

File With _____

SECTION 131 FORM

Appeal NO: ABP 313378

Defer Re O/H



TO: SEO

Having considered the contents of the submission dated/ received 9th May 22
fromPA I recommend that section 131 of the Planning and Development Act, 2000
~~be~~ not be invoked at this stage for the following reason(s): no new material planning issuesE.O.: De 2 JHDate: 25/5/22

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 313378-22

M _____

Please treat correspondence received on 9th May 22 as follows:

- | | |
|--|--|
| 1. Update database with new agent for Applicant/Appellant _____
2. Acknowledge with BP <u>20</u>
3. Keep copy of Board's Letter <input type="checkbox"/> | 1. RETURN TO SENDER with BP _____
2. Keep Envelope: <input type="checkbox"/>
3. Keep Copy of Board's letter <input type="checkbox"/> |
|--|--|

Amendments/Comments

PA Response rec'd

4. Attach to file

- | | |
|---|---|
| (a) R/S <input type="checkbox"/> | (d) Screening <input type="checkbox"/> |
| (b) GIS Processing <input type="checkbox"/> | (e) Inspectorate <input type="checkbox"/> |
| (c) Processing <input type="checkbox"/> | |

RETURN TO EO ☒David O'Hara

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Karen Hickey</u>	AA: <u>Sturken</u>
Date: <u>10/5/22</u>	Date: <u>10/05/22</u>

Karen Byrne

From: Bord
Sent: Tuesday, May 10, 2022 8:48 AM
To: Appeals2
Subject: FW: Planners submission ref 21/1499
Attachments: 211499 appeal response.pdf; appeal.pdf

From: Amy Duffy <Amy.Duffy@louthcoco.ie>
Sent: Monday, May 9, 2022 5:07 PM
To: Bord <bord@pleanala.ie>
Subject: Planners submission ref 21/1499

Good afternoon,

Please find attached planners submission for ref 21/1499

Kind Regards,
Amy
Planning Section



Local 1890 202 303
+ 353 42 9335457
info@louthcoco.ie
www.louthcoco.ie

Comhairle Contae Lú
Halla an Chontae | Ionad na Míleoise
Dún Dealgan | Contae Lú | A91 KFW6

Louth County Council
County Hall | Millers
Dundalk | County Lc

Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome

Le do thoil cuimhnigh ar an imshaol roimh priontáil an ríomhphost seo. Tá an ríomhphost seo (agus aon iatán a ghabhann leis) príobháideach agus rúnda agus d'fhéadfadh go mbeadh eolas inti atá faoi phribhléid dlíthúil. Ní ceadmhach úsáid an ríomhphost seo d'éinne ach don té ar seoladh chuige é. Munar duit an ríomhphost seo nó an té atá freagrach as é a sheoladh, tá cosc ar chóipeáil agus ar sheachadadh an ríomhphost seo agus aon iatán a ghabhann leis chuig éinne nó úsáid a bhaint as a bhfuil ann; ní ceart an ríomhphost seo nó aon iatán a léamh. D'fhéadfadh do mbeadh cosc iomlán dlíthiúil ar sceitheadh nó comhfhreagras nó aon úsáid eile gan chead ar a bhfuil sa ríomhphost seo agus d'fhéadadh sé a bheith ina chion coiriúil.

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**Louth County Council
Planning Report**

Planning Ref: 21/1499

ABP Ref: 313378-22

Applicant's Name: Michael Callan

Type of Application: Permission

Description: Permission to construct 4 no. poultry houses together with roofed/enclosed service yard, 1 no. office, 1 no. generator store and 1 no. bin/general purpose store, along with all ancillary structures (to include gas storage tanks, 3 no. soiled water tanks, 4 no. meal storage bins and the provision of an on-site waste water treatment system and percolation area) and associated site works (to include new/upgraded site entrance and internal laneway, and provision for 4 no. passing bays on the local public road) associated with the development.

This application relates to a development which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been submitted with this planning application

Site Location: Rathescar Middle, Gunstown and Whiteriver, Dunleer, Co. Louth

Introduction

The Planning Authority has the following response to make in relation to the 4no. appeals made against the decision by Louth County Council to grant permission for the above development.

Conditions 5 and 6

In relation to the reference to the "European Union (Good Agricultural Practice for Protection of Waters) Regulations" in conditions 5 and 6 the Planning Authority would like to clarify that this was included as the applicant indicated that soiled water generated from the proposed poultry farm is to be spread on the applicants landholding in the application and the Planning Authority have no objection to same. The reference to these regulations is to ensure that the soiled water is spread in accordance with said regulations.

It should be noted that "soiled water" is included in the definition of "organic fertiliser in these regulations.

It is acknowledged however that this may have caused some confusion. It is also acknowledged that there is no requirement for a reference to "European Union (Good Agricultural Practice for Protection of Waters) Regulations 2018" in condition 6.

In order to clarify this issue it is suggested that condition 5 is amended as follows (additional text in red):

5. All organic fertiliser (including soiled water) generated by the proposed development shall be disposed of in accordance with the details included with the application received on 17th December 2021 and 4th March 2022. Any soiled water generated from the development shall be disposed of in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017. No landspreading of organic fertiliser (other than soiled water) generated from the operation of the proposed poultry houses shall take place.

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

It is suggested that condition 6 is amended as follows

6. Organic fertiliser (other than soiled water) shall be taken offsite by the contractor/hauler as stated in the planning application. This contractor must be registered with the Department of Agriculture Food and Marine.

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

Traffic

The concerns in relation to the enforcement of condition no.10 relating to the access route to the proposed poultry farm are noted.

The left turn prohibition to be constructed at the entrance to the proposed poultry farm will impede vehicles from turning right from the LS-6270-0 into the development and will also require vehicles exiting the development to turn right towards the LS-2295-0.

It is common practice for HGVs delivering or collecting goods or materials (such as milk, feed, or animals) to farms in the open countryside to utilise specific routes and avoid any roads on which there may be capacity issues to accommodate the traffic. It is anticipated that persons delivering/collecting goods or materials to the site will be informed of the haulage route to be taken to access facility.

The measures included with the application are considered adequate to ensure the proposed development will not result in the development having adverse impacts on traffic movements along the LS-6270-0 or result in the creation of a traffic hazard.

Business Plan

The Planning Authority notes the requirement of section 13.13.11.7 of the CDP 2021-2027 in relation to the preparation of a business plan.

The detail included with the application provides full details in relation to the nature and scale of the proposed poultry farm. The information included with the application is considered sufficient to support the requirement for a poultry farm in this location.

Bio-Security

The concerns raised in relation to the impacts of the proposed poultry farm on other livestock/farming activities in the area with regard to bio-security and disease control are noted.

The proposed poultry farm will operate under an EPA licence which will include conditions regarding the day-to-day operations of the facility. This includes preventative measures to minimise the spread of disease. As part of the licence the applicant will be required to carry out monitoring and record information in logs to demonstrate compliance with the licence.

Water Table

The Planning Authority would not agree with the statement that the issue of an elevated water table was "effectively dismissed" in the application. The Site Characterisation Report included with the application indicated that mottling was recorded below 1.5 metres. The fact that no mottling was recorded above 1.5 metres indicates that the highest point of the water table is 1.5 metres below ground level.

Leachate of soiled water from the proposed poultry farm to groundwater was considered as part of the assessment of the application. The Planning Authority notes that soiled water tanks will be constructed as part of the development which will store any water arising from the washing and cleaning down of houses at the end of the rearing process of each batch of broilers. These structures will be constructed in accordance with Department of Agriculture, Food, and Rural Development Standards. It is also noted that the management of soiled water will be one of the requirements of the EPA licence.

EIAR

The Planning Authority are satisfied that the EIAR included with the application has adequately assessed the direct, indirect, and cumulative impacts of the development and there is sufficient information to fully assess the environmental impact of the proposal on the receiving environment.

NIS

The Planning Authority are satisfied the information included in the NIS allows for a complete assessment of any adverse effects of the development on the Natura 2000 sites identified in the NIS to be carried out.


Letter of consent

The letter of consent received on the 3rd March 2022 confirms that Louth County Council consents to the provision of 4no. lay-bys in total on land at Rathescar Middle.

The application as granted proposes to provide 4no. lay-bys.

Conclusion

The Planning Authority request that An Bord Pleanala take this appeal response into account in addition to the Planning Reports included with the application and request that An Bord Pleanala uphold the decision of Louth County Council to grant permission for this development.



Turlough King
Senior Executive Planner
9th May 2022



Comhairle Contae Lú
Louth County Council

Mr Stephen Sutton,
Administrative Assistant,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

9th May 2022

Re: Michael Callan

permission to construct 4 no. poultry houses together with roofed/enclosed service yard, 1 no. office, 1 no. generator store and 1 no. bin/general purpose store, along with all ancillary structures (to include gas storage tanks, 3 no. soiled water tanks, 4 no. meal storage bins and the provision of an on-site waste water treatment system and percolation area) and associated site works (to include new/upgraded site entrance and internal laneway, and provision for 4 no. passing bays on the local public road) associated with the development. This application relates to a development which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been submitted with this planning application at athescair Middle/Gunstown/Whiteriver, Dunleer, Co Louth


Planning Ref. No. 21/1499

An Bord Pleanála Ref: ABP-313378-22

Dear Sir/Madam,

Please find planners submission enclosed.

Yours faithfully,


Amy Duffy
Planning Section
Encs

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