

MONAGHAN COUNTY COUNCIL

TO: Vincent Quinn
C.L.W Environment Planners Ltd
The Mews
23 Farnham St
Cavan

20/260
29/10/2020

Re: Planning and Development Act 2000 (as amended)
NOTIFICATION OF DECISION

Monaghan County Council has by order dated 29/10/2020 decided to GRANT permission to the above named for development of land, in accordance with the documents submitted namely for:- permission to construct 1 no. poultry house together with all ancillary structures (to include meal bin(s) and soiled water tank(s)) and ancillary site works (to include new/upgraded site entrance on, and or, adjacent to an existing poultry farm. 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 (E.I.A.R.) will be submitted with this planning application at Cornanagh, Ballybay subject to the 7 condition(s) set out in the Schedule attached.

Signed on behalf of Monaghan County Council


A/ADMINISTRATIVE OFFICER


DATE

Provided there is no appeal against this DECISION a grant of planning permission will issue at the end of four weeks (see footnote).

THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS ISSUED.

NOTE:

1. Any appeal against a decision of a Planning Authority under Section 34 of the Act of 2000 (as amended) may be made to An Bord Pleanala. The appeal period for the applicant and other persons will be four weeks from the day the Planning Authority makes its decision.
2. Appeals should be addressed to The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. In the case of an appeal by any other person, the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.
 - (a) The fee for an appeal against a decision of a Planning Authority, on a planning application relating to a commercial development, made by the person who made the planning application is **€1,500 or €3,000** if there is an EIS or NIS involved. Commercial Development means development for the purpose of any professional, commercial or industrial

- undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.
- (b) Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application is made, where the application relates to unauthorised development is **€4,500 or €9,000** if there is an EIS or NIS involved.
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development, other than an appeal mentioned at (a) or (b) is **€660**.
 - (d) Appeal other than appeal mentioned at (a), (b), (c), or (f) is **€220**.
 - (e) Application for leave to appeal is **€110**.
 - (f) Appeal following a grant of leave to appeal is **€110**.

The appeal must be fully complete, with your name and address, the subject matter of the appeal, the full grounds of appeal and supporting arguments and material, appropriate fee and evidence of payment of submission fee to the Planning Authority.

In the case of a third party appeal, the acknowledgement from the Planning Authority of receipt of the submission or observation made by the person to the Planning Authority at application stage should be submitted and the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.

- 3. Submissions or observations to the Board by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of **€50**.

For more information on Appeals you can contact An Bord Pleanála at:-

Tel. 01-8588100 or LoCall: 1890 275 175

Fax: 01-8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

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1.
 - a. The developer shall pay to Monaghan County Council a sum of **€3,286** in accordance with the General Development Contribution Scheme 2013-2019 (as revised) made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.
 - b. The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).
 - c. No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.

2.
 - a. The development/facility hereby approved shall be operated in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
 - b. Prior to the commencement of development, drainage arrangements for the site, including the disposal of surface water, shall be submitted to and agreed in writing with the Planning Authority. All drainage works shall be carried out in accordance with these to-be-agreed details. In this regard:
 - All soiled waters shall be directed to a storage tank.
 - No effluent or slurry shall discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or to the public road.
 - All surface water arising on the concrete aprons shall discharge to a silt trap followed by an appropriately sized sub soil polishing filter.
 - The silt trap shall be inspected regularly and adequately maintained.
 - An inspection manhole shall be installed for sampling and inspection purposes and shall be located on the surface/storm water line after the silt trap and prior to the sub soil polishing filter.
 - All uncontaminated yard water from all concrete yard areas shall discharge to an appropriately sized silt trap followed by soil polishing filter.
 - All uncontaminated roof water shall discharge to a soakpit.
 - c. All uncontaminated roof water from buildings and yard water shall be separately collected and discharged in a sealed system to a existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.
 - d. All organic fertiliser generated by the development hereby approved (and existing development within the farmyard) shall be conveyed through properly constructed channels to the proposed (and existing) storage facilities and shall not discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or public road.
 - e. All organic fertiliser generated by the proposed development shall be disposed of in accordance with the details submitted to the Planning Authority and in accordance

with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.

- f. There shall be no change in poultry type or increase in the numbers of poultry being accommodated at this site unless otherwise agreed in writing with the Planning Authority.
- g. Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 as amended.
- h. All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in accordance with the Waste Management Act 1996 as amended, and records of such shall be kept on site.
- i. All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise, shall be bunded.
- j. All bunds will be designed to contain 110 % of the capacity of the largest storage container located within the bund.
- k. There shall be no overflow drain facility from any bunds on site and all filling and off-take points shall be located within a bund.
- l. Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996 as amended.
- m. Developer shall immediately inform the Planning Authority and Inland Fisheries Board of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body.
- n. Prior to the commencement of development the developer shall obtain an Industrial Emissions (IE) License from the EPA as the proposed development comprises or is for the purpose of an activity for which an Industrial Emissions (IE) License is required.
- o. During the construction phase of development, the applicant shall immediately inform the Planning Authority and Inland Fisheries Board of an accidental spillage of polluting mater or any other substance which may threaten the quality of any watercourse or groundwater body.
- p. In landbanks with extreme groundwater vulnerability, prior to land spreading of organic fertilizer, the developer shall ensure a consistent minimum thickness of 1m soil and subsoil.
- q. 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 utilised in accordance with the requirements of the European Union (Good Agricultural Practice for

Protection of Waters) Regulations 2018. Any changes in contractor shall be agreed in writing with the Planning Authority.

- r. Within six months from date of the final grant of planning permission, an ammonia management program outlining ammonia reduction measures, including timeframes for implementation, appropriate for the site, shall be submitted to the Planning Authority. The ammonia management program shall be reviewed annually, and a copy of the reviewed ammonia management program shall be submitted annually to Monaghan County Council by December 31st. The reduction in ammonia emissions from the site using Best Available Techniques (BAT) shall be detailed in the annual ammonia management program.
3.
 - a. Prior to any other works commencing, visibility splays of 50m, measured to the nearside road edge in each direction, shall be provided from a point in the centre of the proposed/new access lane entrance 2.4m from the road edge at a height of between 1.05m and 2m above ground level to an object height of between 0.25m and 2m above ground level in both directions. The visibility splays shall be retained and kept clear from obstructions thereafter.
 - b. Where it is necessary to remove hedges, fences, embankments or other obstructions in order to achieve the required visibility splays, they shall be reinstated behind the visibility splays. Any new trees or shrubs shall be planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting shall be kept trimmed behind visibility splays.
 - c. Where the existing roadside hedge/embankment is to be removed, the roadside verge shall be widened (by grading back or infilling where necessary using appropriate inert material) to include the entire area within the visibility splays, top soiled, and grassed to the satisfaction of the Planning Authority.
 - d. The proposed/new access lane entrance shall form a bellmouth of 4m radius with edge of new boundary. Recessed entrance shall be of sufficient dimensions to contain a stationary vehicle off the public road. If applicable, entrance gates shall open inwards only.
 - e. Proposed/new access lane entrance shall be surfaced with concrete or bitmac from edge of public road for a minimum of 5m and the surface shall be graded back so that its level at 3m from the edge of the carriageway is a minimum of 100mm below road level. Gradient of new access road shall be not greater than 1:20 (5%) for the first 5m from boundary and 1:10 (10%) thereafter.
 - f. Surface water drain shall discharge to the nearest appropriate watercourse or drainage pipeline. Suitable gullies shall be placed at start, end and intersection of other drains and at not greater than 40m intervals. Separate application shall be made to Monaghan County Council if this requires a road opening licence.
 - g. Cattlegrid/ACO Drain/gullies shall be installed at proposed/new access lane entrance and constructed in such a manner as to prevent water from the entrance flowing

onto the public road. Similarly, measures shall be taken to prevent road surface water from flowing onto the entrance. The discharge from the above drainage shall be piped to an appropriate drainage pipeline or watercourse.

- h. Provision shall be made for surface water drainage and no surface water shall be allowed flow onto the public roadway. The discharge of surface water from the public road through road surface drainage and road subsoil drainage shall remain unimpeded.
 - i. No development exempt or otherwise shall be erected over the public sewer, drain or water-main, unless otherwise agreed in writing with the Planning Authority.
 - j. Before any work is commenced on this development a security, by way of a cash deposit, in the sum of **€2250**, shall be paid to the Planning Authority by the developer to ensure the satisfactory completion of all surface water drainage/boundary work within and abutting the site area, to prevent runoff of surface water onto the public roadway and to ensure that no damage is caused to public roadway and any such damage is repaired satisfactorily. Failure to carry out all entrance works to a standard to the satisfaction of the Planning Authority will result in forfeiture of part or all of the cash security.
- 4.
- a. Only that applicable portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances, shall be removed.
 - b. Remaining mature trees and hedgerow defining the site boundary shall be permanently retained in this development. They shall also be reinforced with additional planting and protected from damage at all times, particularly during building operations.
 - c. Further to the submitted landscaping details, the new hedgerows along the proposed/new access lane, the roadside and the site boundaries shall be planted with native species so as to ultimately form naturalised hedgerows similar to existing hedgerows in the vicinity. Predominant species shall be whitethorn, with blackthorn, hazel and holly also included. Planting shall be in a double staggered row with 8 (eight) 2-3 year old plants per metre; 250mm apart, with 300mm between rows.
 - d. Hedgerow planting, as required, shall be supplemented with native tree species at irregular intervals. Species shall include ash, oak, sycamore and beech.
 - e. Planting as required shall be carried out in the first planting season following commencement of building operations and shall be permanently retained thereafter.
Any plant which fails in the first planting season shall be replaced. Trees shall be allowed to mature and shall not be topped when trimming hedgerows.
 - f. Any boundary fencing shall be of stained wood.
- 5.
- a. Roofing material shall be dark green, dark grey, dark blue or black in colour.

- b. No unpainted metal sheeting shall be used for roofing or on the external wall finishes.

- 6. Ground and finished floor levels shall be as per the plans submitted. Facilitating cut and/or fill shall be graded to a natural contour to reflect the existing topography of the area.

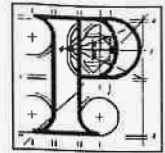
- 7. The development shall be carried out strictly in accordance with the plans and documents submitted on the 06/07/2020 as amended on the 04/09/2020, except as may otherwise be required in order to comply with the above conditions.

The reasons for the imposition of the above conditions are:

- 1. **It is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities in the area.**
- 2. **In the interest of environmental protection.**
- 3. **In the interest of road/traffic safety.**
- 4. **In the interest of visual amenity.**
- 5. **In the interest of visual amenity.**
- 6. **In the interests of visual amenity and securing a satisfactory standard of development.**
- 7. **In the interest of proper planning and sustainable development.**

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Planning Appeal Form/Check List
(Please read notes overleaf before completing)



1. The appeal must be in writing (e.g. not made by electronic means).
2. State the -
 - name of the appellant _____
(not care of agent)
 - address of the appellant _____
(not care of agent)
3. If an agent is involved, state the -
 - name of the agent _____
 - address of the agent _____
4. State the Subject Matter of the Appeal*
 - Brief description of the development _____

 - Location of the development _____

 - Name of planning authority _____
 - Planning authority register reference number _____

** Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.*
5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Fee of € _____ attached in respect of the appeal.
8. Fee of € _____ attached in respect of request for an oral hearing of the appeal, if a request is being made.
9. Ensure that the appeal is received by the Board in the correct manner and in time.

Signed _____ Date: _____

A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000. Substitute 'observer' for 'appellant' and 'submission/observation' for 'appeal' at each reference. Items 6 and 8 above are not applicable to the making of submissions or observations. /Over.....

Notes (See Form/Check List overleaf)

1. Rules for Making Appeals

You are advised to check the latest version of “A Guide to Making a Planning Appeal” issued by the Board. It is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority. A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

2. Appeal Fees

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet “Guide to Fees payable to the Board” is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority. Note that appeal fees may change from time to time. A significant number of appeals are invalid either because no fee or an incorrect fee is included.

3. Time Limits

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2nd of a month, the last day for receipt of the appeal is Tuesday 29th of the same month, NOT Wednesday 30th. There are special rules where the last day falls on a day the Board’s offices are closed or where the appeal period falls over the Christmas/New Year period. Check our leaflet for further information. A significant number of appeals are invalid because they are late – sometimes, just one day late.

4. Delivering the Appeal

- Send the appeal by post to *The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1*, or,
 - deliver it by hand, to an employee of the Board (not a security person), during office hours (9.15 a.m. to 5.30 p.m.) on Monday to Friday,
- so that the appeal reaches the Board by the last day for making an appeal. Do not place the appeal in the Board’s letterbox. A significant number of appeals are invalid because they are incorrectly delivered.

5. Completeness

The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purposes of complying with the rules for making an appeal or otherwise, unless invited by the Board.

This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a ‘cover page’ in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board’s leaflets “Making a Planning Appeal under the 2000 Planning Act” and “Guide to Fees payable to the Board”. The guidance given in those leaflets and in this document also applies generally to the making of submissions and observations by ‘observers’ under section 130 of the 2000 Planning Act. A significant number of submissions and observations by ‘observers’ are also invalid because the appropriate rules are not observed.

This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals (section 130 for ‘observers’).

An appeal or a submission or observation on an appeal that is not made strictly in accordance with the statutory rules will be invalid. The Board has no discretion to relax or vary the rules. The onus is on YOU to meet all the legal requirements at the time you make the appeal/submission/observation.

14th February 2005