

Planning Section,
Cork County Council,
County Hall,
Carrigrohane Road,
Cork.

17 SEP 2015

Appeal **Re:** Agricultural development comprising of 4 no. broiler houses each to house 50,000 broilers per house, staff accomodation and all associated works. EIS accompanied application. IPPCL required. Knockbrown, Bandon, Co. Cork

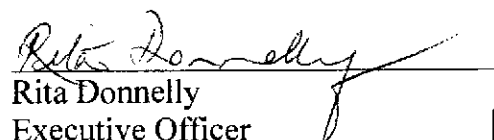
Dear Sir/Madam,

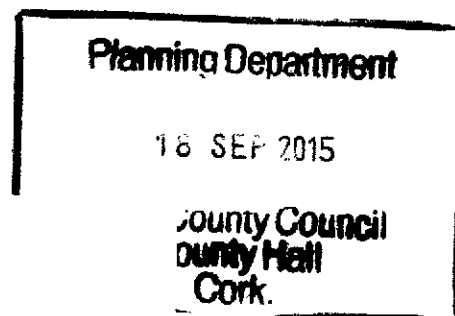
An order has been made by An Bord Pleanála determining the above-mentioned matter under the Planning and Development Acts 2000 to 2014. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,


Rita Donnelly
Executive Officer

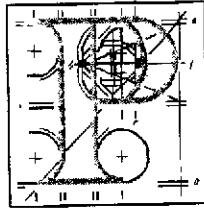


Encl:

144342-18/09/2015-An Bord Pleanála Dec

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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Cork County

Planning Register Reference Number: 14/04342

An Bord Pleanála Reference Number: PL 04.244440

APPEAL by Kevin and Avril Warner of Baurleigh, Bandon, County Cork and by Adrian and Rose O'Donovan of Baurleigh, Bandon, County Cork against the decision made on the 19th day of January, 2015 by Cork County Council to grant subject to conditions a permission to Kieran O' Regan care of OMB and Associates of 10 Market Street, Skibbereen, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Agricultural development consisting of four number broiler Houses to house 50,000 broilers per house, waste storage shed incorporating biomass burner, office and changing facilities, service yard and storage shed, staff accommodation with wastewater treatment system and all associated site works at Knockbrown, Bandon, County Cork.

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.

Planning Department

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PL 04.244440

An Bord Pleanála Cork County Council
County Hall
Cork

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REASONS AND CONSIDERATIONS

Having regard to the nature and extent of the proposed development, the rural location of the site, the provisions of the Cork County Development Plan 2014-2020, and the requirement for the facility to operate under the Industrial Emissions licensing regime of the Environmental Protection Agency, 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.

Appropriate Assessment

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the Courtmacsherry Estuary Special Area of Conservation (Site Code 001230) and Courtmacsherry Bay Special Protection Area (Site Code 004219), and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector, the Board concluded that, on the basis of the information available, the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any European site.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an Environmental Impact Assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the mitigation measures proposed, the proposed development would not be likely to have a significant effect on the environment.

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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 14th day of November, 2014 and the 22nd day of December, 2014, 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.

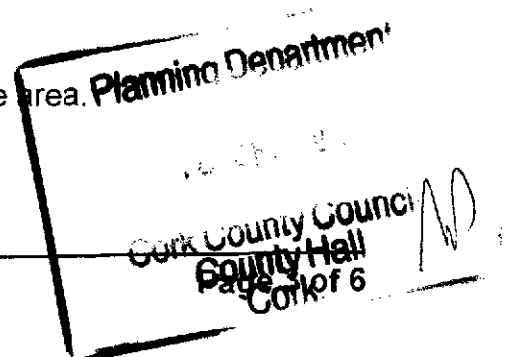
Reason: In the interest of clarity.

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. Prior to commencement of construction of the development, details of the acoustic berms to be constructed along the northern and southern site boundaries as set out in section 8 of the Noise Impact Assessment received by the planning authority on 14th day of November, 2014 shall be submitted to, and agreed in writing with, the planning authority. These berms shall be planted using native broadleaf trees in accordance with details to be agreed in writing with the planning authority.

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



4. Prior to commencement of construction of the development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority. The cladding to be used on broiler units, storage building and feed silos shall be dark olive green in colour only.

Reason: In the interest of visual amenity

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing:
- (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species,
 - (ii) details of screen planting which shall not include cupressocyparis x leylandii,
 - (iii) details of roadside/street planting which shall not include prunus species, and
 - (iv) hard landscaping works, specifying surfacing materials, and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.



6. The proposed staff accommodation building shall be occupied solely by direct employees of the applicant and shall not be sold or let separately from the rest of the proposed development.

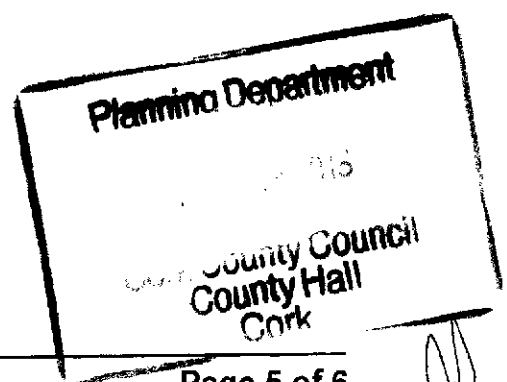
Reason: In the interest of the proper planning and sustainable development.

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 interest of public safety and residential amenity.

8. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.



9. The developer shall pay the sum of €40,000 (forty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the resurfacing of a 100 metres long and 7 metres wide stretch of the public road (extending to 700 square metres in area) in the vicinity of the site entrance. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development



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

Dated this 16th day of September 2015.