

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

April 15th 2022

Dear Sir / Madam,

THIRD PARTY APPEAL 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.

PLANNING AUTHORITY: LOUTH COUNTY COUNCIL

DATE OF DECISION: 24TH MARCH 2022.

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

AN BORD PLEANÁLA	
LDG-	<u>051363-22</u>
ABP-	
20 APR 2022 o.k	
Fee: € <u>220</u>	Type: <u>Cheque</u>
Time: <u>11.55</u>	By: <u>hand</u>

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1.0 INTRODUCTION

1.1 Stephen Ward Town Planning & Development Consultants Ltd. of Jocelyn House, Jocelyn Street, Dundalk, County Louth makes this appeal on behalf of The Grogan Family of Lismanus, Dunleer, Co. Louth against the above proposed development. The address for the Grogan Family is Mr. Peter Grogan, Lismanus, Dunleer, County Louth A92 V566.

1.2 Enclosed is the appropriate fee of €220.00. Please address all further correspondence in relation to this matter to Stephen Ward Town Planning & Development Consultants Ltd, Jocelyn House, Jocelyn Street, Dundalk, County Louth A91 A03Y.

1.3 Also enclosed is a copy of the Grogan Family's acknowledgement of objection to the proposed development dated the 01st February 2021 (Appendix A). Also enclosed is a copy of the notification of decision of the Planning Authority dated the 24th March 2022 (Appendix B).

2.0 SUMMARY GROUNDS OF APPEAL

2.1 The appellants are strongly opposed to the proposed development for the following summarised reasons:

- The application is the same as that refused by An Bord Pleanála in 2019 and it is considered the three appeal refusal reasons still stand with the current proposal.
- Removal of hedgerows not stated in Notices – The public notices fail to mention that a fundamental part of the proposed development is the removal of several hundred metres of hedgerows.
- The applicant has not demonstrated sufficient legal interest and ability to undertake proposed works to the passing bays. In particular we note from the Louth County Council website that at further information stage the applicant provided a letter of consent but that letter relates to the previous application on the site (ABP Ref. ABP-307333-20; PA Ref. 19/489) that was subsequently refused permission. According to the LCC website there is in effect no letter of consent for the inclusion of third party lands as far as this current application is concerned. The 19/489 Letter of Consent only allows for "up to three laybys" whereas the current application proposes 4 laybys.
- There are five separate red line site areas (one for the poultry site itself, and four for the passing areas), yet only one site notice was displayed at the poultry site itself.
- The proposed development is contrary to National, Regional and Local Planning Policy - it is submitted that large scale intensive commercial / agricultural development on remote undeveloped land is not sustainable development.

- The application provides inadequate assessment of landscape and visual impact – the site is in the Muihevna Plain and within the sphere of influence of designated view/prospect VP31. No information such as photomontages has been submitted with the EIAR with respect to visual impact.
- The potential for impacts on residential amenity have not been adequately assessed – noise, light pollution and also impacts from dust on climate and air have not been assessed.
- The proposed development would endanger public safety by reason of traffic hazard.
- The NIS and EIAR are both inadequate and fail to comply with regulatory requirements. In particular, the NIS does not conclude, based on best available scientific information that potential for significant effects on Natura 2000 sites can be ruled out. This in particular relates to potential for indirect effects as far as the EIAR is concerned.

3.0 SITE LOCATION AND PROPOSED DEVELOPMENT

3.1 The application site is a rural site approximately 3.5km north-west of Tinure Village. The character of the surrounding area is that of tillage agriculture.

3.2 The proposed development is of significant scale and would involve the construction of almost 11,000m² of intensive agricultural floor area on a site of just under 5 hectares. In terms of scale and nature of activity it would far surpass any other agricultural or commercial activity in the area.

3.3 The appellants are wholly against the principle of such a development on a rural site. The Grogan family live approx. 400m to the east of the application site. In addition to concerns about the principle of development, the appellants are equally against the development due to other legitimate concerns relating to its design / appearance, impacts on the landscape, and impact on the road network.

4.0 PLANNING HISTORY

4.1 It is submitted that the proposed development is identical in all material respects to the proposal refused by An Bord Pleanála under appeal Ref. ABP-307333-20 (PA Ref 19-469). That development was for *'Construction of 4 poultry houses together with roofed/enclosed service yard, office, generator store and bin/general purpose store along with all ancillary structures. This application relates to a development which is for the purposes of an activity requiring a License under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) has been submitted with this planning application'*. There were three comprehensive reasons for refusal as follows:

"1. On the basis of the information provided with the application and the appeal, particularly in relation to the landspreading areas, the Board cannot be satisfied 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 (Dundalk Bay Special Protection Area (Site Code: 004026) and Dundalk Bay Special Area of Conservation (Site Code: 000455), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

2. Due to the inadequacy of the information provided to the Board, particularly in relation to the landspreading areas and biosecurity, the Board is unable to carry out a comprehensive environmental impact assessment of the proposed development as required by legislation, therefore, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

3. Having regard to its scale and nature, and the HGV traffic which would be generated, and the inadequacy in width and alignment of the local road, the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area".

4.2 To overcome the first and second refusal reason, the applicant is proposing to send all poultry manure from the proposed development for mushroom compost production. This raises a number of serious concerns as follows:

- Poultry manure disposal is being tied to specific companies and should this agreement end in the future then the Planning Authority are completely unable to control where manure may end up. It is wholly unacceptable for such a serious issue as poultry manure to be dealt with in such a casual manner. The letter from Chicken Litter Re-Cycling Co Op Society Limited amounts to essentially a letter of intention to bring manure to certain locations, rather than a letter of commitment or indeed a contractual obligation. It is entirely plausible that any of these composting facilities, which are subject to their own specific planning, licensing and environmental restrictions, may come to a position in the future whereby they cannot accept waste from the development in question. A letter of intent fails to bind either party to a contract and as such there is no binding contract for the safe and proper disposal of the manure.
- Two of the intended locations for poultry litter is that of a Carbury Substrate facility in Kildare and a Custom Compost facility in Wexford. Carbury Substrate is part of the Monaghan Mushrooms company group which has a significant presence in Monaghan including that of mushroom composting facilities, and Custom Compost Unlimited Company is owned / connected to Walsh Mushrooms which also has a significant presence in Monaghan. There is every possibility of poultry manure being brought for processing in Monaghan where the issue of poultry waste products / emissions is to the fore with the EPA having recently placed a ban on any new licenses for poultry facilities within 10k of the Sliabh Beagh and Kilrooskey Lough Natura 2000 sites such is the extremely high level of ammonia levels detected at these sites. In effect, the poultry manure could end up anywhere, including in proximity to ammonia saturated Natura 2000 sites in Monaghan, and the decision of the Planning Authority cannot control this.

- It is evident from the above that the proposed development cannot rule out potential for significant impacts on the Sliabh Beagh and Kilrooskey Lough Natura 2000 sites by way of indirect effects and as such the Board is precluded from granting planning permission for the proposed development. This is the case because the Board cannot determine with sufficient certainty, the significance of potential impacts on those sites, and accordingly the Board cannot be satisfied beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of those European sites in view of the conservation objectives of those sites. Furthermore, no assessment is provided as to the water quality in these water bodies and to grant permission would be in direct conflict with the Water Framework Directive. There is no information available to the Board to allow it assess potential for the development to cause deterioration in the chemical or ecological status of these water bodies. In such circumstances it is submitted the Board is precluded from granting planning permission.
- In terms of Environmental Impact Assessment the absence of potential impacts also undermines the basis of the EIAR given the EPA's obvious and grave concerns regarding poultry waste products / emissions on the Sliabh Beagh and Kilrooskey Lough Natura 2000 sites.

4.3 Notwithstanding the applicant's proposals with regards to disposing of poultry manure, it is failed to see how a comprehensive environmental impact assessment of the proposed development can be undertaken when it is considered the submitted EIAR is insufficient with details regarding many issues such as: ammonia emissions, noise and dust.

4.4 The Air Quality Impact Assessment uses only very broad data with respect to existing or baseline ammonia levels and has nothing on an area specific basis, nor has it anything specific to ammonia levels at the 8 nearby Natura 2000 sites all of which are within 15km. We take great issue with the statement at page 19 of this Assessment which states '*Given that the predicted levels of ammonia and nitrogen are expected to be negligible at distances greater than 7.5km from the site, no assessment for ammonia or nitrogen was undertaken at the sites detailed above*'. This statement is completely at odds with action by the EPA in 2021 County Monaghan in placing a ban on any new licenses for poultry facilities within 10k of the Sliabh Beagh and Kilrooskey Lough Natura 2000 sites¹. In addition, Guidance recently published by the EPA (June 2021) places a greater onus on the poultry sector to ensure that any proposed development within the sector does not have significant adverse impacts on Natura 2000 sites. This guidance requires that the impact of ammonia and nitrogen emission on Natura 2000 sites are assessed and that all applications consider the cumulative effect of ammonia and nitrogen emissions up to 10km from the sites (underline added by appeal author).

1 <https://www.northernsound.ie/news/task-force-being-set-up-to-address-environmental-issues-in-monaghan-poultry-sector-181206>

4.5 It is failed to see how refusal reason 3 is being overcome by the applicant. Notwithstanding that the applicant still proposes to have passing bays, the width and alignment of the local road will remain unchanged and this is something that passing bays cannot address. At each passing bay it is proposed to either remove and set back hedgerow, or trim hedgerow. There remain a number of concerns with the proposed use of passing bays not least:

- The applicant has not demonstrated sufficient legal interest to be able to provide these passing bays. Furthermore and notwithstanding, whilst a letter has been provided in the FI response from Louth County Council, it remains entirely unclear who is to provide the passing bays and indeed whether the extent of each passing bay is even achievable as it is difficult to see how the existing road, which is for the most part typically 2.5m wide, can somehow be made into a road that in parts is 6.5m wide (a 160% increase in road width).
- Louth Planning Authority have previously dismissed the use of passing bays to overcome traffic safety concerns in the case of application Ref. No. 17/727 (appeal Ref. No. ABP-302439-18) for an infill site at Drumcashel, Co. Louth. We note An Bord Pleanála Inspector conclusions which could equally be reached in the case of the proposed development the subject of this appeal:

"I also note that no proposals have been put forward for management of traffic during the operational phase, in the form of an outline traffic management plan. I accept that the traffic volumes anticipated are relatively low when averages are noted, and the development would not be permanent. Nonetheless and as submitted in the course of the application and appeal, maximum numbers of HGVs can be significantly higher on any given day and this can occur at any stage over the intended five-year period. I accept there would be periods of little or no activity from time to time, however it is the periods of high activity that can give rise to traffic hazard and increased risk of collision and while the higher HGV movements may be infrequent, the issue has not been resolved by the applicant either during the application or appeal stages".

- Notwithstanding question marks over the ability of the applicant to achieve the required width for passing bays, it is submitted that such works fundamentally and adversely impact on the rural character of the area. Furthermore, from the PA website information it appears a Road Safety Assessment Report or a Road Safety Audit are not submitted to accompany the application and this should be a pre-requisite for road works of the significant nature proposed. We reiterate what the Inspector found in the assessment of the previous proposal at this site:

"In my opinion the deficiency of the local road which provides access to the site, for the regular and frequent use by HGV traffic which would be generated by the proposed development, notwithstanding the proposal to provide lay-bys, would be likely to endanger public safety by reason of traffic hazard and this is a reason to refuse permission". (Underlining is author's emphasis)

5.0 ASSESSMENT OF THE PLANNING APPLICATION, AND NOTIFICATION OF DECISION TO GRANT PLANNING PERMISSION

5.1 The appellant submitted a comprehensive objection to the initial application and raised a number of legitimate and evidenced concerns. Many other objections were also made by concerned parties. The first Report of the Planning Officer dated 17th February 2022 fails to address many objection points not least the validity of the planning application.

Further Information Request and Applicant Response

5.2 A further information (FI) request issued on the 17th February 2022 citing a number of concerns with the proposed development.

Decision Notice

5.3 By Order dated 24th March 2021, notification of decision to grant planning permission was issued for the development subject to 24 conditions.

5.4 None of the 24 conditions to the grant of permission go any way to addressing concerns of the appellant. They are in many respects standard conditions, yet the site and proposed development are anything but typical / standard type development. There is not so much as a condition to limit noise from the site, or a condition controlling hours of operation. We are aware that during sticking / de-stocking such poultry facilities are often attended to by vehicles and workers on a near 24 hour basis.

6.0 GROUNDS OF APPEAL

Application is Invalid

Land ownership

6.1 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 (copy attached – Appendix C) refers to the previous refused application (and plans provided as part of this). It is not specific to the scheme now under appeal. In addition it would seem 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. There is no letter of consent on file from Louth County Council to include its lands within the application site area for this current application which is Ref. No. 21-1499.

Development Description

6.2 The proposed development would necessitate the removal of substantial sections of established / mature hedgerow yet no mention is made of this in the public notices. According to proposed plans several hundred metres of existing hedgerow is to be removed (for example 220m of hedgerow to be removed on the site itself, 110m of hedgerow to be removed at the site entrance, and hedgerow is to be removed at passing bays). The removal of hedgerows is not assessed in the submitted NIS, and receives scant mention in the submitted EIAR (it is not quantified or specified). In the case of the previous An Bord Pleanála refusal (Ref. No. ABP-307333-20), the Inspector noted:

"The proposed development will entail removal of a significant extent of hedgerow, for building construction and for the provision of the proposed passing bays along the local road, and this is not adequately addressed in the EIAR"

It is submitted the development description is inaccurate and misleading, and it is wholly unacceptable to omit reference to a fundamental and necessary component of the proposed development.

Site Notices

6.3 The site location map DWG No. PL07 as contained on the Planning Authority website is titled (Site Location Map. It fails to adhere to regulatory requirements at Article 22 of the Planning and Development Regulation 2001 as amended in many respects. There are five separate red line site areas (one for the poultry site itself, and four for the passing areas). Yet drawing PL07 is given the drawing title "Site Location Map" and does not state "position of site notice". There is an 'x' marked at various points and perhaps the intention here is to identify site notice positions, but as already pointed out that is not stated on the drawing. Drawing PL07 also provides two stated scales. The drawing key states a scale of "1:1500" whilst on the drawing itself it states "Site Plan Scale 1:500". Article 22(2)(b) requires a scale of 1:1000 in built up areas and 1:2500 in all other areas, or such other scale as may be agreed with the Planning Authority. The applicant has incorrectly marked the public road in yellow denoting a wayleave, which it is not. Furthermore the stated "Site Location Map" also contains the drawings of the buildings and structures and these should not be illustrated on the Site Location Map. Article 19 of the Planning and Development Regulations 2001 (as amended states) with regard site notices:

"A site notice erected or fixed on any land or structure in accordance with article 17(1)(b) shall be securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time".

It is submitted that even at a very basic level the drawings submitted with the application do not meet with regularity requirements and particularly Articles 22 and 24 of the Planning and Development Regulations 2001 (as amended). These failings are material and have the potential to prejudice third parties in understanding, assessing and commenting on the proposed development. The application should be declared invalid.

Planning Policy

6.4 There has been a material change in planning policy since the previous appeal was decided, and it is considered that this latest policy is more resistant to development of the nature proposed than previous policy. This planning policy is discussed below.

Eastern and Midland Regional Spatial and Economic Strategy (2019)

6.5 It is Regional Policy Objective RPO 7.34:

“EMRA supports the National Policy Statement on Bioeconomy (2018) and supports the exploration of opportunities in the circular resource-efficient economy including undertaking a bioeconomy feasibility study for the Region to identify the area of potential growth in the Region to inform investment in line with the national transition objective to a low carbon climate resilient economy”

It is submitted it is simply not possible to argue that the proposed development in any way aligns with the concept of a circular resource-efficient economy. The site is at considerable distance from source material (i.e. facilities from where chicks come from), considerable distance from feed suppliers, and at even further considerable distance from where the applicant purports to send waste product (poultry manure). The development has no functional or sustainable relationship with the site whatsoever other than being in the ownership of the applicant.

Louth County Development Plan 2021– 2027

6.6 The following policies of the new Development Plan are relevant to the proposed development:

Policy EE 60 to *“continue to support the agricultural sector and to facilitate the development of environmentally sustainable agricultural activities”*.

Policy Objective EE 61 to *“facilitate the diversification of the agricultural sector by supporting alternative farm enterprises subject to the nature and use of any enterprise being compatible with the environment in which it is located”*.

6.7 It is submitted the proposed development cannot be considered an environmentally sustainable agricultural activity. It is a hugely intensive agri-commercial enterprise and one which cannot be fully dealt with at source i.e. it requires ‘raw material’ to be delivered to it from considerable remove, the finished product is collected from site to be processed at facilities remote from the site, and waste product cannot be processed at source and requires to be transported considerable distances throughout the island of Ireland. Indeed the often poor sustainability credentials of the poultry sector is recognized at government level and we note amongst the stated actions for poultry activity of ‘Food Wise 2025 – A 10-year vision for the Irish agri-food industry – Department of Agriculture, Food and the Marine’ (2015)’ are:

- Investment in poultry production facilities particularly energy efficiency to reduce input costs.
- Consideration of development of 'chicken complexes' to allow the industry to operate on a more economic and efficient scale with greater integration and collaboration.
- Roll out a carbon foot-printing assessment and improvement programme for poultry.

It is thus clear that it is recognized at Government level the paradox of siting poultry enterprises in remote locations, where there are no clusters of such facilities, and where significant traffic movements and impacts to roads are required to sustain them.

EIAR Inadequacies

6.8 The submitted Air Quality Assessment Report is considered inadequate and it is noted that it does not conclude that the proposed development will not adversely affect the residential amenities of neighboring properties (see para. 4.3 above). It is failed to see how the report can conclude that designated sites would not be adversely affected when the Report limits its scope to only those sites within 7.5km. EPA guidance, and interventions in County Monaghan, clearly show that ammonia impacts happen at much greater distances.

6.9 Section 5.1 of the submitted EIAR, and the information contained in the further information response fails to assess alternative sites in any meaningful and objective way. The site selection is akin to 'reverse engineering' whereby the applicant purchased the land, came up with a proposal and then engaged in an exercise looking for reasons to support this particular site and discount others. It is also noted that the consideration of alternatives did not consider alternative uses for the site or a 'do nothing' scenario for the site. No objective methodology is employed to rule out other sites. In the previous appeal (Ref. No. ABP-307333-20), the Inspector stated with regards the assessment of alternative sites:

"In my opinion the exploration of alternatives should have included setting the proposal in a regional / national context including the suitability of the location vis a vis tillage lands and grasslands, the current use of organic fertiliser sources and their displacement (i.e. the mass balance of nutrients within a control area, per EPA guidance), and any replacement of existing, outdated, facilities which may be involved".

6.10 The exploration of alternatives in the application yet again fails to have included setting the proposal in a national / regional context and the suitability of the site vis a vis tillage lands. We submit the applicant's failure to do this is because they simply cannot – he has purchased the land for this particular purpose and thus is not able/willing to look at more suitable lands elsewhere.

6.11 In addition the proposal comes at a time when the Government have announced extraordinary measures to encourage crop growing in light of food shortage issues arising from the Ukraine war². The applicant is simply unable to justify the suitability of the site for poultry over and above its use as tillage lands. The lands are not poor quality or peripheral such that tillage is not a viable option.

² <https://www.irishexaminer.com/news/politics/arid-40823148.html>

6.12 With the applicant's change of approach to have poultry manure brought to compost processing facilities, the question must be asked why locations for the proposed development close to such facilities have not been considered. The three processing locations where it is intended to send poultry manure to are Carbury Kildare, Gorey Wexford, and Mayobridge Down which are at respective distances from the site of 70km, 167km and 65km. The EIAR attempts to justify the location by arguing it is better to be close to the poultry processing facilities but it is submitted even such arguments don't stack up as the location mentioned, Shercock, is 40km away on mostly poor quality regional roads, and there is nothing to say that the development in question will remain tied to this processing company (Manor Farms) forever. Should the development align with other processing companies, distances involved could be even further away.

6.13 It appears there is no specific section in the EIAR on "Risk of Major Accidents and Disasters" as recommended in the EPA Guidelines for Planning Authorities and An Bord Pleanála (2018). This can be both natural disasters (e.g. flooding) and man-made disasters (e.g. technological disasters) and are considered separate to any assessment of the project required under the Seveso III Directive.

6.14 There does not appear to be a receipt of notification from the Department's EIA portal which should accompany the planning application (Circular PL8/2017) but it is acknowledged that the Portal was notified.

6.15 According to the EIAR (page 46), it is intended to connect to the public water supply and confirmation has been received from Irish Water. This is also stated on the planning application form (both public mains and private well ticked). The COF from Irish Water on the PA website but the submissions from Irish Water on file state there is no connection proposed. This calls into question key findings of the EIAR.

6.16 The EIAR Non-technical summary (NTS) only states the name and credentials of three people who prepared the EIAR and states that it was prepared "with the assistance of persons and bodies referred to hereafter" (para. 1.1). The Regulations require the details and competency of all experts who contributed to the various sections of the report with details of their competency.

Roads and Traffic

6.17 The proposed development is of the same material nature as that refused by An Bord Pleanála under appeal Ref. No. 307333. In the previous case, An Bord Pleanála unequivocally found the passing bay proposals unacceptable. The proposed development would generate significant operational traffic. The L6270 is simply incapable of accommodating the traffic associated with the proposed development. We note the findings of the Planning Inspector in the previous refusal:

"Local roads in rural areas are called on, from time to time, to provide access by HGV, either for occasional use such as by HGVs delivering construction materials, or for more regular use such as servicing agricultural development: milk collection lorries would be such use. In the present case, the scale and nature of the proposed development would bring with it regular and frequent use of this road by HGVs. I note that the former landfill site extends along the local road, west of the site, to almost as far as the site boundary, and therefore it is open to the County Council to facilitate the applicant in widening the road to enable its use by HGVs. I am not satisfied that the proposed provision of lay-bys has been adequately detailed or assessed or that the provision of lay-bys would adequately provide for the traffic associated with the proposed development. In my opinion the proposal as presented would seriously compromise the safety and convenience of other road users."
(Underlining is appeal author's emphasis)

6.18 It is thus the case that irrespective of lay-bys, An Bord Pleanála previously deemed the development unacceptable on traffic grounds. Nothing has essentially changed in this regard with the latest application. The submitted traffic reports with the application (Traffic Assessment Report, and Designers Response to same) attempt to argue the development is acceptable on traffic safety grounds by setting out:

- Prohibition of use of the L6270 to east of site by planning condition or site entrance configuration.
- Lay-bys.
- Special contribution or cash bond pertaining to maintaining road in good condition.

6.19 Such measures are all considered individually and / or collectively inadequate, unenforceable and unachievable and no road safety audit is submitted with regards proposed road works. For example: it would be impossible to enforce use of roads west of site only; it is considered that proposed lay-bys are unachievable (refer to para. 4.4 above); there is no planning legislation provision to condition a special development contribution and/or bond; and a bond can only deal with the physical condition of the road and has no effect whatsoever on traffic volumes, traffic nature and safety issues associated with this.

6.20 There is also serious concern regarding the dimensions and positioning of the lay-bys even if the principle of these was acceptable, which it is not. The lack of forward visibility on the shallow curves on the road means trucks could easily be required to reverse back to a lay-by it might have just passed. There does not seem to be any auto-track assessment carried out for the lay-bys. Furthermore, with all of the proposed lay-bys on one side of the road it is distinctly possible that trucks would have to cross over onto the incorrect side of the road to access these lay-bys.

6.21 As previously noted the letter of consent from Louth County Council that accompanies this current application is for the previous application (19/469) that has been refused permission. Essentially, there is no letter of consent from Louth County Council to include its land in this current application and as such the application is invalid and / or should be refused permission on the basis that the applicant does not have sufficient interest in the land to carry out the proposed development. It is strongly contended that this omission is not a matter that can be addressed by condition and it's a fundamental and fatal flaw with the application.

Development Management Considerations

6.22 Para. 13.13.11.7 of the County Plan deals with Agricultural Enterprises and buildings. It sets out that:

"To assist in the assessment of planning applications for agricultural buildings and in particular new farm enterprises on an undeveloped landholding, a business plan setting out the requirement for the development will be required. This shall include full details of the land holding, livestock number and herd number (if applicable). New buildings shall be designed to maximise efficiency, address any pollution control requirements (e.g. collect soiled water and farm waste management), provide additional feed and machinery storage areas, and improve livestock welfare"

6.23 The proposed development is considered contrary to this Development Plan requirement. It is not considered there is any requirement for the development at this particular site other than financial gain. It is not a development necessary for agricultural diversification. It is understood the applicant's primary occupation is that of grain growing / wholesaling and there is absolutely nothing to indicate that the proposed poultry development is needed to supplement this or diversify from this main business. Furthermore, the development is not sustainable in the sense that it does not take raw material from the area, is not processed within the area, nor can it dispose of waste at source – all these activities require input from facilities at considerable remove from the site.

Landscape, Natural Heritage And Environmental Considerations

6.24 The 2002 Louth Landscape Character notes the Muihevna Plain as being of regional importance and having robust hedgerows which are important to giving a sense of enclosure. In this regard the submitted application is considered deficient as no information such as photomontages / visual images are submitted with the EIAR to demonstrate its visual impact. In addition, the removal of several hundred metres of mature hedgerow is wholly incompatible with preserving and enhancing the landscape character.

Natura Impact Assessment Considerations

6.25 It is submitted the NIS proposes additional undefined mitigating measures and as such it is not possible for the NIS to conclude the potential for significant adverse impacts on the integrity and conservation status of the stated European sites. Examples of this include reference to additional mitigation measures as recommended by IFI in their submission when no such submission was received by the Planning Authority. It is strongly contended that the NIS is fundamentally flawed in proposing such additional unspecified mitigating measures, the extent and impact of which are unknown. As such, it is submitted An Bord Pleanála is precluded from granting planning permission for the proposed development as the Board cannot determine with sufficient certainty, the significance of potential impacts on Natura 2000 sites, and accordingly the Board cannot be satisfied beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of those European sites in view of the conservation objectives of those sites

6.26 The NIS is scant on detail on cumulative and indirect impacts. Human activity in relation to the proposed development and its potential to impact on the qualifying features of interest have not been assessed in the NIS.

Development Management Considerations

6.27 It is disconcerting to see the applicant dismiss potential impacts on residential amenity, and this demonstrates a complete lack of understanding and respect for residents in the area surrounding the application site, including the appellants who live approx. 400m away from the proposed development.

6.28 It is considered the potential for noise impact from an industrial scale development, including during the construction and operational stages, has not been assessed comprehensively and objectively. The submitted Noise Impact Assessment pre-dates the submission of the application by approximately 18 months and the validity of it must be questioned.

6.29 Other potential impacts have also not been assessed. These include light pollution and also impacts from dust on climate and air.

6.30 There is clearly potential for serious harm to the residential amenities of the area from a development of the type proposed with potential for heavy vehicles coming and going at all hours of the night and day on a seven day week basis with noise from revving engines, reversing vehicles and lights from vehicles not to mention yard security lighting within the development itself. These matters have not been assessed as part of the planning application for the proposed development.

7.0 CONCLUSION

7.1 It is submitted the proposed development represents an unsustainable form of development in an unserviced rural area. The development has the potential to cause serious harm to the amenities of existing residential dwellings in the area by reason of noise, dust, odours, light pollution and other activities associated with a large-scale development of commercial scale. The development has no synergies with its location with raw materials, product and waste arisings having to be transported long distances.


7.2 We reiterate that there are serious shortcomings with the assessments that accompany the planning application. Not least amongst these is the absence of a thorough landscape and visual impact assessment, the unspecified and additional mitigation measures referenced in the NIS, and inadequate air quality assessment. It is strongly contended that the dearth of information and assessment of potential indirect environmental impacts including in terms of the stated Natura 2000 sites, that

7.3 Fundamentally, the application does not overcome the three previous reasons for refusal by An Bord Pleanála. Indeed it is considered that the latest proposal compounds the previous concerns by An Bord Pleanála issues and in light of national and local planning policy that has been adopted in the interim, the three previous reason for refusal are considered even more valid and pressing now than they were before.

7.4 Given the number of planning application and grant of permission shortcomings and concerns as set out in this Appeal, it is submitted there is no justification for the development as proposed. There is in effect no letter of consent for this planning application for the inclusion of third party lands within the application site area. The submitted consent letter being from the previous application (ABP Ref ABP-307333-20; PA Ref 19/469) that has since been refused.

7.5 There are fundamental and material failings in the drawings that accompany the application, not least the Site Location Map with scales and notations failing to adhere to the requirements of the Planning and Development Regulations 2001 (as amended) and particularly Articles 22 and 24 of those Regulations.

Yours sincerely,


Stephen Ward

APPENDIX A – COPY OF ACKNOWLEDGEMENT OF APPELLANT'S OBJECTION TO THE
PROPOSED DEVELOPMENT DATED THE 3RD FEBRUARY 2022

LOUTH COUNTY COUNCIL

Town Hall, Crowe Street, Dundalk, County Louth A91 W20C

Tel: 042/9335457

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

Date: 03/02/2022

TO: Grogan Family
c/o EHP Services
154 Riverside Drive
Red Barns Road
Dundalk, County Louth

ACKNOWLEDGEMENT OF SUBMISSION

Applicant: Michael Callan

Description of Development: 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

Location of Development: Rathescar Middle/Gunstown/Whiteriver
Dunleer Co Louth.

Date Application Received: 17/12/2021

Type of Application: PERMISSION

A Chara

I wish to acknowledge receipt of your written submission/observation in relation to the above application.

The Planning Authority will take this submission/observation into consideration before a decision is made on the application. You will be notified of the decision as soon as it is made together with details of your right of appeal to An Bord Pleanala.

The application and all plans, etc. submitted with it are available for inspection at this office from 9 a.m. to 5 p.m. Monday to Friday. Please quote the planning reference number (211499) in any future correspondence or enquiry.

Mise, le meas



Conor Kerrigan
Planning Office

PLANNING AND DEVELOPMENT REGULATIONS, 2006 (as amended)

**ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A
PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT!

**KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO
PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU
WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY.**

LOUTH COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. 21/1499

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. 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 at Rathescar Middle/Gunstown/Whiteriver, Dunleer, Co Louth

A submission/observation in writing has been received from:

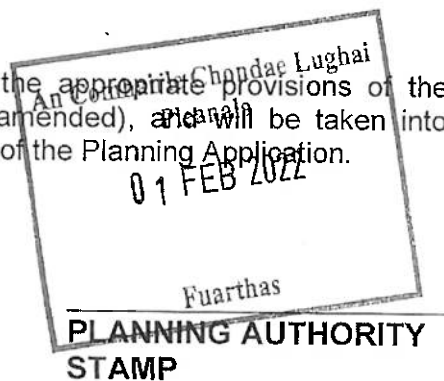
Grogan Family, c/o EHP Services, 154 Riverside Drive, Red Barns Road, Dundalk, County Louth

on **31st January, 2022** in relation to the above application.

Your €20.00 has been received and processed.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2006 (as amended), and will be taken into account by the Planning Authority in its determination of the Planning Application.


Conor Kerrigan
Planning Office



DATE: 01/02/2021

APPENDIX B – NOTIFICATION OF DECISION FOR DEVELOPMENT PROPOSED UNDER
P.A. REF. 211499

RECORD OF CHIEF EXECUTIVE'S ORDER

LOUTH COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

Chief Executive's Order No 265/22
Register Reference Number: 211499
Date Application Received: 17/12/2021
Type of Application: PERMISSION

Description of Development: 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

Name of Applicant: Michael Callan

Location of Development: Rathescar Middle/Gunstown/Whiteriver Dunleer Co Louth

Recommendation: I hereby recommend that PERMISSION be GRANTED for the development described above, subject to the 24 condition(s) as set out hereunder.

Signed: p. S. O'Callaghan **Date:** 24/3/2022
Turlough King
Senior Executive Planner

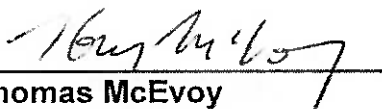
ORDER: In pursuance of the powers conferred upon the Council by the above acts, I concur with the above recommendation and I hereby decide to GRANT PERMISSION for the development described above, subject to the 24 condition(s) set out hereunder.

In case no appeal is taken against the decision contained herein, or in case any and every appeal taken is either withdrawn or dismissed, or in case a direction is given by An Bord Pleanála in relation to an appeal, I hereby further order that PERMISSION be GRANTED to the applicant in accordance with this decision or the direction as may be appropriate.

L.C.P. 265/22

REFERENCE NO. 21/1499

Signed:


Thomas McEvoy

Date: 24/03/2022

Director of Services

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S 125/22 dated 15th day of March 2022.

LOUTH COUNTY COUNCIL

L.C.P. 265/22

REFERENCE NO. 21/1499

1. The development shall be carried out in strict accordance with plans and particulars lodged with the Planning Authority on 17th December 2021 as amended by the revised plans and particulars received on the 4th March 2022 except as may otherwise be required to comply with the following conditions.

Reason: To cater for orderly development and in the interests of sustainable development.

2. The best practice methods, mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report and Natura Impact Statement and other plans and particulars submitted with the planning application, as amended by the further plans and particulars submitted on the 4th March 2022, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and protection of the environment.

Finishes

3. The finishes to the proposed poultry houses, covered yard, office building, generator store, and bin store, shall be in accordance with the details on the drawings received on 17th December 2021 and 4th March 2022, unless agreed otherwise in writing with the Planning Authority.

Reason: In the interest of visual amenity

Operation of the facility

4. The development/facility hereby approved shall be operated in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, and any updates/amendments to these regulations.

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

5. All organic fertiliser 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 and in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017. No landspreading of organic fertiliser generated from the operation of the proposed poultry houses shall take place.

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

6. Organic fertiliser shall be taken offsite by the contractor/haulier as stated in the planning application. This contractor must be registered with the Department of Agriculture Food and Marine and the organic fertiliser shall be utilized in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2018.

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

7. Records of poultry manure movements and/or disposal and all soiled water disposal, including dates and volumes disposed of and the location of the disposal facility shall be maintained. Such records shall be kept up to date and made available to the planning authority on request.

Reason: In the interest of orderly development and public health.

8. There shall be no increase in the numbers of poultry being accommodated at the overall development without a separate planning permission first having been obtained.

Reason: In the interest of orderly development.

Access and Roads

9. Prior to the commencement of development the developer shall submit, for the written agreement of the Planning Authority, details of appropriate structural upgrades of the road for a minimum distance of 25m either side of the entrance in accordance with Sections 2.15 – 2.17 of the “Recommendations for Site Development Works for Housing Areas” published by the Department of the Environment And Local Government, October 1998. The details shall include proposed carriageway strengthening design, cross section and drainage details.

Reason: Due to the nature of the development and the significant increase of HGV traffic volumes on the Local Secondary Road, (LS-6270-0), particularly during the construction period, and specifically the increase in HGV turning manoeuvres at the proposed vehicular entrance.

10. Access to the proposed poultry houses shall be only by the route detailed in Figure 6.1 in Appendix No. 23 of the EIAR received on 17th December 2021. This access route shall be utilised for both the construction and operation of the proposed poultry houses.

Reason: In the interests of traffic safety

11. Adequate visibility for a minimum distance of 75 metres on either side of the site entrance from a point 4.5 metres back in from the edge of the road carriageway over a height of 1.05 metres – 0.6m above road level at the site entrance shall be made available as indicated on submitted Proposed Site Entrance Plan Drawing No. PL09 and shall also include the provision of the left turning prohibition island as indicated on drawing no. PL09 received on 4th March 2022.

Reason: In the interests of traffic safety

12. No impediment to visibility shall be placed, planted and/or to remain within the visibility triangle. Where it is necessary to remove hedges/banks/walls/service poles to provide adequate sightline visibility, this work must be completed prior to the commencement of any development works on site. Any proposed new boundary hedge/wall shall be located behind the visibility splay. Any pole, column, vegetation, tree or sign materially affecting visibility must also be removed/relocated with consent obtained from the relevant authority to do so.

Reason: In the interests of traffic safety

13. a) No work shall commence on site until the visibility splays and the lay-bys as detailed in Appendix No. 23 of the EIAR and as indicated on submitted Drawing Nos. F2102 – P02, PL08, PL08a, PL08b and PL08c received on 4th March 2022 have been constructed to the written satisfaction of the Planning Authority.
- b) The area within the visibility splay shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter.
- c) The lay-bys shall be suitably surfaced and shall not impact on the existing boundary fence to the Whiteriver Landfill Site and shall not encroach on the Landfill Site in any way. The materials to be used to construct the lay-bys in addition to the construction methodology shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interests of traffic safety and proper planning and development.

14. The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay to the Council the cost of making good any such damage on a demand thereof being issued by the Council.

Reason: In the interests of traffic safety and proper planning and development.

Surface Water

15. Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Road drainage across the entrance and along the public road shall not be impeded or interrupted in any way. The applicant must construct the surface water drainage as detailed in Appendix No. 20 of the EIAR and manage and operate the whole of this system as long as the proposed facility remains in operation.

Reason: In the interests of traffic safety and proper planning and development.

Wastewater Treatment System

16. The Wastewater Treatment & Disposal System shall comply with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (2021).

Packaged Wastewater Treatment System

- a. The development shall be serviced by a packaged wastewater system. The WWTS must comply with SR66 and the relevant part of the 12566 series. It must be tested and certified where applicable under parts 3 and 6. The system shall comply with the EPA Code of Practice - Section 9. The system shall be installed in accordance with the manufacturer's instructions. Installation shall be supervised and certified by a competent person or the system supplier and the work documented for future inspection by the Planning Authority.

Polishing Filter

- b. The effluent from the packaged wastewater system shall be discharged to a polishing filter. The installation shall be overseen and certified by a competent person. This certificate shall be forwarded to the Planning Authority by the Site Assessor prior to the occupation of the dwelling house. The site of the polishing filter shall be staked and roped off before any construction activities begin, to make others aware and to keep traffic and materials off the site.

Location of System

- c. The wastewater treatment and disposal system shall not be located at any position other than that indicated on the site layout map approved by the Planning Authority. The treated wastewater shall not be discharged to any watercourse (including drains and dry drains).

Minimum Separation Distances

- d. The minimum distances of separation of the wastewater treatment and disposal system from relevant features shall be as set out in the EPA Code of Practice - Section 6 Table 6.2.

Wells

- e. The recommended minimum distance between a receptor and a polishing filter shall be as set out in Table 6.2.

- f. Where the planning permission includes a condition to connect to the mains water supply and an alternative private well supply is later proposed, a report from a site assessor showing compliance with Table 6.2 and a site layout plan showing the location of the well must be submitted to the Planning Authority for record purposes.

Change of System

- g. The wastewater treatment and disposal system shall be strictly in accordance with the details submitted to and approved by the Planning Authority. A system other than that proposed shall not be installed without the prior written consent of the Planning Authority. A request for a change of system shall be supported by a site specific report from the site assessor confirming that the proposed alternative system is appropriate for the site and meets the requirements of the EPA Code of Practice.

Certification for the Wastewater Treatment and Disposal System

- h. Before the dwelling is occupied, the developer/ property owner shall furnish the Planning Authority with written certification from a competent person who possesses and produces professional indemnity insurance for a minimum of €1,000,000 that the installation of the treatment system and polishing filter have been carried out in accordance with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (2021) and the requirements of the Planning Authority as set out in a, b, c, d, e, f and g above.

Installation, Inspection and Monitoring Schedule

- i. The wastewater treatment system shall be installed, inspected, maintained and monitored in accordance with the EPA Code of Practice - Section 12 Table 12.1. Homeowners should obtain the appropriate documentation including manufacturer's instructions on the system and shall take all steps to ensure that the system is properly operated and maintained. A management and maintenance agreement shall be completed with the system supplier. All inspection and maintenance work shall be carried out by competent persons. Records of installation including contractor's details, maintenance and de-sludging shall be kept to demonstrate a 'duty of care'. The documentation should be transferred to any new homeowner.

Reason: To prevent unauthorised development and in the interest of Public Health.

17. Prior to the commencement of development the applicant shall confirm the name of the person who will supervise the installation of the effluent treatment system and percolation area (give details of qualifications and insurance). Confirm that the above named person will provide an as-constructed report confirming that the effluent treatment system and percolation area were constructed in compliance with the EPA Code of Practice 2021.

Reason: In the interest of Public Health

Landscaping

18. Prior to the commencement of development the developer shall submit, for the written agreement of the Planning Authority a detailed landscaping scheme for the proposed development consisting of a site layout plan of not less than 1:500 showing:
- i) The species of all proposed trees and hedgerow;
 - ii) The number, height, and location where each species is to be planted;
 - iii) The timescale for carrying out the landscaping works.

All planting shall be adequately protected from damage until established. Any trees, plant, or hedgerow that dies, is removed, or is seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with species of a similar size.

Reason: In the interests of residential and visual amenity.

Construction of the facility

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

20. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

21. All necessary measures, as may be determined by the Planning Authority, shall be taken by the developer/contractor/servants/agents to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning work.

Reason: In the interests of traffic safety and proper planning and development.

Archaeology

22. a) The developer is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the application site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- b) The archaeologist shall carry out any relevant documentary research and inspect the site. A programme of archaeological test excavation shall be conducted at locations chosen by the archaeologist (licensed under the National Monuments Act 1930-2004), having consulted the site drawings and the Department of Housing, Local Government and Heritage.
- c) Having completed the work the archaeologist shall submit a written report to the Planning Authority and the Department of Housing, Local Government and Heritage. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation), or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features, or other objects of archaeological interest.

Development Contributions and Bond

23. In accordance with the Council's Development Contribution Scheme 2016-2021 made under the provisions of section 48 of the Planning and Development Act 2000 (as amended) the developer shall pay a contribution to the Planning Authority, (or such increased amount in accordance with the changes on an annual basis to the Chartered Surveyors of Ireland Construction Tender Price Index) towards the costs already incurred or to be incurred by the Planning Authority on the provision of each of the public facilities listed below, which will benefit development in the area of the Planning Authority. This contribution shall be paid in full prior to the commencement of development unless otherwise agreed in writing with the Planning Authority.

(i) Class 1 Infrastructure	€50,155.20
(ii) Class 2 Amenity	€12,538.80

Total Contribution: €62,694

Reason: The provision of such public infrastructure and facilities in the area of the Planning Authority has benefited or will benefit the proposed development and it is considered reasonable that the developer should contribute towards the cost of their provision.

24. The applicant shall provide adequate security for the maintenance and satisfactory repair of the remainder of the existing road LS-6270-0 carriageway pavement along the access route to the development. The security shall be in the form of a lodgement with Louth County Council of a cash deposit in the amount of **€23,000**, coupled with an agreement empowering the Council to apply such security, or part thereof, for the satisfactory repair or maintenance of the existing road LS-6270-0. The deposit will be refundable to the applicant following completion of the development to the satisfaction of the Council.

Reason: In the interests of traffic safety and proper planning and development

Important Notes for Applicants

1. It should be clearly understood that the granting of Planning Permission does not relieve the developer of the responsibility of complying with any requirements under other Codes of legislation affecting the proposal.
2. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
3. A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
4. The applicant/developer shall liaise with statutory bodies and the Public Utility Authorities and carry out all diversions, re-routing, modifications, etc. as required during the construction of the works. The applicant/ developer shall arrange to carry out any works required by statutory bodies and the Public Utility Authorities.
5. The applicant/developer shall make all necessary arrangements to apply for and obtain a Road Opening License(s) from Louth County Council in respect of all road openings in public areas and shall pay Road Opening License Fees and road restoration costs. The applicant shall abide by the conditions as set out in the said license(s).
6. The procedure for making an appeal is available on An Bord Pleanála's website. (www.pleanala.ie)

APPENDIX C – LETTER OF CONSENT FROM LOUTH COUNTY COUNCIL UNDER
P.A. REF. 19/469