



An
Bord
Pleanála

Inspector's Report

PL16.246604

Development	Construction of a poultry house with a total of 38000 places for broiler chickens, new silo and all ancillary site works at Woodpark, Ballyhaunis, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	15/188
Applicant(s)	Cathal O'Reilly
Type of Application	Permission
Planning Authority Decision	Refuse
Appellant(s)	Cathal O'Reilly
Observer(s)	
Date of Site Inspection	22 nd August 2016
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is located in an existing farm holding set in an undulating landscape in a rural agricultural area about 1.2km off the R60 between Ballyhaunnis and Claremorris. The site is irregularly shaped (roughly 'L' form) and is part of one of four plots within a larger holding (in excess of 40 hectares) within a 600m radius of the development site.
- 1.2. The road serving the site is a cul-de sac terminating at a yard gate into the subject site. It is of a narrow and winding alignment and serves a number of established farm yards/houses and more recently constructed houses. A number of older stone proprieties flank the road. The applicant's land holdings also front the road at intermittent points – I estimate frontage to be in the order of 280m on the norther side and 140m on the southern side. (see General Arrangement Drawing which is unscaled but has dimensions)
- 1.3. The existing farm holding comprises a house and cattle shed, separate hay shed and open fields. There are streams traversing the land holding which feeds into the River Dalgan. One stream is within the development site and one section of a stream borders the site to the west.
- 1.4. The appendices are contained in the pouch to the front of the file and include maps and photos of site.
- 1.5. The objections on file include photographs demonstrating the width of the road.

2.0 Proposed Development

- Construction of new poultry house for 38000 broiler chickens. This a low rise long rectangular building 20 x 85m. It has pitch roof with a ridge height of 7.118m
- New silo 4.5m diameter
- Ancillary site works to clue yard and turning area, 150m access road off existing yard to travers a stream
- Water supply from bored well as per email from Michael Burrows to S J Kieran (27th April 2016)

3.0 **Planning Authority Decision and Assessment**

3.1. **Planning Authority Decision:**

3.1.1. The planning authority issued a decision to refuse permission for three reasons relating to:

- Traffic hazard due to limited road network being inadequate in width and capacity for increased traffic
- Limited examination of alternative sites and has not been therefore adequately assessed in terms of EIS and EIA requirements
- Undesirable precedent for future similar development

3.2. **Planning Authority Reports**

3.2.1. **Further information Request:** was sought on 26th May 2015 in respect of:

- Environment Assessment Report
- Site specific Flood Risk Assessment
- Traffic movements
- Map of landholding
- Nutrient Management Plan and land spreading map for existing and proposed
- Distances of units to streams drains and wells within 500m
- Details of ecological and chemical status of stream to rear of unit
- Revised layout
- IPPC licence details

3.2.2. **Further information submission:** received on 21st December 2015 and comprised:

- An Environment Assessment Report which included an environed impact statement and details on odour impact, noise impact, Appropriate Assessment screening, GIS and EPA Environ Maps, water quality report and flood risk assessment,
- No IPPC licence required

3.2.3. **Revised notices:** sought (16th February) and received on 29th February 2016.

3.2.4. **Environmental Impact Assessment:** The planning authority report (19th April 2016) critically assesses the potential impacts and mitigation measures concerning the proposed development and notes the details aspect of the construction and operational phases. It is concluded that the proposed development will:

- not have a significant adverse impact on residential amenities,
- not have a significant negative effect on the flora and fauna, the aquatic environment the soils, geology and hydrogeology, climate or architectural, archaeological and cultural heritage of the area, and
- not require mitigation measures for impact on agricultural land.

The EIA report raises concerns about significant negative effect on the material assets and concludes that having regard to the nature, scale and design of the proposed development, the EIS submitted with the application, the submissions on the file and technical reports received and having considered the likely significant effects and their interaction on the environment as defined in Section 171A of the PDA 2000-2014 the proposed development would be likely to have a significant adverse effects of the environment.

3.2.5. **Planning report issues**

- Alternatives only considered within applicant's holding – not in accordance with EIA process.
- Precedent of an industrial scaled broiler unit at end of narrow cul-de-sac. The location would not be suitable for further expansion.
- Inadequate width and capacity of road network serving the site – does not comfortably provide for two-way traffic most of its length – no proposal to upgrade.

3.2.6. **Appropriate assessment screening:** The planning reports notes the acceptability of the AA screening report which was reviewed by the planning authority ecologist and concludes that no appropriate assessment issues arise and that the proposed development is not likely to have a significant effect either individually or in

combination with other plans or projects on a European site. (In an internal memo from Dr, Karol Donnelly (5th Feb 2016), not satisfied with the statement 'it would be unlikely to be spread within 15km of the proposed development' it should be definitely confirmed that the proposed use of litter as a fertiliser will not result in significant effects in any European site.

3.3. Other Technical Reports

3.3.1. Area Engineer, Claremorris

- Confirms there is no public sewer or Eircom lines on site.
- There are ESB lines on site
- No comment on water supply
- Neither grant or refusal recommended but conditions require location and floor level to be as shown. All other conditions relation to boundary, drainage and windows are considered 'not applicable'.

3.3.2. Housing office: confirms public water mains and acknowledges well proposal.

3.3.3. Environment Section (20th May 2015)

- Further information required to include an Environmental Assessment Report and details on land holding, Nutrient Management Plan and land spreading for existing farm, distances from drains and stream and wells, chemical and ecological status of stream to rear of unit, details of IPPC licence.

3.4. Third Party Observations

- Traffic in terms of capacity and safety for other road users (residents and farmers moving cattle etc.) and disturbance to residences due to volume nature and hours of operation of HGVs
- Odour
- Pollution and risk of Public health hazard (botulism) and Impact on wildlife downstream of proposed development
- Depreciation of value of property.
- Precedence for intensification
- Site notice display
- Ownership of road
- Control of waste spreading and impact on other local farmers

- compliance with the Dep of Agriculture, Food and Marine SI no.31 of 2014 with ref to par. 14 (e) which requires a separation of 20m from any surface water
- Rural area under strong urban influence
- It is noted that the development plan provides for agricultural development providing it is in suitable locations not giving rise to adverse effects on population and environment in terms of noise odour dust and traffic and visual amenity
- Applicant does not live on land and development does not involve working land.
- All materials will be imported
- Jeopardise water quality and natural habitats

4.0 **Planning History**

- 4.1. Planning authority reference 07/591 refers to a grant of permission for a slatted unit and silage slab on site.

5.0 **Policy Context**

- 5.1. Environmental Protection Agency, 'IPPC BATNEEC Guidance Note for the Poultry Production Sector' (drafted in 1992 and updated in 1998): This document provides detailed guidance in respect of the rearing of poultry in installations, whether within the same complex or within 100 metres of that complex where the capacity exceeds 100,000 units and where units have the following equivalents:

- 1 broiler = 1 unit,
- 1 layer, turkey or other fowl = 2 units.

- 5.2. BATNEEC for the siting of poultry units is based on the following hierarchy:

- A mass balance of nutrients within a control area.
- Protection of both surface and groundwater resources in the vicinity of the site and land spreading areas.
- Avoidance of nuisance due to malodours for dwellings in the vicinity of the site.
- Protection of the environment in the event of the de-stocking of the unit due to an emergency, e.g. an outbreak of a Class A disease as identified in accordance with the current list of scheduled and notifiable diseases compiled by the

Department of Agriculture, Food and Forestry under the provisions of the 'Diseases of Animals Act', 1966.

- 5.3. The management of poultry manure should be based on a mass balance of nutrients within a control area, whether the area be a farm, group of farms or a region. Thus, poultry units should preferably be sited in close proximity to either mushroom compost production areas or suitable land spreading areas such as land used for tillage crop production in which they can operate as 'back to back' enterprises in order to:
- Facilitate the utilisation of manure for mushroom compost or crop production.
 - Avoid a surplus of manure prevailing within a region.
 - Reduce manure transportation costs.
- 5.4. In order to protect both surface and groundwater resources in the vicinity of the site and land spreading areas a site investigation is considered essential. This investigation should include information on the depth to the water table, bedrock permeability, locations of karst features, aquifer classifications, proximity to wells etc.
- 5.5. Poultry units should be sited at a distance of preferably not less than 400 metres from the nearest neighbouring dwelling and that all operations on site should be carried out in a manner such that air emissions and/or odours do not result in any significant impairment of or significant interference with amenities or the environment beyond the site boundary.
- 5.6. The guidance note also refers to the containment of emissions (including odours), the spreading of poultry manure, technologies for recovery and recycling, and the treatment of manures.
- 5.7. Environmental Protection Agency, European Commission, BREF: 'Integrated Pollution Prevention Control (IPPC): Reference Document on Best Available Techniques for Intensive Rearing of Poultry and Pigs', July 2003: The scope of this document as regards intensive livestock is based on Section 6.6 of Annex I of the IPPC Directive 96/61/EC and includes for installations for the intensive rearing of

poultry with more than 40,000 places. It provides detailed guidance in respect of the construction and operation of such installations and Section 4.4.1 of same details site selection and spatial considerations and states that the evaluation and selection of a location for a new livestock farming facility, or the planning of a new installation on an existing site, can be considered as part of good agricultural practice, if:

- Unnecessary transport and additional activities are minimised or eliminated,
- Adequate distances are maintained in respect of sensitive sites requiring protection e.g. maintaining adequate distances from neighbours to avoid conflicts arising from odour nuisance,
- The potential future development capability of the farm is taken into consideration,
- Any requirements of outline construction planning or village development planning are satisfied.

5.8. Furthermore, it states that apart from technical appraisal, any locational evaluation should also consider local meteorological conditions as well as any specific topographic features, such as hills, ridges and rivers.

5.9. Environmental Protection Agency, Draft BAT Guidance Note on Best Available Techniques for the Intensive Agriculture Sector, January, 2008: This document covers the rearing of poultry in installations, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 40,000 places. It provides further guidance in respect of Best Available Techniques for the intensive poultry sector, including BAT-associated emission levels, and refers to the provisions of the IPPC Reference Document on Best Available Techniques for Intensive Rearing of Poultry and Pigs (July 2003) published by the European Commission with regard to issues such as site selection, nutritional management, water minimisation, efficient use of energy and the minimisation of emissions to air.

6.0 Development Plan

Landscape area 4

The site does not fall within an area subject to site specific designations or objectives.

7.0 Natural Heritage Designations

The site is not located within any sites of statutorily designated conservation interest.

8.0 The Appeal

8.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Traffic:
 - While it is acknowledged that the road network is constrained and that each HGV trip will have an impact it is submitted that additional traffic volumes are so small that the impact will be infrequent and slight. This is based on a **consultant's traffic report** (appended to appeal). It is projected that HGV trip will amount to less than 1 two way trip every 3rd working day and in terms of change this amounts to a 3% increase on worst days and an improvement when taking account recent HGV trips and the parking of HGVs within the area.
 - The traffic report indicates 3 potential passing areas which could be provided by way of condition as submitted by the applicant.
- Environmental Impact
 - The development is subthreshold. For this particular category of poultry (broilers) the threshold is 85000 places. An EIS was submitted in response to a request for an Environmental Assessment Report.

- The EIS is deemed to be adequate by reference to section 3 of Appendix 01 of the planning officer's report dated 19th April 2016.
- The potential for environmental impact is negligible due the nature and scale and because by-product would be spread on lands subject to the Nitrates Regulations and all wastes would be removed from site in a timely fashion
- The nearest dwelling is that of the applicant at a distance of 195m and the next nearest is a third party at 295m. The site is located to maximise separation distances
- Unclear how EIS inadequate
- Depreciation of property value not clearly demonstrated
- Having regard to the scale of the development, the landholding size and ability to absorb development, low traffic volume and agricultural uses in this rural area than precedent is not a basis for refusal.
- The status of the submission on further information is challenged on its validity due to the submission date pre-dating the FI lodgement.
- Sufficient consideration of alternative has been given whereby an examination of the main alternative was carried out in addition for an explanation for the site selection. (section 3 of EIS) alternative locations layouts and processes including the management of waste were considered. The applicant points out additional lands amounting to 3.29 hectares on the Link Road bringing the total to 44.3ha and concludes that the site selected is optimal in terms of access and separation distance from residents.
- The grounds of appeal also respond to objections regarding odour, flood risk, traffic, nutrient management plan, distance from drains and streams, status of stream and pollution and accuracy of information. It is submitted there will be no significant odour impact at odour sensitive locations.

- Odour: A Predictive Odour Assessment Report was prepared in accordance with EPA guidance limits for intensive agriculture. Odour dispersion modelling predicted that the odour concentrations are not anticipated to exceed the guideline value of $1.5C_{98} \text{ OUE}/\text{M}_3$ as per EPA guidance. It is clarified that the existing agricultural activities were not recorded but would have been part of the ambient environment. The odour management plan is designed to put a framework in place with a facility for regular review.
- Flood Risk: It is clarified that the catchment area of the Holywell Lower Stream was delineated by utilising the OPW Flood Studies Update Portal software
- Nutrient Management Plan: Compliance with standard is matter for the Dep of Agriculture, Food and Marine.
- The practice of out wintering cattle is a matter for GAEC standards. The application NMP does not preclude out-wintering, the applicant has not breached NMOP
- It is confirmed that the site was visited and surveyed manually.
- Chemical and ecological status of stream: it is submitted that adequate surveying was conducted and that a polluted recording would not benefit the applicant. Design and management measures will protect the water quality.
- GSI weblook is used and is accurate in this context

8.2. Planning Authority Response

No further comment

8.3. Other Party Responses

None

8.4. **Observations**

None

9.0 **Assessment**

9.1. **Key Issues**

9.1.1. I consider the key issues in determining this appeal are as follows:

- Status of objection
- Principle
- Traffic
- Residential Amenity
- Environmental Impact
- Appropriate Assessment

9.2. **Status of objection on file.**

9.2.1. It is pointed out that a third party objection to the planning authority was not valid in respect of the initial application submitted. It is further explained and submitted by the appellant that the third party submission was not within the statutory timeframe for observations on further information. The Board is therefore requested to disregard this submission forwarded by the planning authority but the appellant has taken the precautionary approach in the grounds of appeal of responding to the issues raised in this 'invalid' submission.

9.2.2. I note that following the re-advertising of the proposed development due to significant further information the planning authority issued a notice requiring submission of observations by 13th March in accordance with Article 34 which I note stipulates '.... not later than 2 weeks after the receipt of the newspaper notice and site notice by the planning authority under (a) and (b) of this sub-article or, in the case of a planning application accompanied by an EIS, within 5 weeks of receipt of such notices by the planning authority.' As the submission was received on 9th

February prior to the publishing of the notice it is arguably outside the statutory timeframe. However, it has been submitted by the latest date. Clearly if the further information had not been advertised this observation would be invalid but there is I consider a case for considering it. Accordingly, I have read the submission and the response to same.

9.3. Principle

- 9.3.1. While accepting the general agricultural use in this rural setting in line with the development plan policy, the planning authority is fundamentally opposed to the proposed location of the site on grounds of access and insufficient consideration of alternatives. It also refers to the longer term constraints to expansion due to the road infrastructure and peripheral location. The applicant makes the case that the location is logical being an extension to the farm yard and sharing access rather than in the other removed parcels of land in the surrounding area.
- 9.3.2. The applicant owns 44.3 hectares of land in the area, the majority of which is within 500m of the development site which already includes a cattle shed and yard and is adjacent to the farmhouse. The site also enjoys existing road frontage and is in a rural agricultural area where there are a number of farms and associated yards. The site is well outside the town and it is not a designated settlement area although it does have an established cluster of farms and houses some of which are more recent. The development plan envisages the development of agricultural activities in its economic strategy. At a more micro level, I note the BATNEC guidance advocates siting of poultry farms to take account of poultry manure management based on a mass balance of nutrients in the area and accordingly siting of poultry farms should ideally be close to mushroom farms or suitable land spreading areas to which the immediate is not necessarily suited. This however does not preclude consideration of a poultry facility of the scale proposed (below IPPC licence threshold) which is not

intensive in nature by reference to EPA guidance. On balance I consider the principle of the poultry farm is acceptable subject to normal development control criteria which in this case centres on traffic in addition to the issue of residential amenity and environmental matters.

9.4. Traffic

- 9.4.1. The substandard road network serving the site of the proposed development is a key determinant in the planning authority's decision to refuse permission. The cul-de-sac is identified as being of poor alignment with restricted capacity for passing vehicles and consequently limited capacity for the HGV traffic associated with the nature of the proposed development.
- 9.4.2. The traffic report appended to the grounds of appeal clarifies the volume of traffic in accordance with the volume and nature of deliveries over an 8 week cycle which is typical for broiler chickens. This for example explains that 1 truck will deliver the young broilers and this is following with feed deliveries and then dispatch of the chickens and waste. This amounts to 28 HGV movements (14 two way trips) over the 8-week period. This is contextualised by reference to the negligible percentage traffic volume increase on the worst day and the fact that 2 HGVs park in the area. In any even the applicant illustrates capacity for 3 passing bay points in an appended map of his landholding interest which extends for stretches along the access road.
- 9.4.3. While I accept that the access is substandard I consider that in view of the agriculture character of the area and the fact that farming activities is prevalent along the 1.2km cul-de-sac route to the N60 that an additional farming activity in the holding of an area in excess of 40ha is acceptable in principle. Traffic is relatively light and while obvious in terms of HGVs, it is part of the intensification and diversification process of agricultural use. The applicant has submitted a drawing indicating 3

separate points for potential passing bays within the applicant's holding. I consider this to be a reasonable approach and could be dealt with by condition.

9.5. Residential amenity

9.5.1. Concern has been raised by residents in the area about impact on residential amenity. The nearest house is at a distance of 295m and there are a few dwellings within the 350-400m range. Guidance for poultry farming advocates an ideal minimum distance of 400m from such uses. This guidance however is in relation to typically larger scale facilities for more than 40,000 units. In this proposed case the upper limit is 38,000 and more significantly it relates to broilers which in terms of magnitude of impacts is less (2 broilers equates to 1 laying hen). I note in this regard the production timescale where chickens are delivered and bred for dispatch at 8 weeks. The submitted documentation includes a detailed odour impact assessment which takes account of the nearest dwellings. This Gaussian Dispersion Model is used to predict impacts and by reference to EPA guidance. The impact is not anticipated to exceed $1.5C_{98} \text{ OU}_E/M_{3.}$, and if it does this would be a rare occurrence. In the context of a rural agricultural area where livestock farming practice is prevalent I consider this to be reasonable however a system for ongoing review would provide a framework to address any odour nuisance which may occur. In this regard I note the submitted odour management plan which is designed to put a framework in place with a facility for regular review. I further note that the litter is contained within the housing before transport off-site which facilitates a number of management options through ventilation and dispersal control.

9.5.2. Noise is also potentially an issue. There will be some short term construction related noise however this will be relatively short-lived. At operational stage the main noise source will be that associated with traffic and is akin to farm machinery. Noise from ventilation is not likely to be an issue by design. Operations that generate potential

noise such as power washing, deliveries, destocking of broilers can be managed to minimise noise. I consider it reasonable to conclude that there will be no significant impact at noise sensitive locations as a result of the proposed development.

9.6. **Environmental Impact Statement: screening**

- 9.6.1. In the case of the subject proposed development an EIS is not a mandatory requirement. It is however-of a class and scale that places it in the category of sub-threshold. By reference to the various statutory provisions for the requirements and assessment of an EIS there is, it would appear, some confusion as to the status and nature of the environmental information submitted by the applicant and accordingly the approach to its assessment. This has implications for the Board's scope of considerations and action.
- 9.6.2. The planning authority sought an Environmental Impact Report in its request for further information in line with the provisions of Articles 33 and 34 PDR. Notably, the submission of an EIS in accordance with Article 103¹ PDR was not required. This is evident in its correspondence and also insofar as the planning authority has not provided clear evidence of carrying out a determination that an EIS was required. The applicant, in response, submitted a document entitled an Environmental Impact Statement as part of the further information. The response did not comply with Art 105 in respect of a required notice period of 5 weeks nor did the planning authority carry out statutory notification to prescribed bodies.

¹ Art 103, PDR.

Where a planning application for sub-threshold development is not accompanied by an EIS, and the likelihood of significant effects on the environment cannot be excluded by the planning authority, the planning authority shall make a determination as to whether the development would be likely to have significant effects on the environment and where it determines that the development would be likely to have such significant effects it shall, by notice in writing, require the applicant to submit an EIS and to comply with the requirements of article 105.

- 9.6.3. Notwithstanding the terms of requesting and receiving environmental impact reports, the planning authority however did proceed to carry out an EIA as part of its consideration of the further information submitted. The fact that an EIA was carried out by the planning authority of the further information submitted does not, in my opinion confer EIS status on the submitted information.
- 9.6.4. Section 172 PDA only requires an EIA where the planning authority or Board determines that the proposed development would be likely to have significant effects on the environment. As stated, in this case the planning authority has not made such a determination. The Board, however, may take the view that the planning authority made a de facto determination in the nature and scope of information it sought from the applicant and also retrospectively in its EIA conclusions in the planning report of 19th April 2016. In such a scenario the Board must carry out an EIA in line with section 173 PDA². In order to proceed with this course of action it must first correct the process and seek compliance with the statutory provisions for EIS notification.
- 9.6.5. I however am of the opinion that it is more appropriate in this case to regard the further information as just that and not as a statutory EIS. While the planning authority sought further information in respect of environmental impacts of the proposed development and the content sought was specified to comply with the provisions of statutory requirements and guidance for EIS, the steps to requiring an EIS were not taken nor was the process of notification and receipt of submissions for a statutory EIS adhered to. Accordingly, while the applicant submitted a document entitled 'EIS' and the scope generally follows that advised for such a document, I do not consider the environment reports including the EIS report can be considered as

² Section 173.PDA— (1) In addition to the requirements of section 34(3), where an application in respect of which an environmental impact statement was submitted to the planning authority in accordance with section 172, the planning authority, and the Board on appeal, shall have regard to the statement, any supplementary information furnished relating to the statement and any submissions or observations furnished concerning the effects on the environment of the proposed development.

an EIS within the meaning of the Act. Accordingly, an EIA by the Board is not required in the statutory sense, unless the Board separately determines that an EIS is required in respect of this sub-threshold development.

- 9.6.6. As an EIS within the meaning of the Act and Regulations has not been submitted and the proposal involves a class of development in schedule 5 which is sub-threshold, the Board must therefore determine whether or not an EIS is required. This can be done by determining the likelihood of significant effects by reference to the criteria in Schedule 7 of the Regulations such as; the characteristics and location of the proposed development and characteristics of potential impacts.
- 9.6.7. The characteristics of the proposed development: This proposal is for a large poultry farm in a rural area. Poultry farming can give rise to water pollution and nuisances particularly in terms of odours emanating from animal waste products (manure and ammonia) and carcasses. While this is a rural area with a number of farm yards (including some cattle shed within the site) and removed from sites of natural conservation interests, there are some dwellings within 500m of the proposed poultry unit. The potential natural environmental receptors are air and water with streams in the vicinity of the development footprint. The potential impacts are however a function of volume, poultry type and age, feed and waste as well as management issues pertaining to production cycle and waste storage duration and removal.
- 9.6.8. It is noteworthy that there are two categories of poultry in Schedule 5 that require an EIS. The first is under Part 1 class 17 which is specified as 'Installations for the intensive rearing of poultry or pigs with more than- (a) 85,000 places for broilers, 60,000 places for hens. The second class is under Part 2, class 1 (2)(i) which specifies Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.
- 9.6.9. In this case the applicant has specified that the installation is for broilers and therefore at 38000 units is substantially below this. Taking a precautionary approach

and assessing the proposed development as a poultry rearing facility the scale of the proposal remains below the 40,000 threshold. The submitted details indicate an 8 week cycle of broiler raising in order to provide chickens for the food market. This is distinct from laying hens which are more mature and have a much longer cycle producing eggs often on an intensive level per hen and collectively. With respect to litter management, no litter will be stored on site outside the poultry house floor and the risk of contamination would be therefore low

9.6.10. Determination: In view of the information submitted which describes the nature of the development in detail, the rural agricultural character of area, the absence of significant sensitive receptors and an odour management plan with provision for review, I do not consider that the development is likely to have significant adverse effects in the environment and therefore an EIS is not required.

9.6.11. Due to this determination and moreover, in light of the status of the submitted documentation I do not consider inadequacy or non-compliance with statutory requirements for an EIS constitutes reasonable grounds for refusal.

9.7. Environmental Impact

9.7.1. While I am of the opinion that an EIS is not required, this does not preclude consideration of the environmental information in assessing the merits of the application in terms of proper planning and sustainable development.

9.7.2. The issues of air quality, in terms of odour and noise and traffic impact have already been assessed. Aside from the usual pollution risk issues associated with construction management and fuel and machinery storage, the nature of the development which generates potentially toxic litter has implications for water quality. However, there will be no effluent discharge from the operation on site therefore

potential operational risks would only be caused by contamination of storm water during activities such as transport of chicken litter. This has been given consideration by the applicant insofar as the proposed development incorporates design and operation measures to reduce likelihood of impact on the local hydrological features.

These I note include:

- The ventilation system would ensure good dispersion of air minimising dust deposition
- Drainage from yard areas would pass through a monitored surface water sump
- No on-site storage of significant volumes of chemical or material which would pose a threat to the aquatic environment
- Minimal risk of spillage of litter as it would be removed directly from house floor in a covered trailer after the removal of each production batch
- Removal and transport of litter would be avoided during heavy rain
- Setback distance of soil during construction to ensure no risk of infiltration
- Good house-keeping

9.7.3. I further note that the flood risk, based on objective analysis, is low for the site and therefore the development would not be likely to have any adverse impact on the hydrological regime of the area.

9.7.4. In terms of wider ecological impact of spreading litter as an organic fertiliser it is pointed out that the transport and spreading of litter would be managed as statutorily required in accordance with the Nitrates Regulation (SI 31 of 2014)

9.7.5. Further conditions in relation to the above matters such as storage of run-off and on-going management should be attached in any grant of permission to ensure appropriate and comprehensive mitigation measures at all times.

9.8. **Other Matters.**

9.8.1. There are a number of sites of archaeological interest to the south of the site notably in relation to a Church ruins and a holy well. In the event of permission, a condition should be attached to address potential archaeological findings on site.

9.9. **Appropriate Assessment Screening**

9.9.1. The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.

9.9.2. There are 10 Natura sites within a 15km range of the site and these are all Special Areas of Conservations interest with the nearest being the River Moy at a distance of 3.8km. The next nearest is Lough Corrib at 6km and then Errit Lough at 9.6km. Carrowbehy/Caher Bog is 10.8km away, Urlaur Lakes is 11.1km away. Coolcam Turlough, Drumalough Bog and Derrinea Bog are over 13km away and Williamstown Turloughs, Cloonchamber Bog and Croaghill Turlough are over 14km away.

9.9.3. In terms of hydraulic connection, the development site is drained by/ nears to tributaries (3.3kmm downstream of site) to the River Dalgan which is flows 11.2 before entering into Lough Corrib. The hydrological characteristics of the drainage ditch and the drainage capability of the system wold not be altered significantly as result of storm water discharge. The design and management element of scheme are formulated to minimise potential impacts on water. Due to the low risk of contamination and the channel length the proposed development is unlikely to have a significant impact upon Lough Corrib SAC. In this regard I note the site's features of interest such as oligotrophic water, Molina meadows, active raised bogs, degraded raised bogs, Limestone pavements, bog woodland, sea Lamprey, Brook Lamprey, Salmon and Otter and conservation objectives for same.

9.9.4. In terms of litter spreading it is stated that the chicken litter is to supply Strawchip Ltd in Athy Kildare and accordingly cannot have an impact of the Natura sites within 15km of the development site.

9.9.5. On the basis of the information available including that contained in the Applicant's appropriate assessment screen report that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site in view of the sites' conservation objectives. An appropriate assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

11.0 Reasons and Considerations:

Having regard to the nature and extent of the proposed development which consists of an expansion of agricultural activities in established farming area and the rural location of the site and the surrounding area, the provisions of the Mayo County Development Plan, 2010, 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.

12.0 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 the 29th February 2016 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 further information 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. 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 house 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:

- i. Details of the number and types of birds to be housed.
- ii. The arrangements for the collection, storage and disposal of effluent.
- iii. Arrangements for the cleansing of the buildings and structures and 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 are reserved for their specific purposes.

6. Litter 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. In accordance with the requirements of the planning authority, the developer shall submit details for the provision of at least 3 passing bays along the public road serving the development at points where it fronts lands in the applicant land holding as indicated in the submitted details to the planning authority on 29th February 2016.

Reason: In the interest of traffic safety.

9. 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

10. 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.

11. 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.

Suzanne Kehely
Senior Planning Inspector

9th November 2016