



Planning and Development Acts 2000 to 2020

Planning Authority: Mayo County Council

Planning Register Reference Number: P19/174

Appeal by Niall Kelly of Greenwood, Bekan, Ballyhaunis, County Mayo against the decision made on the 20th day of October, 2020 by Mayo County Council to grant subject to conditions a permission to the Western Brand Group care of Waldron and Associates of The Square, Claremorris, County Mayo in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of two number existing broiler chicken houses with a population of 24,000 birds and construction of one number replacement broiler chicken house with a population of 40,000 birds, together with all ancillary site works and services including silos, at Greenwood, Ballyhaunis, County Mayo. Further public notices were received by the planning authority on the 5th day of February 2020.

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 rural location of the proposed development and the established and existing broiler chicken houses on the subject site, and to Objective AG01 of the current Mayo County Development Plan, where it is the objective of the planning authority to support the sustainable development of agriculture with emphasis on local food supply and agricultural diversification, together with the pattern of development in the vicinity, 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 by way of odour nuisance or noise, would not be prejudicial to public health, would be generally acceptable in terms of traffic safety and convenience, and would comprise an appropriate use in this area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Moy Special Area of Conservation (Site Code: 002298) and the Lough Corrib Special Area of Conservation (Site Code: 000297) are the European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the sites' Conservation Objectives (River Moy Special Area of Conservation (Site Code: 002298) and the Lough Corrib Special Area of Conservation (Site Code: 000297)). The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

In completing the Appropriate Assessment, the Board considered, in particular, the Site Specific Conservation Objectives for these European Sites, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, including other existing licensed facilities in the area, and the construction and operational mitigation measures which are included in the submitted Natura Impact Statement.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the

aforementioned European sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects. The conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt as to the absence of adverse effects based on the nature of the activities to be undertaken on the subject site including the removal of waste by a licenced contractor, the separation distance between the subject site and the Special Areas of Conservation in question, the absence of any hydrological connection in the vicinity of the subject site and the Special Areas of Conservation in question, and the very limited potential for the proposed development to result in the pollution of underlying groundwaters.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed agricultural development;
- (b) the environmental impact assessment report and associated documentation submitted with the application;
- (c) the reports and submissions received and the applicant's submissions in the course of the application, and
- (d) the Inspector's report.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment.

It is not anticipated that significant adverse impacts will arise as a result of the proposed development. The proposed development in this instance relates to an intensification of an established use comprising of a poultry housing unit on site. The application currently before the Board relates to the demolition of the existing two buildings which have a combined capacity to accommodate 24,000 birds in order to construct a new building with the capacity to accommodate 40,000 birds. Any potential impact which might arise should be assessed in the context of the baseline environment where there is an established poultry farm on site. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below:

- (a) The most likely potential impacts are associated with amenity impacts on surrounding residential receptors primarily through **noise and odour**. The Environmental Impact Assessment Report provides a comprehensive noise impact assessment which indicates that the operation of a larger facility will, due to the nature of the existing environment and the separation distances to the nearest sensitive receptors, have negligible change in terms of noise generation as a result of the intensification of use on site.
- (b) In terms of **odour**, as part of the Environmental Impact Assessment Report, the applicant also undertook an odour modelling exercise which

again demonstrated that odour levels at the nearest sensitive receptors were even, under a worst case scenario, less than 3OU_E at a 98thile limit. In terms of olfactory guidance, this value is barely detectable. The fact that all mature and litter waste is to be removed from the facility and used in a compost mushroom facility by a licenced contractor will mitigate against many potential impacts in terms of odour. The Board is satisfied, on the basis of the information submitted that odour problems will not present as a significant impact.

- (c) Impacts in terms of other aspects of potential impacts on **human health and amenity such as air quality, landscape impacts and traffic**, it is not considered that the proposal will have a material impact over and above that associated with the existing operations on site.
- (d) With regard to the natural environment, the Board was satisfied that the proposal will not impact on **biodiversity, water or climate** to any significant extent. The proposal is also deemed to be acceptable in terms of its potential impact on the **architectural and cultural heritage** of the area and will not present any major problems in terms of material assets.
- (e) The Environmental Impact Assessment Report considers that the main significant direct and indirect and **cumulative effects** of the proposed development on the environment, and potential impacts would be primarily mitigated by environmental management measures, as appropriate. Following mitigation, no residual significant long-term negative impacts on the environment or sensitive receptors would remain. The Board was therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the environment during the construction or operational phase, particularly in the context of the existing poultry development already established on site.

The information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment and the information contained in the Environmental Impact Assessment Report complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as supplemented by the further documentation submitted to the planning authority on the 5th day of February 2020 and on the 28th day of August 2020, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation measures detailed in the plans and particulars and within the Environmental Impact Assessment Report and the Natura impact statement shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. 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 soak pits and shall not discharge or be allowed to be discharged into foul effluent drains, foul effluent or to the public road.

Reason: In the interest of environmental protection and in order to ensure the capacity of storage tanks is reserved for their specific purposes.

4. All soiled wash water from the proposed development shall be directed to a storage tank as proposed and shall not be discharged into existing drains, streams or soak pits.

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

5. Manure, poultry litter and bedding generated by the proposed development shall be disposed of by collection by a licensed contractor and transported off site. The waste generated shall not be used for the purposes of land spreading.

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

6. Any soiled water collected and stored in the storage tank shall be applied on land in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters Regulations, 2017) (SI No. 605/2017) (as amended).

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

7. Details of the finishes of the poultry house and the proposed feed silo shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area before development commences.

8. The site and its boundaries shall be landscaped to the written satisfaction of the planning authority. Prior to commencement of development, a landscaping scheme shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include the provision of screen planting, consisting of native or naturalised species and varieties only, which shall be protected from grazing animals by appropriate fencing. Any trees which within the period of five years from the first use of the proposed development die, are removed, or become seriously damaged or diseased shall be replaced within the next planting season with others of similar species unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

9. Records of poultry manure movements and/or disposal and all soiled water disposal, including dates and volumes disposed of and the location of the disposal facility shall be maintained. Such records shall be kept up to date and made available to the planning authority on request.

Reason: In the interest of orderly development and public health.

10. All poultry manure moved off farm shall conform with the requirements of the Department of Agriculture, Food and Marine, animal by-products legislation requirements and all local authority guidance on the protection of sensitive waters including water supply sources.

Reason: In the interest of public health.

11. There shall be no increase in the numbers of poultry being accommodated at the overall development without a separate planning permission first having been obtained.

Reason: In the interest of orderly development.

12. The transport of manure and wash water via the public road shall be carried out in covered tankers so that no spillage or odour nuisance occurs.

Reason: In the interest of public health.

13. A construction environmental management plan shall be submitted to and agreed with the planning authority prior to commencement of development. This plan shall include a schedule of works, proposals for decommissioning of the existing broiler units and the disposal of construction and demolition waste.

Reason: In the interest of public health.

14. Surface water and drainage arrangements, including the attenuation of surface water, shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

15. Site distance triangles shall be maintained and kept free from vegetation or other obstructions. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of road safety.

16. 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.

17. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works carried out to the L1502 in 2019. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be 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.

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.

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

Dated this day of 2021.