

MONAGHAN COUNTY COUNCIL

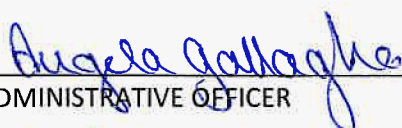
TO: John McBennett
CLW Environmental Planners Ltd
The Mews
23 Farnham St
Cavan


22/75
26/05/2022

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

Monaghan County Council has by order dated 26/05/2022 decided to GRANT permission to the above named for development of land, in accordance with the documents submitted namely for:- permission to decommission/demolish 1 no. existing poultry house and to construct 1 no. poultry house together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and site works. 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 1994-2013. An Environmental Impact Assessment Report (E.I.A.R) will be submitted with this planning application at Corvoy and Lisquigny, Ballybay subject to the 5 condition(s) set out in the Schedule attached.

Signed on behalf of Monaghan County Council


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

1. a) The developer shall pay to Monaghan County Council a sum of **€2236.00** in accordance with the General Development Contribution Scheme 2021-2026, 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.

Reason: 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. a) Prior to commencement of any development on site the applicant shall obtain an Industrial Emissions (IE) Licence 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
- b) The development/facility shall be operated in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 as amended
- c) contaminated surface water run-off shall be disposed of directly in a sealed system
- d) all soiled waters shall be directed to a storage tank
- e) no soiled water, effluent or slurry shall discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or to the public road
- f) All contaminated surface water arising on the concrete aprons shall discharge to an appropriately sized tank sized tank in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters, Regulations 2017 as amended
- g) All uncontaminated roof water from buildings and yard water shall be separately collected and discharged in a sealed system to 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.
- h) All uncontaminated yard water from all concrete yard areas shall discharge to an appropriately sized silt trap followed by soil polishing filter. Prior to commencement of development the applicant shall submit a revised site layout plan detailing the location of soil polishing filter and details of the design of the filter.
- i) All uncontaminated roof water from buildings shall discharge to existing drains, streams or adequate soakpits
- j) 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 discharge to the polishing filter
- k) All organic fertiliser and soiled waters generated by the proposed development and existing development 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

- l) All organic fertiliser and soiled waters generated by the proposed development shall be utilised in accordance with the details submitted with this application to the Planning Authority and in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 as amended
- m) 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 2017 as amended. Any changes in contractor shall be agreed in writing with the Planning Authority
- n) The applicant shall operate and maintain the free-range paddock area in a manner which prevents nutrient (Nitrogen and Phosphorus) losses to receiving waters
- o) A buffer zone of at least 3m from any drain, watercourse or wetland area within/adjacent the paddock areas to be maintained
- p) No additional fertilizers shall be applied to the paddock areas and at least one cut of silage shall be removed from these areas each year
- q) Development to comply with Department of Agriculture and Bord Bia specifications for free range paddock areas.
- r) 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
- s) Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site in accordance with Section 3 (1)(c) and Section 39 (1) of the Waste Management Act 1996 as amended, shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 as amended using authorised waste collectors authorised to collect the type of material for disposal/recovery at authorised treatment facilities. Therefore, one month prior to commencement of works the applicant shall submit to the Planning Authority, Monaghan County Council, for approval:
A Construction and Demolition and By-Products Waste Management Plan for the proposed development works. The plan shall be prepared using *"Best Practice Guidelines for the preparation of resource & waste management plans for construction and demolition projects"* – EPA, 2021.
an Asbestos Survey and Removal Plan for the proposed development works
- t) If infilling material is required to be imported onsite the applicant shall conform to one of the following;
 - i. Economic operator shall utilise EPA Article 27 notification in moving soil infill material from one site to another. Official correspondence from the EPA granting approval shall be submitted to the Planning Authority prior to commencement of development
or
 - ii. If using waste material as infill and prior to acceptance of material a valid permit must be issued by Monaghan County Council under the Waste Management (Facility Permit and Registration) Regulations 2007 as amended.
or

- iii. Buy topsoil material as a product for final landscaping purposes only. Documentation demonstrating purchase shall be submitted to Planning Authority.
- u) 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
- v)
 - i All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise, shall be bunded
 - (ii) All bunds will be designed to contain 110 % of the capacity of the largest storage container located within the bund
 - (iii) 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.
- w) 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
- x) The applicant shall immediately inform the Planning Authority & 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
- y) During the construction phase of development, the applicant shall immediately inform the Planning Authority & 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
- z) The applicant shall ensure that adequate measures are in place for the construction phase to ensure there is no discharge of polluting matter/sediment laden waters to any watercourse. These measures shall take account of the Guidance produced by Inland Fisheries Ireland titled "Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites". This document is available to download at <https://www.fisheriesireland.ie/documents/624-guidelines-on-protection-of-fisheries-during-construction-works-in-and-adjacent-to-waters/file.html> (Guidance)
- aa) Within six months from date of grant of planning permission, an ammonia management programme outlining ammonia reduction measures, including timeframes for implementation, appropriate for the site, shall be submitted to the planning authority. The ammonia management programme shall be reviewed annually, and a copy of the reviewed ammonia management programme shall be submitted annually to Monaghan County Council by December 31st. The reduction in ammonia emissions from the site using Best Techniques (BAT) shall be detailed in the annual ammonia management programme Available

Reason: In the interest of environmental protection and public health and to ensure an adequate standard of development.

3. a) The planting details and associated site works as indicated on plans as submitted to the Planning Authority on 18-2-2022 shall be fully implemented prior to any operation of the poultry house hereby approved or in the first available planting season following commencement of building operations, whichever is the sooner.
- b) Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on 18-2-2022, shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.

- c) Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances shall be removed. All other trees and hedgerows bounding this site shall be permanently retained in this development, shall be reinforced with additional planting and shall be protected from damage at all times, particularly during building operations
- d) The line of the recessed entrance shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly.

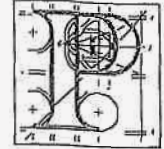
Reason: In the interest of visual amenity.

- 4. 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 finish of the structure.

Reason: In the interest of visual amenity

- 5. The development shall be carried out in accordance with plans and documentation submitted on 18-2-2022, as amended by Additional Information on 22-4-2022, except as may otherwise be required in order to comply with the above conditions.

Reason: In the interest of orderly development and to prevent unauthorised development.



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