



An
Bord
Pleanála

Inspector's Report PL02.247060

Development	Construction of 1 no. poultry house with associated site works, underground holding tank, concrete apron and meal silo.
Location	Feaugh, Poles, County Cavan.
Planning Authority	Cavan County Council.
Planning Authority Reg. Ref.	16/161.
Applicant	Sean King.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant
Appellant	Owen Lynch.
Observers	None.
Date of Site Inspection	19 th October, 2016.
Inspector	Paul Caprani.

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1.0 Introduction

- 1.1. PL02.247060 relates to a third party appeal against the decision of Cavan County Council to grant planning permission for the construction of a new poultry house adjacent to an existing poultry unit and associated site works including an underground holding tank and concrete apron in a rural area approximately 5 kilometres east of Cavan. The grounds of appeal argue that the applicant failed to show a constructed roadway on the site which results in the restriction of the site such that the poultry house cannot provide the required site area in order to accommodate free range chickens.

2.0 Site Location and Description

- 2.1. The site is located in the townland of Feaugh, a rural area approximately 5 kilometres east of the town of Cavan and 2 kilometres west of the village of Stradone. The local road serving the proposed poultry unit links up with the N3 National Primary Route approximately 1.2 kilometres to the north-west of the subject site.
- 2.2. The site is located approximately 150 metres back from the western side of the local access road. The site is located on elevated lands and an access lane leads from the roadway to the existing poultry unit on site. There are no buildings contiguous to the existing poultry unit. The nearest dwellinghouse is located approximately 120 metres to the east of the existing poultry unit on site. According to the drawings submitted this house belongs to the applicant. There are two further dwellinghouses located approximately 250 and 300 metres to the south of the site.
- 2.3. The site itself is rectangular in shape and covers an area of just over 1 hectare. It accommodates an existing poultry house which is 17 metres in width and just over 70 metres in length. A large silo bin feed is located adjacent to the front entrance to the unit, which faces southwards. There are a number of openings along the west elevation of the existing poultry house, which allows the poultry stock free range. The

area further west where the proposed poultry house is to be constructed, comprises of two fields surrounded by post and wire fence and hedgerows. The site incorporates a slight downward slope from east to west. The hedgerow to the rear of the field is to be removed in order to incorporate the full extent of the poultry house. A small drainage ditch runs along the western field boundary.

3.0 Proposed Development

- 3.1. Planning permission is sought for a second poultry house which is slightly larger than the existing structure on site. The proposed unit has a width of 21 metres and a length of 82.5 metres. The building rises to a ridge height of 5.7 metres and incorporates TGV VAC treated timbers on the external elevation. A food silo is located adjacent to the front elevation which also faces southwards. The silo rises to a height of 8 metres. It is proposed to incorporate an underground soiled water holding tank with a capacity of 18 cubic metres. The holding tank will be located to the front of the building within a concrete apron area. The poultry house has a gross floor area of 1,816 square metres with the capacity to accommodate 22,000 birds. According to the information contained, on file the existing poultry unit has the capacity to accommodate 14,000 birds giving an overall capacity within the development of 36,000 birds.
- 3.2. Information submitted with the planning application indicates that the poultry house building is a free range house specifically designed for the welfare friendly housing of birds for broiler production. Automated feeding and drinking systems are to be incorporated into the operation.
- 3.3. It is stated that poultry manure from the farm will be removed off-site by an authorised contractor registered with the Department of Agriculture, Food and the Marine. Soiled water from the proposed development, where applicable will be collected in dedicated soiled water collection tanks located at the end of the house and soiled water will then be applied on adjacent farmland in accordance with the requirements under S.I. No. 31 of 2014.

4.0 Planning Authority's Assessment

4.1. Documentation Submitted

4.1.1. The planning application was lodged on 11th April, 2016. The following reports accompanied the documentation.

- A noise, odour and visual assessment of the proposed development.
- A covering letter indicating the location, operation and management of the proposed development.
- A completed agricultural development form.
- Proposals for the removal of organic fertiliser from the farm.
- Proposals for the removal of dead and sick birds.
- Details relating to the feed formulation and minimisation of nitrogen and phosphorous excretion.
- A report from Inland Fisheries Ireland.

4.2. Initial Assessment of the Application

4.2.1. A report from Inland Fisheries notes that any development or expansion in the production of poultry waste represents an increase in organic and nutrient loading on receiving water bodies and thus poses an increased risk to the integrity of surface waters with consequential effects on fish. Therefore, all structures and associated practices must comply with S.I. No. 31 of 2014. Only clean uncontaminated water should be discharged to soakaway systems or to surface water. There should be no mixing of foul or surface water and some form of flow attenuation of surface water should be considered to minimise the risk of flooding. The report recommends that a number of systems should be put in place to ensure that surface waters are protected.

4.2.2. An internal memorandum dated 9th May, 2016 states that the applicant could improve sight lines in a southerly direction on the local access road and the applicant should ensure that no surface water run-off should occur from the existing laneway onto the public road.

4.2.3. A number of standard letters of objection were submitted the contents of which have been read and noted.

4.3. **Additional Information Request**

4.3.1. The Planning Authority noted the information submitted with the planning application and considered that the site's location within a rural area was appropriate for a poultry unit and therefore the development is deemed to be acceptable in principle. It also concludes that a Stage 2 Appropriate Assessment is not required. However, the following further information is sought in relation to the application.

4.3.2. The applicant is requested to submit a revised site layout indicating sightlines from the existing laneway onto the public road. It is also noted that sightlines in a southerly direction when exiting the local road need to be improved.

4.3.3. The applicant is also requested to submit details of surface water disposal so as to ensure that no surface water run-off will result onto the public road.

4.4. **Further Information Submission**

4.4.1. Further information was submitted on 17th June, 2016. A covering letter from CLW Environmental Planners Limited also addresses the concerns outlined in the third party observations objecting to the proposed development.

4.4.2. A further planner's report deemed the further information submitted by the applicant adequately and successfully addresses the concerns raised in relation to sightlines, surface water run-off and the various issues raised in the third party observations. It is therefore recommended that planning permission be granted for the proposed development. In its decision dated 13th July, 2016 Cavan County Council issued notification to grant planning permission for the proposal subject to 19 conditions.

5.0 **Planning History**

5.1. Details of one application are attached in a pouch to the rear of the file. Under Reg. Ref. 06577, Cavan County Council granted planning permission for the construction of one poultry shed together with ancillary structures on the subject site. The decision was dated 13th June, 2006 and was subject to 16 conditions.

6.0 Grounds of Appeal

- 6.1. The decision was appealed by Mr. Owen Lynch. The grounds of appeal are outlined below. The appellant states that the drawings submitted (specifically number 349-05) fails to show a new roadway which was constructed in 2015 which divides the proposed range area for this poultry house thus not providing the 1 m² area required for a free range bird. Details of the map showing the roadway was submitted with the grounds of appeal.

7.0 Appeal Responses

- 7.1. A response was received by CLW Environmental Planners Limited and is summarised below. The response sets out the proposed development and notes specifically in relation to the appeal that the internal farm roadway referred to by the appellant is used by the applicant primarily in the operation of his existing dairy farm enterprise and is located a significant distance from the proposed development on the opposite side of the existing house and thus will have no impact with the proposed development.
- 7.2. The requirement of 1 m² per bird is not a requirement of the Planning Regulations or the Planning Authority or An Bord Pleanála but is a higher welfare standard of farming that the applicant is seeking to achieve. The applicant farms c.8.7 hectares of land of which only 3.6 hectares (2.2 hectares for the proposed development and 1.4 hectares for the existing development is required for the range area for the birds) and therefore is adequate to achieve the above standard.
- 7.3. The proposed development has been sited so as to make the maximum use of adjoining natural hedgerows and screening while at the same time satisfying the Department of Agriculture, Food and Marine and the Bord Bia requirements regarding the operation and management of free range poultry houses.
- 7.4. Documents from the Department of Agriculture, Food and Marine including “Food Harvest 2020” and “Foodwise 2025” support the development of poultry farming in Ireland. Reference is also made to various policies contained in the development plan which likewise support the development of agriculture and farm diversification. It

is stated that the proposed development will help secure the financial viability of the landholding and is essential for the future of the farm. Thus the proposed development is fully in accordance with the requirements of the Department of Agriculture Guidelines and the Development Plan Guidelines.

- 7.5. In conclusion it is considered that the proposed development will provide for an appropriately located designed and landscaped sustainable farm diversification and would not cause significant injury to the character of the area or the amenities of property in the vicinity. It is also argued that the proposed development would not give rise to an undue risk of water pollution or threaten road safety.
- 7.6. It appears that Cavan County Council did not submit a response to the grounds of appeal.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Cavan County Development Plan 2014-2020.
- 8.2. Section 8.12.7 of the plan relates to agriculture and landspreading of mature and sludge. It states that County Cavan is noted for its intensive agricultural activities in particular a large number of piggeries and poultry houses operate throughout the county. The intensive nature of these activities present challenges for disease minimisation and environmental protection. Substantial quantities of manure/slurry are all dependent on on-site and off-site disposal in the form of compost manufacture and the spreading of slurry. Cavan is predominantly a grassland county with an extensive network of water bodies interspersed by drumlin terrain many of which are sensitive in nature. The effect of management and disposal of off-site agricultural waste will ensure that the contamination of ground and surface waters are avoided. The sustainable development of the agricultural industry in Cavan depends on quality systems that take account of nutrient balances sensitive water bodies, topography and soil conditions. The success of ensuring that our water resources are safe and that farming practices are regulated, depends on an integrated approach in the sector between the Department of Agriculture, the Farming Sector, the Council and the EPA. Applications for planning or IPPC Licensing should consult

with the Council in relation to the disposal arrangements for pig, poultry and bovine manure as well as spent mushroom compost.

8.3. Water protection policies include the following:

NHEP26: to protect the water resources of County Cavan.

NHEP27: to protect the river, streams, lakes and other watercourses in the county in order to promote sustainable and suitable habitats for flora and fauna.

NHEP28: to promote the engagement of developers and regulators in sustainable development and encourage a high standard of environmental protection. The precautionary principle will apply where significant risk to environment exists.

NHEP29: to achieve good status in all our water bodies and prevent the deterioration of existing water status in all water bodies in accordance with the requirements of the Water Framework Directive and to any development where the potential adverse effects are not fully understood in which case, the development shall not proceed. The burden of proof shall be solely with the applicant to ensure that the proposed activity will not cause significant environmental harm.

NHEP30: to ensure that all industrial and agricultural developments generating manure, organic fertiliser and sludge that are dependent on the off-site recovery or disposal of waste take area mapping into account. Including lands with impaired drainage or percolation properties and lands where rock outcrop and extreme vulnerability of groundwater is present. Restrictions shall apply in areas where watercourse catchments are present.

NHEP31: to ensure the implementation and enforcement of the European Communities "Good Agricultural Practice for the Protection of Water Regulations" and the associated European Communities "Good Agricultural Practice for the Protection of Water Regulations" 2010.

8.4. In terms of objectives for water protection, the following Objectives are relevant:

NHEO50: states that all applications for development shall be assessed in terms of the potential impact on the quality of surface waters through the implementation of, where applicable, the River Basin Management Plans, and the objectives and targets set out in these plans.

NHEO51 all development applications are assessed in compliance with the “*European Communities Environmental Objectives on (Surface Water) Regulations 2009 and the European Communities Environmental Objectives (Groundwater) Regulations 2010*”.

- 8.5. Section 3.4 of the Development Plan sets out policy in relation to agriculture and farm diversification. In general, it is stated that it is widely acknowledged that agriculture is a crucial driver in restoring Ireland’s economic growth and creating employment over the next number of years, particularly in the food processing areas. Cavan County Council will continue to support initiatives to promote agricultural employment in the county whilst the agricultural sector undergoes challenges posed by modernisation, restructuring, market development and the increased importance of environmental issues. The agricultural policies include the following:

EDP1: to implement at County level, the provisions set out in Harvest 2020 subject to environmental carrying capacity constraints.

EDP2: to facilitate and encourage the sustainable development of agricultural enterprises, agri-tourism projects and farm diversification and other suitable proposals that supports the development of alternative rural enterprises.

EDP3: to promote sustainable agricultural development whilst ensuring that development does not have an undue negative impact on the visual amenity of the countryside.

- 8.6. The agricultural objectives include the following:

ED01: to promote the continued development and expansion of the agri-food sector.

ED04: to ensure that all agricultural activities comply with legislation on water quality such as the Phosphorous Regulations, the Water Framework Directive and the Nitrates Directive.

ED07 to support agricultural development as a contributory means of maintaining population in the rural area and sustaining the rural economy whilst maintaining and enhancing the standing of rural environment and through the application of the Water Framework and Habitats Directive.

9.0 Planning Assessment

- 9.1. The grounds of appeal raised two issues namely that a recently constructed access track has not been indicated on the drawings submitted and this may have implications for providing adequate space to allow for free range poultry rearing.
- 9.2. In relation to the first issue it is apparent from my site inspection that the access track in question does not traverse the lands where the proposed poultry unit is to be located. It is clear from the photographs attached that no access track traverses the area where the additional poultry unit is to be located. The access track to which the appellant is referring is located to the east of the existing poultry unit and as such is physically removed from the subject site accommodating the additional poultry unit. Thus the access track is not a material consideration in determining the appeal before the Board.
- 9.3. With regard to the provision of an area of 1 m² per bird, the applicant points out that this is not a requirement of the planning regulations. This is a matter for the applicant in order to achieve free range certification. As such this issue is outside the planning code and therefore is not a material consideration for the purposes of determining the grounds of appeal.
- 9.4. While the issues raised in the grounds of appeal were specific in nature and have been addressed above, there is a requirement for the Board under the provisions of Section 37(1)(b) to determine the application as if it had been made to the Board in the first instance. For this reason, it is proposed to briefly assess the proposed development in accordance with the proper planning and sustainable development of the area having particular regard to the issues raised in the objections originally submitted to the Planning Authority. These are addressed below.
- 9.5. Concerns are expressed that the proposed development would have an unacceptable impact on residential amenity mainly through:
- Air Quality (particularly odour).
 - Visual Impact.
 - Noise Impact.
 - Potential for Water Pollution.

- Traffic and Road Safety concerns.
- Increase in Vermin.
- The Suitability of a Commercial Operation in a Rural Area.

9.5.1. In relation to the issue of Air Quality I note from my site inspection that the existing poultry unit on site did not give rise to any notable odour issues. The nearest dwelling to the subject site is located approximately 100 metres to the east and is owned by the applicant. Other dwellings in the vicinity are located to the south and south-east of the subject site and are located c.150 metres and 200 metres from the existing poultry unit.

9.6. Information submitted with the application sets out a number of mitigation measures in order to minimise odour. These include proper manure management together with qualitative house design with appropriate ventilation.

9.7. Having visited the site in question and having regard to the nature of rural activities, I do not consider that odour generation from the proposed facility will be significant. Furthermore, any odour generation will be characteristic of odour associated with other farming and livestock management activities in the surrounding area.

9.8. In terms of visual impact, the proposed unit will comprise of an elongated shed similar in size and scale to the existing poultry unit on site. While the site is located on elevated lands above the access road, the proposed shed will be located to the rear of the existing shed and will, from many vantage points along the public road be screened by the existing shed on site. The proposed shed rises to a ridge height of less than 6 metres. It is typically characteristic of large agricultural storage buildings which are ubiquitous throughout the rural environment and for this reason the proposed structure cannot be considered incongruous or inappropriate for a rural environment. In this regard the proposed poultry unit is acceptable in my opinion in terms of visual impact and visual amenity.

In terms of noise, again having visited the site in question, I noted that noise generation was not significant from the existing unit. Documentation submitted with the application to the Planning Authority sets out a number of mitigation measures to be employed so as to minimise noise generation. The main sources of noise identified would be the ventilation system and the feed deliveries. It is stated that

ventilation rates would be lower than in conventional houses as the free range house will have a lower stock rate due to the fact that birds are allowed outside during daylight hours. Insulation within the houses will also contain noise generation. It is noted that in the case of similar albeit larger agricultural facilities of this nature that noise measures undertaken were fully in accordance with EPA limits of 55 dB(A) daytime and 45 dB(A) night-time.

- 9.9. Again having visited the site and noted the nature of the activities being undertaken, together with the separation distance between the subject site and the nearest noise sensitive receptors, (all of which are located over 100 metres distance from the proposed unit), it is highly unlikely that the proposed unit would give rise to sufficient noise levels which would adversely affect the residential amenity of surrounding residents in the wider vicinity.
- 9.10. In terms of water pollution, it is clear from the drawings submitted that all soiled water from the proposed poultry house will be discharged to an underground tank located in the concrete apron area to the front of the shed. This soiled water will be periodically emptied by a licensed contractor and transferred to an appropriate treatment facility. Effluent from the proposed development therefore will not give rise to any groundwater or surface water pollution. All surface water discharge collected on site will be discharged to a soakaway. Measures include the provision of a water monitoring point manhole where water quality can be monitored prior to discharging to the existing open watercourse which runs along the western boundary of the site. I note the submission from the IFI, while it recommends that a number of measures be incorporated into the design of the proposed development, it does not object to the proposed development on the grounds that it could adversely impact on water quality in the area.

Any spreading of poultry manure would be required to be in accordance with the provisions of S.I. 31 of 2014 so as to ensure that surface water and groundwater resources in the wider area are not polluted as a result of the landspreading activities.

- 9.10.1. In terms of traffic and road safety, I acknowledge that the access road serving the site is narrow. However, it is relatively well surfaced and there are a large number of passing bays located along the roadway. The Board will also note that there is an

existing poultry house on the subject site and therefore the site and the road network serving the site have been catering for large vehicles to date. According to the information contained on file, the proposal will result in an additional two to three deliveries/collections per week. The operations therefore will have a negligible impact on traffic generation and will give rise to trip generation levels which could be expected for a typical agricultural enterprise in a rural area. I consider the proposed development therefore to be acceptable in terms of traffic generation and road safety.

9.10.2. With regard to vermin, appropriate management including the collection and disposal of dead carcasses and as indicated in the documentation submitted with the application should ensure that vermin will be kept to a minimum. Furthermore, it is not likely that any vermin associated with the proposed development will impact on the amenity of surrounding residents having particular regard to the separation distances involved between the poultry unit and surrounding residences.

9.10.3. Finally, I note that the observations submitted to the planning authority questioned the suitability of establishing a commercial operation of this nature in a rural area. In response to this issue the Board will note that this commercial operation is already established on the subject site and the proposal seek an expansion of the existing commercial operations. Farming by its nature is a commercial operation which is obviously suited to a rural area. The current development comprises of an intensive poultry farm which is a suitable commercial operation to be located in an agricultural rural area, subject to appropriate qualitative criteria which has been assessed above and deemed to be acceptable.

10.0 Appropriate Assessment

The subject site is located approximately 10 kilometres to the east of the Lough Oughter and associated Loughs SAC (Site Code: 00007) which is the closest designated Natura 2000 sites to the subject site. Having regard to the fact that all foul effluent generated on site is to be transported off-site by a licensed contractor and the fact that any surface water discharged off-site will be monitored to ensure that the surface water is not contaminated, I am satisfied having particular regard to

the separation distances involved that the proposed development will not significantly affect the Natura 2000 site in question. It is reasonable to conclude on the basis of the information contained on file which I consider adequate in order to issue a screening determination that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site (No. 00007) or any other European Site in view of the site's conservation objectives and therefore a Stage 2 Appropriate Assessment and submission of an NIS is therefore not required.

11.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the rural location of the subject site and the presence of an existing poultry house adjacent to the proposed development, it is considered that the proposed development, subject to conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 17th day of June 2016, except as may otherwise to 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 the 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. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and

(b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

3. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

4. Manure 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, time and rate 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 (as amended).

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

5. Details of the finishes of the poultry house and the design, scale and finishes of the proposed feed silo shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area before development commences.

6. The poultry house design and construction standards shall be in accordance with the Department of Agriculture and Food Specifications. Details shall be agreed with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

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 which shall comprise predominantly native

species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder

- (ii) Details of screen planting
 - (iii) Details of roadside/street planting
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) 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 [5] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], 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. Details records shall be maintained with regard to manure and soiled water disposal. These shall include details of dates, volumes disposed and disposal facilities. The record shall be kept up to date and shall be available at all reasonable times for inspection by an authorised person of the planning authority and be provided to the planning authority on request in writing.

Reason: In the interest of public health and amenity.

9. The transport of poultry manure and soiled water shall be in suitably contained leak proof vehicles.

Reason: In the interest of public health and amenity.

10. Casualty birds and dead carcasses shall be disposed of by an approved waste contractor and in accordance with Department of Agriculture Regulations.

Reason: In the interest of public health and amenity.

11. The temporary on-site storage of carcasses shall be in sealed containers and shall be regularly transported off-site in accordance with the requirements of the planning authority.

Reason: In the interest of public health and amenity.

12. Packaging waste, contaminated drums, equipment and protective clothing shall be collected and stored in suitably sealed leak proof containers where practical pending disposal in accordance with the Waste Management Act 1996 as amended.

Reason: In the interest of public health and amenity.

13. The applicant shall operate the facility in a manner such that air emission and odours do not result in significant impairment of or significant interference with amenities or the environment beyond the site boundary.

Reason: In the interest of residential amenity.

14. The developer shall pay to the planning authority a financial contribution of €3,658 (three thousand six hundred and fifty eight euro) 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. The application of any indexation required by this condition 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.

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.

Paul Caprani
Senior Planning Inspector
10th November, 2016.