



An
Bord
Pleanála

Inspector's Report 18.249166.

Development	Poultry house, access road and ancillary structures.
Location	Eldron, Smithborough, Co. Monaghan.
Planning Authority	Monaghan County Council.
Planning Authority Reg. Ref.	16/480.
Applicant(s)	Laurence Hughes.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Observer(s)	<ol style="list-style-type: none">1. Thomas Peoples & Kinny Cally,2. Mary Maguire,3. Christopher O'Connell Fitz-simon,4. Síle Ní Néill & Cormac Ó Neill,5. Emile MacGabhann,6. Karen Williams & Lee Anne Kindness,7. Kevin Daly,8. Peter JW Brittain,9. Emmet McSwiney,10. Dermot Brennan,

11.Cormac O'Neill.

Date of Site Inspection

25th October 2017.

Inspector

Karen Kenny.

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Eldron, less than a kilometre north east of the village of Smithborough in Co. Monaghan.
- 1.2. The site is located on the eastern side of a local road (L2160) which runs in a north/south direction between the N54 to south and the R187 to north. The appeal site is located in an undulating drumlin landscape that is characterised by drumlins and small hills. The site itself is part of 'Eldron Hill' a locally prominent hill. It rises steeply from the road and is over 20 metres above road level at its highest point. There is hedge and tree planting along the field boundaries and a belt of mature trees within the site.
- 1.3. The site has a stated area of 2.475 hectares and is part of a larger agricultural landholding. The landholding at Eldron comprises agricultural grassland with a stated area of 8.6 hectares. The lands are in agricultural use for the grazing of cattle. Lands at Clenlough, c. 700 metres to the north of the appeal site have a stated area of 9.3 hectares (23 acres). These lands are in agricultural use and include two poultry houses and a dwelling.

2.0 Proposed Development

- 2.1. The proposed development consists of the development of a free-range layer (egg producing) house with capacity to accommodate 8,000 birds. This comprises the construction of:
 - A poultry house with a stated floor area of 1,138.52 square metres. It measures 54.8 metres by 22.8 metres with a stated height of 6.4 m.
 - Ancillary structures, including a meal storage bin with a stated height of 7.5 metres and an underground holding tank with a stated capacity of 3500 litres.
 - A service road and new entrance from the L2160.

- Lands surrounding the poultry house will be used as a 'range area' for the poultry to forage on.
- The proposed poultry house is positioned to the rear of the site, on elevated ground.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Refuse Permission for 1 no. reason. The reason for refusal relates to the following:

- Considered that the development would be visual unacceptable, result in scarring of the landscape and the development would be unduly prominent.

3.2. Planning Authority Reports

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

- Planning Authority recognises the importance of agriculture in contributing to the economic development of the county.
- Site is elevated in the local landscape. Planning Authority considers that revised details submitted as further information do not address concerns in relation to the impact of development on the landscape. It is considered that the development will look unduly prominent and will scar the landscape.
- No dwellings within 100 metres of the development and Planning Authority is of the opinion that the development will not result in an unacceptable loss of residential amenity.
- No requirement for EIS, as the threshold for EIS is 40,000 places.

- Given the nature of the development and the distance, there will not be any significant effects on the integrity of Natura sites.

3.2.2. Other Technical Reports

Environment Section: No objection.

District Engineer: No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A total of 25 no. submissions were received and considered by the Planning Authority. The issues raised are similar to the issues raised in the submissions received on the appeal, as set out below.

4.0 Planning History

Ref. 15/440: Application to erect a poultry house for free range hens on the appeal site. Application withdrawn.

Ref. 07/420: Application for two free range poultry houses on applicants landholding to the north of the appeal site. Permission granted.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Monaghan County Development Plan 2013-2019 is the relevant statutory plan. The appeal site is located in a rural area outside of a designated settlement and is not zoned. There are no local objectives, road proposals or other designations affecting the site.

- 5.1.2. 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.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been received. The principal grounds of appeal are summarised as follows:

- Farm diversification project, proposed to ensure the viability of the landholding.
- Development is small by to average by current agricultural standards.
- With the exception of the reason for refusal no other environmental or other issues.
- Development sited to maximise use of adjoining natural hedgerows, while at the same time satisfying requirements for free range poultry houses.
- Development has been sensitively located within the lands available to the applicant. Views are not overly apparent when travelling along the local road. Development will only be visible from one vantage point to the west. Distance of site from the vantage point will render the proposed development insignificant in the landscape.
- Excavation required to facilitate the development will not be visible outside of the site boundary as it will be directly obscured by the development. Excavation not unusual in an agricultural context. Typical agricultural

developments involve the excavation of 2.4 metres deep manure storage tanks, as well as any above ground excavations.

- Excavation reflective of natural landforms in the area. The natural slope is steeper and more pronounced than the proposed works. Requirements for free range development will require the grading of all areas and re-seeding of same in grass, thus potentially exposed cuts will be returned to a natural state.
- The driveway is necessary to achieve the Council's requirements in relation to gradients. The driveway is laid out to follow the existing land profile so as to integrate successfully. Additional landscaping is proposed to soften any potential impact.
- Removal of hedgerow (to achieve sightlines) is regrettable, but essential to improve traffic safety. Existing hedgerow is low with minimal trees and while natural to the site is not unique. Proposed to relocate behind sightline and supplement with new planting. Lands to south of access road will be planted with native deciduous trees throughout.
- Undulating topography allows site to shelter and absorb the visual impact of the development. The shielding of built form where it does not break the skyline renders it visually unobtrusive and reflective of the landscape scale.
- The dynamic and complex nature of undulating ground helps to provide a realistic scale and visual containment that would not be available in open country.
- Vegetation has a shielding and absorbing quality that provides a natural visual barrier and also adds to the complexity of a vista, breaking it up to provide scale and containment for built forms such as the proposed development.
- The development does not interrupt the integrity of primary ridgeline, to the rear of the site, due to the influence of the tree line to the rear and will appear insubordinate to the landscape in which it sits.

6.2. Planning Authority Response

None.

6.3. Observations

A total of 11 no. observations have been received from local residents and other interested parties. The issues raised in the observations, that are relevant to the appeal, can be summarised as follows:

- Impact on residential amenity, rural amenity and devaluation of property values.
- Development Plan (Policy AFP 2) requires agricultural buildings to be setback by not less than 100 metres from residential properties, reflecting exempted development classes in the P&D Regulations. EPA Guidance¹, recommends that poultry houses are setback by not less than 400 metres from the nearest neighbouring dwelling.
- Potential impacts on air quality and potential for nuisance (odour, dust, noise and light emissions and potential to attract rodents, flies and other pests).
- Environmental impacts arising from foul and surface water drainage, chicken carcasses and waste.
- Impact on the landscape character and views. Contrary to Development Plan objective and policies in relation to the projection of landscape character (Section 4.4.1).
- Impact on natural heritage. Eldron Hill is the highest drumlin in the area. Sliabh Beagh mountains in Co. Fermanagh are visible from its summit. The natural wetland at bottom of 'Eldron Hill' would be damaged.
- Impact on built heritage including the architectural and social heritage associated with Eldron House (c. 1880's), Keenogue House (c. 1880's) and a railway bridge to the west. Development will impact on rural setting, views and the future potential of area for tourism.
- Development remote from main farm building. Question operability of facility for free range farming and the stated requirements for range area.

¹ EPA Integrated Pollution Control Licencing, Batneec Guidance Note for The Poultry Production Sector.

- Risk of a proliferation of poultry sheds in the area. Grant of permission would set a precedent for structures outside of the main farm complex.
- Disagree with grounds of appeal that development would be out of view from the majority of sensitive visual receptors / dwellings. Development, given elevation and prominence would have impacts over a wide area.
- Question size of landholding at this location. Would appear to be below stated area of 21.5 acres (8.7 hectares).
- Extent of grading and sloping is excessive and would in effect displace the hill and scour the landscape. Views of site will be represented by elongated cut into the top of the drumlin hill that will scar the landscape. The access lane would scar the side of the hill.
- Extent of engineering works have potential to undermine existing vegetation, which appears to be in decline. Removal of 180 metres of hedgerow will impact on the rural landscape character and habitat.
- Development will impact on the skyline and would not go unnoticed on the top of a drumlin.
- Traffic impact arising from heavy vehicles accessing the site via the local road.

7.0 Assessment

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

- Principle of Development.
- Residential Amenity.
- Visual Amenity and Rural Character.
- Water Pollution.
- Roads and traffic.
- Environmental Impact Assessment.

- Appropriate Assessment.

7.1. Principle of the Proposed Development on Appeal Site

- 7.1.1. The site is located in a rural area outside of a designated settlement. The appeal site is currently in agricultural use for the grazing of cattle. It is proposed to develop a free range egg producing facility with capacity for up to 8,000 birds.
- 7.1.2. The proposed development is an agricultural development and represents the diversification of an existing farm enterprise in a rural area. I consider that the proposed development is acceptable in principle at this rural location, by reference to the policies and objectives of the Monaghan County Development Plan, subject to the assessment of the relevant planning issues identified below.

7.2. Residential Amenity

- 7.2.1. The proposed development will result in the intensification of an existing agricultural use at this location and as highlighted in submissions received, 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. 100 metres from the nearest residential dwelling, while the range area is c. 40 metres from the nearest dwelling at its closest point. I would note that the landholding map submitted to the Planning Authority incorporates the nearest dwelling, while details on the file indicate that this dwelling is in third party ownership.
- 7.2.3. 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. The separation distance between the poultry house and the closest dwelling is in accordance with the 100-meter separation distance

required by Policy AFP 2 of the Development Plan. A third party observation refers to EPA guidance for Integrated Pollution Control (IPC) licencing, which recommends a separation of 400 metres from the nearest neighbouring dwelling. However, the proposed development is significantly below the licencing threshold of 40,000 birds and as such, I consider that a reduced set back can be considered subject to appropriate safeguards.

7.2.4. I do not consider it likely that noise generation from the operation of the poultry house would have a significant impact on the residential amenity of nearby dwellings. While the poultry house would be a source of odour, I consider that the separation distance and the proposal to store manure within the house and to remove it from the site on a weekly basis will serve to mitigate and control odour emissions to an acceptable degree.

7.2.5. I consider, therefore, that the development would not result in a significant impact on the residential amenity of properties in the vicinity as a result of noise, odour or other impacts and that a refusal would not be justified on these grounds.

7.3. **Visual Amenity**

7.3.1. The proposed development is located in a rural area that is characterised by a drumlin landscape. The development would comprise a relatively large agricultural structure and associated access road on an elevated site. The appeal site is located on the western side of a locally prominent hill. The hill rises steeply from the public road to the west and the gradient levels off to the rear of the site at the location of the proposed structure. There is mature tree and hedge planting along field boundaries to north, south and east and a belt of tree planting in the field just west of the proposed structure. There is also a low hedge along the roadside boundary.

- 7.3.2. The poultry house has a significant footprint (54.8 metres by 22.8 metres) and would be set at an angle to the road with a setback of between c. 35 to 85 metres from the roadside boundary. Natural ground levels at the position of the structure are approximately 20 metres above road level and it is proposed to excavate the site and to set the structure into the hill by up to 6 metres to reduce its visibility. Extensive excavation is proposed, as detailed on the section drawings submitted to the Planning Authority. Permission is also sought to construct an access road from the public road to the poultry house. The road is 7 metres wide and would curve around the contours of the hill side resulting in a road length of c. 150 metres. The vehicular entrance is recessed and is c. 40 metres at its widest point. The road to front of the site is curved and it is proposed to remove and set back c. 180 metres of roadside hedgerow to provide sight distances of 100 metres to the north and south. New landscaping is proposed along the public road, along the service road and it is proposed to reinforce existing mature hedgerows in the vicinity of the poultry house.
- 7.3.3. The grounds of appeal argue that the development would not be visible locally due to the elevation of the poultry house above the road, the proposed excavation works and planting and that views from other vantage points would be distant views. Conversely, a third party submission argues that views of the site will be represented by an elongated cut into the top of the drumlin hill and that the access lane would scar the side of the hill. While I would note that a significant effort has been made to screen the poultry structure through excavation and planting, I consider that the excavation works proposed to accommodate the structure and the associated access road would alter the profile of a locally prominent hill to an unacceptable extent and would have a seriously detrimental impact on the character of this rural area. There are hills of similar height to north, south, east and west of the site and the development has the potential to be visible both locally and from elevated points across a wider area.

7.3.4. The appeal site is located in a rural area, where emphasis is placed on the importance of designing with the landscape and of siting development to minimise visual intrusion. In conclusion, having regard to the topography of the site, the elevated positioning of the proposed structure, together with its depth and scale and the extent of excavation proposed, the resulting extensive driveway and the removal of the front boundary hedging, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area and fail to be adequately absorbed and integrated into the landscape. On the basis of the foregoing, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area.

7.4. **Water Pollution**

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

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

Disposal of Poultry and Poultry Manure

7.4.2. The application states that an estimated 336.96 cubic metres of manure will be generated per annum. Manure arising within the poultry house (88% of total manure according to applicant) will be retained in the house. It is not clear where the manure will be stored as submitted plans do not show any storage chambers within the poultry house. This manure will be removed off-site by an authorised contractor. A letter from Drumsnatt Haulage L.T.D was included with the application, stating that the company will remove chicken litter from the facility and bring it to a registered landfill site. A letter from College Proteins was included, stating that the company

will collect and dispose of dead chickens at their licenced facility in Nobber, Co. Meath.

- 7.4.3. Having regard to these arrangements, I do not consider that a risk of water pollution arises from this source, subject to an appropriate arrangement for the storage of manure within the poultry house. This requirement can be addressed by way of Condition.

Disposal of Soiled Water

- 7.4.4. Soiled water arising from within the proposed development is to be stored in an underground concrete storage tank with capacity for 3,500 litres and disposed of onto the applicant's farmland by landspreading. The applicant states that 12 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.

- 7.4.5. It is proposed to direct surface water from the site to an open drain on the western site boundary, thus minimising the volume of soiled water arising. There is a lack of clarity in relation to the treatment of run-off in the vicinity of the poultry house. I consider that run-off from paved areas at either end of the poultry house should be directed to the soiled water tank (s) due to the potential for contamination, and that only uncontaminated run-off from roofs and hard standing areas should drain to the local ditch. This requirement could be adequately addressed by way of Condition.

7.4.6. Pollution of Groundwater from Poultry Manure in Range Area

On the date of my site inspection the ground was very soft and wet underfoot, indicating relatively poor drainage. I would note that the details submitted with the application do not include information in relation to groundwater vulnerability or the aquifer classification or the water catchment within which the site is located.

The information submitted with the planning application outlines the nutrient loading on the 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% (296.5 cubic metres) being deposited in the range area. It also states that no additional fertilisers will be applied in this area. The calculations provided demonstrate that the organic nitrogen and phosphorous deposited will be compliant with the Nitrates Directive requirements.

The appeal site and range area are currently utilised for grazing cattle. This activity will be replaced by the proposed poultry operation. Having regard to the relative low stocking level as a result of the free-range classification and the current use of the agricultural lands for cattle grazing, I do not consider that there is a significant risk of groundwater pollution from the range areas.

7.5. Roads and Traffic

- 7.5.1. The site is located on the eastern side of a local road (L2160) a local road which runs in a north/south direction between the N54 to the south and the R187 to the north. The applicant proposes to construct a new access road from the public road to the poultry house, which is set back within the site.
- 7.5.2. The traffic movements associated with the development include the delivery of birds to the site in a rigid lorry once every 14 months, the removal of birds from the site by two articulated lorries once every 14 months, the delivery of meal by lorry on a fortnightly basis and egg collection twice a week by way of a rigid lorry.
- 7.5.3. Having regard to the relatively small number of vehicle movements associated with the development, with twice-weekly egg collections being the most frequent, I consider that the volume of traffic generated is unlikely to be significant and could be accommodated on the local road network. I do not consider that this traffic would detract from residential amenity or give rise to traffic hazard on the local road network, primarily due to the low volume of traffic generated and the reasonable condition and alignment of the public road.
- 7.5.4. As discussed in Section 7.3 above, it is considered that the proposal to set back approximately 180 metres of existing road side planting to achieve sight distances of 100 metres on either side of the entrance, to construct a large recessed vehicular entrance and a 7-meter-wide access road along an elevated hillside would have a seriously negative impact on the visual amenity and the rural character of the area.

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 8,000 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 two Natura 2000 sites within 10 kilometre of the appeal site. The Slieve Beagh SPA (004167) is located c. 8 kilometres to the north of the site and the Kilroosky Lough Cluster SCA (001786) is located c. 10 kilometres to the west of the site.
- 7.7.2. The appeal site is comprised of agricultural grassland, hedgerows and treelines and as such, there would be no loss of significant habitat as a result of the development. In terms of hydrological links, there are land drains in the vicinity of the site but no significant watercourses and as such the potential for hydrological linkages is remote. Given the proposals for the management of soiled water and manure and the distance of the appeal site from the Natura sites the proposal would not have any adverse effect on the conservations objectives of these sites.

7.7.3. I am satisfied having regard to the nature and scale of the development, the proposals for the management of soiled water and manure and the separation distance between the appeal site and the European Sites that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The site of the proposed development is located within a rural area as set out in the Monaghan County Development Plan 2013-2019, where emphasis is placed on the importance of designing with the landscape and of siting development to minimise visual intrusion. This is considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its depth and scale and the extent of excavation proposed, the resulting extensive driveway and the removal of the front boundary hedging, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Kenny,
Senior Planning Inspector
23rd November 2017