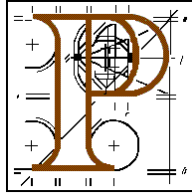


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2004

Cavan County

Planning Register Reference Number: 05/1624

An Bord Pleanála Reference Number: PL 02.216046

APPEAL by Catherine and Kieran Gillick and Olivia Fox Murphy of Lislea, Virginia, County Cavan against the decision made on the 20th day of December, 2005 by Cavan County Council to grant subject to conditions a permission to John and Charles Smith care of C. L. W. Environmental Planners Limited of The Mews, 23 Farnham Street, Cavan, County Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of two number poultry houses and one number store together with all associated site works at Lislea, Castlerahan, Virginia, County Cavan.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the policies of the current Development Plan for the area and the location of the site in a rural agricultural area and the scale, form and siting of the proposed development, which include proposals to landscape the perimeter of the site and measures to control and manage the risk of pollution, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or the residential amenities of property in the vicinity of the site, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. Prior to the commencement of development, revised plans shall be submitted to the planning authority for written agreement, indicating the finished floor level of the proposed chicken houses, silos and store.

Reason: In the interest of the visual amenities of the area.

2. Prior to the commencement of development, details of the proposed buffer zone alongside the stream to the south west of the site shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health.

3. Prior to the commencement of development, details of the materials, colours and textures of all external finishes shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

4.
 - (1) In the first planting season following the commencement of development, the site shall be landscaped in accordance with the scheme submitted to the planning authority.
 - (2) Any failures within the planting scheme shall be replaced in the subsequent planting season.
 - (3) All sound trees on the site (including those in surrounding hedgerows) shall be retained except those that are required to facilitate the actual physical development of the site.

Reason: In the interest of the visual amenities of the area.

5. Prior to the commencement of development, details of the treatment of the entrance and laneway to the site shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development and traffic safety.

6. Water supply and drainage arrangements, including the disposal of surface water and measures to prevent the discharge of polluting water to watercourses, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. Prior to the commencement of development, the means of disposing of wastewater shall be agreed in writing with the planning authority and shall include a buffer zone from sensitive receptors.

Reason: In the interest of public health and amenity.

8. Prior to the commencement of development and subsequently every four years, a Nutrient Management Plan for the site shall be submitted in accordance with the requirements of the planning authority. The Nutrient Management Plan shall include measures to monitor soil fertility in the range and land spreading areas.

Reason: In the interest of public health and amenity.

9. Underground storage tanks shall be constructed and certified as constructed in accordance with the requirements of the planning authority.

Reason: In the interest of public health and amenity.

10. Poultry litter shall be disposed of, and detailed records shall be maintained with regard to litter disposal, in a manner to be agreed with the planning authority.

Reason: In the interest of public health and amenity.

11. The temporary on-site storage of carcasses shall be in sealed containers.

Reason: In the interest of public health and amenity.

12. The transport of poultry manure shall be in suitably contained, leak proof vehicles.

Reason: In the interest of public health and amenity.

13. Any alteration to the disposal method for litter and casualty birds shall only be implemented with the prior written agreement of the planning authority.

Reason: In the interest of public health and amenity.

14. During the operational phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity (these locations shall be agreed with the planning authority prior to the commencement of development) shall not exceed:

- (a) an L_{Art} value of 55 dB(A) during the period 0800 hours to 1800 hours, Monday to Friday inclusive and 0800 hours to 1600 hours on Saturday, and
- (b) an L_{AeqT} value of 45 dB(A) at any other time.

Reason: To protect the amenity of properties in the vicinity.

15. Prior to the commencement of development, a vermin control plan shall be submitted to and agreed in writing with the planning authority in writing.

Reason: In the interest of public health and amenity.

16. Cleaning of the poultry units and removal of spent litter shall not occur during the hours 1900 to 0800 Monday to Friday or at any time on Saturdays, Sundays, Bank Holidays or Public Holiday.

Reason: In the interest of public health and amenity.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2006.