

04/07/22

SECTION 131 FORM

Appeal NO: ABP 313378-22

Defer Re O/H

☐

TO:SEO

Having considered the contents of the submission dated received 20<sup>th</sup> June '22

from The Grogan Family (3<sup>rd</sup> party)

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 issues raised

E.O.: Karen Hickey

Date: 22/6/22

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 20<sup>th</sup> June 22 as follows:

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

## Amendments/Comments

Response received from The Grogan  
family (3<sup>rd</sup> Party)

## 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 ☒

Karen Hickey

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Karen Hickey</u>	AA: <u>Catherine Dymn</u>
Date: <u>20/6/22</u>	Date: <u>22/6/22</u>

## Stephen Sutton

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**From:** Bord  
**Sent:** Monday 20 June 2022 15:46  
**To:** Appeals2  
**Subject:** FW: Section 131 Response - P.A. Ref 211499 - ABP Ref. 313378-22  
**Attachments:** S131 Response 14-06-22 Final.pdf

**From:** Maria Ward <mward@wardconsult.com>  
**Sent:** Monday, June 20, 2022 3:32 PM  
**To:** Bord <bord@pleanala.ie>  
**Subject:** Section 131 Response - P.A. Ref 211499 - ABP Ref. 313378-22

Dear Sir / Madam,

Attached is a Section 131 Reponse to 1<sup>st</sup> Party Correspondence regarding: *Notification of decision to grant permission for 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. soilded 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. PA Ref. No. 211499 / ABP Ref. No. 313378-22.*

Acknowledgement of this email and its attached document would be greatly appreciated.

Kind regards  
Maria

Stephen Ward Town Planning & Development Consultants Ltd  
Jocelyn House  
Jocelyn Street  
Dundalk  
Tel: 0429329791  
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ne Secretary,

An Bord Pleanála,

64 Marlborough Street,

Dublin 1.

June 15<sup>th</sup> 2022

Dear Sir / Madam,

**RESPONSE TO 1<sup>ST</sup> PARTY CORRESPONDENCE RE: NOTIFICATION OF DECISION TO GRANT PERMISSION FOR 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**

**APPLICANT: MR. MICHAEL CALLAN.**

**P.A. REF: 211499.**

**ABP REF: 313378-22.**

**PLANNING AUTHORITY: LOUTH COUNTY COUNCIL.**

**DATE OF DECISION: 24<sup>TH</sup> MARCH 2022.**

**ADDRESS: RATHESCAR MIDDLE/GUNSTOWN/WHITERIVER DUNLEER, CO. LOUTH**

**Stephen Ward**

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Consultants Ltd.

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## **1.0 INTRODUCTION**

1.1 Thank you for your correspondence dated the 1<sup>st</sup> June 2022 inviting a submission or observation in accordance with Section 131 of the Planning and Development Act 2000 (as amended) in relation to the response of the Applicant to third party appeals against the above proposed development. Stephen Ward Town Planning & Development Consultants Ltd. of Jocelyn House, Jocelyn Street, Dundalk, County Louth makes this submission on behalf of The Grogan Family of Lismanus, Dunleer, Co. Louth.

1.2 It is noted the applicant has responded to the grounds of appeal as set out in our initial appeal statement. It is not the intention of this Section 131 response to repeat the grounds of appeal however, it is considered necessary to respond to some of the applicants 'counter arguments' and other issues raised.

1.3 **Land ownership:** We note that no substantive response is provided to the matter raised in our initial appeal which is that the application site incorporates land under third party ownership yet no letter of consent was provided from these third parties. The letter from Louth County Council provided in the FI response refers to the previous refused application (and plans provided as part of this). In addition, it would seem to remain the case that no letter of consent has been provided from land owner Kenneth Dowling whose name is stated as a land owner on the application form. Furthermore, an additional passing-bay is proposed in this current application.

1.4 **Development description:** The applicant cannot refute that the proposed development makes no mention of the removal of substantial sections of established / mature hedgerow. It is irrelevant to the inadequate description that the applicant claims (and incorrectly so in our opinion) that such removal is essential, and that replacement hedgerow will offer equivalent ecological value.

1.5 **Compliance with Eastern and Midland Spatial and Economic Strategy (2019):** The applicant discusses demand for poultry in Ireland and the need for self-sufficiency, but none of this addresses the point made in our initial appeal that the proposed development at this location in no way aligns with the concept of a circular resource-efficient economy. The site is at considerable distance from source material, considerable distance from feed suppliers, and at even further considerable distance from where the applicant purports to send waste product. It is clear that the development has no functional or sustainable relationship with the site whatsoever other than being in the ownership of the applicant. There is not so much as a cluster of such enterprises in this area where there might be efficiencies in matters such as deliveries and collections.

**1.6 Compliance with Louth County Development Plan:** The applicant's claims about the environmental and sustainable credentials of the poultry industry are without any reference, and we note that no reference is made to emissions in this regard. We reiterate that at this location the proposed development cannot be considered an environmentally sustainable agricultural activity. There is no paradox in our submission that poultry industry development should be clustered. Indeed this point was made in the context of 'Food Wise 2025 – A 10-year vision for the Irish agri-food industry (Department of Agriculture, Food and the Marine, 2015)' which explicitly calls for *'Consideration of development of 'chicken complexes' to allow the industry to operate on a more economic and efficient scale with greater integration and collaboration'*.

**1.7 National / Regional Context:** The applicant's argument that it makes geographical sense to locate the proposed development here is considered untenable for the summarised reason mentioned above i.e. at considerable distance from source material and end processing.

**1.8 Manure Management:** The applicant contends that the site in question will reduce kilometres travelled when compared to other farms used by Manor farm. We submit that this is akin to saying 'whilst this site may not be great, it is not as bad as others'. This is not considered a valid argument.

**1.9 Development management considerations:** The applicant contends that a noise survey carried out 18 months prior to the application should be accepted as a valid survey. There is no substance to the applicant's claim 'nothing has changed in the intervening period' and we remain of the view that the submitted noise survey cannot be relied upon.

**1.10 An Taisce v Glanbia:** The applicant attempts to downplay and misconstrue our initial appeal concerns about the proposal to move poultry manure to destinations afar by reference to the decision in An Taisce V Glanbia. The applicant likens such a proposal to being something which is elusive, contingent and speculative when it is most certainly not in this instance. Poultry manure is specific and quantifiable and is directly related to the proposed development. It is not some remote / downstream affect.

**1.11 Traffic:** We note that the applicant correspondence has failed to address fundamental traffic concerns expressed in the previous An Bord Pleanála decision in that notwithstanding the ability of the applicant to achieve the required width for passing bays, the local road network is deficient for HGVs and would be likely to endanger public safety by reason of traffic hazard. It seems the applicant seeks to divert attention to the technical details of passing bays and entrance/exit details, when the essence of the previous An Bord Pleanála refusal reason was that the local road is simply not suitable for large HGVs which need to frequent such an enterprise. The applicant's argument in this regard is not unlike, for example, claiming that a housing estate road is suitable for use by HGVs simply because they can fit on it and may have opportunities to pull in to let other traffic by.

1.12 Furthermore, there is no means by which traffic serving the development can be precluded from approaching the site from the south or from using the surrounding rural road network. There is no statutory by-law restricting vehicle weight on the local road and as such it is contrary to the Development Management Guidelines to attach a condition which cannot be implemented or properly enforced through the planning system. A 'no-right-turn' at the exit from the premises has no statutory basis and again, such advisory signage has no means by which it can be controlled on an on-going basis.

## **2.0 CONCLUSION**

2.1 We reiterate our view that the proposed development represents an utterly unsustainable form of development in an unserved rural area. The application does not overcome the three previous reasons for refusal by An Bord Pleanála. The latest proposal compounds the previous concerns by An Bord Pleanála, and the three previous reasons for refusal are considered more valid and pressing now than they were before.

Yours sincerely,



**Stephen Ward**