LIMERICK CITY & COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS, 2000 (AS AMENDED)

NOTIFICATION OF GRANT OF PERMISSION

Patrick O'Connell c/o Seamus Lynch Corroville Designs Belville Kilmeedy, Co. Limerick

PLANNING REGISTER NUMBER: 21/469

APPLICATION RECEIPT DATE: 12/04/2021

Permission for change of site layout and site boundaries (relocation of 1no. proposed poultry unit) from that previously granted under planning ref. 18/25 and all associated ancillary site works at Ahawilk Feohanagh Co. Limerick.

Further to the Order dated:

10/08/2021

A PERMISSION has been granted for the development described above subject to the 5 condition(s) set out on the Schedule which accompanied the Notification of the Council's Decision dated 10/08/2021.

Signed on behalf of the said Council

Heather Supple

(for) A/Senior Executive Officer Planning & Environmental Services

14/09/2021

Please note that the provisions of Planning & Development Act 2000 (as amended) limits the duration of this planning permission to 17/10/2023.

LIMERICK CITY & COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)

NOTIFICATION OF DECISION TO GRANT

Patrick O'Connell c/o Seamus Lynch Corroville Designs Belville Kilmeedy, Co. Limerick

Planning Register Number:

21/469

Valid Application Received:

12/04/2021

Further Information Received Date:

15/07/2021 & 28/07/2021

In pursuance of the powers conferred upon them by the above-mentioned Act, Limerick City & County Council has by Order dated 10/08/2021 decided for the reason set out in the First Schedule hereto, to GRANT PERMISSION for development of land in accordance with the documents submitted namely:-change of site layout and site boundaries(relocation of 1no. proposed poultry unit) from that previously granted under planning ref. 18/25 and all associated ancillary site works at Ahawilk Feohanagh Co. Limerick subject to the 5 condition(s) and the reasons for the imposition of the said condition(s) as set out in the Second Schedule.

Signed on behalf of said Council

Heather Supple

for DIRECTOR OF SERVICES

LIMERICK CITY & COUNTY COUNCIL

Date: 10/08/2021

Under Article 20 of the Planning & Development Regulations 2001 (as amended) the applicant shall remove the site notice in respect of the application following notification of the Planning Authority's decision.

In deciding the planning application, the Planning Authority, in accordance with Section 34(3) of the Planning & Development Act 2000 (as amended) has had regard to submissions/observations received (if any) in accordance with the Planning & Development Regulations 2001 (as amended).

In accordance with Article 31(j) of the Planning & Development Regulations 2001 (as amended), if there is no appeal to An Bord Pleanála a grant of permission shall be issued as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal (see footnote). THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS GRANTED.

NOTE:

An appeal against a decision of a planning authority under the provisions of the Planning & Development Act 2000 (as amended) may be made to An Bord Pleanála at any time before the expiration of the appropriate period and on payment of the appropriate fee, by an applicant for permission or any person who made submissions or observations in writing in relation to the planning application. An appeal by a person who made submissions or observations must be accompanied by the acknowledgement of receipt of the submissions or observations from the planning authority. Any such appeal must be made in writing and received by the Board within 4 weeks beginning on the date of the making of the decision by the planning authority. The appeal must be fully complete from the start otherwise it will be invalid. It is very important to note that any appeal referrals under the Planning & Development Acts 2000(as amended) which are not accompanied by the correct fee will be invalid.

The scale of fees payable to An Bord Pleanála in respect of appeals is set out hereunder:

	Case Type	Appeal received on or after 5 th
		September 2011
PI	anning Acts	
a.	Application for strategic infrastructure development or a request to alter the terms of such development already permitted or approved.	€100,000
b.	••	€4,500 or €9,000 if *EIS or **NIS involved
c.		€1,500 or €3,000 if *EIS or **NIS involved
d.	Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to retention of development, other than an appeal mentioned at (b) or (c) (non-commercial development).	€660
e.	1 st party appeal solely against contribution condition(s) – (2000). Act Section 48 or 49).	€220
f. g.	Appeal other than an appeal mentioned at (b), (c), (d) of (h) Application for leave to appeal.	€220 €110
h. i.		€110 €220
j.	Reduced fee (payable by specified bodies)	€110 €50
k.	infrastructure development applications, appeals and referrals.	(2000)
1.	Request from a party for an oral hearing.	€50
	EIS - Environmental Impact Statement	
7.7	NIS - Natura Impact Statement	

Submissions or observations on appeals made by third parties must be received by the Board within 4 weeks from the receipt of the appeal by the Board and the fee in this case is €50. Development consisting of the provision of two or more dwellings is classed as commercial development for the purposes of an appeal. Should you wish to make an appeal, the following documents are available on www.pleanala.ie

A Planning Appeal Form/Checklist and

A Guide to making a Planning Appeal.

Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1.

PLANNING REGISTER REFERENCE NUMBER: 21/469

FIRST SCHEDULE

Having regard to the nature of the proposed development, it is considered that, subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 12th day of April, 2021, as amended by the further plans and particulars submitted on the 15th day of July, 2021 and 28th day of July, 2021, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. This permission is subject to the terms of the governing permission, Planning Reference No. 18/25, except where departure from the terms of that permission, in respect of revised site boundaries is hereby authorised by this permission. This permission and the governing permission expires on the 17/10/23.

Reason – In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

- 3. Prior to populating the proposed poultry unit the following information shall be furnished to the Council for approval:
 - Calculations showing the total annual volume of poultry litter generated (from all on-site poultry units) post-development
 - Letter from Landowner(s) / Composter(s) specifying the amount of poultry litter that will be accepted annually. Details relating to all Importers shall be furnished (including Name, Address, Telephone No., Eircode, location of landbanks (with maps)
 - Calculations showing that minimum 26 weeks net storage for all effluents arising is provided.

Reason: In the interest of orderly and sustainable development

4. Maximum number of birds allowed shall not exceed 76,000 no. Applicant shall ensure that all relevant Animal Welfare requirements are met. Under no circumstances shall poultry litter be spread on lands in Co. Limerick without the prior consent of Limerick City and County Council.

Reason: In the interest of clarity, orderly and sustainable development

- 5. Notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
 - a. Employ a suitably qualified archaeologist who shall apply for a licence to monitor all site investigations, excavation works and all ground disturbance associated with the development.
 - b. Submit the name of the suitably qualified archaeologist to the Planning Authority four weeks in advance of the commencement of any site works (including site investigations).
 - c. Submit on completion of the ground works a report detailing the results of the licensed archaeological monitoring works to the Department of Housing, Local Government & Heritage and the Planning Authority. The report shall contain a drawing showing the exact extent of the area that was archaeologically monitored certified by the archaeologist. In the event that the development is phased, interim reports shall be submitted at each stage showing the area monitored and giving preliminary results.
 - d. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Development Applications Unit, National Monuments Service, Department of Housing, Local Government & Heritage and the Planning Authority Archaeologist shall be informed immediately. The developer shall be prepared to be advised by the National Monuments Service, Department of Housing, Local Government & Heritage and the Planning Authority with regard to any necessary mitigating action.
 - e. Should an archaeological excavation be required then the following shall apply: the developer shall provide satisfactory arrangements for the recording and excavation of any archaeological material that may be considered appropriate to excavate and shall undertake to complete all post excavation analysis up to final report stage. Within twelve months of the completion of the excavation a final report (in the format recommended in the Guidelines for Authors of Reports on Archaeological Excavations 2006 National Monuments Service) shall be submitted to the Planning Authority

Reason - In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

Ogr.

Planning Report Limerick City & County Council

File No:

21/469

Applicant:

Patrick O'Connell

Location:

Ahawilk Feohanagh Co. Limerick

Dev. Description:

PERMISSION for change of site layout and site boundaries (relocation of 1no.

proposed poultry unit) from that previously granted under planning ref. 18/25 and all associated

ancillary site works

Site notice & date of site inspection: In place & legible 07/05/21

Description of existing and proposed development and site analysis: The site is located in the townland of Ahawilk, Feohanagh approx. 1.8km west of Feohanagh. The site is accessed via long farm passageway to local road L1311 with a speed limit of 80pkm/h. As per 18/25 application permission was granted for the construction of 2 number poultry houses. Under this application the applicant seeks to amend site boundaries and move one of the Poultry houses, it appears to facilitate free range chicken farming. The new site area boundary is 8.62ha and the overall grass area for free range is 2.8ha less the poultry house. The number of chickens will not increase as a result of this proposed amendment. The site is flat in nature.

Photographs:

Planning history:

Current: 18/25 - Conditional - PERMISSION for the construction of two no. poultry houses and all associated site works. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Statement (EIS) has been submitted as part of the planning application

16/1180: Withdrawn application by Patrick O'Connell for the construction of a two poultry houses and associated works. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Statement (EIS) has been submitted as part of the planning application.

15/209: Conditional permission to Patrick O'Connell for the construction of an easyfeed slatted cubicle house extension, re-roofing of an existing cubicle house, the construction of a calf house/calving pens and the extension of a steel slurry tower and compacted earthen bund/lagoon.

09/770: Conditional permission to Patrick O'Connell for the construction of a storey and a half style dwelling house, detached domestic garage, front boundary entrance walls, proprietary effluent treatment system and percolation area with all associated site works.

05/324: Conditional permission to Patrick O'Connell for the construction of steel slurry tower, silage base, soiled water tank, also the conversion and extension of an easyfeed silage layout to an easyfeed slatted cubicle house and calving boxes.

97/495: Conditional permission to Pat O'Connell for erection of poultry house.

86/26135: Conditional permission to Patrick O'Connell for the erection of extension to house.

Adjacent:

Pre-planning

Habitats directive project screening assessment:

Construction Phase: Extension of existing poultry house and the construction of poultry house, soiled water tank and associated site works

Are effects significant? No

Are substantial works required: No

Are effects significant? No

Abstraction:
Are effects significant? NA

Are effects significant? NA

Operating phase effects:

Are effects significant? No

Displacement: Are effects significant? NA

Identification of Natura 2000 sites which may be impacted by the proposed development:

1	Impacts on designated rivers,	Is the development in the	No
	streams, lakes and fresh water	relevant catchment of or	- Almos
	dependant habitats and species	immediately tip/downstream of	<u></u>
1	e.g. bogs or otters -see	a watereo <mark>u</mark> rse that has been	1 70 1 10
8	abstraction/run off etc above.	designated as a Natura 2000	拼 雪
l _i		sire 300	
	z.is	The state of the s	
li.	to.	Name of site:	
2	Impacts on terrestrial habitats	Is the development within 1km	No
	and species-see area and	of a SAC site with terrestrial)
ļ	disturbance/displacement	based habitats or species?	
ĺ	effects above.	N. C. %	
ļ.		Name of site:	
A ST	4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		
3	Impacts on designated marine	Is the development located	No
heart.	habitats and species.	within marine or intertidal	
=0z, (i		areas or within 5 km of a SAC	
		site whose qualifying habitats	
i i		or species include the following habitats:	
		Salmonid, Lamprey Mudflats,	
Į		sandflats, saltmarsh, shingle,	* <u>'</u>
		reefs, sea cliffs	
		Name of site:	
		Timile Of Bite.	
4	Impacts on birds in SPAs	Is the development within 1km	No – within
_	The state of the s	of a Special Protection Area	4.5km of SPA
		-JF 2 . 3 . 5 . 5 . 5 . 5 . 5 . 5 . 5 . 5 . 5	
		Name of site: Stacks' to	
		Mullaghareirks, West	

	Limerick Hills and Mount Eagle SPA	
Cumulative effects	Would consideration of a number of significant projects nearby such as forested areas, quarries, wind energy together with the proposed development significantly increase the impacts listed above:	No – existing established poultry farm use on site

Conclusion:

An Appropriate Assessment (screening report) was provided as part of 18/25, it is considered the proposed boundary changes shall not have an impact on any SPA or SAC.

Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA in the area.

Summary of relevant planning matters:

Limerick County Development Plan 2010-2016 Objective ED 018: Agricultural developments. Policy 10.8.1 Intensive pig and poultry units.

Services:

Connection to Group Water Scheme and Private Well

Submissions/objections:

- a) Internal Submissions Sarah McGuctheon Archaeologist
- b) External Submissions
- c) Objections
- d) Submissions from Elected Representatives

Part V:

Summary of key planning issues and assessment: The site is located in the townland of Ahawilk, Feohanagh approx. 1.8km west of Feohanagh. The site is accessed via long farm passageway to local road L1311 with a speed limit of 80pkm/h. As per 18/25 application permission was granted for the construction of 2 number poultry houses. Under this application the applicant seeks to amend site boundaries and move one of the Poultry houses, it appears to facilitate free range chicken farming. The new site area boundary is 8.62ha and the overall grass area for free range is 2.8ha less the poultry house. The number of chickens will not increase as a result of this proposed amendment. The site is flat in nature. It appears works on site have not commenced for granted application 18/25.

The site is increasing in size from .8ha to 8.25ha. This is significant increase in size, the applicant shall supply a justification for same and confirm that broiler numbers shall remain the same as indicated under 18/25 planning application.

Recommendation:

I recommend Further Information be sought for:

- 1. The site is increasing in size from .8ha to 8.62ha. This is significant increase in size, the applicant shall supply a justification for same and confirm that broiler numbers shall remain the same as indicated under 18/25 planning application.
- 2. Condition 10 of the previous grant of planning permission (18/25) required archaeological monitoring of all ground disturbance. There is no archaeological monitoring report on file and the applicant did not submit the name of the monitoring archaeologist. As part of this request for further information the applicant is requested to submit the archaeological monitoring report in compliance with previous grant of permission and to assist the local authority in determining a decision on the current application. The applicant is advised to contact Sarah McCutcheon Archaeologist, Limerick City and County Council with respect to same.

Assistant Planner (Print Name)	Date:
Signature:	
Senior Executive Planner	

In response to the further information request on the 02/06/21 the following has been received:

- 1. The applicant has submitted detail with regard to the numbers of chickens now proposed. The original permission granted under 18/25 the application was for 80,000 chickens. The total number of birds now proposed between the two houses shall be 50,000 chickens with 25,000 chickens originally housed on site. So in total a total number of 75,000 chickens. Report received on file from Aidan Leonard recommending conditions with respect to same.
- 2. Details with regard to onsite archaeology are noted. Report received on file from Sarah McCutcheon archaeologist recommending conditions.

Final assessment where Further Information submitted- Having regard to the nature of the proposed development, the applicants response to further information and detail supplied with regard to revised chicken numbers on site. The proposed detail as submitted is considered acceptable.

Contributions: n/a

Recommendation:

I recommend that planning permission be granted subject to conditions:

First Schedule

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Second Schedule

- 1. Std 1 insert 12/04/21, 15/07/21 & 28/07/21
- 2. Std 8 insert 18/25 in respect of revised site boundaries expires 17/10/23
- 3. Prior to populating the proposed poultry unit the following information shall be furnished to the Council for approval:
 - Calculations showing the total annual volume of poultry litter generated (from all on-site poultry units) post-development
 - Letter from Landowner(s) / Composter(s) specifying the amount of poultry litter that will be accepted annually. Details relating to all Importers shall be furnished (including Name, Address, Telephone No., Eircode, location of landbanks (with maps)
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Reason: In the interest of orderly and sustainable development

4. Maximum number of birds allowed shall not exceed 76,000 no. Applicant shall ensure that all relevant Animal Welfare requirements are met. Under no circumstances shall poultry litter be spread on lands in Co. Limerick without the prior consent of Limerick City and County Council.

Reason: In the interest of clarity, orderly and sustainable development

- Notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
- a. Employ a suitably qualified archaeologist who shall apply for a licence to monitor all site investigations, excavation works and all ground disturbance associated with the development.
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Assistant Planner (Print Name)		Date:
Signature:	Herroy &	6/08/21
Senior Executive Planner	Das Ve luga	6.8.20

For Office Use Only

Section 47 Y/N

Part V Y/N

Please prepare Managers Order for my signature Y/N ____

Planning Report Limerick City & County Council

File No:

21/469

Applicant:

Patrick O'Connell

Location:

Ahawilk Feohanagh Co. Limerick

Dev. Description:

PERMISSION for change of site layout and site boundaries(relocation of 1no.

proposed poultry unit) from that previously granted under planning ref. 18/25 and all associated

ancillary site works

Site notice & date of site inspection: In place & legible 07/05/21

Description of existing and proposed development and site analysis: The site is located in the townland of Ahawilk, Feohanagh approx. 1.8km west of Feohanagh. The site is accessed via long farm passageway to local road L1311 with a speed limit of 80pkm/h. As per 18/25 application permission was granted for the construction of 2 number poultry houses. Under this application the applicant seeks to amend site boundaries and move one of the Poultry houses, it appears to facilitate free range chicken farming. The new site area houndary is 8.62ha and the overall grass area for free range is 2.8ha less the poultry house. The number of chickens will not increase as a result of this proposed amendment. The site is flat in nature.

Photographs:

Planning history:

Current: 18/25 - Conditional - PERMISSION for the construction of two no. poultry houses and all associated site works. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Statement (EIS) has been submitted as part of the planning application.

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86/26135: Conditional permission to Patrick O'Connell for the erection of extension to house.

Adjacent:

Pre-planning

Habitats directive project screening assessment:

Construction Phase: Extension of existing poultry house and the construction of poultry house, soiled water tank and associated site works

Are effects significant? No

Are substantial works required: No

Are effects significant? No

Operating phase effects:

Are effects significant? No

Ex-situ effects:

Are effects significant? No

Run-off:

Are effects significant? No

Abstraction:

Are effects significant? NA

Displacement:

Are effects significant? NA

Identification of Natura 2000 sites which may be impacted by the proposed development:

1	Impacts on designated rivers, streams, takes and fresh water dependant habitats and species e.g. bogs or otters -see abstraction/run off etc above.	Is the development in the relevant catchment of or immediately up/downstream of a watercourse that has been designated as a Natura 2000 site?	No
2	Impacts on terrestrial habitats and species-see aren and disturbance/displacement effects above.	Is the development within 1km of a SAC site with terrestrial based habitats or species? Name of site:	No
3	Impacts on designated marine habitats and species.	Is the development located within marine or intertidal areas or within 5 km of a SAC site whose qualifying habitats or species include the following habitats: Salmonid, Lamprey Mudflats, sandflats, sultmarsh, shingle, recfs, sea cliffs Name of site:	No
4	Impacts on birds in SPAs	Is the development within I km of a Special Protection Area Name of site: Stacks' to Mullaghareirks, West	No – within 4.5km of SPA

	=======================================	Limerick Hills and Mount Eagle SPA	
5	Cumulative effects	Would consideration of a number of significant projects nearby such as forested areas, quarries, wind energy together with the proposed development significantly increase the impacts listed above:	No - existing established poultry farm use on site

Conclusion:

An Appropriate Assessment (screening report) was provided as part of 18/25, it is considered the proposed boundary changes shall not have an impact on any SPA or SAC. Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA in the area.

Summary of relevant planning matters: Limerick County Development Plan 2010-2016 Objective ED 018: Agricultural developments. Policy 10.8.1 Intensive pig and poultry units.

Services:

Connection to Group Water Scheme and Private Well

Submissions/objections:

- a) Internal Submissions Sarah McCuethean Archaeologist
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The site is increasing in size from .8ha to 8.25ha. This is significant increase in size, the applicant shall supply a justification for same and confirm that broiler numbers shall remain the same as indicated under 18/25 planning application.

Recommendation:

I recommend Further Information be sought for:

The site is increasing in size from .8ha to 8.62ha. This is significant increase in size, the
applicant shall supply a justification for same and confirm that broiler numbers shall remain
the same as indicated under 18/25 planning application.

2. Condition 10 of the previous grant of planning permission (18/25) required archaeological monitoring of all ground disturbance. There is no archaeological monitoring report on file and the applicant did not submit the name of the monitoring archaeologist. As part of this request for further information the applicant is requested to submit the archaeological monitoring report in compliance with previous grant of permission and to assist the local authority in determining a decision on the current application. The applicant is advised to contact Sarah McCutcheon Archaeologist. Limerick City and County Council with respect to same.

Assistant Planner (Print Name)	Date:
Signature: Dans	1/6/21
Senior Executive Planner	el/26/21
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Limerick City & County Council PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Acting Senior Ex	ecutive Officer Limeri	ck City & County	Council Order No:	P.D	_918/2023
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Reference Number:

21/469

Name of Applicant:

Patrick O'Connell c/o Seamus Lynch

Address:

Corroville Designs

Belville

Kilmeedy, Co. Limerick

Nature of Application

PERMISSION for change of site layout and site boundaries (relocation of 1no. proposed poultry unit) from that previously granted under planning ref. 18/25 and all associated ancillary site works

Location of Development:

Ahawilk Feohanagh Co. Limerick

Recommendation of A.P./E.P./A/S.E.P.

PERMISSION BE GRANTED for the above mentioned development subject to the 5 condition(s) set out in the Second Schedule hereto.

ORDER:

Whereas by Chief Executive's Order No. CE/2021/109 dated 1st July, 2021 Dr Pat Daly, Chief Executive of Limerick City & County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act 2014) delegate unto Donogh O'Donoghue, with effect from the 1st July, 2021, the functions within the meaning of the Local Government Act, 2001 as set out therein.

The said Order also states that from the 1st July, 2021, should the said Donogh O'Donoghue be absent from work for any reason, whether it be on official Council Business, or otherwise, the delegation herein to Donogh O'Donoghue shall stand revoked for that period and for that period only and in pursuance of the powers conferred on the Chief Executive by Section 154 of the Local Government Act 2001, the functions shall instead be delegated to Dara McGuigan, Acting Senior Executive Officer.

NOW THEREFORE pursuant to the delegation of the functions aforesaid, I, Dara McGuigan, Acting Senior Executive Officer, Limerick City & County Council, hereby decide, pursuant to the provisions of the Planning & Development Act 2000 (as amended) and the Planning & Development Regulations 2001 (as amended), for the reason set out in the First Schedule attached hereto, to **GRANT** PERMISSION for the above development in accordance with documents submitted, subject to the 5 condition(s) set out in the Second Schedule attached hereto.

Notification of decision to grant to issue forthwith and notification of the grant of PERMISSION to issue as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal.

Das Mc Comeros

ACTING SENIOR EXECUTIVE OFFICER PLANNING & ENVIRONMENTAL SERVICES DATED THIS 10/08/2021