volume of organic fertiliser generated is calculated at c.2246m³ and this is intended to be collected and stored in an underground manure storage tank. It will then be spread on land of adjoining farms. Details of the location of the areas selected for land spreading are submitted with the application. It is stated that the farms combined consist of 320 hectares which can accommodate 250% of the expected organic fertiliser generated from the development.

- 3.9 The applicant states that all works are proposed to be carried out to comply with the Department of Agriculture, Food [and Marine] (DAFM) specification of S123 and S123A and with other operating requirements of the DAFM and separately with Bord Bia certification requirements.
- 3.10 Traffic movements are stated to include:
- Feed deliveries (1 load per week)
 - Pig Movements (Average 1 load in, 1 load out per week in batches); Max number of loads moved = 4 loads bringing in weaners and 8 loads bring out reared pigs each 12 week cycle.
 - Staff Movements (no Additional staff)
 - Transport of organic fertiliser (4 loads per week by tractor and tanker between 16 January - 14 October in any year)
- 3.11 Any animals that die on site will be placed in a closed skip and transported to a rendering plant, e.g. College Proteins Ltd. Other waste to be moved off site is intended to be small and will be removed with a registered contractor.
- 3.12 Clean storm water from roof and paved yards will not be permitted to flow over soiled areas and will be discharged to adjoining watercourses.

4. PLANNING APPLICATION

- 4.1 The application was submitted to the Planning Authority on 27 July 2015. The planning application form indicates that the proposal will involve the construction of a 2113m² building, together with ancillary structures (to include meal storage bins and associated entrance (to include relocating the existing entrance)).
- 4.2 The planning application form indicates that the applicant is the owner of the site. The application is accompanied by an Environmental Report which sets out a description of the development and the proposed project. It also includes a fertiliser plan including current potential customer maps (dated 2015) and GSI information on the bedrock aquifer.
- 4.3 An appropriate assessment screening report was also submitted. The River Boyne and Blackwater SAC/SPA is located 7.6km south of the appeal site. The report concludes that there will be no impacts upon the integrity or the conservation objectives of the River Boyne and Blackwater SAC and SPA and that the habitats and species associated with this site will not be adversely affected. The report also concludes that the proposed development does not need to proceed to Stage II of the AA process.

Initial Planning Report

4.4 The initial report of the Planning officer can be summarised as follows:

- The site forms part of a larger agricultural landholding.
- Refers to recent planning history in the area.
- Refers to respective chapters in Meath County Development Plan 2007-2013 (Chapter 4 - Economic development strategy; Chapter 10 - Rural development and Chapter 11 - Development Management Guidelines and standards).
- Lists names of those who lodged 26 third party submissions. Provides a summary of submission issues raised and states that the submissions have been taken into consideration in the determination of the application.
- Summarises responses from internal departments and those received from prescribed bodies.
- Considers main issues are as follows:

Siting and Design: - Considers layout is appropriate in terms of design and integration with surrounding landscape.

Traffic and Access: - Proposal to relocate entrance is an improvement. However, specific details required in relation to traffic movement.

Environment and Services: - Development is considered sub-threshold for the purpose of EIA as proposes less than the 2000 production pigs. Notes that a comprehensive environment report accompanies the application. Notes the water supply is from a borehole well. Notes the means of disposal of surface water and slurry in accordance with the provisions of the current Meath County Development Plan. Considers the applicant should be required to operate the development in accordance with relevant regulations in relation to farmyard pollution and waste.

Residential Amenity:- Considers development is well set back and screened from the adjoining roadway. Notes the separation distance of 400m to the nearest house. Considers additional details are required in relation to traffic and odour mitigation measures.

Economic development Policy: - Considers the proposal of an agricultural based business supports rural development and this accords with Policy ED POL 14 and ED POL 5.

- Notes the AA Screening Report and considers that the development would be likely to have significant effect on an EU site [*Note: this is likely a typo as it likely should read - would not likely*]. Considers that a Stage 2 AA is not required.

- 4.5 Recommends a **request for further information** on matters of traffic and odour mitigation measures

Further Information

- 4.6 Further information was submitted on the 20th October 2014 and included the following: -

Traffic:

- Refers to a traffic count which was previously submitted as part of an adjoining planning application for a windfarm. This details an AADT on the local road of 207 with hourly traffic movements of 15 (am) and 9 (pm). States that an AADT of 4105-4176 on the N52 at the junction is also detailed on the application.
- HGV associated with the proposed development will consist of an average of c.1 load of feed delivery per week and an average of 1 load of pigs moved per week and considers this inconsequential in terms of traffic flow onto the N52.
- Production process will be 12 weeks. At the end of the 12 weeks, 1800 pigs will be moved in (4 journeys to bring in weaners) and out (8 journeys to remove larger pigs to an abattoir). Where possible lorries transporting weaners inwards may also bring out pigs and this has the potential to reduce the number of loads from 12 to 8.
- HGVs will be a triple deck pig transport trailer. This is similar size to a double deck cattle trailer.
- An Appendix accompanies the applicant's response which provides a single page TII Traffic Count Details and also a detail / dimensioned drawing and technical specification of a typical pig transport trailer proposed to be used for movement of pigs on and off the site.

Odour:

- Site selected because it is 400m away from the closest third party residence, in line with EPA recommendations.
- Proposed location out of view and well landscaped to minimise potential impact.
- Fan ventilation will be used instead of natural ventilation thus ensuring dispersion of any potential odours.
- Proposed odour management programme will include activities to reduce odour. These activities will include: design and good cleaning routine, optimum ventilation control, appropriate storage and disposal of animal tissue waste, minimise movement of slurry and removed from tanks under vacuum, keeping pigs in optimum conditions so that pigs will not become unsettled and cause a rise in body temperatures leading to odour.

- No open storage tanks proposed on site.
- Use of low protein diets will be a feature.
- Pigs will be sourced from high health status breeding farms in order to promote good health status and reduce quantity of manure output.

Second (Final) Planning Report

4.7 Consideration of the response to the request for further information was made and the new items added to the planners report can be summarised as follows:

- 3 new submissions received on further information response which raise concerns in relation to adequacy of traffic information submitted, operation of the proposal, odour emissions and residential amenity. States that the submissions have been taken into consideration in the determination of the application.
- Road design internal department is not satisfied with the FI response as it does not supply information requested, specifically classified traffic counts on both the proposed access and the junction with the N52.
- Appropriate odour mitigation proposals including a 'proposed Odour Management Programme' were submitted.

4.8 Having considered the response to the request for further information, a recommendation to **REFUSE** permission was made by the Planning Officer for reason of potential to endanger public safety by reason of traffic hazard for road users, contrary to proper planning and sustainable development.

5. INTERDEPARTMENTAL REPORTS

5.1 Traffic (Road Design)

- The SEE Road Design requested further information including traffic counts to assess the impact of the 6 HGVs and 4 loads of organic fertiliser per week.
- Was not satisfied with the information received which did not include a classified count but rather an AADT of 207. Considers size of carrier at 39 tonnes is large and existing county road would require strengthening and improvement. Considered it may also require widening to permit passing opportunities. Recommends that a classified count be submitted to assess the damage and contributions. Recommends a refusal if this information is not provided.

5.2 Environment

- No objections subject to conditions in relation to waste management, design of pig house and slatted tank, land spreading of pig slurry to be in accordance with requirements of EU (Good Agricultural Practice for protection of waters) Regulations 2014.

6. **PRESCRIBED BODIES**

6.1 Inland Fisheries Ireland

- No objections provided land spreading is carried out as per details submitted and recommends that operations are carried out as per Section 4 Best Practice Measures outlined in the AA Screening report.

6.2 HSE

- Recommends that further information is requested in relation to details on control of odour and location of lands for the proposed land spreading of slurry.

6.3 TII

- States its reliance on the Planning Authority to rely on official policy in relation to development on / affecting national roads.

7. **THIRD PARTY SUBMISSIONS**

7.1 26 No. third party submissions were received in respect of the application objecting strongly to the proposal. The following summarise the issues and concerns raised:

7.2 Environmental Impacts

- Quality of Life affected because of nuisance.
- Network of streams to the south enter Blackwater river and may result in deterioration of water quality.
- Deterioration of air quality because of air pollution.
- Odour nuisance, already experiencing odour from cattle slurry.
- Impact on private wells causing health risk.
- Impact on groundwater and streams.
- Noise pollution.
- Unsustainable and will cause increase in carbon footprint.

7.3 Health Risk:

- Ammonia emissions a threat to public health as could cause asthma and decreased lung function.
- Threat to social well-being.

7.4 Traffic Issues:

- Local road not suitable for traffic volumes and will cause nuisance for local road users.
- Road will deteriorate with slurry movement.

7.5 Other:

- States address is incorrect, stating it should have read Drakestown, Castletown, Navan instead of Drakestown, Carlanstown, Kells.
- Development would destroy the memory and history of local community.
- Impact on loss of tourism who travel to visit the site of the Mountainstown memorial cross located c.500 yards from the site.
- Flood risk from development of concrete yard.
- Devaluation of property would result.
- Isolation due to friends not wanting to visit the houses in the area.
- This application is only part of a bigger future project.
- Loss of privacy during construction.

8. PLANNING HISTORY

8.1 Reference is made to a number of domestic applications in the planners report as follows:

- NA70556 - permission granted for extension to house and effluent treatment unit
- NA20383- permission for replacement dwelling
- 001232- permission refused for a dormer dwelling
- 891141- Permission granted on site to the north for livestock housing, farm produce store and silage pit.

On 4 February 2016, an application for windfarm consisting of 46 turbines was refused planning permission by An Bord Pleanála, under ref: PL17. PA003846. The current appeal site lies immediately south and east of the windfarm site.

9. PLANNING AUTHORITY DECISION

9.1 Meath County Council issued notification of decision to refuse planning permission for the proposed development. The decision was based on one reason summarised as follows:

‘Proposed additional HGV traffic movements associated with a narrow county roadway which adjoins the N52 national route; Planning Authority not satisfied that the development proposed, if permitted, would not endanger public safety by reason of traffic hazard for road users’.

10. GROUNDS OF APPEAL

A first party appeal was lodged against the refusal decision of the Planning Authority by the applicant. The grounds of are summarised as follows:

10.1 Site Description

- The site is a greenfield site of c.5.6 hectares within a farm of 57 hectares. The proposed development will be located to the rear of the applicant's landholding c.400m from the nearest residential dwelling house and is not within the flood risk area to the rear of the site. The area is a predominately rural agricultural area with well established tillage and grassland farming enterprises.
- The development is required to be located away from the applicant's existing farmyard structures to provide for adequate bio-security measures.
- The site is well screened by the natural topography and will be landscaped. The pig house will have suitable external finishes which will ensure it is well integrated into the site.

10.2 Project Description

- The proposed activity on site will be the farming of pigs. One pig rearing/grower house and ancillary structures to include feed silos, meal bins, water and storage tanks will be erected. The proposed development will be built in accordance with DAFM specifications and also in accordance with EC (Welfare of Farmed Animals) Regulations 2010.
- A description of the building is presented as is the process for pig rearing.

10.3 Site Access

- The site will be accessed from the local road via a relocated entrance along the southern boundary of the site. An internal roadway will be constructed along this boundary leading to the pig unit.

- The public roadway has a number of points that allow cars to pass each other as is typical of a local road.
- States that vehicles accessing or egressing the site have 3 route options from the local road as follows:
 1. Northwards to the N52,
 2. South to the R162 or
 3. Travel south from the entrance and head north along a local road to connect to the R162.
- In this context, the already minimal HGV traffic, at an average of 2 loads per week can be further diluted.

10.4 Planning Policy

- Considers specific policy in relation to pig farm developments. Notes that developments exceeding 3000 pig units should be sited 5km from existing population centres and states that this development, at 1800 pigs, is well below the threshold and is located 6km from the nearest population centres, Nobber and Carlanstown.
- Development is stated as meeting the management controls for spreading of slurry and is c.400m to closest 3rd party dwelling. Also states that it is located greater than the minimum 30m to closest water course.
- Borehole well proposed to be located within the existing landholding where there is an area classified as a Locally Important Aquifer (LI) with good yields (100-400m³/day). Water usage as a result of the proposed development is c.15m³/day, i.e. well below the lowest estimations of the potential aquifer yield.
- States that '*splash plates*' spreading method may be carried out on tillage lands subject to the agreement of Meath County Council.
- Regarding impact on sources of drinking water, no other water supply sources within the applicant's landholding and the proposed development is located c.400m from the closest third party dwelling.
- Regarding potential for likely significant effects on the Natura 2000 sites, reference is made to the AA Screening report.

10.5 Applicants Comments on Meath County Council Reports

- Considers that the basis of the concern of the Roads department is that they were of the opinion that there were 6 HGVs and 4 loads of organic fertiliser per week. States that this was incorrect as it is less, i.e. 2 HGVs per week.
- Use of relevant traffic data from an adjoining windfarm application was discussed and accepted by Meath County Council Road Design Office

in advance of use by the applicant and MCC previously expressed their satisfaction with its suitability as it was a recent application.

- Considers the road design report centres on the issue of who will bear the cost of road improvements rather than an insurmountable traffic safety issue.
- States c.50% of traffic will approach the junction with the N52 and balance will likely use the R162. Applicant is willing to reduce the portion of traffic accessing the N52 junction to reduce the volume of traffic turning accessing the site from this junction with the N52. States willingness to accept any limitations or preferences which An Bord Pleanála would specify.

10.6 Applicants Appeal - Traffic

- Restates that the information was incorrectly assessed based on 6 HGVs and should have been based on 2 HGVs and the weight of the deliveries. Considers that classified traffic counts would unlikely have been requested on the basis of the true low volume of traffic (i.e. 2 HGVs).
- Traffic data provided by the applicant was relevant as it related to the adjoining roadway.
- HGVs are already using the road to service the applicants existing lands and adjoining farmlands.
- A traffic count was completed from 7.00 - 19.00 on Thursday 10 December 2015. Traffic flow was light, was concentrated between 08.00-11.00 and 16.00-18.00. No HGVs were recorded during that time but 4 busses (2 morning and 2 evening) were recorded. A number of existing areas along the road to facilitate vehicles meeting and passing were identified.
- A number of HGVs are used for the transport of straw and grain from the end of the applicant's lands to the N52 and other movements of rigid truck or HGV transporting bovine stock along the local road. Currently the applicants own farming activities generate c.33-35 HGV movements / annum on the road. Cumulative HGV usage can be anticipated as c.45-75 per annum.

10.7 Appendix

- A number of extracts from the public planning file are contained in the appendix attached to the appeal. In addition, the results of the traffic movements recorded on the 10 December 2015 are also included. An extract from the 'Traffic and Transportation Section' of an EIS for a planning application for North Meath windfarm with associated traffic count at junction L34061 with N52 are also included.

11 OBSERVATIONS

11.1 Observations were received from 16 parties as follows:

Anthony Farrelly, Brid O'Donnell & Ollie McDonnell, Sharon Dowdall & Others, Eva & Barry McGahen, Noel & Susan Farrelly, Cllr Michael Gallagher & Cllr Darren O'Rourke, Catherine and Darren Tyndall, Rachel & Derek Nelson, Elizabeth & Nicholas McKenna, Sean & Nuala Farrelly, Paul Kelly & Others, Barry Sheerin & Others, Nigel & Lisa Kelly, Mary Ball, Dermot O'Donnell, David Ball.

The collective arguments made against the development by the observers are summarised under:

11.2 Environmental Impacts

- Quality of Life affected because of nuisance.
- Network of streams to the south enter Blackwater river and may result in deterioration.
- Deterioration of air quality will result because of air pollution.
- Odour nuisance will arise. States that they are already experiencing odour from cattle slurry.
- Impact on private wells causing health risk.
- Impact on groundwater and streams.
- Noise pollution from operation and HGV movements.
- Unsustainable and will cause increase in carbon footprint.

11.3 Visual Impacts

- Development will be visually obtrusive on rising ground.
- Out of character with the area in terms of the building size and scale and the intensity of operation in an attractive rural landscape. Screening will not alter this issue.

11.4 Health Risk

- Ammonia emissions a threat to public health as could cause asthma and decreased lung function.
- Impact on children's health and social well-being.

11.5 Traffic Issues

- Local road not suitable for traffic volumes and will cause nuisance for local road users. Junctions on either end of local road are substandard.

- Applicant does not propose (and does not have consent) to upgrade local road network.
- State of road will deteriorate with slurry.
- Road capacity insufficient and Fr. Murphy Monumental Bridge won't take the weight of HGVs.

11.6 Water Quality

- Site is bounded on 2 sides by surface water features and ground water sources and stream drains into the important spawning river Dee. Issue of waste water and landspread has not been sufficiently addressed.

11.7 Culture and Tourism

- Development will impact on historical monuments, in particular the 1798 Rebellion monument and the parish church of Drakestown (one grass covered wall remaining) and the parish church of Kilsany.
- Impact on loss of tourism, particularly those who travel to visit the local historic sites.
- Development would destroy the memory and history of local community.

11.8 Character of the Area

- The proposal fails to protect qualities of rural hinterland as an attractive place for investment and tourism.
- Proposal will destroy a large section of landscape and break up the view of the remaining landscape and surrounding development.

11.9 Other

- States address is incorrect, stating it should have read Drakestown, Castletown, Navan instead of Drakestown, Carlanstown, Kells.
- Negative visual impact.
- Flood risk from development of concrete yard.
- Devaluation of property would result.
- Isolation due to friends not wanting to visit the houses in the area.
- This application is only part of a bigger future project and if permitted, this would set an undesirable precedent for further expansion.

12 RESPONSES TO APPEAL

12.1 Planning Authority's comments on First Party Appeal

- The updated traffic count and the details based on an EIS traffic count in respect of a recent windfarm planning application (PL17.PA0038) are noted.
- Noting the Roads Design Section report, recommends that in the event of a grant of permission, a special contribution should be applied in order to facilitate remedial and strengthening works associated with the road network which will serve the development. Reference is made to the report of the SEE Roads Design Section).

12.2 The Board wrote to the Planning Authority requesting a copy of the **Road Design Report** which was referred to in their comments on the appeal but not received by the Board. This report was subsequently received, initially by email dated 9th February 2016 and the contents of that report are summarised under:

- Traffic count submitted to the Board indicates zero HGV traffic on the county road.
- Pig Carrier and HGVs associated with the development would have a detrimental effect on the road structure.
- If the HGV traffic travels north to the N52, works to the road should fall to the applicant to fund. States that an overlay is required over the full extent of the road c.2.1km) and this would cost in the region of €450,000. Recognises that it would appear an unreasonable amount and recommends a refusal in that context. No objection if the applicant were willing to pay €450,000

12.3 Applicant's comments on Road Design Office report

12.4 The Board circulated the Road Design Office report to the applicant and the following comments were received from the applicant by the Board on 4 March 2016. The contents of the applicant's submission are summarised under:

- A pig carrier would have no greater impact on a local road than a cattle lorry currently using the road to transport stock and / or a milk lorry, feed lorry using local roads throughout the county and country on a daily basis.
- Distance to the Regional Road (R162) is 50% of the distance north to the N52.
- Figure arrived at by Meath County Council (€450,000) to upgrade the road is excessive and to apply such a levy would be inappropriate and unreasonable.

- 2 lorry movements per week proposed which would be less than most small dairy farms in the country. If required, the applicant can reduce the HGV traffic by 50% as a feed provider who uses a tractor and grain trailer and who could deliver the feed to the farm has been identified.
- All farming activities have routine HGV traffic associated with feed delivery, milk collection and stock transport and considers Meath County Council's position would have serious implications for the development of farming activities in rural locations.
- The addition of c.2 HGVs per week could not breach National Transport guidelines which require local roads to be designed for a minimum 10% heavy commercial vehicle content.
- Applicant accepts that he will be required to pay a normal development contribution based on the requirement for agricultural buildings under the Meath County Development Contribution scheme. Extracts of the scheme are quoted.
- Considers that the roads contribution is sufficiently provided for under the normal development contribution scheme. Considers that road maintenance is not '*a specific exceptional cost*' and does not warrant a special contribution.

13 DEVELOPMENT PLAN POLICY

Meath County Development Plan, 2013-2019

- 13.1 The appeal site is within the area covered by the County Meath Development Plan, 2013. The site is not governed by any specific land use zoning objective in the development plan as it is located in an agricultural area.
- 13.2 Agriculture is covered under Section 10.9 of the Development Plan. The plan supports the provision of well located structures and facilities necessary for good environmentally sound agriculture practice. The suitability of any proposal will be guided by a number of factors including the following specific criteria:
- Compatibility of building design with the protection of rural amenities
 - Effective farm waste management
 - Consideration of location of major new complexes proximate to existing houses
- 13.3 Meath County Council recognises the role which the agricultural and food sector contribute towards the national economy and also considers that it is vital that the environmental qualities of the county are recognised and protected in such proposals. The scale and intensity of such activities and the appropriateness of the activity in relation to the quantum of waste generated and its effect on the area are stated as important considerations in assessing development proposals for intensive agriculture.

13.4 Piggery developments are covered under Section 11.13.2 of the Plan. New piggery developments exceeding 3000 pig units should be sited a minimum of 5km from existing population centres exceeding 200 people.

A number of criteria are required to be taken into consideration including the following:

- Demonstrate availability of sufficient land for land spreading
- Management controls for land spreading shall have regard to:
 1. spreading rates
 2. storage tank capacities with 6 months minimum storage
 3. time of spread
 4. distance from water-courses, with a minimum of 30m in all cases
 5. Distance from houses and public buildings, with a minimum distance of 100m except with the consent of the owner.
- Band spreading or soil injection shall be required for all piggery development and slurry spreading using splash plates shall not be permitted.
- Satisfy Planning Authority of adequate water source.
- Proposed development should be located a sufficient distance from sources of drinking water.
- Attention required to the potential for likely significant effects on the Natura 2000 sites.
- All effluent, including yard run-off, is collected and stored within the confines of the development.

13.5 The landscape character assessment set out in appendix 7 of the plan identifies the area in which the proposed development would stand as the North Navan Lowlands. It is categorised as being of moderate value, regional importance and moderate landscape sensitivity.

13.6 The following relevant objectives are listed below:

- **Objective ED POL 5** seeks *'To recognise the contribution of rural employment to the continued and sustainable growth of the economy and to promote this continued growth by encouraging rural enterprise generally, especially those activities that are resource dependent, including energy production, extractive industry, small scale industry and tourism in a sustainable manner and at appropriate locations'*.
- **Objective ED POL 14** seeks *'To promote rural economic development by recognising the need to advance the long term sustainable social*

and environmental development of rural areas and encouraging economic diversification and facilitating growth of rural enterprises’.

- **Objective ED POL 16** seeks *‘To recognise the contribution of rural employment to the overall growth of the economy and to promote this growth by encouraging rural enterprise and diversification generally and to promote certain types of rural enterprise, especially those activities which are rural resource dependent, including renewable energy production, **food production / processing** and the extractive industries..’*
- **Objective RD POL 10** seeks *‘To encourage and facilitate agricultural diversification into agri-businesses such as organic foods, rural tourism and small to medium sized enterprises subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area.’*
- **Objective RD POL 12** seeks *‘To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution’.*
- **Objective RUR DEV SO 7** seeks *‘To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable development and the management of environmental resources’.*
- **Objective RUR DEV SO 8** seeks *‘To support and protect the existing economic base and seek to diversify the economy through both inward investment and the promotion of agriculture, forestry and tourism-related industries in rural areas’.*
- **Objective RUR DEV SO 9** seeks *‘To ensure that plans and projects associated with rural development will be subject to an Appropriate Assessment Screening and those plans or projects which could, either individually or in-combination with other plans and projects, have a significant effect on a Natura 2000 site (or sites) undergo a full Appropriate Assessment’.*

14 ASSESSMENT

14.1 Introduction

I have considered the contents of the application, grounds of appeal, planning policy and observations on file. I have also attended the site and environs. The following assessment covers my planning considerations on the key issues and also encapsulates my *de novo* consideration of the application. I consider that those key issues which arise in this appeal case are as follows:

- **Development principle;**
- **Impact on Residential Amenity;**
- **Traffic issues;**
- **Slurry collection and spreading;**
- **Other Issues;**
- **Appropriate assessment.**

I set out my assessment of the proposed development under the respective headings.

14.2 Development principle

The proposal to develop this agricultural enterprise is located within an existing farm complex, in a rural area where agriculture is the predominant land use. The proposed development complies with Development Plan Objectives ED POL 5, 14, 16; RD POL 10, 12; RUR DEV SO7, 8 and 9; detailed in Section 12 above, all of which seek to promote agricultural diversification, food production and processing within the county. I am therefore satisfied that the development is in line with the stated policy and objectives of the current Meath County Development Plan.

I consider that having regard to the nature of the appeal site, which is an active farm, and its location in the open countryside outside any designated settlement that the proposed development would be acceptable in principle and would not be out of character with the surrounding area.

14.3 Impact on residential amenity

A number of observations have been received on this application. The main grounds of objection relate to the impact on residential amenity from odour and noise nuisance emanating from the site and the potential for this to increase with the intensification of activities.

In my opinion, **odour** from the pig rearing enterprise has the greatest potential to impact on surrounding residential amenity. I note however, that the nearest settlements to the site are Castletown, c.2 Km to the north east and Wilkinstown, 4 Km to the south east of the site. The closest rural dwellinghouse lies c.125m north of the new access point and c.400m from the location of the proposed building itself. There is another dwellinghouse located c.420m North East from the proposed building and over 1Km from the proposed access. The separation distances to those nearest receptors are considerable.

The applicant has highlighted that the facility will incorporate a number of measures to address and reduce the risk of odour nuisance. The pigs will be housed internally in a fully contained system. There will be adequate

hygiene/washing routines between batches, provision of adequate manure storage capacity, minimisation of movement and agitation of slurry and optimum ventilation control to keep temperature and humidity at required levels. The slurry tanks will be located underground below the pig houses themselves and this will help to contain odours. I am satisfied that odour can be mitigated against with good management. I am also satisfied, given the rural setting, where agriculture is the predominant use of lands, that the impact on residential amenity in terms of odour will be low.

In relation to **noise**, I do not anticipate that significant noise will be generated during the construction period and in any case, the construction will be temporary / short term duration and will not give rise to any significant residential amenity issues in respect of noise. The noise during the operation stage will be low and given the separation distance from houses, I do not consider that noise issues will be significant.

Having regard to the management practices proposed and the separation distances to the nearest houses, I consider that the proposed development in an established rural area will not injure residential amenities. I consider it would be contrary to the objectives laid down in the development plan and unreasonable within the context of proper planning and sustainable development to refuse permission for the development on the grounds of residential amenity.

14.4 Traffic issues

The volume of traffic associated with the development has been stated as an average of 2 HGV loads per week which includes feed deliveries (1 per week), 4 loads of weaner pigs in per 12 week production cycle and 8 loads of larger reared pigs out in the same 12 week production cycle. The applicant alludes to the potential to obtain feed deliveries from a provider who would use a [lighter] fast track tractor and grain trailer as an alternative to delivery by HGV.

Vehicles have a choice of 3 transport routes and it would be possible that the traffic movements could be further diluted along the 3 routes. I note that the Planning Authority have raised issue with the structure and capacity of the local road and with the junction at the N52. I concur with the view of the applicant that the Planning Authority, in seeking further information, seemed to understand that 6 HGVs and 4 loads of organic fertiliser would travel the local road on average per week rather than 2 HGVs. I note, however, that the traffic generated will occur in peaks of c.12 loads every 12 weeks rather than a consistent weekly average.

The local road leading from the site to the junction onto the N52 is substandard and severely pot holed. Some potholes seem to have been recently repaired on a temporary basis but the road in general is very poor and unsuitable for accommodating HGV traffic in its current state. It is also poor in terms of width and alignment. The junction onto the N52 is somewhat restricted in terms of horizontal alignment but I note the speed limit of 80 km/hr has been applied to the N52 at the junction. I note that the local road has a number of points that allow cars to pass each other as is typical of a

local road. The applicant, in his appeal, has put forward 2 related alternative routes, leading southwards from the site to the R162. At Georges Cross, south of the appeal site, there are 2 alternatives, one to head in the direction of North to the R162 and one to continue and lead to the R162 further south. I drove each of these on the day of my inspection. The route leading south is along a stretch of the local road which is in reasonably good condition. A portion of this stretch of road from south of the site to Georges Cross seems to have been resurfaced and strengthened recently and would in my opinion be well suited to take low volumes of HGVs.

Having regard to the choice of available routes and the potential for the route leading North to the N52 to be strengthened and brought up to an acceptable standard, I consider that there will be no significant traffic safety issues arising as a result of the agricultural development, particularly given the limited volumes of traffic currently using this road and the small volume of additional HGV traffic which the proposal would generate. Given the temporary / short term nature of the construction phase, I do not consider that this phase will give rise to significant traffic issues. On balance, I consider that the development is acceptable in terms of traffic safety and convenience.

I consider a condition whereby the traffic management and routes to be utilised would be agreed with the Planning Authority prior to the commencement of the development should attach to a grant of permission.

14.5 Slurry collection and spreading

The applicant has estimated the facility will result in a total manure production of 2246m³. This is based on the lowest water: meal ratio of 2.0:1 - Table 1 (Slurry storage capacity required for sows and pigs) of Schedule 2 (Criteria as to storage capacity and nutrient management) of SI No.31 of 2014 (European Union Good Agricultural Practice for Protection of Waters) Regulations 2014. A storage tank of 4785m³ net of freeboard is proposed which the applicant states provides a 24 month storage capacity. I note that the regulations require a minimum of 6 month storage capacity for pig manure so I am satisfied that sufficient storage is proposed on site for the manure and wash waters.

There is no detail shown on the drawings for the agitation of the slurry collected in the storage tank underneath the shed. I note however that the applicant states that the building will comply with the specification document S123 - (Minimum Specification for Bovine livestock units and reinforced tanks) laid down by the Department of Agriculture, Food and Marine. This specification addresses agitation of slurry and I am satisfied that once the building is constructed to comply with the specification, agitation will be adequately dealt with. I propose that this requirement can be strengthened by attaching an appropriate planning condition.

A customer fertiliser plan in the format of a single page spreadsheet is provided by the applicant and the applicant sets out (based on the manure figures generated) that the lands can cumulatively accept 250% capacity of

the manure as landspread to the named customers. The maps accompanying the fertiliser plan are copies of DAFM scheme maps and not specific landspread maps. Having reviewed the DAFM scheme maps and the areas presented, it is evident that the figures generated are based on gross areas claimed for DAFM scheme(s) without considering any exclusion of areas proximate to surface water, boreholes or houses for manure spreading. This is particularly relevant as under Section 11.13.2 (Piggery Developments), the Meath County Development plan requires a separation distance of 100m from houses and public buildings for slurry spreading. In addition, I note the named farmers listed on the plan are referred to as 'potential customers' and there is no evidence of consent from these individuals demonstrating that they will accept the slurry onto their lands. The customer list set out is out of date as it states it is a 2015 estimated customer fertiliser plan. I note that the area available for one customer, customer no.3 (John Pollock) is stated as 95.26Ha but the map attached clearly shows a gross area of 62 Ha. This is somewhat arbitrary as the customer plan is now out of date but I accept it was in date when the application was made to the Planning Authority.

Based on my review of the information submitted, I consider the actual areas available for land spread would be somewhat lower than the 250% stated. However, I note that the applicant has stated he will comply, and is required to comply with the requirements set out in S.I. 31 of 2014 (European Union Good Agricultural Practice for the Protection of Waters) Regulations 2014. These Regulations are very prescriptive in relation to capacity storage requirements and facilities for pig manure and nutrient management including application of slurry onto farmlands.

I agree with the inspector's conclusion under PL PL02.244342 in which he also referred to a previous appeal PL02.240879 with reference in both appeals that it would not be appropriate for a planning decision to attempt to regulate matters where there is a separate specific regulatory requirement established by statute. I note that the Environment Department of the Local Authority have no objection to the proposed development subject to conditions. I consider that the planning application should be considered on the basis that the manure generated will be stored and applied to land in accordance with S.I.31 of 2014 which seek to protect waters against pollution from agricultural sources.

Accordingly, I consider that a refusal of permission on grounds of pollution of ground waters or surface waters as a result of manure generated and its application onto lands would be unwarranted. Having regard to the provisions of the Meath County Development Plan, and in particular, Section 11.13.2 (Piggery Developments), I consider that, in the event of a grant of permission, no land spreading should be permitted closer than 100m to any house or public building, except with the consent of the owner.

14.6 Other Issues

Surface Water and Ground Water Pollution

The proposed development has potential to **pollute groundwater** and **surface water** in the vicinity from any escape of effluent into the adjoining surface or ground water. However it is noted that all soiled water generated from the enterprise is proposed to be directed into the slatted storage tank which are to be built to DAFM specification. There is a separate tank for truck washing proposed adjacent to the loading bay. The loading bay is itself covered. I note the operation of the development will be a complete indoor system and there are no external pens/areas. Pigs will be housed in the pig house and feed will be a dry feeding system, administered internally in the building. Water will be also given to the pigs internally in the building.

This pig rearing process based on a contained system would minimise the risk of any cross-over of soiled water with clean water on the external yard. Storm water from roof and impermeable areas will not be permitted to flow over soiled areas and will be discharged to adjoining watercourses.

Provided proper management measures are put in place to ensure that only clean stormwater is discharged to the adjoining watercourses and all other soiled waters are directed to the manure tanks and appropriately transported off site, I am satisfied that the proposed development will not represent a threat to surface water bodies or groundwater in the area. I consider that this issue can be appropriately strengthened by way of condition.

Cultural Heritage

The site is not located on or in close proximity to any historical monuments or **protected structures** and as such the proposal will not in my view adversely affect the composition or setting of any archaeological or architectural heritage structures. The nearest protected structures are Mountainstown House (MH012-100 - Country house) which lies c.1.2km south of the appeal site and Kilshine Church /Sr. Sinches Church (MH012-102 - 18th century First fruits church which is no longer in use lies c. 1.7km south of the appeal site). I am satisfied that the proposed development will not have any adverse impact on the **cultural heritage** of the area.

Impact on Property and Health Risks

There is no evidence to support that the development of a pig house would pose health risks to the community. Neither is there any evidence to support that properties would devalue as a result of the proposed development when taken in context. As stated earlier, the development is proposed on agricultural lands and will be separated by a minimum of 400m from any house which is a considerable separation distance. I consider that a refusal would not be justified on the grounds of **health risks or devaluation of property**.

Visual Amenity

I am also satisfied that the proposal is acceptable from a **visual amenity** perspective, given its agricultural building form and because of the natural screening available. The building will be set at a topographical level c.6-8m lower than the local road fronting it and c.10m below the approximate FFL of the nearest house. I also note the applicant's intention to landscape the new boundaries and I recommend that this would be further endorsed by way of an appropriate planning condition.

Flood Risk

A review of the OPW National Flood Hazard Mapping shows no flood events mapped on or proximate to the appeal site. On the day of my site inspection, I noted a low water level in the deep drains bounding the site in part. I further note that the applicant has stated that the development will not be located in a flood risk area. Based on the information on file and my visual inspection on site, I am satisfied that the proposed development is not likely to give rise to any significant **flood risk**.

Procedural Issues

I am satisfied that the address set out in the statutory notice is sufficiently correct. The development is sited in the townland of Drakestown. The development address was accepted by the Planning Authority in their validation of the planning application. It also would appear that third parties were well informed of the application by the public notice, given the large number of submissions received and are still included in the appeal stage. Therefore, the public notice served its purpose. Accordingly, I am satisfied that no procedural issue arises in relation to the address on the **public notice**.

Pig House Design

I note the Environment department of Meath County Council recommended a condition attach to a permission (if granted) requiring the pig house to be designed and constructed in accordance with S144 - DAFM (minimum specification for loose dry sows). However, I consider that this is not appropriate in this instance as the proposed pig house is not intended to house dry sows, but rather relates to rearing of weaners for sale. There is no specific building specification for rearing weaners but the closest and appropriate specification is that of S123, which provides specification for Bovine livestock units and reinforced tanks. The applicant has put forward that the proposal will comply with S123 in the documentation submitted with the application. I recommend a condition should attach specifying that the slatted tank beneath the pig house shall be designed and constructed in accordance with specification document **S123 by Department of Agriculture, Food and Marine (DAFM)**.

Special Contribution -Section 48(2)(c)

I note the report from the Roads Section of Meath County Council in relation to the appeal, dated 19 January 2015, recommends that in the event of a grant of permission, a special contribution of €450,000 should be applied for application of a road overlay. I consider that there are no works required to be carried out to benefit the particular agriculture development beyond that which is capable of inclusion in the normal Development Contribution Scheme. I note that roads and public transport are included within the agricultural development category in the Meath County Development Contribution Scheme 2016-2021 and accordingly I do not recommend the attachment of any **special contribution** to the grant of permission is warranted in this instance.

Instead, I consider a condition whereby the traffic management and routes to be utilised would be agreed with the Planning Authority prior to the commencement of the development should attach to a grant of permission.

14.7 Appropriate Assessment Screening

The EU Habitats Directive (92/43/EEC) requires competent authorities to review planning applications and consents that have the potential to impact on European designated sites, i.e. Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). To assist this process, the applicant has prepared an Appropriate Assessment Stage One: Screening Report.

The proposed development involves the development of 1 No. pig house to accommodate 1800 pigs and associated works. The information submitted with the application states that *“ancillary structures will include but are not limited to feed silos, water storage tanks, over ground storage tanks etc.”*

The appeal site is located 7.6km north of the River Boyne and River Blackwater SAC (Site Code: 002299). The qualifying interests include River lamprey (*Lampetra fluviatilis*), Salmon (*Salmo salar*), Otter (*Lutra lutra*), Alkaline fens, Alluvial forests with alder (*Alnus glutinosa* and ash *Fraxinus excelsior*) The River Boyne and River Blackwater is also an SPA (Site Code: 004232) with qualifying interests including Common Kingfisher (*Alcedo atthis*).

The conservation objectives of both of these sites are to maintain the favourable conservation status of the qualifying interests of the SAC and SPA, to maintain the extent, species and biodiversity of the entire site and to establish effective liaison and co-operation with landowners, legal users and relevant authorities.

The application site lies within the Eastern River Basin District, the Boyne River catchment and the Blackwater North Water Management Unit. The site is close to the Grange River and its tributaries. The river eventually joins the Moynalty River, which is a tributary of the River Blackwater. The Blackwater North River Water body is classified as having moderate ecological status.

The lower section of the Moynalty River is classified as having poor ecological status under the Water Framework directive (WFD). There is no information on the ecological status of the Grange River on the WFD website.

The screening exercise rightly concludes, in my view, that, given the scale of the development in relation to the overall size of the River Boyne and Blackwater SAC/SPA, the likelihood of any direct, indirect or cumulative impacts upon the integrity of the designated sites are low.

Having regard to other agricultural activities in the area, cumulative impacts are relevant. It is noted in the AA Screening report that all farms are required to operate within the legislation defined under SI 31 of 2014, regarding manure storage, minimisation of soiled water and good agricultural practice. Consequently, it is stated that cumulative impacts will be negligible. It is noted in the Appropriate Assessment Screening report that all farmers who will receive slurry on lands will be aware and informed of the requirements under SI 31 of 2014. As the slurry management system for the site is controlled by statute and best practice, I am satisfied that the impact of slurry spreading will have no impact on the European Site if managed in accordance with regulatory requirements.

In conclusion, I am of the opinion, based on the information submitted which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and in particular the River Boyne and River Blackwater SAC (Site Code: 002299) and SPA (Site Code: 004232). I am also of the opinion that taking the sites' conservation objectives into consideration that an appropriate assessment (and submission of a NIS) is not required.

15. CONCLUSION

The proposed development would provide a new agricultural enterprise in a rural area where agriculture is the predominant use. I consider the development is appropriate and fitting with its agricultural context and is in accordance with the provisions of the Meath County Development Plan 2013-2019. Having regard to the management practices proposed and the separation distances to the nearest houses, I consider that the proposed development would not seriously injure residential amenities. I further consider that the development would not seriously injure the amenities and the environment of the surrounding area, would not give rise to an undue risk of water pollution, would not be prejudicial to public health and would be acceptable in terms of traffic safety. Planning permission is not required for application of manure by way of land spreading. Customer farmers are obliged to comply with good agricultural practices under statute. It is considered that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 site and in particular the River Boyne and River Blackwater

SAC with regard to their conservation objectives. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16. RECOMMENDATION

I have read the submission on file, visited the site and paid due regard to the provisions of the current Meath County Development Plan. I recommend that planning permission be granted for the proposed development based on the reasons and considerations hereunder and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the design, layout and rural location of the proposed development, the pattern of development in the area and the provisions of the Meath County Development Plan 2013-2019, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to an undue risk of water pollution, 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 planning application on 27 July 2015 as amended by further plans and particulars lodged on 21 October 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The pig house and ancillary structures shall be used only in strict accordance with a management schedule to be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good

Agricultural Practice for Protection of Waters) Regulations, 2014 (SI No.31 of 2014), and shall provide at least for the following:

- (a) Details of the number and types of animals to be housed at any one time.
- (b) The arrangements for the collection, storage and disposal of all effluent generated from the facility.
- (c) The arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

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

3. All aspects of the slatted tank beneath the pig house shall be designed and constructed in accordance with the Department of Agriculture, Food and Marine Specification no. S123. Certificates of structural integrity of the tank shall be submitted to the Planning Authority prior to first occupation and on a 10 year basis thereafter, in order to confirm that no leaks of slurry to ground occurs.

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

4. All contaminated and soiled waters shall be directed to the underground storage tank proposed on site. No effluent or other contaminated run-off shall discharge or allowed to be discharged to any stream, river, watercourse or public road.

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

5. All clean stormwater from buildings and impermeable areas shall be separately collected and discharged to the adjoining watercourses and shall not be allowed to discharge to the foul effluent drains, slurry storage tanks or to the public road. Full details of stormwater layout, including levels, shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development.

Reason: In the interest of amenity, public health and to prevent pollution of watercourses.

6. Slurry generated by the proposed development 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 Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014 (SI No. 31 of 2014).

No slurry or soiled water shall be spread within 100 metres of any dwelling house or public building without prior consent of the owners and occupiers.

Reason: In the interest of residential amenity, public health and to prevent pollution of watercourses.

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 the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs.
- (ii) Details of screen planting.
- (iii) Hard landscaping works.

(b) A timescale for implementation.

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 2 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 interests of residential and visual amenity.

8. Prior to the commencement of the development, a Transport Management Plan, including details of haulage routes, vehicle types, purpose and frequency of all trips anticipated to and from the site, all in connection with the operation of the development, shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interests of traffic safety and orderly development.

9. 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 Acts 2000-2015. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Acts 2000-2015 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.

Patricia Calleary

Inspectorate

9 March 2016

Appendix: Maps and Photographs