

# SUBMISSION OF DRAFT/DIRECTED ORDER

PL 19.245044

BOARD,

Draft/Directed Order giving effect to recommendation/direction to grant/refuse/use S139/dismiss/split decision is attached for consideration.

\*\*\*\*\*  
SECRETARIAT

Enter decision code:

3	5
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Split Decision:

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Residential Developments(*grant of permission only*)

Enter No. of Units Apts

--

Floor Area

--

sq.m

Houses

--

Floor Area

--

sq.m

Total Development Area (floor area)

--

sq.m

Please issue notification as follows:

P.A.: (BP100n/BP100an/BP100a1n/103n/specialletter):

Officer G. Connell ✓

Appellant(s)/Agent(s): (BP100n/100an/100a1n/101n//103n/1031n/10312n/102n/specialletter):

M. Hoey

Applicant(s)/Agent: (BP 100n/101n/103n/102n/BP100ln/BP103ln/special letter):

Rosderra Ferris ✓

Observers and others: (BP 104n/100n/special letter):

Public Representatives: (BP 104n/100n/special letter):

Comments:

Drafted:

Callaghan

Date:

13/10/15

Typing & Letters Checked:

Callaghan

Date:

13/10/15

Cleared S.E.O./S.A.O.:

M. Dwyer

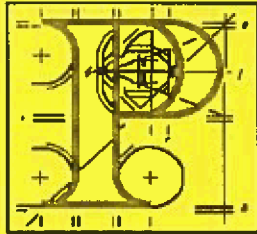
Date:

14/10/15

AM RBA

J/anb/misc/draftingsection/submission of draft order1

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## Board Direction

Ref: PL19.245044

The submissions on this file and the Inspector's report were considered at a Board meeting held on 9<sup>th</sup> October 2015.

The Board decided to grant permission generally in accordance with the Inspector's recommendation subject to the amendments shown below.

### REASONS AND CONSIDERATIONS

In coming to its decision the Board had regard to the following:

- (a) the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010,
- (b) the European Communities (Welfare of Farmed Animals) Regulations, 2010,
- (c) the provisions of "Food Harvest 2020 - a Vision for Irish Agri-Food and Fisheries" issued by the Department of Agriculture, Fisheries and Food(2010),
- (d) the nature and scale of the proposed development,
- (e) the location of the site, the characteristics of the area, and the pattern of development in the vicinity, including the distance to dwellings,
- (f) the characteristics of the proposed development, the characteristics of its potential impacts, and the mitigation measures proposed,
- (g) the planning history of the site,
- (h) the nature and scale of the existing facility on the site and its management practices,
- (i) the operation of the facility under an Integrated Pollution Control (IPPC) Licence issued by the Environmental Protection Agency,

(j) the IPPC licence history at this site, the long period of operation of the existing facility, and the absence of complaints in relation to its operation, and

(k) the submissions on file, and

(l) the report of the Inspector.

#### Appropriate Assessment

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites. Subject to the implementation of the identified mitigation measures the Board concluded that, on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

#### Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the mitigation measures proposed, the proposed development would not be likely to have a significant effect on the environment.

The Board considered that the proposed development would involve an improvement in animal welfare facilities at the site and would not represent an intensification of use of the lands. The proposed development would, therefore, subject to the conditions set out below, not seriously injure amenities of the area or cause a flood risk, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings and other information received by the planning authority on the 2<sup>nd</sup> January 2015, and the 7<sup>th</sup> April 2015, except where otherwise may be required in order to comply with the following conditions.

**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.

**Reason:** In the interest of protecting watercourses and natural habitats and the prevention of environmental pollution.

3. Landscaping of the site shall be of native species of trees and shrubs of local origin only.

**Reason:** In the interest of protecting local biodiversity.

4. 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, noise management measures and off-site disposal of construction/demolition waste.

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

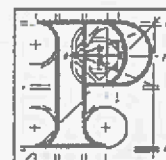
Board Member:



G.J. Dennison

Date: 13<sup>th</sup> October 2015

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# Inspector's Report Discharge Form

File No: 245044

Please complete all relevant sections – (whether recommendation is to grant or to refuse)

(1) New Issues Yes ☐ No ☒

If 'Yes', provide brief description:

(2) Residential Development

(i) Number of dwellings: \_\_\_\_\_ as per my recommendation (enter...none...if refusal)

No. of Apts. \_\_\_\_\_ No. of Houses \_\_\_\_\_ Total No. of Units \_\_\_\_\_

(ii) Part V, Social and Affordable Housing

Section 96, Part V condition applies: Yes ☐ No ☐

(3) Development Contributions (s. 48, s. 48(2) (c) and s.49)

Section 48 Development Contribution Scheme condition applies:

Yes ☐ No ☒

Section 48 (2) (c) Special Development Contribution condition applies:

Yes ☐ No ☒

Section 49 Supplementary Development Contribution Scheme condition applies:

Yes ☐ No ☒

(4) Material Contravention of Development Plan

Section 37(2)(b) provisions apply:

Yes ☐ No ☒

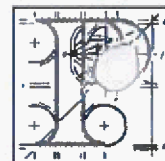
(5) Statutory Notices (e.g. s.131/s.132)

Have all statutory notice periods expired?  
If 'No', the file should not be discharged.

Yes ☒ No ☐

PTO





# Inspector's Report Discharge Form

File No: \_\_\_\_\_

## (6) Habitats Directive

Is the integrity of a European site likely to be negatively affected?

Yes ☐

No ☒

Has AA, or screening for AA, previously been carried out by the EPA, and if so, has regard been had to this?

Yes ☐

No ☒

N/A ☐

## (7) EIA Development (including sub-threshold)

Does this application relate to an activity for which an IPPC or Waste Licence (or review of a Licence) is required from the EPA?

Yes ☒

No ☐

If an EIS was submitted, was the EPA notified and observations sought/received?

Yes ☒

No ☐

N/A ☐

In the case of sub-threshold development where the submission of an EIS has not been sought, has the EPA been notified of this view and observations sought/received?

Yes ☐

No ☐

N/A ☒

INSPECTOR 

Date 2 October 2015