

An Bord Pleanála



Inspector's Report

PL. 17 246455

DEVELOPMENT:

A. Widening of existing agricultural entrance, Construction of a new agricultural entrance; B. Demolition of existing agricultural building include livestock housing and general storage, C. Construction of (1) agricultural building to include milking parlour and ancillary rooms, () unroofed waiting yard and handling facilities (3) roofless cubicles and slatted slurry tank (4) Geomembrane lined slurry store (5) soiled water/parlour washings tank ((b) Erection foe al bin and water storage tank (c) Erection of external milk storage tank and associated site works.

LOCATION:

Loughcrew, Mullagh, Oldcastle, Co. Meath.

PLANNING APPLICATION

Planning Authority: Meath County Council.
P. A. Reg. Ref: KA/150639
Applicant: Francis Naper.
Decision: Grant Permission.

PLANNING APPEAL

Third Party Appeals: 1. An Taisce.
2. Loughcrew Heritage Protection Association.

Observers: 1. Irish Georgian Society, (Prescribed Body.)
2. Inland Fisheries Ireland, (Prescribed Body.)

Date of Site Inspection: 8th August, 2016.

Inspector: Jane Dennehy.

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site has a stated area of 3,879 hectares and comprises a farmyard complex which at the time of inspection was unoccupied other than use of a silage slab for storage in some areas. It is on the east side of the L2800 a short distance from Oldcastle and Millbrook to the north and is within a scenic and sensitive landscape very significant in cultural heritage with a multiplicity of monuments and protected structures. There are several agricultural sheds, animal housing and some hardstanding on the site which has two entrances onto the public road. The existing buildings have a total stated floor area of 1,227 square metres.
- 1.2 The frontage is denoted by rubble stone walling and indigenous trees vegetation. The ground falls toward towards the south from the ridge behind the site along which there are groups of trees and woodlands to the south east. Opposite the site are the church (recently converted to residential use) and graveyard of St Kieran and another dwelling. There is indigenous hedgerow along the south east boundary and trees and woodlands a short distance to the south east.
- 1.3 The location is in within a landscape of major archaeological, historical and cultural interest in the west of the Slieve na Calliagh Hills, a distinctive ridge of hills within the Boyne Valley. The location is directly below Carbane Hill and the Loughcrew complex of megalithic passage graves and cairns, which are part of a complex of major megalithic sites integral to the passage tomb culture of northern Europe. There is evidence of human activity and settlement back to the Neolithic period in Slieve na Calliagh.
- 1.4 To the southwest is the Loughcrew demesne estate dating from the seventeenth century, formerly the property of the Cromwell family and latterly the Naper family. The demesne estate is s designed historic landscape incorporating several recorded monuments within it and historic structures within it are also included on the record of protected structures.
- 1.5 A dwelling has been rebuilt among the outbuilding complex and remaining elements following fire damage in the 1960s and it is in use as a venue for private events. Between the house and the site location are the walled gardens which are intact but not in use, St Oliver's Church and tower and gardens where there is also an adventure centre and tea rooms and carpark open to the public.
- 1.6 A watercourse is to the southwest of the site, flowing to the west to the Dumore River at Milltown. It passes underground along some of its route the Loughcrew estate. The Dromore River is a tributary of the River Inny which flows on to Lough Sheelin.

1.7 It was noted in the course of the inspection that earthworks and roads across the demesne lands on the opposite side of the road had been construction. These works have been referred to in the appeal and observer submissions. There is a current undetermined application before planning authority for an underpass between the entrance to the site and the lands in the applicant's ownership on the opposite side.

2. **PLANNING HISTORY.**

2.1 **P. A. Reg. Ref. KA160244:** This is an undetermined application for permission for construction of an underpass across the public road facilitates movement of livestock between the farm complex and the lands to the west of the site on the opposite side of the road. An additional information request was issued to the applicant by the planning authority on 26th May, 2016 to which a response had not been lodged at the time of writing according to the website of Meath County Council.

3.0 **THE PLANNING APPLICATION.**

3.1 The original application was lodged with the planning authority on 22nd June, 2015. The application was supplemented by a substantive further information submission and revised public notices received by the planning authority in response to the multiple item further information request issued on 13th August, 2015.

3.2 The proposed development, according to the revised proposals and additional details submitted in the further information submission comprises:

- Demolition of all existing structures;
- Construction of new farm structures closely clustered together comprising: waiting yard and handling area, milking parlour and ancillary facilities in a covered building, with an external storage tank, meal bin and storage tanks, roofless cubicles over a slatted slurry tank and retention of the existing silage slab retained to the centre;
- The existing operation comprising 340 cattle will be increased to 370 cows by the year 2020. In addition, fifty calves will be kept on the farm as replacement heifers with the remaining calves sold off the farm one or two weeks after birth. It is a grass based system for 270-280 days per year supplemented by silage during winter months
- Calculations provided for the proposed slurry storage capacity in an on-site storage tank (OT5) is 3,074 cubic metres and it is estimated that the surplus capacity having taken into account freeboard for climate change factor, rainfall on open storage tanks and the roofless cubicles results in surplus storage of 23.85 cubic metres. The proposed a geo-membraned slurry lagoon with earthbanks originally proposed was designed out in the revised proposals.
- The soiled water and waiting area to be used at milking times only are provided with a sump and waste is diverted to a storage tank (OT5) and collected in slatted tanks beneath the cubicles. Stormwater proposals include silt trap facilities and drainage in open channels by gravity to soakpits.
- Waste from the slatted tank is to be spread on the landholding in accordance with Department of Agriculture requirements and standards.
- A hydrogeological assessment reported submitted on behalf of the applicant, completed by desk research and trial pitting. The ground excavations indicated that seventy four of eighty one test holes demonstrated at least one metre of soil or subsoil beneath the surface. The remainder, in the northern section of the site exposed bedrock in the upper most areas resulting in 9.5 percent of the landholding of seventy four hectares as unsuitable for land spreading and to be excluded.
- Water supply is from the existing well serving the farmyard.
- The landscaping proposals provide for use of indigenous species and woodland screening is shown on the layout to the rear, north west side, west side east side and to the front on the inner side of

the front boundary A methodology for dismantlement and reconstruction of the limestone wall on the site frontage.

- The landscape and visual assessment of the redesigned complex on the site demonstrate acceptability of the proposed development. According to the written submission the assessment was prepared in winter months, the worst case scenario. With mitigation landscaping in place impact is indicated that impact on the cultural landscape is neutral to slight inclusive of impact on the recorded monuments, protected structures and protected views due to tree plantations and topography. Impact in views from selected vantage points at sensitive locations according to the assessment, are very limited the complex being a small invisible or barely visible element in the landscape, with a proposed planting scheme in place.
- One entrance only is to be retained and upgraded, the other being closed off and infilled. It is to have sightlines of 120 metres to each side which according to the applicant has been previously agreed, with the Transportation Department.
- An ecological impact assessment report on terrestrial and aquatic life in which it is included that with adequate mitigation specified; the proposed development would have a neutral impact.
- A screening report for appropriate assessment purposes with detailed assessment relating to five European Sites within ten kilometres distance of the site is included. It is concluded that no appropriate assessment issues arise that would warrant a stage two appropriate assessment.

3.3 Internal Technical Reports:

3.3.1 The final report of the **Roads Transportation Department** indicated acceptance of the refused proposal subject to a six metre setback from the front fence line for the access gate (to ensure vehicles that are waiting are off the carriageway. (The initial report had indicated a requirement for 160 metres sightlines at the entrance but the revised proposal showing one upgraded entrance only with 120 metres sightlines has been accepted.)

3.3.2 The final report of the **Heritage Officer** of 22nd March, 2016 indicates:

A recommendation for implementation in full of the mitigation measures proposed in the ecological impact assessment report submitted with the further information submission.

that the proposed development will have negative impact on the Lough Crew and Slieve na Callaigh Hills LCA.

Satisfaction with the findings of the appropriate assessment screening statement, that the integrity of Natura 2000 sites will not be adversely affected.

3.3.3 The final report of the **Environment** section indicates acceptance of the proposed development subject to conditions.

3.3.4 The final report of the **internal Scientist** indicates satisfaction with the details provided in the further information submission. The applicant had been requested to demonstrate satisfactory management of surface water. The site is in an area of extreme vulnerability over a poorly productive aquifer. A requirement for a minimum thickness of 1 metre of soil and subsoil must be demonstrated to render the proposal to be acceptable, details of suitably qualified lands for landspreading wastes subject to conditions. (The applicant designed out a geomembrane slurry lagoon in the further information submission, about which details had been sought.)

3.4 **Prescribed Bodies**

3.4.1 The final submission of the **Inland Fisheries Ireland**, (prescribed body) of 10th March, 2016, includes a statement that the proposed development is not acceptable. The scale and intensity of the proposed operation in a nutrient sensitive location is likely to have potential for significant effect on the environment. It is proximate the Dromore River which is downslope, and is a trout spawning and nursery stream flowing to the Millbrook River and thence to Upper Inny a spawning river contributing significant nutrients in the Lough Sheelin catchment. There is a lack of evidence of claim as to negligible cumulative impact: Concerns include possible overwintering and potential run off to watercourses towards which there are steep slopes; inadvertent slurry spreading over areas not designated where groundwater will be affected; Leaching of nutrients into watercourses and trout bearing tributaries in the vicinity of Loughcrew House. Concern about WFD requirement to maintain high and good ecological status of the water bodies (SI 272 of 2009.)

3.4.2 The final submission of **An Taisce**, on the further information submission confirms the initial view that the proposed development is inappropriately intensive agricultural operation inappropriately located in an archaeologically sensitive demesne landscape. According to the submission: there is adverse landscape impact, the visual and landscape impact assessment not being acceptable, the practical concerns regarding slurry spreading in the vulnerable areas negligible cumulative impact not being demonstrated.

3.4.3 The original submission of **Department of Arts Heritage and the Gaeltacht, (Monuments)** indicates a recommendation for an archaeological monitoring condition, the proximity of recorded monuments being noted in the report.

3.5 Several observations and submission were received at application and further information stages by the planning authority in which issues of concern included: Impact on landscape character, the monuments and protected structures and the Loughcrew demesne estate, visual impact, storm and foul drainage. Landscaping and planting arrangements, environmental impact assessment, future maintenance and management and other relevant development undertaken on the landholding.

4.0 **DECISION of the PLANNING AUTHORITY.**

4.1 By order dated, 22nd March, 2016, the planning authority decided to grant permission subject to eighteen conditions which include the following requirements:

Condition No 2 requires details of external finishes to be agreed by compliance submission.

Condition No 3 contains a requirement for the slatted tank and soiled water and parlour washings tank and for the milking parlour and dairy to be constructed in accordance with Department of Agriculture minimum standards

Condition No 4 contains the requirement that no land spreading be carried out in areas identified under the hydrogeological assessment report submitted to the planning authority for the reason of environmental protection.

Condition No 5 contains the requirement for mitigation set out in the ecological impact assessment report to be implemented in full for the reason of environmental protection.

Condition No 6 contains the requirement for the access gates to have a recessed of six metre from the road edge to be shown on a revised site layout plan to be submitted to the planning authority for written agreement.

Condition No 10 contains the requirement for adequate off carriageway parking including delivery and service areas to be provided and for no parking to take place on the public road.

Condition No 15 is an archaeological monitoring condition and for assessment of archaeological potential previously identified in

conjunction with the Department of the Arts Heritage and the Gaeltacht.

4.2 The planning officer in her report notes the importance of the agricultural sector, the existing agricultural development on the site, the need for consideration of environmental issues and the sensitivity of the site location. She indicates satisfaction with the details of the proposals included in the further information submission.

5.0 **FIRST THIRD PARTY APPEAL - AN TAISCE.**

5.1 An appeal against the decision to grant permission was received from An Taisce on 15th April, 2016. It contains an account and the cultural heritage features and significance in the landscape and the archaeological and architectural heritage with particular reference to the intention on the part of the local authority to submit an application to UNESCO for an International Designation and statutory policies and designations. Included in the attachments are:

- an assessment by Kevin Mulligan, Architectural Historian on impacts on the landscape, in particular the Loughcrew demesne;
- an assessment by Dr. Mark Clinton on archaeological heritage, and,
- photographs of recent excavation and roads construction works in the landholding.

5.2 An outline of the appeal grounds follows:

- A preliminary screening determination for EIA should be carried out although the planning authority failed to undertake it. The development is sub-threshold it is in an area with multiple sensitivities.
- The application is an element of a larger intensive cattle farming operation in the demesne involving quarrying and with associated road and other works which have been carried out in the demesne. There are larger plans to increase grassland yield and fodder production which should be assessed as part of the current development proposal. (Photographs are attached)
- The revised design does not resolve the unsuitability of the location of the proposed development, having regard to the important LCA designation, associated policies in the Meath CDP and the statement of the heritage officer as to negative impact on the LCA. This is a sufficient reason for refusal of permission.

- The conservation officer's report lacks any assessment and is entirely inadequate.
- There are important reciprocal views between demesne and Slieve na Caillach megalithic complex. The landscape assessment submitted with the application fails to demonstrate appreciation the historic and cultural significance and therefore the assessment is insufficient. The impacts of the development (which is industrial and intensive) will range from significant to profound and the sensitive environment would be altered. - The associated road works and excavations have had a profound impact on the deigned landscape. The proposed development and the additional works carried out will cause irreparable damage to the major designed landscape in direct contravention of policies for protection of historic parklands gardens, and demesnes.
- The slurry impact of 370 animals, which are not easily managed by planning permission is a major concern The accuracy of the description of the development is questionable. The concern of Inland Fisheries Ireland for the trout spawning at the Dromore River is supported.

6. **SECOND THIRD PARTY APPEAL - LOUGHCREW HERITAGE PROTECTION SOCIETY**

6.1 An appeal was received from Hendrik van der Kamp on behalf of the Lough Crew Heritage Protection Society on 18th April 2016 in which it is acknowledged that development of farm buildings is integral to viable agriculture. Difficulties with the current proposal relate to the proximity to the road frontage, the elevated nature of the site within the landholding and consequent impact on the historic landscape. According to the appeal the historic landscape, (with evidence of history in physical, visual and cultural forms) in which the site is located is an extremely significant and particularly sensitive heritage landscape together with the Hill of Tara and the Boyle Valley as demonstrated in the development plan and accompanying Landscape Character Assessment (Appendix 7) An outline summary of the appeal follows:

- The proposed development, along with associated traffic generation will detract from the tranquil setting of the fifteen protected structures in close proximity to the site location and is therefore in conflict with development plan policy objective CH OBJ 13
- The protected structures and archaeological monuments (including the souterrain (ME 015-28) in the walled garden, a protected structure (MH 015-116) are below the level of the site and the road located within two hundred metres and in close proximity and are at risk of flooding impact by potentially polluted surface water and by spillage of effluent.

- Residential amenity at St Kieran's Church (protected structure), recently converted to a dwelling will also be adversely affected as well as the long term viability of the structure by way of the new use.
- The landscaping required under condition no 7 of the planning authority decision is insufficient to overcome the visual conflict with the development and the historic landscape. It will take time to mature it should not be necessary to hide buildings from views in an important landscape. The LCA recommends avoidance of additional elements out of character into a landscape and seeks restoration of the landscape.
- Protected view No 6 and Protected View No 7 (Appendix 12, Meath CDP) will be adversely affected, View no 7 being affected by the close proximity to the road from which the view is experienced.
- The proposed development, as indicated in the Heritage Officer's report is inappropriate for the location given the exceptional cultural significance of the landscape in value and importance and the high sensitivity and low capacity to accept development indicated in the LCA 2007 (Meath CDP Appendix 7) the very evident tourism potential, similar to Newgrange is recognised in the LCA. The proposed development adversely affects the integrity of historic landscape and reduces the tourism potential.
- Notwithstanding the requirements of Condition Nos 3, 4, 5 and 13 attached to the planning authority decision, there is a real risk of pollution of nearby watercourses by effluent generated by the development. The concerns of Inland Fisheries Ireland (IFI) with regard to the proposed open cubicles, the nutrient sensitive location, the hydrological demands on the environment, risk of inadvertent spreading of slurry on excluded areas of land and the gradient where spreading will take place relative to open water course were not satisfactorily overcome in the further information submission. The concerns of IFI are supported. The planning officer failed to make comments on these concerns in the planning officer's report.

7. OBSERVER SUBMISSION - IRISH GEORGIAN SOCIETY

7.1 An observation was received from the Society by the Board on 13th May, 2016. An outline summary follows:

- The cumulative impact on the demesne of the recent excavation and construction of a road network within the network carried out and the application for the underpass connecting the site to the opposite side of the road within the demesne is the most major concern.
- A thorough archaeological assessment is required. If the application is approved, monitoring during the works is required.

- The mix of species in the proposed screen of planting around the buildings is out of place for the estate landscape. The species in the small wood on the hill behind the site which has been in existence since the late 19th century would be more appropriate.
- A significant portion of the 1836 Loughcrew estate Avenue from the west lined with lime trees survives in the vicinity of the site and boundary with some surviving trees on the site boundary. . Removal of the surviving limes and seeded trees and replacement with limes would re-establish the avenue, the proposed laurel planting being inappropriate.

7.2 As regards a basis for the objections to the interventions outlined above it is stated that in addition to the international archaeological and cultural significance of the Slieve na Calliagh landscape and the cairns the features on the lower slopes including a ringfort close to the appeal site and several others including a motte indicate elements of a total ritual landscape of later ringforts and souterrains. They are located in close proximity and were incorporated into the remarkable later seventeenth, eighteenth and nineteenth century designed landscape of Loughcrew Demesne Estate.

8. **OBSERVER SUBMISSION of INLAND FISHERIES IRELAND. (Prescribed Body)**

8.1 A submission was received by the Board on 22nd April 2016 from IFI and an outline summary of the objections follows:

- IFI has serious concern as to the proposed intensive agricultural operation due to: the nutrient sensitive nature of the Upper Inny and its tributaries which are part of the Lough Sheelin catchment. The scale and intensity of the proposed development in a nutrient sensitive location give rise to potential for significant effect on the environment in particular water quality. A precautionary principle is a key component of the Water Framework Directive requiring maintenance of high or good ecological status in water bodies and reinstatement to good ecological status. Potential pollution of groundwater and potentially subsequently surface water is a considerable risk and contrary to the Water Framework Directive, the Groundwater Directive, and other related legislation.
- IFI is satisfied with the proposed buildings and storage facilities but is seriously concerned about the proposed land spreading arrangements in that the entire farmholding according to the hydrogeological report has significant groundwater vulnerability ranging from high to extreme. The concerns are due to:

the vulnerable nature of groundwater within the land spread area proposed;

the free draining soil above the permeable bedrock, and,

the slope of land.

- The proposed unit will drain into the Dromore River a tributary of the Millbrook and Upper Inny, an important spawning and nursery area for brown trout feeding into the Lough Sheelin fishery. It has a unique trout producing potential, and supports substantial stocks of brown trout but is in close proximity to the site. Enhancement works have been carried out to the Dromore River downstream from the site which has led to a steady increase in trout spawning redds. Protection of the streams is paramount to the conservation of trout stocks and recreational angling. The Upper Lough Inny and tributaries has been affected by nutrients from intensive agriculture which is deleterious in impact on water quality and aquatic habitats.
- According to the hydro geological report that a few areas have insufficient deposit of overburden and that that the northern portion of the site is dominated by infiltration. (s2.2) The precautionary principle should be applied to protect the nursery habitat of the Dromone River because the rapid infiltration to the bedrock and groundwater beneath occurs. The rationale for exclusion of ten percent of the lands ignores the total vulnerability of the northern portion of the site. It is difficult to avoid inadvertent spreading on excluded land.
- IFI considers spreading of organic and artificial fertilisers to be deleterious to groundwater. A significant part of the northern area of the land has extremely vulnerable ground water conditions and conditions are vulnerable in the remainder of the lands.
- The soil has poor ability to cope with high rainfall and given the slope, extreme rainfall events will result in flows containing polluting or deleterious matter. (In 2013 land slippage occurred in a tilled area on this farm and it was exacerbated by high rainfall due to Storm Darwin.)
- Habitats and fisheries are reliant on unpolluted water. Use of open cubicles will lead to higher quantities of soiled water generation which, if spread leads to higher loading on the nutrient sensitive and vulnerable lands. Reduced volumes of soiled water must be employed such as roofed cubicles, separation and diversion of cleanwater. Poor quality ground water will impact on surface waters and the therefore affect the quality of freshwater habitats and fisheries. (Reference is made to three papers published by Teagasc

and by the EPA from which extracts are quoted and to information published on the Geological Survey of Ireland website including the GSO protection scheme guidelines which highlights the importance of groundwater and impact of pollution.)

- Climate change increases the concern; a storage requirement of twenty two weeks instead of eighteen would apply to the area given the slopes of the site, soil type and ground water vulnerability.
- The road network that has been constructed in the landholding, (not subject of the application) could be used for disposal of soiled water. This can lead to saturation of nutrients with implications for overland surface water flow as well as ground water flow.
- A grant of permission is not acceptable. Further information in the form of an EIS is required and the precautionary principle should be applied especially to the extremely vulnerable lands to eliminate pollution of groundwater. Should permission be considered conditions should be attached to include:
 - Spreading should not be permitted on the upper section of the lands. A system of marker poles on the portion of land excluded should be required.

Installation of two groundwater monitoring wells to monitor the upper and lower section of the landholding to establish ground water status and potential contamination in accordance with advice of an independent hydro geologist and with allowance for access by statutory agency personnel.

The open cubicles should be replaced by covered cubicles and uncontaminated water directed either to groundwater or surface waters (A license may be required.)

A riparian zone of at least ten metres separation distance fenced off adjacent to watercourses comprising the Dromone River or tributaries.

- It is not necessarily accepted that cumulative impact would be negligible. An EIS should be carried out on the impacts of the proposed development. An indirect input of pollutants to surface water and nutrients to ground groundwater likely to arise in the Dromone River will affect the fishery and the status of Lough Sheelin. IFI is not convinced that ground water will not be affected.

9.0 **RESPONSE TO APPEAL BY THE PLANNING AUTHORITY.**

9.1 The planning officer in a submission received on 17th May, 2016 refers to the reports on the application and requests that their contents be taken into account in determining the appeal. It is confirmed that it is considered that the landscape has the capacity to accept the development and that it is acceptable in terms of visual impact and impact on monuments and protected structures.

9.2 According to the submission, the details relating to land-spreading in the further information submission are acceptable and it is noted that lands spreading is also subject to a separate code. It is also stated that the activities that have taken place outside of the site area (referred to by the third parties and observers) is exempt development and an enforcement file, Ref 15/267 refers.

10. **RESPONSE TO THE APPEALS BY THE APPLICANT.**

10.1 A submission was received from the applicant's agent on 17th may, 2016. The contents of which can be outlined as follows:

- The proposed development is a modern complex and a design response which has far less adverse impact on Loughcrew Demesne and Slieve na Calliagh Hills than the existing farmyard complex. It is a consolidation and change of use from dry farming to dairy farming with improvement works eliminating runoff. The advantage of the selected site, (which is not at the lowest point in the landholding) is that it is a consolidation of an existing farmyard complex, has screening and an existing access onto the road.
- The visual impact assessment demonstrates that the development ensures continued viable economic use of the lands, does not increase the extent of buildings having regard to the low capacity of the LCA for new buildings and the long standing relationship to farming on the lands by the Naper family should be recognised. Intensive agriculture on the site which has been established over years requires no grant of planning permission and is modernisation and rationalisation rather than an industrial activity as asserted in the appeals.
- There is no unauthorised development on the site. References to quarrying and other works (at historic gravel pits) outside of the site are not relevant to the applications. Claims about these works, EIA and about plans to increase grassland yield and cattle fodder production are unsubstantiated and irrelevant to the appeal.

- The assessment of visual impact on landscape character of national to international importance addresses the concerns of An Taisce. The assessment established limited visibility and protection of sensitive locations by undulating topography and trees and the function of the landscape as a living landscape is emphasised. There is partial visibility at present from the cairns and passage tome at Carnbane west due to felling a new plantation when it grows will result in no visibility. The proposed development is not within protected views, does not detract from them and does not have negative impact on protected views. The planting, in indigenous species balances the plantations in views and improves the setting of the farm in the historic landscape. The assessment and proposals are informed by an expert consultation.
- The cultural amenities and tourism potential of the area are unaffected by the proposed development.
- Competent experts prepared the reports on the further information submission and no further justification for their contributions to the application is required. References are made to the reports of Dr Mark Clinton and Keven Mulligan and the claims about potential for spillages, and other impacts are rejected.
- The AA screening report, ecological report and hydrogeological report address water quality, land spreading, species issues and surface drainage. The concerns in relation to these issues in the An Taisce Appeal are not clear, are speculative and unsubstantiated and comments of Dr Mark Clinton about potential spillage and pollution is without substance.
- The concerns of Inland Fisheries Ireland were fully addressed in the further information.
- The development is on a public road where agriculture is the predominant land use and it is not a remote untrafficked location as regards the remarks about tranquil setting of protected structures and monuments which will be unaffected.
- The additional report of the visual impact assessment consultant suggests that the appellants misunderstand the scope and purpose of the assessment. An audit or survey of all the heritage assets was not intended and it is assessment of the proposed development. There is no evidence to support the assertion that the visual impact and impact on the landscape is significant or profound. The negative aspects of the

existing development should also be taken into account. The mitigation planting addresses any mitigation required. The assessment was carried out with reference to the EPA guidelines for EIS preparation. The locations selected for photomontages were the most sensitive or where visual impact was most likely and a lot of possible vantage points were considered.

- The additional report of Teagasc included with the submission indicates confirmation that the design complies with S 101 and SI No 31 of 2014 and does not pose environmental risk to ground or surface water as indicated in the findings of the hydro geologist, Appropriate assessment screening and ecological reports show that the farm is more than sufficient to support the volume of slurry generated on the farm allowing for the restrictions in the hydro geological report. Storage capacity exceeds minimum requirements for rainfall and for freeboards.
- The proposed development is acceptable. Having regard to the established land use, the location the improvements proposed the limited intensification, the upgraded effluent collection and storage process, topography and the applicant's connections to the area. And the consolidation.
- As regard compatibility with the existing landscape the LCS refer to unspoiled and to the degraded landscape which is confusing. The ridge is a natural result of geology and is what remains of a designed landscape at Loughcrew demesne which is manmade. What is left is attractive although the walled gardens are empty and the house is gone. It is in many landholdings is it i not “unspoint”. It is not true that the demesne survives “intact” but it is an area of visual sensitivity. All the surfaces are manmade due to the cairns and passage tombs and plantations.
- The LCA indicates low capacity for new farm buildings but the proposed development does not increase the extent and it also includes extensive areas of native woodland screen planting.

11 STATUTORY POLICY CONTEXT.

- 11.1 The operative development plan is the **Meath Development Plan, 2013-2019** according to which the site location is within the area of Landscape Character Assessment Area 19 and the Loughcrew and Slieve Na Callaigh Hills. Further details of which are provided in the LCA carried out in 2009 which is incorporated in the development plan

in Appendix The area is described as being of exceptional value and of National to International interest and high sensitivity with a low capacity for absorption of large scale farm buildings. According to LC SP 1: the LCA has low potential capacity to accommodate large agricultural buildings highly sensitive and degraded condition so large agricultural building would add elements that are out of character

Policies and Objectives include:

- Protection of the landscape character, quality and local distinctiveness of County Meath in accordance with relevant government policy and guidelines and the recommendations in the Meath Landscape Character Assessment (2007)
- Provision for protection of integrity of all landscape types and maintaining the character in exceptional value and highly sensitive areas and assessment of development proposals in regard to the Landscape Character Assessment 2007 in the appendix.
- Policy RD PL 12 facilitates development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.
- Section 10.9.1 provides for policies and standards for agricultural buildings.
- Development management standards for agricultural development are in section 11.12.1
- To protect archaeological heritage rural character setting and amenity of the Tara landscape and Loughcrew and Slieve na Calliagh Hills.
- To explore the designation of a Landscape Conservation area for Loughcrew and Slieve na Calliagh Hills. (s 204 of PDA 2000 – 2011 refers.)
- Preserve the area as a nationally and internationally important archaeological site comprising passage tombs and cultural landscapes relating to Oliver Plunkett through the preservation of the unspoilt landscape setting.

Recorded monuments include:

- souterrain (ME- 015-028) in the walled garden at Loughcrew is exceptional
- Church and graveyard (ME- 015-027),
- Ringfort / rath (ME- 015-025)
- Norman motte and bailey (ME- 015-026) 015
- Graveslab (ME- 015-02)
- Standing Stone. (ME- 015-023)
- Standing Stone. (ME- 015-024)

Protected structures in close proximity include:

- The protected structures -
- ME 015-112 Sexton's House (1880s)
- ME 015-113 St Kieran's Graveyard (c 1840s)
- ME 015-114 St. Kieran's Church of Ireland. (c 1840s)
- ME 015-115 Loughcrew Demesne Gates (c 1840s)
- ME 015-116 Loughcrew Demesne Gardens (c 1840s)
- ME 015-117 Garden Lodge Loughcrew (c 1840s)

Views and Prospects Protected Views and Prospects are in section 3.1.3

- Protected View No 6 (Appendix 12) provides for Panoramic views in all directions including indivisibility between the three peaks as a site of high cultural and scenic significance characterised by of very low levels of enclosure.
- Protected View No 7 (Appendix 12) View 7 provides for protection of extensive views across the scenic and cultural landscapes to the east and south east from the road on which the site is located

The site location is in an area of extreme vulnerability over a poorly productive aquifer. Landspreading is generally unacceptable with a consistent minimum thickness of one metre of soil and subsoil)

12. ASSESSMENT

- 12.1 The application is for a large dairy farm operation, based at a farmyard in current use as a dry stock farm incorporating a change and intensification of use within a newly constructed farmyard milking parlour and an upgraded entrance at a very sensitive site location.

12.2 The issues considered central to the determination of a decision, arising from the submissions made in connection with the application and the appeal are:

Nature and intensity of the proposed development in principle,

Potential for pollution, especially of trout spawning waters - : Lough Sheelin waters.

Impact on Landscape Character, Monuments and Architectural Heritage and Protected Views.

Impact on Vehicular and Public safety and convenience.

First the Issues relating to Environmental Impact Assessment and other development recently carried out on the applicants lands are addressed below.

12.3 The four parties at application and/or appeal stage submit that the proposed development should be subject to (sub-threshold) EIA in view of the high sensitivity and low capacity of the site location to accept development and the intensity and nature of the proposed development. They contend that the applicant should be required to submit an Environmental Impact Statement. However, it can be confirmed development description does not come within any of the classes of development for which a sub-threshold EIA could be applied having regard to the Planning and Development Regulations, 2000-2015 and to Schedule 5 thereof in particular. It is therefore not open to the competent authority to determine whether 'sub-threshold' EIA should apply.

12.4 The parties also indicate concern and objection to excavation works and road construction works that have taken place on the applicant's landholding on the opposite side of the public road. It is of note that this development does not come within the scope of the application and that there is a concurrent application for an underpass between the farmyard and these lands before the planning authority at present. Consideration of these developments is outside the scope of consideration of the appeals against the subject proposal and clarification as to the planning status of these works would be a matter to be addressed by the planning authority.

12.5 Nature and intensity of the proposed development in principle.

It is understood that the existing development on the appeal site is that of a farmyard, supporting with a dry livestock agricultural business operated on the landholding in the ownership of or leased to the applicant. (There is no dwelling at the farmyard.) It is stated that it is proposed to upgrade and alter the farmyard for use as a modern dairy farm yard and milking parlour complex and that herd numbers will increase within a few years from 300 to 370 cows with circa fifty calves each year will be retained on the farm as

future replacement milking cows. The proposed development is a dairy farm at which overwintering is to take place for circa 90 days of three months of the year, open grazing on the land taking place for nine months.

- 12.6 Account should be taken of the existing development as a baseline in applying the criteria in Objective LC SP 1: “*Low potential capacity to accommodate large agricultural buildings highly sensitive and degraded condition so large agricultural building would add elements that are out of character*” and associated objectives and criteria for the Landscape Character Assessment for the Loughcrew and Slieve na Callaigh Hills (LCA19). The site location is also to function as an established area of rural and agricultural enterprise simultaneously with management and protection of the ancient and ritualistic landscape incorporated in the seventeenth century into the designed demesne estate of Loughcrew, which has been deemed to merit designation at international significance by UNESCO.
- 12.7 Notwithstanding the discouragement of new development in this highly sensitive and significant area it is reasonable to consider the proposed development subject to satisfaction of all technical standards with design mitigation in place and assurances as to elimination of or minimisation of adverse environmental impacts. To this end, relative to the existing drystock farmyard operation, elements of the proposed development provide for improved conditions and potentially reduced impacts on the environment in terms of management of farmyard manure, visual impact, landscape impact and access arrangements as discussed below.
- 12.8 The comments and contentions that the carrying out of excavation and road building works within the landholding in the demesne facilitates larger scale plans for grassland yield and fodder production have been noted and observed in the course of the inspection. These works do not form part of the current application and as such they are not open to consideration in connection with the determination of the decision on the proposal.
- 12.9 In terms of intensity, maximum numbers of animals using the parlour per day can be stipulated by condition so that numbers milked in excess would be in contravention of the grant of planning permission itself. This should eliminate any concern as to a continuous rotation whereby a total of animals in excess of the maximum indicated and permitted would be unauthorised. Intensification of use is of the greatest concern with regard to manure spreading on the landholding given the poor ground conditions, as discussed below.

12.10 **Surface and Foul Water collection, storage and disposal.**

It is noted that the details of the revised proposals for arrangements for collection of storm and soiled waters, within the reduced size farmyard, satisfies the minimum standards of *The European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014*, (SI No 31 of 2014) as

confirmed in the assessment of Teagasc provided by the applicant. It has been demonstrated in calculations provided which take into account the roofless cubicles, freeboard allowance for the climate change factor and rainfall in uncovered storage space there is a marginal excess 23 cubic metres in the proposed soiled water storage capacity of 3,074 cubic metres to be provided. The proposed arrangements for separate storm water collection and disposal to soakpits are satisfactory. Subject to appropriate implementation of the construction and operation in the farmyard as proposed, the arrangements are considered satisfactory from a planning perspective and in this regard it is noted that Inland Fisheries Ireland has no objection to the collection and storage arrangements.

- 12.11 With regard to the spreading of manure on land holding, assurances as to the achievement of satisfactory standards and compliance with statutory requirements from a planning perspective are provided. The exclusion of the entirety of the northern area of the landholding as opposed to the specified areas identified in the hydro-geologist's report from land spreading provides for greater assurance as to elimination of risk of contamination of ground waters, watercourses and flooding. However, a reasonable case is made in the hydrogeologist's report for the designation only of "land spreading exclusion areas" amounting to 9.5 per cent of the landholding. It would appear that it to be assumed that the manure is and can feasibly and evenly (in volume and concentration of nutrients) spread throughout the rest of the landholding.
- 12.12 There is some concern as to the continuous practicability of land spreading with the designation of small areas as landscape exclusion zones and there is greater assurance in the exclusion in entirety of the northern section of the site for assurances as to elimination or risk of manure spread to unsuitable areas of extreme vulnerability. In this regard, additional disadvantageous factors are that of the significant slope of the land and the flooding event on the landholding at the time of Storm Darwin is of note in this regard.
- 12.13 A priority is the elimination of risk of ground and surface water reaching the waterways which reach the important trout spawning waters (in which major investment has taken place) downstream at the River Dromore and Inny which feeds to Lough Sheelin which also has a requirement for achievement of improvement to the currently unsatisfactory water quality having regard to the Water Framework Directive is required.
- 12.14 Furthermore elimination of consequential risk by impacts attributable to land spreading for the integrity of the fabric of the wealth of monuments part of the larger ritualistic complex and architectural heritage of the designed demesne is a reasonable concern expressed in the appeal and observer submissions.

12.15 It is acknowledged that the perspective taken the comments and recommendations within the IFI report is that of the precautionary principle. The estimated quantity of manure to be spread is arguably a worst case scenario in that it includes the freeboard allowance for the climate change factor and the total volume of can be reduced by use of covered instead of roofless cubicles (which according to the calculations accounts for 532 cubic metres of soiled water generation) as recommended as a minimum requirement in the IFI report.

12.16 With some hesitation it is recommended that the proposed arrangements which provide for no spreading in the “exclusion zones” only as opposed to the entirety the northern section of the landholding in entirety be accepted. on the basis of full implementation of the arrangements as proposed in the revised submission on an indefinite basis and full compliance with the requirements recommended for inclusion in conditions recommended in the IFI report. These requirements reflect the requirements of a separate statutory code, SI No 31 of 2014.

12.17 Impact on Landscape Character, Monuments and Architectural Heritage and Protected Views.

It is agreed that the landscape and visual assessment provided in the further information submission is limited as contended in the appeals. Notwithstanding these limitations the existing farmyard should be acknowledged as a base line in considering the proposed development especially given that the location in an area in which according to strategic policy agricultural enterprise is to be supported and encouraged. To this end some flexibility is warranted with regard to the exclusion of farm development on grounds of lack of carrying capacity in the Landscape Character Assessment for Lough Crew and the Slieve No Callaigh Hills. (Appendix 7 LCA 19, LC SP 1) With these considerations in mind, selection of the site as opposed to use of an alternative location on the landholding is considered reasonable.

12.18 It has been concluded that the revised design for the farmyard and milking parlour can be accepted in public views including the protected views (Nos 6 and 7 Appendix 12 of the development plan) subject to incorporation of the screen planting, and boundary treatment inclusive of use of species similar to those within the woodland groupings upslope from the site. It is of note that the maximum height of the tallest structure, the cylindrical shaped meal bin is circa 5.5 metres above ground level all other structure being lower in height. Requirement for future management of visual impact by way of regular maintenance of external finishes of structures and screen planting can be included by condition and is recommended.

- 12.19 There is no doubt as to the special “national/ international” significance and of the monuments individually and collectively within the Slieve Na Callaigh and Loughcrew Hills and their incorporation into the designed historic demesne landscape of the Loughcrew estate in the seventeenth which is fully explained and appreciated in the academic papers provided with the appeals and observer submissions and in documentation lodged with the planning authority in connection with the application. However, it is considered that the revised proposal for the proposed development can be assimilated successfully into this cultural landscape subject to satisfactory implementation inclusive of the screening proposals without adverse visual impact or negative affect on the landscape character and the monuments and architectural heritage within it.
- 12.20 Similarly, no issues arise in terms of stability or damage due to proximity and protected structures if due care and protective measures at construction and operational stages are devised and implemented with good day to day management of the works For the purposes of assurance as to well devised protective measures specific to the proposed development and for clarity, a requirement for submission of a demolition and construction management plan by condition for compliance is recommended whereby details of the construction compound, storage of materials and machinery waste removal etc., can be agreed providing for assurance against potential for damage.
- 12.21 Impact on Vehicular and Public safety and convenience.**
- It can be confirmed that the L2800 road off which the site is located is not a classed as a Regional route but it is an important route on the Boyne Valley Route ‘Touring Route’ used by a notable amount of local and tourist traffic which also provides linkage to the regional and national network between Kells, Oldcastle and Trim in north Meath.
- 12.22 The site frontage and existing two entrances are onto a section of road that has limitations in vertical and horizontal alignment with a single unbroken white line along the centre of the carriageway. In addition to being opposite the entrances to two dwellings, one in the converted St. Kieran’s Church it is in close proximity to the entrance tea rooms, adventure centre and gardens adjacent to the currently disused walled gardens. It is considered that the proposed entrance arrangements as indicated in the further information submission is sufficient and improved in technical standards and general safety.
- 12.23 There are potential public safety implications arising from possible regular movement of animals across and/or along the public road between the landholding and the farmyard/milking parlour. The proposed development does give rise to concerns about public and traffic safety and convenience in this regard and in relation to additional traffic generation associated with a dairy farm (relative to the existing dry livestock operation) given the

alignment of the road, notwithstanding the proposed upgraded entrance arrangements. The concurrent application for permission for an underpass and road construction within the lands on the opposite side of the road may be of note in this regard.

13. APPROPRIATE ASSESSMENT

13.1 The further information submitted to the planning authority on behalf of the applicant on 29th January 2016 includes an appropriate assessment screening report which has been consulted for the purposes of conducting an appropriate assessment screening exercise on the proposed development.

13.2 The site is that of an existing farmyard with a number of farm buildings and some hardstanding or part hardstanding, scrubland, native species of trees and hedgerow and farm tracks.

13.3 The location is within ten kilometres of the following five European sites:

Lough Sheelin SPA; 10.5 km north west and 14 km downstream (via the Dromore River and Inny River. Qualifying Interests: Great Crested Grebe, Pockard, Tufted Duck, Goldeneye, and Wetlands and waterbirds.

Lough Bane and lough Glass SAC (002120) five km to the south. Conservation Interests: White clawed crayfish and hard oligo – mesotrophic waters with benthic vegetation of Chara spp.

White Lough, Ben Lough and Lough Doo SAC (001810) five km to the south west. Conservation Interests: White clawed crayfish and hard oligo – mesotrophic waters with benthic vegetation of Chara spp.

River Boyne and River Blackwater SAC (002299): Seven km to the east. Conservation Interests: River lamprey, salmon, otter, alkaline fens, alluvial forests with alder and ash.

Lough Lene SAC (002121) Conservation Interests: White clawed crayfish and hard oligo – mesotrophic waters with benthic vegetation of Chara spp

River Boyne and River Blackwater SPA 004232 9 km to the north east Conservation Interest: Common Kingfisher.

The generic conservation objectives for the five sites are: (1) to maintain the favourable conservation status of the conservation interests of the sites; (2) to maintain the extent, species richness and the biodiversity of the sites

and (3) establish effective liaison and cooperation with landowners, legal users and relevant authorities.

- 13.4 The proposed development is a redevelopment of an existing dry livestock farmyard complex into a modern milking parlour and farmyard, with open cubicles with capacity for 370 milking cows and fifty calves. Soiled water is to be drained and stored within the site and spread on the landholding, the designated areas of which exclude lands on the northern section above the extremely vulnerable aquifer.
- 13.5 There is one source pathway receptor link which is between the site and the Lough Sheelin SPA down stream of the site via land-spreading of manure from the proposed development on the landholding which could enter the groundwater and surface water and run off into the waterway that leads to the Dromore River and River Inny which enter the Lough Sheelin SPA leading to pollution and diminution of water quality which can threaten the quality of aquatic life and consequently the named protected species.
- 13.6 The limited scale of the development, and the fourteen metres distance of Lough Sheelin from the site are sufficient to ensure that no impact by way of contamination of waters at construction and at operational stages arises. The manure collection and storage on site and spreading of manure on the landholding is to be carried out in accordance with the standards specified in the *European Union (Good Practice for the Protection of Waters) Regulations, 2014* (SI 31 of 2014) as are other land spreading operations carried out in connection with agriculture by other parties in the area. No disturbance or fragmentation to species and habitats include on the Annexes to the Birds Directive or the Habitats Directive will occur.
- 13.7 Taking into consideration the nature and scale of the proposed development and the characteristics of the Special Protection Areas and Special Areas of Conservation located within 15 kilometres of the site and having regard to the .Appropriate Assessment Screening report provided with the application a screening determination has been reached, it is reasonable to conclude on the basis of the information available that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European sites within fifteen kilometres of the site. A Stage 2 Appropriate Assessment is therefore not required.

14. **CONCLUSION AND RECOMMENDATION.**

In view of the foregoing, it is recommended that the planning authority decision be upheld and that the appeals be upheld. A draft order is set out overleaf:

DECISION

Grant Permission on the basis of the reasons and considerations and subject to the conditions set out below:

REASONS AND CONSIDERATIONS.

Having regard to the existing farmyard based on the site, the predisposition towards the facilitation of agricultural development in rural areas according to Meath County Development Plan 2013-2019, along with the protection and preservation of heritage landscapes, monuments and protected structures, especially the of the Lough Crew and Slieve na Caillagh Hills including the designed historic demesne estate at Loughcre, a landscape of special national/international importance within which the site within the landholding is located, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to or detract from the landscape would not adversely affect the integrity of the national monuments and protected structures within the landscape in close proximity, would not be visually obtrusive, would not endanger public health by reason of water pollution and, would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted to the planning authority on 20th January, 2016, 29th January, 2016 and 25th February, 2016, 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 animals simultaneously based at the farmyard with use of the milking parlour twice daily shall not exceed three hundred and eighty cows and fifty calves. These maximum numbers shall not be increased without a prior grant of planning permission.

Reason: To limit the volume of soiled waters and volume of manure spread on the landholding in the interests of protection of groundwater and surface waters from pollutin.

3. The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and which shall include the following requirements:

(a) Details of the location of the site compound to include areas for storage of plant and equipment, materials and waste, site offices and associated facilities.

(b) Details of:

- site security fencing, if any,
- timing and routing of construction traffic
- measures to prevent queuing of construction traffic on the adjoining road network;
- measures to prevent the spillage or deposit of clay, rubble or other debris on lands outside the site curtilage including the public road network
- mitigation measures for noise, dust and vibration, and for monitoring of such levels;
- preventative measures for control of silt or other pollutants from entering surface water run-off

A record of daily checks that the works are being undertaken in accordance with the Construction and Demolition Management Plan shall be maintained and retained for inspection by the planning authority.

Reason: In the interest of orderly development and the protection of the sensitive landscape and monument in the immediate vicinity and public safety.

- 4 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Detailed proposals for measures for the management of dust emissions to provide for the protection of adjoining properties shall be included. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of clarity and the protection of the landscape, monuments and water sources in the vicinity of the site and orderly and sustainable development.

5. Details of the materials and finishes including textures and colours for the external facades and roofs shall be submitted for the written agreement of the planning authority prior to the commencement of the development. Following completion of the development the external facades and roofs shall be maintained in good condition with continuation of use of similar materials and finishes including textures and colours to those originally agreed with the planning authority.

Reason: In the interest of visual amenity and satisfactory integration into the landscape.

6. The individual cubicles shall be covered and all uncontaminated water shall be collected and disposed of directly to groundwater or to surface waters and shall not be disposed of to the soiled water storage facility. Roofless cubicles are not permitted.

Reason: To limit contaminated water generated by the development in the interest of the protection of the environment.

7. The following requirements shall be provided for and adhered to in the development:
 - (a) Two groundwater monitoring wells shall be installed, one on the upper section and the other on the lower section of the landholding with provision for monitoring and inspection by statutory bodies at locations to be agreed in writing with the planning authority in consultation with a hydrogeologist.

(b) A ten metre riparian zone adjacent to watercourses (Dromine River and tributaries) in which no land spreading shall take place shall be agreed with the planning authority in writing prior to the commencement of the development and fenced off during lands spreading periods.

(c) A plan indicating a system of marker poles which shall be erected on the lands in the northern section of the landholding identified as "exclusion zones" in the hydro geological assessment report lodged with the planning authority on 20th January 2016 shall be submitted to the planning authority for agreement prior to the commencement of development. No lands spreading shall take place in these exclusion zones.

Reason: In the interest of clarity, protection of the exclusion zones from manure spreading and the protection of groundwater and waterways from pollution.

8. The access gate at the proposed entrance shall be setback by a minimum distance of six metres from the edge of the carriageway of the public road. A plan drawing shall be submitted to the planning authority for agreement in writing prior to the commencement of the development.

Reason: To provide for off road waiting area by farm vehicles in the interest of traffic safety and convenience on the L2800 part the Boyne Valley Scenic Route.

9. The mitigation measures specified within the ecological assessment report submitted to the planning authority on 20th January, 2016 shall be implemented and maintained in full on a permanent basis.

Reason: In the interest of ecological and environmental protection.

10. The landscaping, tree and vegetation, planting and reconstruction of the front boundary wall as shown in the plans and specifications submitted to the planning authority on 20th January, 2016 shall be implemented in full within the first planting season following the commencement of the development and maintained in full on a permanent basis.

Reason: In the interest of visual and natural amenity.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

- 12. Site development and building works shall be confined to the hours between 0800 hrs and 1800 hrs. Mondays to Fridays excluding Bank Holidays and 0800 hrs and 1400 hrs. Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In the interest of residential amenity.

- 13. 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. 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 Act 2000 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.

**Jane Dennehy,
Senior Planning Inspector,
15th August, 2016.**