



An  
Bord  
Pleanála

## Inspector's Report PL18.246752

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Development	Construction of an organic poultry house and ancillary structures
Location	Drumhillagh, Ballybay, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	16/46
Applicant(s)	David Miller
Type of Appeal	Third Party
Planning Authority Decision	GRANT
Appellant(s)	Catherine and Joseph Markey
Observer(s)	None
Date of Site Inspection	14 <sup>th</sup> September 2016
Inspector	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Drumhillagh, c. 2km south of Ballybay, Co. Monaghan. The site has a stated area of 0.911 ha and is currently in agricultural use for the grazing of cattle. The landholding of which it is part extends to a stated area of 42 ha.
- 1.2. The site is located on the eastern side of the R162 Regional Road which runs in a north/south direction in this area. The house and agricultural buildings associated with the applicant's landholding are located to the north west of the appeal site, while two houses (including the appellants' property) are located on the western side of the R162 opposite the proposed site entrance.
- 1.3. The appeal site is located within an undulating drumlin landscape, and the site itself is elevated above the level of the R162 road, with the land generally rising in level from west to east. Two small watercourses cross the proposed range area to the west of the proposed poultry house.
- 1.4. The northern, western and eastern boundaries of the main portion of the site are bounded by existing hedgerows and trees, while the boundary on the southern side is undefined.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the development of an organic free-range egg producing facility to accommodate 3,000 birds. This comprises the construction of:
  - A poultry house measuring c. 44.2m x 19.5m with a height of c. 7.2m. The structure will have a floor area of 801 sq m, of which the raised slatted area is 428 sq m. Poultry manure will be collected in the reinforced concrete area under this slatted area.

- Ancillary structures, including a meal storage bin (9.1m high) and underground 3,000 gallon soiled water tank.
- A service road and new entrance from the R162, c. 50m south of the existing entrance to the applicant's farm.
- An area of c. 3 ha surrounding the poultry house will be utilised as a paddock or range area for the poultry to forage on. This area was not included within the red line planning application site area.
- A revised design which reduced the floor level by cutting into the site, thereby reducing the height, was submitted on foot of a request for additional information.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. Monaghan County Council decided to grant planning permission. A number of detailed Conditions were attached regarding the construction of the site access, the operation of the poultry facility, waste and manure management procedures and landscaping proposals.

#### **3.2. Planning Authority Reports**

- 3.2.1. The report of the area planner can be summarised as follows:

- Poultry house is 175m from objectors dwelling. Given the distance and use it is not considered that it will give rise to any significant environmental impacts.
- Site is not visually intrusive due to its set back from the road and mature site context.

- Design and scale of proposed structures are acceptable and typical with regard to agricultural buildings.
- No third party residential properties within 100 metres of proposed development. Given detached location, development will not result in unacceptable loss of residential amenity.
- No requirement for EIS, as the threshold for EIS is 40,000 places.
- The site is not located within 15km of any SPA or SAC. Given distance, the development is not of a nature or scale to require Stage 2 Appropriate Assessment.

3.2.2. Additional information was sought in relation to the following items:

- Proposals for poultry manure removal and a revised site plan to indicate the paddock areas and buffer zones around watercourses.
- Reason for selection of application site, with regard to Policy AFP2.
- Consideration should be given to relocating the poultry house to an area with lower ground levels. Alternatively, revised site plan sought to demonstrate required cutting/excavation.
- Further details on landscaping proposals and sightlines.

3.2.3. The Planning Officer considered that the applicant's response, which included a proposal to reduce the floor level by cutting into the site rather than relocate the structure, addressed the outstanding issues and recommended a grant, subject to Conditions.

### 3.3. Other Technical Reports

- Environment Section: No objection subject to Conditions.

- Roads Section: No objection subject to Conditions.
- Environmental Health Officer: No objection.
- Flood Risk Assessment: No flood risk apart from any residual flood risk.

### 3.4. **Third Party Observations**

3.4.1. One third party observation was made on behalf of Joseph and Catherine Markey (the appellants). They also made a further observation in relation to the applicant's response to the request for additional information. I consider that the issues raised in the observations were similar to those set out in the grounds of appeal below.

### 4.0 **Planning History**

4.1. There is no relevant planning history for the subject site or surrounding sites.

### 5.0 **Policy Context**

5.1. The appeal site is not zoned under the *Monaghan County Development Plan 2013-2019* and there are no Local Objectives, road proposals or other designations affecting the site.

5.2. Relevant Policies:

- **AFP 2, AFP 3 and AFP 4:** Give favourable consideration to agricultural development subject to certain criteria and facilitate farm diversification and specialist farming such as poultry rearing.
- **AFP 9:** Ensure agricultural developments dispose of agricultural waste in a safe, efficient and sustainable manner.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- Development is a very serious intensification of use of the site.
- Site is elevated above the level of the adjoining public road.
- Stated floor areas do not include manure/fertiliser storage facilities under slatted bird area.
- Orientation of proposed building results in longer side of 44.5m facing directly onto public road and in direction of appellants' property.
- Inconceivable that more suitable site couldn't be found within 103.782 acre landholding.
- Applicant did not adhere to Planning Authority's request to relocate the poultry site to area with lower ground level. Instead it is proposed to cut into the site.
- Landscaping proposal is sketchy and lacking in detail.
- Access arrangements are of great concern. Works to provide 150m sightline, as required by Condition, would require removal of native hedgerows and contravene County Development Plan.
- Development should be relocated to area adjacent to applicant's farmyard, where it would not affect visual amenity and no new entrance would be required.
- Concerns regarding health and safety and intensification of traffic flow.

- Works required to undertake development, including removal of hedgerows, creation of vehicular access and cutting and excavation of field adjoining a drumlin all prove unsuitability of the site.
- Planning Authority decision materially contravenes policy AFP2 of the County Development Plan.

## 6.2. Planning Authority Response

6.2.1. There is no response to the appeal on file from the Planning Authority.

## 6.3. First Party Response

6.3.1. CLW Environmental Planners, acting on behalf of the applicant submitted a response to the third party appeal, which is summarised as follows:

- Development will facilitate diversification of activities on the farm, securing its financial viability.
- Livestock grazing on range area will be replaced by poultry foraging, with excess grass removed for silage/hay. No additional nutrients will be applied to the land.
- 3,000 bird capacity is small compared with typical free range houses that have capacity for 16,000 birds.
- Comparing the scale of the development to the site area is a notional consideration, as birds will have dedicated access to 3 ha of adjoining lands.
- Appeal erroneously includes manure tank in total floor area to make development appear larger.
- Development has been sited to make maximum use of hedgerows while satisfying Department of Agriculture, Food and the Marine (DAFM) and Bord Bia requirements. Site selection is not just about poultry house, it must also

take into account the 3 ha of land that birds can access without obstruction or other hindrance. Poultry house has to be located as centrally as possible within this range area.

- Site was chosen through a process of elimination, having regard to topography, drainage, distance from drains, visual impact, access from range area and access from public road. Site was chosen with input and advice from DAFM, who will certify and inspect the development once completed.
- DAFM strategies *Food Harvest 2020* and *Foodwise 2025* support the development of poultry farming in Ireland and refer to the need to development niche markets for poultry products.
- Development complies with Policy AFP2 of the County Development Plan.
- Applicant's preferred option would have been to upgrade existing access, however 150m sightlines couldn't be achieved. Proposed entrance achieves required sightlines. If development was relocated adjacent to the existing farmyard, a new entrance would still be required to achieve sightlines.
- Development will not impact on any dwelling, and landscaping will ensure the structure is obscured from view.
- Applicant did adhere to Planning Authority's request for additional information. Relocating the structure was not seen as essential by the Planning Authority and lowering floor level of house achieves the same outcome while not compromising compliance with DAFM and Bord Bia requirements.
- Planting scheme is simple but appropriate and in line with existing native hedgerows. Where hedgerows are removed, they will be replanted further back so as not to impact on sightlines.
- Level of excavation is not excessive compared to other agricultural development where 2.4m deep slatted tanks are required.



- Traffic flow will be minimal: One load of feed every three weeks, twice weekly egg collection and two loads of manure per annum.
- All carcasses will be appropriately stored and moved off-site in line with DAFM requirements. There is a dedicated soiled water tank and odour associated with low intensity organic development will not cause an adverse impact.

#### 6.4. **Observations**

6.4.1. No submissions/observations are on file from any other party.

#### 7.0 **Assessment**

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

- Principle of the proposed development on appeal site
- Residential Amenity.
- Visual Amenity.
- Water Pollution.
- Roads and traffic.
- Environmental Impact Assessment.
- Appropriate Assessment.

#### 7.1. **Principle of the Proposed Development on Appeal Site**

7.1.1. The proposed development comprises an agricultural use and represents the diversification of an existing farm enterprise in a rural area. Subject to complying with the provisions of the County Development Plan, particularly Policy AFP 2, and

normal criteria for proper planning and sustainable development I consider that the principle of the proposed development is acceptable.

## **7.2. Residential Amenity**

7.2.1. The proposed development will result in the intensification of an existing farm and gives rise to the potential for negative impacts on the residential amenity of dwellings in the vicinity of the appeal site.

7.2.2. The proposed poultry house will be located c. 175m from the nearest residential dwelling (other than the applicant's dwelling), while the range area will be within 50m of the nearest dwelling at its closest point. I do not consider that poultry foraging in the range area gives rise to the same potential for impact on residential amenity as the poultry house, since it will be replacing cattle grazing and the poultry will not be as densely concentrated as they will be in the poultry house.

7.2.3. The drawings submitted indicate that the poultry house will have mechanical ventilation requirements however no information has been provided on the type of ventilation plant required and the noise it will generate. Notwithstanding this, the 175m separation distance is considerably in excess of that required by Policy AFP 2 and I do not consider it likely that noise generation will be sufficient to have a significant impact on the residential amenity of nearby dwellings. Similarly, with regard to odour, I do not consider that the replacement of bovine livestock grazing with poultry foraging will result in any significant additional odour issues. The poultry house represents the main source of odour, and I consider that the separation distance and the proposal to remove all manure collected in the slatted tank from the site rather than landspreading it will serve to mitigate and control odour emissions.

7.2.4. I consider therefore that the development would not result in a significant impact on the residential amenity of any other property in terms of odour or noise or otherwise that would justify refusing permission on these grounds.

### 7.3. Visual Amenity

- 7.3.1. The proposed poultry house would comprise a relatively large structure on an elevated site in the countryside and has the potential to have a negative impact on the visual amenity and rural character of the area.
- 7.3.2. As noted by the appellants, the longer side of the proposed poultry house is parallel to the public road and this serves to increase its visibility. However, following the request for additional information, it is proposed to cut into the incline of the site to construct the poultry house. The structure will have a finished floor level of 117.8m (reduced from 120.7m) and a height of 7.2m. This compares to the R162 road level of 116.2m at the proposed site entrance. It is also proposed to provide landscaping along the service road and to reinforce existing mature hedgerows in the vicinity of the poultry house.
- 7.3.3. The poultry house is located at a remove from the existing farm building due to DAFM requirements to centrally locate such structures within a range area, away from obstructions and other buildings.
- 7.3.4. As a result of reducing the finished floor level and the revised landscaping proposals, I do not consider that the development would cause a significant injury to the rural character or visual amenity of the area. While the site is higher than the public road and the appellants' dwelling, the undulating drumlin landscape in the area means that the proposed structure would have a backdrop of mature hedgerows/trees in views from the public road. Furthermore, the structure will have a low profile and will have the appearance of an agricultural building in this strongly agricultural area. Poultry farming is a key element of the agricultural sector in County Monaghan and as such, poultry houses are a common sight in the wider area.
- 7.3.5. A further consideration in terms of visual amenity is the proposal to remove 61m of mature hedgerow along the public road in order to achieve the required sightlines to

the north of the proposed site entrance. The applicant is proposing to replant this hedgerow further back. Having inspected the site, I note that the area of hedgerow in question does not feature any mature trees, and can readily be replicated in a set back position that allows for the required sightlines.

7.3.6. In conclusion, therefore, I consider that the proposed development subject to Conditions will not seriously injure the visual amenities or rural character of the area.

#### 7.4. **Water Pollution**

7.4.1. The proposed development comprises the intensification of agricultural activities on an existing farm, and gives rise to the potential for water pollution. The water pollution risk can be considered under the following heading:

- Proximity of range area to watercourses.
- Pollution of groundwater from poultry manure in range area.
- Disposal of soiled water.
- Disposal of poultry manure.

#### 7.4.2. **Proximity of Range Area to Watercourses**

There are two connected watercourses crossing the proposed range area to the west of the poultry house. A 5m wide buffer zone is proposed either side of these watercourses which I consider is appropriate to prevent poultry manure entering the watercourses directly. However, no details were provided of the fencing arrangements to ensure that the buffer zones are effective and I recommend that a Condition be imposed requiring details of such fencing to be agreed with the Planning Authority prior to commencement.

#### 7.4.3. **Pollution of Groundwater from Poultry Manure in Range Area**

The Water Protection Plan Checklist submitted with the application indicates that the groundwater vulnerability is Extreme, while the aquifer is classified as Generally Unproductive except for Local Zone (PI). The site is within the catchment area for the Corrybrannan, a tributary of Dromore and Erne. The Waterbody Status is 'Poor', with the objective to restore by 2021.

On the date of my site inspection the ground was very soft and wet underfoot with areas of rushes, indicating the poor drainage often associated with drumlin areas.

The information submitted with the planning application outlines the nutrient loading on the c. 3 ha range area arising from poultry manure. The application states that as per information received from DAFM, 88% of manure will be retained within the poultry house, with 12% being deposited in the range area. It also states that no additional fertilisers will be applied in this area and that it is intended to cut silage 1-2 times a year in this area. The calculations provided demonstrate that the organic nitrogen and phosphorous deposited will be compliant with the Nitrates Directive requirements.

I also note that the appeal site and range area are currently utilised for grazing cattle, and that this activity will be replaced by the proposed poultry operation. Since cattle currently defecate in these areas, and bearing in mind the relatively low stocking level as a result of the free-range classification, I do not consider that there is a significant risk of groundwater pollution from the range areas.

#### 7.4.4. **Disposal of Soiled Water**

Soiled water arising from the proposed development is to be stored in an underground concrete storage tank and disposed of onto the adjoining farmland by landspreading. The applicant states that 10 to 15 cubic metres of soiled water per annum will be disposed of in this way, and that the disposal will be undertaken in accordance with the requirements of the *European Union (Good Agricultural Practice*

for Protection of Waters) Regulations 2014. These Regulations include record keeping and reporting requirements to monitor compliance.

The applicant states that rainwater from roofs and paved yards will be kept separate from soiled water sources, and will be discharged to the adjoining watercourses thus minimising the volume of soiled water arising. However, I consider that the run-off from the paved areas at either end of the poultry house should be directed to the soiled water tank(s), as I consider that run-off from these areas has the potential to become soiled during clean-out of the poultry house. This requirement should be addressed by way of Condition.

#### 7.4.5. **Disposal of Poultry Manure**

The application states that an estimated 126.36 cubic metres of manure will be generated per annum. Manure arising within the poultry house (88% of total manure according to applicant) will be stored under the slatted area in a reinforced concrete chamber which has a capacity of 513.6 cubic metres. This manure will not be landspread within the landholding and will instead be removed off-site by an authorised contractor for use as a fertiliser. A letter from McCartney Contractors was included with the response to the request for additional information, stating that this material would be sent to Carbury Compost, Co. Kildare and Custom Compost, Co. Wexford, and that records and annual returns will be maintained. Having regard to these arrangements, I do not consider that a risk of water pollution arises from this source.

#### 7.5. **Roads and Traffic**

The appeal site is located on the R162 Regional Road which is in good condition. While the sightlines at the existing entrance to the applicant's farm are inadequate, the drawings submitted with the application demonstrate that the proposed site access can achieve sightlines in excess of 150m in both directions. Having regard to the relatively small number of vehicle movements associated with the development,

with twice-weekly egg collections being the most frequent movements, I consider that the volume of traffic generated is unlikely to be significant and could be accommodated on the road network in the vicinity of the site. I do not consider that this traffic would detract from residential amenity or give rise to traffic hazard, primarily due to the low volume of traffic generated and the reasonable condition and alignment of the public road.

## **7.6. Environmental Impact Assessment**

7.6.1. With regard to the issue of Environmental Impact Assessment, the relevant threshold of development in this instance is class 1(e)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). This class relates to installations for intensive rearing of poultry which would have more than 40,000 places. Since the proposal relates to a capacity of 3,000 birds, the development is sub-threshold and does not require a mandatory EIS.

7.6.2. In considering any requirement for a sub-threshold EIS, I have had regard to the criteria for determining whether a development would or would not be likely to have significant effects on the environment as set out in Schedule 7 of the Planning and development Regulations 2001 (as amended). Considering the relatively modest scale and extent of the development, the proposals for managing waste and mitigating pollution and nuisances, the location of the site in an area which is not environmentally sensitive and the resultant lack of potential significant effects on the environment, I consider that an EIA of the proposed development is not required.

## **7.7. Appropriate Assessment**

7.7.1. There are no Special Areas of Conservation or Special Protection Areas within 15km of the appeal site. While there are small watercourses on the proposed range area adjacent to the development, a 5m wide buffer zone is proposed around these. In addition, it is proposed to remove the poultry manure which will be collected within

the poultry house rather than landspreading it. Soiled water will be collected and will be landspread in accordance with the *European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014*.

- 7.7.2. Having regard to the nature and scale of the proposed development, the distance from any Natura 2000 site and the proposals for soiled water/manure management, I consider that no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

## 9.0 REASONS AND CONSIDERATIONS

- 9.1. Having regard to the rural location of the proposed development and Policy AFP4 in the current Monaghan Development Plan 2013-2019 which seeks to facilitate where appropriate specialist farming practices including poultry rearing it is considered, subject to conditions set out below, that the proposed development would not have an adverse visual impact, would not seriously injure the amenities of the area by way of odour or noise nuisance, would not be prejudicial to public health and would generally 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.

## 10.0 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 on the 29<sup>th</sup> day of April 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.

**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 from the roof of the poultry house shall be disposed of directly in a sealed system to existing drains, streams or adequate soakpits, and
  - (b) Run-off from the concrete yard areas and 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. All poultry manure generated in the poultry house shall be disposed of off-site. The arrangements for the collection, storage and disposal of poultry manure shall comply with the requirements of the Department of Agriculture, Food and the Marine, Animal By-Products legislative requirements and all Local Authority guidance on the protection of sensitive waters including water supply sources.

**Reason:** In the interest of public health.

4. Poultry litter movements off-site shall be recorded. Records shall be maintained on-site and made available to the Environmental section of Monaghan County Council on request.

**Reason:** In the interest of orderly development.,

5. There shall be no change in poultry type or numbers of poultry being accommodated at the development without the prior consent of the planning authority.

**Reason:** In the interest of orderly development.

6. Details of the finishes of the poultry house and feed silo and the fencing arrangements for the 5 metre wide buffer zones around drains and watercourses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and environmental protection.

7. The vehicular entrance and associated sight-lines shall comply with the requirements of the Planning Authority. Full details of the proposed access arrangements shall be submitted to and for the written agreement of the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

8. In the first planting season following the commencement of development, the site shall be landscaped in accordance with the scheme submitted to the planning authority on 29<sup>th</sup> April 2016. Any failures within the planting scheme shall be replaced in the subsequent planting season.

**Reason:** In the interest of visual amenity.

9. With the exception of the trees and hedgerows to be removed to facilitate the construction of the poultry house and site entrance, all existing trees and

hedgerows on the site and in the range areas shall be retained and shall be reinforced with additional planting and protected from damage at all times particularly during building operations.

**Reason:** In the interest of the visual amenity.

10. The developer shall pay to the planning authority a financial contribution of €2,236 (two thousand two hundred and thirty six euro) 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. The application of any 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 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.

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Niall Haverty

Planning Inspector

28<sup>th</sup> September 2016