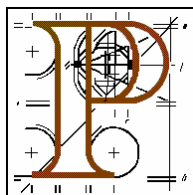


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Limerick County

Planning Register Reference Number: 12.245

An Bord Pleanála Reference Number: PL13.240907

APPEAL by Patrick J. O'Connor of Coolanoran, Newcastle West, County Limerick against the decision made on the 9th day of July, 2012 by Limerick County Council to grant subject to conditions a permission to Pat Kenny care of Montgomery EHS of 2 Beechwood Gardens, Newcastle West, County Limerick in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of two poultry houses, two soiled water tanks and associated site works at Coolanoran, Newcastle West, County Limerick.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature and extent of the proposed development which consists of an expansion of an established use, the rural location of the site, the planning history of the site and the surrounding area, the provisions of the Limerick County Development Plan, 2010, and the requirement for an Integrated Pollution Prevention Control licence from the Environmental Protection Agency for the expanded facility, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to an undue risk of water pollution, 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.

The Board completed a screening exercise, taking into account the screening report submitted with the application, the Inspector's report and submissions on file, in relation to potential impacts of the site having regard to the nature and scale of the proposed development and characteristics of the Special Protection Area/Special Area of Conservation. No Appropriate Assessment issues arise and the Board concluded on the basis of the information available that the application for consent for proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European site and, in particular, Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA, Site Code: 004161.

The Board considered the Environmental Impact Statement submitted with the planning application (including mitigation measures therein), the further information submitted by the applicant in the course of the planning application and the documentation lodged by the appellant in the course of the appeal. The Board completed an environmental impact assessment and considered that, subject to compliance with the mitigation measures proposed by the applicant and the conditions attached below, the proposed development would not have unacceptable adverse effects on the environment and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 13th day of June, 2012, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In particular, the mitigation measures described in the Environmental Impact Statement and other details submitted to the planning authority, shall be implemented in full during the construction and operation of the development.

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. In this regard-
 - a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
 - b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of environmental protection and public health.

3. The poultry houses shall be used only in strict accordance with a management schedule to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (S.I. No. 610 of 2010), and shall provide at least for the following:
 - (a) Details of the number and types of birds to be housed.

- (b) The arrangements for the collection, storage and disposal of effluent.
- (c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: In order to avoid pollution and to protect residential amenity.

- 4. All liquid effluent and any other contaminated run-off generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or other contaminated run-off shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

- 5. All uncontaminated roof water from buildings and clean 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 storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

- 6. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2010 (S.I. No. 610 of 2010).

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

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

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

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

Dated this day of 2013.