



An
Bord
Pleanála

Inspector's Report ABP-301384-18

Development	Construct 4 no. poultry houses, 1 no. office, together with all ancillary structures (to include meal bin(s), soiled water tank(s), and ancillary stores) and associated site works (to include upgrading the existing agricultural site entrance) associated with the above development.
Location	Monkstown, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA170267
Applicant(s)	Shane Reynolds
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Joseph Killeen and others
Observer(s)	None
Date of Site Inspection	18 th July 2018
Inspector	Niall Haverty

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Other Technical Reports	7
3.4. Prescribed Bodies	7
3.5. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Meath County Development Plan 2013-2019.....	8
5.2. Natural Heritage Designations	11
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Applicant Response	12
6.3. Planning Authority Response	13
6.4. Observations	14
6.5. Further Responses.....	14
6.6. Prescribed Bodies	15
7.0 Planning Assessment	15
7.2. Principle of Proposed Development	16
7.3. Impact on Residential Amenities	17
7.4. Surface Water Management and Flooding.....	20
7.5. Examination of Alternatives.....	21

8.0 Environmental Impact Assessment.....	22
8.1. Introduction	22
8.2. Soils and Geology	22
8.3. Water	25
8.4. Air Quality and Odour.....	27
8.5. Climate.....	27
8.6. Landscape and Visual Impact.....	28
8.7. Noise.....	29
8.8. Traffic.....	30
8.9. Flora and Fauna.....	31
8.10. Special Policy Areas and Cultural Heritage	33
8.11. Population/Employment, Material Assets and Tourism.....	33
8.12. Cumulative Effects	34
8.13. Interaction of Effects	34
8.14. Environmental Management Programme	34
9.0 Appropriate Assessment.....	35
10.0 Recommendation	37
11.0 Reasons and Considerations	37
12.0 Conditions	37

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 2.95 ha, is located in the townland of Monkstown, c. 2km south west of Kentstown, and c. 9km south east of Navan, in County Meath.
- 1.2. The appeal site, which is irregularly shaped, is currently undeveloped and is in agricultural use for the growing of crops. It forms the southern part of a larger field, and the landholding extends to the south.
- 1.3. The site is accessed from the L-5053-20 local road to the west, via an existing agricultural entrance which forms part of the appeal site. The appeal site is slightly elevated, with a gentle fall from east to west, toward the local road.
- 1.4. There are a number of existing dwellings to the north west along the L-5053-20, and an existing dwelling within the applicant's family landholding is located immediately to the south of the appeal site.
- 1.5. There are a number of recorded archaeological sites in the vicinity of the appeal site, including a graveyard associated with a ruined church which is a designated National Monument and which is located c. 0.2km to the south east of the site. There is also a souterrain located c. 130m north of the appeal site, within the same field.

2.0 Proposed Development

- 2.1. The proposed development, as amended following a request for further information, consists of:
 - 4 No. poultry houses.
 - 1 No. office.
 - Ancillary structures, including meal bins, soiled water tank, ancillary stores, wastewater treatment system and percolation area.
 - Ancillary site works, including upgrading of the existing agricultural site entrance.

- 2.2. Each of the four poultry houses would have a stated area of c. 2,400 sq m (measuring 112.8m x 21.35m internally), while the proposed office would have a stated area of 61.56 sq m, resulting in a total stated gross floor space of 9,661 sq m.
- 2.3. The proposed poultry houses would have a ridge height of c. 5.95m, with 10 No. ventilation exhausts per house extending 4.2m above this. The finishes comprise plaster to the lower level, with metal cladding above and on the roofs. The meal bin associated with each poultry house would have a height of 9.1m.
- 2.4. The poultry houses would be located to the rear (east) of the appeal site, with the office and a car parking area towards the front (west) of the site, to the rear of the house within the applicant's family landholding. A 4m x 2.5m landscaped soil bank is proposed along part of the service road, and to the west and north of the poultry houses.
- 2.5. The four poultry houses would have a total stated capacity of 200,000 birds during each rearing cycle, with an average of 7 cycles per annum. It is stated that the reared chickens would be transported to the Carton Brothers/Manor Farm facility in Shercock, Co. Cavan. It is stated that 1,575 tonnes per annum of organic manure will be produced, and that this will be used as an organic fertiliser on tillage lands operated by the applicant's family.
- 2.6. The planning application, as supplemented by the further information submitted, included an Environmental Impact Statement, an EIS Addendum, a letter of consent from the landowner (the applicant's father), business plan, well construction details and water quality analysis, photographs of proposed finishes and letters of consent from landowners regarding the use of organic fertiliser on their lands.
- 2.7. The statutory notices stated that the application relates to a development which is for the purposes of an activity requiring a licence under Part IV of the Environmental Protection Acts 1994 to 2013.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Meath County Council decided to grant permission and the following summarised conditions are noted:

- C4: Soil infiltration results and design calculations for soak pits to be submitted.
- C5: Roadside gate to be set back 18m to allow vehicles to pull in off the road. Visibility splays of 2.4m x 90m to be maintained.
- C6: EIS mitigation measures to be implemented.
- C7: Tree planting on earthen bank.
- C8: Pre-development archaeological testing.
- C13/C15/C16: Landspreading of wastes.
- C19: Construction Environmental Monitoring Plan to be prepared.
- C20: Waste Management Plan.
- C22-C24: Development contributions.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- Proposed development is acceptable in principle.
- Green roofs are appropriate.
- Site is not directly visible from the existing graveyard and church ruin.
- The proposed development, by itself or in combination with other plans and developments, would not be likely to have a significant effect on European Sites. Stage 2 AA is not required.
- Best practice measures set out in AA Screening Report should be included by way of condition.
- Site is not within an identified flood risk zone. Proposed development will not pose a flood risk.
- Noise and odour mitigation measures should be implemented by way of conditions.

- Significant effects arising from the proposed development, subject to the mitigation contained in the EIS and associated reports, can be avoided or satisfactorily mitigated.
- Proposal generally complies with the relevant policies and objectives in the Development Plan.

3.3. Other Technical Reports

3.3.1. **Water Services:** No objection, subject to conditions.

3.3.2. **Road Design Office:** No objection, subject to conditions.

3.3.3. **Environment:** No objection, subject to conditions.

3.4. Prescribed Bodies

3.4.1. EPA:

- Development will require a licence under the EPA Act. A licence application had not been received.
- EIS appears to address the key points in relation to the environmental aspects of the proposed activity which relate to matters that come within the functions of the Agency. It also appears to address the direct and indirect effects of the development on relevant aspects of the environment.
- If and when a licence application is received, the Agency will consider and assess all matters to do with emissions to the environment.
- The Planning Authority is advised of the relevant BAT reference and European Commission documents relating to the poultry sector.
- IE Licence cannot specify conditions relating to the use of organic fertiliser when it leaves the site.

3.4.2. **Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** No objection subject to conditions regarding pre-development archaeological testing.

3.4.3. **HSE Environmental Health:** No objection.

3.4.4. **Inland Fisheries Ireland:** No objection, subject to all precautions adhered to as per the EIS.

3.5. **Third Party Observations**

3.5.1. A number of third party observations were made. The issues raised were generally as per the appeal, as well as the following:

- Traffic impacts.
- Vermin.
- Archaeological heritage.

4.0 **Planning History**

4.1. I am not aware of any recent relevant planning history on the appeal site or in the surrounding area.

5.0 **Policy Context**

5.1. **Meath County Development Plan 2013-2019**

5.1.1. The appeal site is located within the 'Central Lowlands' in the Meath Landscape Character Assessment. This LCA has a 'high' landscape value, a 'medium' landscape sensitivity and a 'medium' capacity to accommodate large agricultural buildings.

5.1.2. Section 10.9.1 relates to agricultural buildings. It states that the provision of well located structures and facilities necessary for good and environmentally sound agricultural practice shall be supported by the Planning Authority, and that the suitability of a given proposal will be determined by the following factors:

- The provision of buildings to a design, materials specification and appearance and at locations which would be compatible with the protection of rural amenities and sensitive landscapes;

- The availability of an effective means of farm waste management to ensure nutrient balancing between application of farm wastes to land and its balanced uptake by agricultural use of land;
- Whilst the Planning Authority recognises the primacy in land use terms of agriculture in rural areas and that the presence of individual housing should not impinge unduly on legitimate and necessary rural activity, regard should also be had to the unnecessary location of major new farm complexes proximate to existing residential development.

5.1.3. Section 10.9.2 relates to intensive agriculture and states that, whilst the Planning Authority recognises the role of this sector to contribute towards national economic targets and the economic well being of the county in general, it is vital that the environmental qualities of the county are recognised in such proposals and protected accordingly. The scale and intensity of such activities within a limited area and the appropriateness of the activity in relation to the quantum of waste generated and its effect on the area is an important consideration in assessing development proposals for intensive agriculture. It states that this applies in particular where the management of nutrients would be located in areas identified as major aquifers and which would be vulnerable to contamination of ground water.

5.1.4. Section 11.13.1 sets out development management standards for agricultural buildings. It states that the design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.

5.1.5. In visually sensitive areas, it states that the Council will seek to group together and site buildings in an appropriate manner, and require the use of harmonious external materials to minimise obtrusion on the landscape. The use of dark coloured cladding, notably dark browns, greys, greens and reds are most suitable for farm buildings, and roof areas should be darker than walls. It also states that developments shall comply with the Good Agricultural Practices Regulations.

5.1.6. Section 11.13.3 relates to pollution control and states that the Council will exercise its powers under the Planning Acts and the Water Pollution Act to ensure that agricultural development will not cause pollution to watercourses taking into account the requirements of the relevant River Basin Management Plans. All new and

existing agricultural developments will be required to ensure that all effluent, including yard run-off, is collected and stored within the confines of the development.

5.1.7. When assessing the adequacy of effluent handling facilities, it states that the following will be considered to be soiled waste:

1. Slurry;
2. Soiled water run-off;
3. Milk washings;
4. Silage effluent, and;
5. Dungstead

5.1.8. The following Policies and Objectives are noted:

- **RUR DEV SO 1:** To support the continued vitality and viability of rural areas, environmentally, socially and commercially by promoting sustainable social and economic development.
- **RUR DEV SO 2:** To identify and protect rural resources such as locally and regionally important aquifers and water sources from development which would prejudice their sustainable future usage.
- **RUR DEV SO 7:** To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable development and the management of environmental resources.
- **RUR DEV SO 8:** To support and protect the existing economic base and seek to diversify the economy through both inward investment and the promotion of agriculture, forestry and tourism- related industries in rural areas.
- **RUR DEV SO 10:** To promote rural economic development by recognising the need to advance the long term sustainable social and environmental development of rural areas and encouraging economic diversification and facilitating growth of rural enterprises...

- **RD POL 12:** To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located within or in close proximity to any site with a natural heritage designation. The closest Natura 2000 sites are the River Boyne and River Blackwater SPA and SAC (Site Codes 004232 and 002299, respectively), which at its closest point is c. 5.5km to the west. The River Nanny flows through Kentstown, c. 0.5km north of the appeal site. While the River is not designated, the River Nanny Estuary and Shore, c. 20km to the north east is a SPA (Site Code 004158). Balrath Woods pNHA is also located c. 3km to the north east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was lodged by Joseph Killeen and a number of other individuals, who appear to be residents of houses in the vicinity of the appeal site.

The issues raised in the appeal can be summarised as follows:

- Appellants concerns were not adequately addressed by the Planning Authority or the applicant.
- Proximity to local residents. The distance of 150m from the appellants' homes to the development is far too close and will significantly impinge on their residential amenities.
- Distance would contravene section 4.3 of the IPPC BATNEEC Guidance Note for the Poultry Production Sector, which states that poultry units should be sited preferably not less than 400m from the nearest neighbouring dwelling.
- Site is prone to waterlogging and flooding. Appellants fear that any large development will exacerbate this matter.
- Applicant's odour assessment concedes that the predicted odour plume will extend into the rear gardens of the nearest dwellings to the north west, but

may not extend to the houses. This will impact on residential amenities and future quality of life. Appellants face prospect of not being able to use their rear gardens at best, or having odour within their homes at worst.

- No real scrutinization of alternatives sites within the EIS.
- Lack of engagement or consultation with local residents.
- Impact on property values.

6.1.2. The appeal included a number of photographs taken from the appellants' properties, looking towards the appeal site.

6.2. Applicant Response

6.2.1. A response to the appeal was submitted on behalf of the applicant by CLW Environmental Planners. The issues raised can be summarised as follows:

- Agricultural developments are an inherent part of rural life and should generally be accommodated in rural areas.
- Proposal will integrate with the existing farm enterprise through the use of grain and straw produced on the farm to feed and bed the birds, and the utilisation of organic fertiliser from the proposed development to fertilise the crops. Sustainable, integrated development.
- Issues raised by appellants were addressed in further information submitted to Planning Authority.
- The BATNEEC reference to a 400m separation distance is a recommendation, not a requirement. It has been superseded by Commission Implementing Decision (EU) 2017/302. These new BAT conclusions make no reference to a 400m distance, but instead take a more holistic approach.
- Current BREF guidance, which replaces the 20 year old BATNEEC guidance takes into account changes in construction and operation which ensure that modern poultry farming has a minimal impact on surrounding areas.
- While site is outside of the traditional poultry farming area of Co. Monaghan, it is the same distance from Manor Farm's premises in Shercock. Transport

requirements will be reduced due to use of fertiliser on the family farms and supply of feed and bedding from these farms.

- Site is not close to any sensitive receptors. Closest residences are in an agricultural area, not a residential area.
- Proposed development is east of closest third party dwellings, which is appropriate as the prevailing wind direction is westerly or south westerly.
- Proposed development by its nature (dry litter based system) and capacity of the applicant's family farm to assimilate the organic fertiliser in accordance with SI 605 of 2017 will ensure that there is no risk to ground or surface water.
- Swale drainage and soak pit have been detailed to ensure no impact outside the site boundary. Notwithstanding Condition 4, soil infiltration tests were submitted during the application process.
- Appellants have taken information out of the Planner's Report out of context and without reviewing original specialist reports.
- Proposed development will not cause an adverse odour impact. Odour will be 10% less than guidance limits at the residential locations. Model presented worst case scenario, using worst case odour emission levels and met data. It didn't allow for reduced emissions due to housing, feed formulation, good management etc.
- Proposed development comprises an agricultural use on agricultural zoned lands. The applicant undertook a robust site selection procedure within the limitations of the sites available/potentially available to him. Site selection was consistent with EPA guidance on EISs.
- Applicant and his family have consulted with local residents.
- With regard to property devaluation, the development is agricultural in nature in an agricultural area and is appropriate to this location.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response to the appeal can be summarised as follows:

- The issues raised by the appellants were considered during the assessment of the application.
- Proposed development is generally consistent with the policies and objectives of the Development Plan, subject to conditions.
- The Board is asked to uphold the decision of the Planning Authority.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. Appellants' Response to Applicant's Response

- While describing the development as 'agriculture' may be technically correct, agriculture is traditionally seasonal, while proposed development will be 24 hours per day, 365 days per year with a continuous cycle of cleaning, restocking and transporting.
- Feed required by poultry is a specialist feed that must be sourced externally and transported to the site.
- Applicant's assessment regarding separation distances and the BATNEEC Guidance Note is not accepted.
- Assessments commissioned by applicant are not independent and their conclusions are not accepted.
- Prevailing winds in recent months have been easterly/north easterly, rather than westerly or south westerly.
- Insufficient information on alternative sites.
- Applicant has not consulted with the signatories to the appeal.
- The applicant has sought permission for a new family home some distance away from the site (Reg. Ref. AA180453). His statement that he is the closest residence to the site is disingenuous.

6.5.2. Planning Authority Response to Applicant's Response

- No further comment.

6.6. Prescribed Bodies

6.6.1. EPA:

- Development may require a licence under the EPA Act, for the rearing of poultry in installations where the capacity exceeds 40,000 places.
- Agency has not received a licence application.
- Should the Agency receive an application, an EIAR will be required, and the Agency will undertake consultation and any licence will be subject to EIA.
- Should a licence application be received, all matters to do with emissions to the environment will be considered and assessed by the Agency.
- Where the Agency is of the opinion that the activities cannot be carried on or regulated, then the Agency cannot grant a licence. Should a licence be granted, it will incorporate conditions that ensure that National and EU standards are applied and that BAT will be used in carrying on activities.
- Site boundary for the licence application only relates to the site of poultry rearing and directly associated activities. Activities such as processing of feed, use of organic fertiliser beyond the boundary etc. cannot be controlled by a condition of a IE licence.
- The IE licence cannot specify conditions governing and making the licensee liable for the use of organic fertilisers when it leaves the installation. The recipient of the fertiliser is responsible for its management and use in accordance with the application regulations.

7.0 Planning Assessment

7.1. I consider that the key planning issues arising are as follows:

- Principle of proposed development.
- Impact on residential amenities.
- Surface water management and flooding.

- Examination of alternatives.
- Appropriate Assessment.

7.2. Principle of Proposed Development

- 7.2.1. The proposed development is located on unzoned lands in a rural area of County Meath where the primary land use is agricultural. The appeal site is currently in use for tillage farming, and forms part of a larger agricultural landholding. There does not appear to be an established large-scale poultry industry in County Meath of the scale seen in Counties such as Cavan or Monaghan, with only three EPA licensed poultry farms in County Meath. One of these is a layer farm, operated by the applicant's brother at Gerrardstown, c. 2km to the west.
- 7.2.2. The applicant has outlined how the proposed poultry facility will complement the existing agricultural activities carried out on the c. 1,200 ha landholding operated by the applicant's family in the area. It is stated that c. 25% of the poultry feed will comprise grain grown on the applicant's lands and that poultry manure arising will be utilised as an organic fertiliser on the family landholding, replacing chemical fertilisers, to grow said grains and other crops. The applicant contends that the proposed development will represent sustainable and integrated development, and that the symbiosis with existing farming activities will minimise vehicle movements.
- 7.2.3. Notwithstanding the scale and intensive nature of the proposed development, the keeping of poultry falls within the definition of 'agriculture' set out in Section 2 of the Planning and Development Act 2000, as amended, and I consider that the proposed development would be generally compatible with the agricultural area in which it would be located, that it would facilitate farm diversification and that it would contribute to the development of the intensive agriculture sector, the importance of which is identified in the Development Plan. It would also be consistent with various rural development and agriculture-related Objectives of the Development Plan, including RUR DEV SO 1, RUR DEV SO 7, RUR DEV SO 8, RUR DEV SO 10 and RD POL 12.
- 7.2.4. I therefore consider the proposed development to be acceptable in principle, subject to consideration of the planning and environmental issues arising.

7.3. Impact on Residential Amenities

7.3.1. The issues raised by the appellants in respect of residential amenity relate to odour, proximity to dwellings, devaluation of property and lack of engagement.

7.3.2. Odour and Proximity to Dwellings

7.3.3. The appellants refer to the EPA's 'BATNEEC Guidance Note for the Poultry Production Sector' (1998), Section 4.3 of which states that:

“Poultry units should be sited a distance of preferably not less than 400 metres from the nearest neighbouring dwelling and all operations on site shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment of or significant interference with amenities or the environment beyond the site boundary.”

7.3.4. It appears that this 1998 BATNEEC Guidance Note has been superseded by Commission Implementing Decision (EU) 2017/302 'establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs', and the associated 'Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs' (2017). The BAT Reference Document does not set out any specific recommendations with regard to separation distances from neighbouring dwellings but notes in Section 4.10.1.1 that in many Member States minimum distance regulations for the assessment of odour and the spatial separation of farms and dwellings or residential areas have been established. It notes that in Germany, for example, odour impacts are assessed as significant and legally not allowed if a frequency of odour perception of 10 % (general residential areas) or 15 % (village areas) of the time is exceeded for an odour concentration of $1 \text{ Ou}_E/\text{m}^3$.

7.3.5. The issue of odour is addressed in Section 7.4 of the EIS, as amended by the EIS Addendum, and Appendix 19 of the EIS Addendum contains an Odour Impact Assessment and Odour Management Plan.

7.3.6. The Odour Impact Assessment (OIA), undertaken by Odour Monitoring Ireland, utilised Aermid Prime dispersion modelling software, library-based odour emission rates and five years of meteorological data from Dublin Airport.

- 7.3.7. Table 4.1 of the OIA sets out the predicted 98th percentile ground level concentrations of odour at each identified receptor in the vicinity of the proposed development for each of the five screened meteorological years (i.e. the concentration that won't be exceeded in 98% of all hours in each year). The maximum predicted value is 2.7 Ou_E/m^3 , which occurs at receptor R4. This is less than the limit value of 3.0 Ou_E/m^3 set out in the EPA guidance document 'Odour Impacts and Odour Emission Control Measures for Intensive Agriculture' (20001). The results are also detailed on a dispersion modelling contour plot, which illustrates that the results are driven by the extent of the plume, the prevailing wind direction and the relative positioning of the proposed poultry houses and the existing houses. I note, with regard to the contour plot, that while receptors R3 and R4 (i.e. houses) are outside of the predicted plume, parts of their rear gardens would be within the predicted odour plume.
- 7.3.8. I note that the graveyard and ruined church located c. 0.2km to the south east is not identified as a sensitive receptor in the OIA. I consider that it is a sensitive receptor that must be protected from excessive odour emissions. In this regard I note that it is located outside of the predicted odour plume and that no significant odour effects are likely to be experienced at that location.
- 7.3.9. The OIA recommends that an Odour Management Plan (OMP) be developed, and one has been submitted in the EIS Addendum. The OMP outlines various site management activities and good practice measures that will be implemented to manage odour emissions. It states that the focus is on site management, rather than odour control techniques, as those used in industry would be prohibitively expensive for the poultry sector. I note, however, that the height of the proposed ventilation exhausts fitted to the roof of the poultry houses was significantly increased from c. 1m to c. 4.2m, on foot of the OIA, which would suggest that the development as originally proposed would have had a significantly greater odour impact.
- 7.3.10. I would concur that the measures set out in the OMP are essentially good practice measures, and are readily capable of being implemented. I note in particular that no ancillary manure storage is proposed, beyond that generated during each stocking cycle. The manure will be removed from the site at the end of each stocking cycle (i.e. every c. 6 weeks).

- 7.3.11. Having reviewed the OIA, I consider that it assesses the odour arising from the proposed development during what might be termed 'steady state' operation, i.e. it is simply based on the number of poultry being housed in the sheds. It does not address the potential additional odour emissions that may arise from the process of destocking, manure removal and cleaning of the four poultry houses which will occur every c. 6 weeks. Given that the calculated 98th percentile odour from this 'steady state' operation at the closest residential receptors is close to the acceptable limit of 3.0 Ou_E/m³, I consider the appellants concerns with regard to odour to be reasonable.
- 7.3.12. Furthermore, the closest residential receptors are c. 150m to the north west of the proposed poultry houses and while the 400m recommended separation distance set out in the 1998 BATNEEC Guidance Note appears to be no longer applicable, I consider that it is indicative of the significant potential for odour and air emissions arising from intensive poultry production to impact on residential amenities within a relatively wide area.
- 7.3.13. Notwithstanding the above, the appeal site is located within a strongly rural area, where odour emissions associated with agricultural activities are to be expected and are likely to be commonplace.
- 7.3.14. Noting that more recent guidance does not specify recommended separation distances, I consider that the use of computer modelling allows for a more detailed understanding of odour impacts than would have been the case in the past. Allied with improvements to housing design and operation (including the dry manure system and the use of feed additives), this may facilitate more suitable siting of a facility than the blanket application of an arbitrary separation distance.
- 7.3.15. On the basis of the information submitted, I am satisfied that the applicant has demonstrated that the proposed development would not seriously injure the residential amenities of property in the surrounding rural area by reason of odour emissions. I also note that the proposed development will require a Licence from the EPA, and as a result odour emissions will be subject to licence conditions and associated monitoring and reporting requirements.
- 7.3.16. Devaluation of Property

- 7.3.17. The appellants contend that the proposed development would result in the devaluation of their property.
- 7.3.18. The EIS references non-agricultural properties in Section 6.12 and 7.12, which relates to 'material assets'. It states that there are no residential dwellings within 150m, and that there will be no adverse visual impact on the local area.
- 7.3.19. In my opinion, in this rural area, where agriculture is the main land use, a development, such as that proposed, should not impact on property values, provided its impact on visual and residential amenities (particularly with regard to noise and odour emissions) are not excessive. As outlined above and in Section 8.0, I do not consider that the proposed development would result in excessive odour impacts at the nearest residential receptors in this rural area, or that it would have an unacceptable impact on the visual amenities of the area. I therefore do not consider that the proposed development would devalue property in the vicinity.

7.3.20. Lack of Engagement

- 7.3.21. The appellants contend that the applicant has failed to engage or consult with the community prior to or during the planning application process, while the applicant disputes this, and contends that he and his family have engaged with local residents. While pre-application consultation with local residents and other stakeholders would clearly be of benefit in designing and preparing such an application for development and in addressing any concerns which may arise, there is no obligation on the applicant to engage in such consultation with the public outside of the planning process.

7.4. Surface Water Management and Flooding

- 7.4.1. The appellants contend that the appeal site is prone to waterlogging and flooding, and that the proposed development may exacerbate this issue.
- 7.4.2. There are no watercourses in the immediate vicinity of the appeal site and I note that the site is not located within an area identified as being a flood risk zone. The proposed development, as amended on foot of the request for further information, includes measures for the collection and discharge of surface water to ground. This includes an extensive swale and soakpit system. Soil percolation and infiltration tests were undertaken on foot of the request for further information, and the results are

included in Appendix 21 of the EIS Addendum. These indicate that the site has relatively good infiltration characteristics, and the results have been used to design appropriately sized swales and soakaways.

- 7.4.3. Subject to the appropriate design, construction and maintenance of this surface water management system, I do not consider that the proposed development would be at significant risk of flooding, or that it would exacerbate the risk of flooding elsewhere.

7.5. Examination of Alternatives

- 7.5.1. The appellants contend that the applicant has failed to adequately scrutinise alternative sites in the EIS. The issue of alternatives is addressed in Section 5.0 of the EIS. It states that the alternatives considered included other lands owned by the applicant and his family, purchase and re-development of an existing poultry site and purchase of a green field site. No specific alternative sites are identified in the EIS, with various reasons being given for why the above generic options were discounted.
- 7.5.2. The reasons for choosing the appeal site are stated to include its access onto the local road, integration with the existing farmyard and dwelling, proximity to lands proposed for the use of organic fertiliser, low density of housing in the area and proximity to the family farm base at Gerrardstown, where an existing poultry lay farm owned by the applicant's brother is located.
- 7.5.3. Schedule 6 of the Planning and Development Regulations 2001, as amended, requires an outline of the main alternatives studied and an indication of the main reasons for his or her choice, taking into account the effects on the environment.
- 7.5.4. Given the very significant extent of the Reynolds family landholding, as outlined in the EIS, I would not necessarily accept that there are no alternative sites that would be suitable for the proposed development. However, having regard to the rural nature of the area, the appeal site's location, topography, screening and the proximity to recipient tillage lands for landspreading and the road network, I consider that the applicant has provided sufficient justification to demonstrate that the appeal site is a suitable location for such a development.

8.0 Environmental Impact Assessment

8.1. Introduction

- 8.1.1. The planning application was submitted prior to 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. Under the transitional provisions of the 2014 Directive, the 2011 Directive (Directive 2011/92/EU) as transposed into Irish legislation will apply.
- 8.1.2. The EIS is laid out in one volume, and includes a Non-Technical Summary. Section 2 sets out the policy context and consultation process. Section 3 provides a description of the development. Section 4 outlines the data required to assess the effects of the development. Section 5 provides a description of the alternatives considered. Section 6 provides a description of the existing environment, under various sub-headings. Section 7 provides a description of impacts and mitigation measures, under the same headings. Section 8 relates to the interaction of effects. Section 9 sets out information relating to an Environmental Management Programme. A number of technical appendices are included in the EIS, and an EIS Addendum was also submitted in response to a request for further information, with its own series of appendices.
- 8.1.3. Having reviewed the EIS and EIS Addendum, I am satisfied that the information contained therein complies with article 94 of the Planning and Development Regulations 2000, as amended. I have carried out an examination of the information presented by the applicant, including the EIS, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies and appellants has been set out at Section 6.0 of this report. This EIA has had regard to the application documentation, including the EIS, EIS Addendum, technical appendices, other application documentation, the observations and appeal received and the planning assessment completed in Section 7.0 above.

8.2. Soils and Geology

- 8.2.1. Section 6.1 of the EIS provides information on the existing soil and geological conditions on the appeal site and the lands to be utilised for landspreading, while

Section 7.1 assesses the impact of the proposed development on these aspects of the environment. Mapping indicates that the geological composition beneath the site comprises grey brown podzolics, brown earths, overlying limestone till. Appendix 6 of the EIS contains OS maps indicating the approximate location of the customer farmlands where organic fertiliser from the proposed development (i.e. poultry manure/litter) will be spread. These lands are all in County Meath, and are stated to be farmed by members of the applicant's family. Letters of consent to the use of this organic fertiliser were included in Appendix 1 of the RFI Response, and the amended Nutrient Management Plan in Appendix 1 of the EIS Addendum provides herd numbers and areas for each member of the family, totalling almost 1,200 hectares.

8.2.2. The EIS considers that there will be a significant effect on soil within the development area as a result of the nature of the proposed works, but that there will be no significant adverse environmental effects on the environment at large or outside of the site boundary. It states that excavated soils will be utilised for site amelioration works or used on other areas of the farm. I note in this regard that a 4m x 2.5m soil bank is proposed along part of the access road and to the north and west of the poultry houses to provide landscaped screening for the development. No specific mitigation measures with regard to soils and geology are proposed in the EIS.

8.2.3. With regard to the potential impact of landspreading organic fertilisers on customer farmlands, the EIS states that this will be allocated and utilised in accordance with SI 31 of 2014 to avoid over enrichment with nutrients, and that sensitive or unsuitable areas will be removed or have a buffer applied to them in accordance with the Regulations. The Regulations also include requirements with regard to times of year when fertiliser application should not occur and record keeping requirements. The customer farmlands are in tillage use, and therefore the use of the organic fertiliser will represent nutrient substitution rather than addition, since chemical fertilisers are currently utilised on these lands. The EIS and Nutrient Management Plan indicates that the extent of the farmlands operated by the applicant's family are such that they could utilise c. 330% of the fertiliser that will arise from the proposed development, after utilising the organic fertiliser arising from the applicant's brother's poultry house at Gerrardstown. Given the extent of lands available, I am satisfied that should some

of the farmlands become unavailable for landspreading as a result of future development, change of ownership or unsuitability, sufficient lands would remain available.

8.2.4. I note that SI 31 of 2014, which is referred to frequently in the EIS, has been revoked and replaced with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (SI 605 of 2017), subsequently amended by SI 65 of 2018, and I have had regard to these subsequent Regulations in my assessment.

8.2.5. I note that under SI 605 of 2017, as amended, there is a prohibition on the application of organic fertilisers to land in Meath during the period 15th October to 15 January. Given that the poultry facility will operate on a 5-6 week cycle after which organic fertiliser will be removed from the poultry houses, there could be up to two cycles per year where the fertiliser cannot be brought to customers and directly applied to land. It is not clear from the EIS whether the customers have facilities in place to store fertiliser during these periods, and there is no storage capacity for manure within the proposed development itself, beyond that which arises within the poultry houses during each cycle. I note that the Non-Technical Summary states that organic fertiliser during the closed period will be moved off-site to mushroom compost yards by an approved contractor. This statement does not appear to be included in the main body of the EIS, however a letter from McCartney Contractors is included in Appendix 7 of the EIS, stating that poultry litter will be delivered to named composting facilities in Kildare and Wexford and for landspreading. Therefore, while it appears that the applicant has identified appropriate disposal routes for organic fertiliser arising during the prohibition period, there is a certain lack of clarity within the application documentation. Should the Board be minded to grant permission, I therefore recommend that a condition should be included, in the interests of clarity, requiring that a management schedule for the organic manure be submitted to and agreed in writing with the planning authority, prior to commencement of development.

8.2.6. I have addressed the potential impact of the proposed development on surface water and groundwater in Section 8.3 below. Subject to the allocation and utilisation of organic fertiliser in accordance with the obligations of the developer and the recipients under SI 605 of 2017, as amended, I consider that no significant adverse

effects in respect of soils and geology are likely to arise as a result of the proposed development itself, or as a result of the landspreading of organic fertiliser arising.

8.3. Water

- 8.3.1. Sections 6.2 and 6.3 of the EIS provides information on the existing surface water and groundwater conditions in the vicinity, while Sections 7.2 and 7.3 assess the impact of the proposed development on these aspects of the environment.
- 8.3.2. With regard to the water supply for the proposed development, it is proposed to bore a deep well at the northern corner of the appeal site, with a 25m³ storage tank. The proposed water usage is stated as 9,100 cu m, averaging 25m³ per day, with the water being used for drinking water for the poultry and for the high pressure wash down system. The site is located over a Locally Important Aquifer – Karstified (Lk) with a smaller portion over a Locally Important Aquifer – Bedrock which is generally moderately productive (Lm), and well construction details and a letter from a well drilling company were submitted. The letter confirms that an existing well drilled within the applicant's farmyard has a yield of 2100 gph (c. 220m³/day). Having regard to the separation distances from residences or other premises which may be using wells, the nature of the aquifer and the design of the drinking water system which minimises leakages in the interests of maintaining dry manure, I consider the water supply proposals to be acceptable.
- 8.3.3. The proposed development includes measures to separate clean and soiled waters. This includes soiled water storage tanks for use during the cleaning out of the poultry houses at the end of each cycle, and a swale and soakaway to receive roof water and uncontaminated storm water from hardstanding areas. The poultry will be housed indoors in sheds with a solid concrete floor, with straw/shavings and a controlled water supply being used to ensure that a dry manure system is maintained.
- 8.3.4. The appeal site is located within the catchment area of the River Nanny and it was originally proposed to discharge excess uncontaminated surface water to a tributary of this river. Following the request for further information this is no longer proposed, with uncontaminated water instead discharging to soakaways. I note that Inland

Fisheries Ireland had no objection to the proposed development, subject to implementation of the precautions set out in the EIS.

- 8.3.5. Having regard to the nature of the development, with poultry housed indoors on impermeable concrete floors, and the 'dry' system which does not require slatted storage tanks, I consider that the only potential risk to groundwater within the appeal site itself arises from leakage of the underground soiled water storage tanks or from the wastewater treatment system serving the office. The issue of landspreading outside of the appeal site is addressed below.
- 8.3.6. With regard to the proposed wastewater treatment system to serve the office, a Site Characterisation Report was included in Appendix 21 of the EIS Addendum. The site has a groundwater protection response of R1, indicating that such a system is acceptable, subject to normal good practice. The trial hole showed a 0.6m layer of silt/clay overlaying clay. Percolation testing found a modified T value of 77.04 min/25mm indicating average percolation characteristics for the subsoil, and a P value of 13.05 min/25mm, indicating good percolation characteristics for the topsoil. Groundwater was not encountered and bedrock was encountered at 1.8m.
- 8.3.7. With regard to the soiled water tanks, it is stated that these will be inspected and certified on a regular basis in accordance with EPA requirements. Noting that the proposed development will require a licence from the EPA, and that it will therefore will be subject to conditions and controls in relation to emissions, including emissions to water, I consider this approach to be reasonable.
- 8.3.8. The EPA has advised that activities such as the use of organic fertiliser beyond the boundary of the licensed site cannot be controlled by a condition of a IE licence. They have also advised that the licence cannot specify conditions governing and making the licensee liable for the use of organic fertilisers when it leaves the installation and that the recipient of the fertiliser is responsible for its management and use in accordance with the application regulations.
- 8.3.9. The applicant has submitted a 'customer list' accompanied by a series of maps which indicate the approximate locations of each landholding. Together, the applicant contends that this amounts to c. 2,900 acres of land farmed by his family. It is contended that these lands will require 330% of the fertiliser that would be produced at the proposed development, and allowing for fertiliser arising from the

applicant's brother's poultry house at Gerrardstown. The organic fertiliser arising from the proposed development would therefore displace a significant portion of the chemical fertilisers which are currently being used on these lands.

- 8.3.10. As noted above, the landspreading of organic fertilisers must be undertaken in accordance with the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2017, as amended, which sets out very prescriptive requirements for such activities, including in relation to storage, buffer zones from waterbodies, prohibited areas, timing of landspreading, and the keeping of records. The applicant has also demonstrated that ample lands are available in the vicinity for the landspreading of the organic fertiliser, and that this will reduce the use of chemical fertilisers that are currently used on these lands. It is not normally useful or appropriate for a planning decision to attempt to regulate matters for which a separate, specific regulatory regime has been established by statute. The board is also under a general obligation to assume that a person will comply with their lawful obligations. The current application should therefore be assessed on the basis that the organic fertiliser generated in the development would be utilised in accordance with the relevant Regulations outlined above. In these circumstances I consider that no significant adverse effects in respect of surface or groundwater are likely to arise as a result of the proposed development itself, or as a result of the landspreading of organic fertiliser arising.

8.4. Air Quality and Odour

- 8.4.1. The issues of air and odour are addressed in Section 7.4 of the EIS, as amended by the EIS Addendum, and Appendix 19 of the EIS Addendum contains an Odour Impact Assessment and Odour Management Plan. My assessment of this aspect of the EIS is set out in Section 7.3.2 above.

8.5. Climate

- 8.5.1. The issue of climate is addressed in Section 7.5 of the EIS. I do not consider that the proposed development would be likely to have a significant effect on climate. It is noted that the organic fertiliser arising from the proposed development will replace

chemical fertilisers and that a significant portion of the feed for the poultry will be sourced from the applicant's family landholding.

8.6. Landscape and Visual Impact

- 8.6.1. The issue of landscape and visual impacts is addressed in Section 7.6 of the EIS, as amended by the EIS Addendum, and a Landscape and Visual Impact Assessment, which includes a number of photomontages, was submitted as Appendix 20 of the EIS Addendum.
- 8.6.2. The appeal site is located within the Central Lowlands LCA, which is identified as having a 'high' landscape value and a 'medium' capacity to accommodate large agricultural buildings. The site is part of a large open field which is in tillage use and which gently slopes upwards from west to east towards a ridge line to the south east of the appeal site, and the land then gradually falls towards the Slanduff River.
- 8.6.3. The proposed poultry houses would be set back from the public road by c. 200m, and would be c. 150m from the closest third party dwellings, located to the north west. Existing mature hedgerows are present along the eastern and southern boundaries, in relatively close proximity to the proposed poultry houses, and there is a dense hedgerow/tree line along the roadside boundary of the field. It is proposed to construct a 4m x 2.5m soil bank with landscaping along the northern side of the access road, and along the western and northern sides of the poultry houses.
- 8.6.4. Having inspected the site and reviewed the drawings and photomontages submitted, I consider that the orientation of the four proposed poultry houses parallel to the public road will serve to reduce the apparent scale of the development, since the front poultry house will partially block views of the three houses behind, except in oblique views. The relatively close grouping of the houses, with separation distances of c. 7m will also be of benefit in reducing the apparent scale of the development from outside of the site. The poultry houses, while very large in footprint, are relatively low in profile, with a maximum ridge height of c. 6m. The most visually prominent elements of the development on the skyline are the 10 No. c. 4.2m high chimneys/ventilation exhausts protruding above the roof of each poultry house, which have been increased in height to mitigate odour impacts, and the c. 9.1m high

feed silos. Notwithstanding this, the agricultural purpose of the structures will be readily apparent through the use of materials and green colouring.

8.6.5. I note that it is proposed to construct the four poultry houses on a level platform, with a consistent finished floor level across the four houses of 80m. As the ground level rises from west to east, this will entail cut and fill earthworks, with house 1 constructed on fill, and houses 2, 3 and 4 partially cut into the ground. The EIS states that excess soil will be utilised to construct the 2.5m x 4m landscaped soil banks which will provide a degree of screening to the proposed development.

8.6.6. Having regard to the agricultural nature and design of the proposed development, and noting the site topography, the existing mature tree and hedgerow planting and the proposed landscaping and screening banks, I do not consider that the proposed development would be unduly prominent within this rural setting, or that it would have a significant effect on the character of the landscape. In this regard I would concur with the LVIA, that where the proposed development is visible from the wider area, it will have at most a slight to moderate impact, and that it will not give rise to any significant adverse effects on the landscape.

8.7. Noise

8.7.1. The existing noise environment is described in Section 6.7 of the EIS, and a description of noise impacts is contained in Section 7.7. This was supplemented on foot of a request for further information by a site-specific Noise Impact Assessment Report, which is contained in Appendix 15 of the EIS Addendum.

8.7.2. The existing daytime background noise levels at the chosen noise sensitive locations (the houses to the north west and the applicant's house to the south) was found to be 42 – 54 dBL_{A90}. Night-time background noise levels of 24 – 26 dBL_{A90} were found.

8.7.3. With regard to construction stage noise impacts, predicted noise levels are generally less than the maximum criteria of 65 dBL_{Aeq} for daytime noise contained in BS 5228-1. A series of construction phase noise mitigation measures are proposed, such as the limiting of construction hours, establishing channels of communication with residents and the Local Authority, selection of low-noise plant and machinery, maintenance of site roads etc. I consider these to be relatively standard good

practice construction measures, and I consider that they should form of a construction management plan to be submitted to the Planning Authority prior to the commencement of development.

- 8.7.4. With regard to operational noise, I note at the outset that noise emissions will be subject to conditions and controls under the EPA licence that will be required for the facility. The main potential sources of noise are the poultry, trucks, ventilation fans and the generator. Noise surveys undertaken at an existing poultry farm found that the poultry are relatively inaudible at a distance of 3m from the poultry house. With regard to the ventilation fans, the assessment assumed a worst case scenario that all fans would be operating continuously at full capacity. Allowing for a distance correction, this results in maximum noise levels of 41-42 $\text{dBL}_{\text{Aeq, T}}$ at the NSLs, which is below the BS 5228-1 night-time threshold value. I note that the Noise Impact Assessment only addresses the noise impacts of the 4 feed delivery trucks per week and does not address the relatively intense de-stocking/cleaning/re-stocking period at the end of each cycle. The attenuated noise level during a feed delivery is stated to be 52-53 $\text{dBL}_{\text{Aeq, 30min}}$ at the NSLs, resulting in an imperceptible impact relative to background noise levels. I do not consider that the noise of poultry or organic fertiliser truck movements would be likely to significantly differ from feed delivery, and I do not consider that any significant effects would arise at the NSLs. I do, however, concur with the recommendation in the Noise Impact Assessment that truck movements should be limited to daytime periods only.
- 8.7.5. In conclusion, I am satisfied that the potential noise impacts of the proposed development have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse effect is likely to arise.

8.8. Traffic

- 8.8.1. Section 7.8 of the EIS relates to the traffic impact of the proposed development. It estimates 1 load of fertiliser (i.e. manure) per week on average, 5 bird deliveries/collections/week, 4 feed deliveries per week and assorted staff, waste and veterinary traffic movements. The EIS also contends that the integrated nature of the development with existing farming practices will involve straw and a portion of the poultry feed being produced on the farm, and organic fertiliser arising being utilised

on the family landholding in the area, replacing inorganic fertiliser, thereby minimising traffic generation.

- 8.8.2. While the EIS spreads the traffic generation over the entire year to provide average weekly figures, I consider that the nature of the proposed development is such that this does not entirely accurately represent the likely pattern of traffic generation that would arise.
- 8.8.3. While feed deliveries are likely to be relatively constant across the year, the proposed operation of the poultry houses on an all-in/all-out basis will likely result in periods of very low traffic activity, with more intense 'bursts' of traffic activity every 5-6 weeks when c. 200,000 reared chickens and their manure are transported out of the facility, the facility is cleaned down, and c. 200,000 day-old chicks are transported into the facility over a relatively short (1-2 week) period.
- 8.8.4. 1 load of fertiliser per week and 5 bird deliveries/collections per week would equate to a total of 312 loads per annum. Dividing this over 7 No. restocking periods would result in c. 45 loads per 1-2 week restocking period. Notwithstanding this, the proposed development will utilise an existing agricultural access, and the local roads in the vicinity are relatively lightly trafficked and are of a reasonably good standard and alignment, with good access to the Regional and National road network. The proposed integration of the development with the existing farming activities of the applicant's family in the area will also be of benefit in reducing the wider traffic impact of the proposed development.
- 8.8.5. In conclusion, while the overall traffic generation from the proposed development will likely be concentrated into the destocking/cleaning/restocking periods, I do not consider that the average or peak level of traffic generation would be so great as to result in any unacceptable direct or indirect impacts in terms of traffic.

8.9. **Flora and Fauna**

- 8.9.1. This section of my report should be read in conjunction with the Appropriate Assessment section below. Section 7.9 of the EIS relates to the impacts of the proposed development on flora and fauna. It states that the site is currently intensively managed agricultural tillage lands, in effect a mono-culture, and that as a result the flora and fauna associated with the site has developed accordingly. It is

noted that the area surrounding the appeal site is also generally in arable or grassland agricultural use. I would accept the applicant's contention that the site is agricultural land and that it is not within or in close proximity to any sites designated for the protection of natural heritage. I also note the nature and design of the proposed development, with livestock housed within buildings on an impermeable floor, provision for the storage and removal of dead animals and soiled water, the use of a dry litter system which will minimise the potential for effluent generation and the use of a soakaway for clean storm water, rather than a discharge to any watercourse. Having regard to these factors, I am satisfied that the proposed development would not have any unacceptable direct effects on flora and fauna on or near the site during its construction or operation.

- 8.9.2. With regard to the potential for indirect effects on flora and fauna arising from the use of organic fertiliser on customer farmlands, the EIS notes that this will be allocated and utilised in accordance with S.I. 31 of 2014 (now replaced by SI 605 of 2017, as amended), and concludes that there should be no negative impact on the flora and fauna of the area.
- 8.9.3. I note that SI 605 of 2017, as amended, i.e. the European Union (Good Agricultural Practice for Protection of Waters) Regulations, is extremely prescriptive with regard to buffer zones, timing, prohibited areas, record-keeping etc. The applicant's family landholding is extensive, with the capacity to cater for a multiple of the organic fertiliser arising from the proposed development. I also note that the lands in question are generally in tillage use, and that the landspreading of organic fertiliser will replace a portion of the chemical fertilisers which are already being used on these lands.
- 8.9.4. Noting that the use of the organic fertiliser on the landholding is subject to separate stringent and specific regulatory controls under SI 605 of 2017, as amended, and that the applicant has undertaken to, and indeed is obliged to, comply with these requirements, I am satisfied that there will be no significant indirect effects on flora and fauna.

8.10. Special Policy Areas and Cultural Heritage

- 8.10.1. Section 7.10 of the EIS relates to 'special policy areas', including Natura 2000 sites, which are addressed separately in this report, and cultural heritage. An Archaeological Impact Assessment Report was included in Appendix 11 of the EIS.
- 8.10.2. The site does not contain any identified features that are recorded or protected due to their significance with regard to archaeology or architecture. Nor is it within the Zone of Notification of any of the archaeological sites in the vicinity. With regard to the potential visual impact on the graveyard and ruined church to the south (ME032-017 and ME032-01701), there is a ridge between the two sites which eliminates inter-visibility.
- 8.10.3. I note that the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs had no objection to the proposed development, subject to conditions regarding pre-development archaeological testing.
- 8.10.4. Subject to the implementation of such pre-development testing as a mitigation measure, I am satisfied that the proposed development is not likely to have a significant residual adverse effect on cultural heritage.

8.11. Population/Employment, Material Assets and Tourism

- 8.11.1. Section 7.11 of the EIS relates to population and employment and generally relates to issues covered in Section 7.2 of this report.
- 8.11.2. Section 7.12 of the EIS relates to material assets. I note that this section of the EIS addresses properties and natural resources, with traffic being addressed separately. I have considered the potential likely effects on non-agricultural properties under the headings of noise and odour above, and I do not consider that the proposed development is likely to have a significant effect upon material assets.
- 8.11.3. Section 7.13 relates to tourism, I do not consider that the proposed development would be likely to have a significant effect, due to its siting, design and separation distances from receptors and public roads. Any potential effects on tourism arising from the spreading of organic fertilisers in the wider area, particularly with regard to odour, would be adequately addressed through the required compliance with SI 605 of 2017, as amended.

8.12. Cumulative Effects

8.12.1. Section 7.14 of the EIS relates to cumulative effects. The EIS, reasonably in my view, concludes that the proposed development will not have a significant cumulative effect on the environment and it is again reiterated that organic fertiliser generated by the proposed development will be used as fertiliser in accordance with the strict requirements set out in S.I. 31 of 2014 (now superseded by SI 605 of 2017, as amended) and that it will reduce the use of imported chemical fertilisers. The operation and management of the proposed development will also be undertaken under a licence from the EPA, which will help minimise any potential impacts on the environment.

8.13. Interaction of Effects

8.13.1. Section 8 of the EIS relates to the interaction of effects. I have considered the interaction between the factors mentioned above and am satisfied that based on the information submitted by the applicant, including the measures put forward specifically in relation to odour, noise, discharge to ground and surface waters, and use of organic fertilisers in compliance with all relevant statutes, that the proposal is not likely to have a likely significant effect on the environment.

8.14. Environmental Management Programme

8.14.1. Section 9 of the EIS states that the applicant will implement and maintain a comprehensive Environmental Management Programme, governed by the requirements of the EPA Licence and other environmental legislation. It also states that an Organic Fertiliser Management Programme will be implemented, including the recording of all organic fertiliser transfers off the farm, and the allocations to the applicant's family landholding, as well as monitoring and maintenance programme for the development. I consider this approach to be reasonable, and while the applicant will be required to comply with the reporting and monitoring requirements of the required EPA Licence, I recommend that a suitable Condition should be included, should the Board be minded to grant planning permission.

9.0 Appropriate Assessment

- 9.1.1. The closest Natura 2000 sites are the River Boyne and River Blackwater SPA and SAC (Site Codes 004232 and 002299, respectively), which at its closest point is c. 5.5km to the west. The River Nanny flows through Kentstown, c. 0.5km north of the appeal site. While the River is not a designated site, the River Nanny Estuary and Shore, c. 20km to the north east is a SPA (Site Code 004158).
- 9.1.2. The features of interest for the River Boyne and River Blackwater SAC are: Alkaline fens; Alluvial forests; River Lamprey (*Lampetra fluviatilis*); Salmon (*Salmo salar*); and Otter (*Lutra lutra*). The sole feature of interest for the River Boyne and River Blackwater SPA is the Kingfisher (*Alcedo atthis*). The features of interest for the River Nanny Estuary and Shore SPA are: Oystercatcher (*Haematopus ostralegus*); Ringed Plover (*Charadrius hiaticula*); Golden Plover (*Pluvialis apricaria*); Knot (*Calidris canutus*); Sanderling (*Calidris alba*); Herring Gull (*Larus argentatus*); and Wetland and Waterbirds.
- 9.1.3. The conservation objectives for the sites are to maintain or restore the favourable conservation condition of the various habitats and/or species for which the sites were selected.
- 9.1.4. An Appropriate Assessment Screening Report was submitted as Appendix 13 of the EIS. This states that the appeal site comprises arable land habitat of low biodiversity and ecological value. I would concur with this assessment of the site. No records of notable species in the vicinity of the site are contained in the National Biodiversity Data Centre.
- 9.1.5. As noted above, the River Nanny is located c. 0.5km north of the appeal site, while the Slanduff Stream, which is a tributary of the River Nanny, is located c. 0.3km south of the appeal site. I note in this regard that the site is within the Nanny sub-catchment.
- 9.1.6. The AA Screening Report considers the potential effects of the proposed development on the River Boyne and River Blackwater SPA and SAC, but does not address the potential impact on the River Nanny Estuary and Shore SPA. Given the distance to the Nanny Estuary (20km) and the resultant dilution effect, and the nature of the proposed development which entails the indoor rearing of poultry, with

no significant storage of liquid effluents, no discharge of water to watercourses, and only the discharge of clean stormwater to soakaways, I consider the approach taken in the AA Screening Report to be reasonable.

- 9.1.7. With regard to the River Boyne and River Blackwater SPA and SAC, there is no hydrological connection between the site of the proposed poultry houses and these designated sites. Therefore, having regard to the source-pathway-receptor model and noting the separation distance from the Natura 2000 sites and the nature of the qualifying interests, I do not consider that the proposed development would be likely to have direct effects on the sites.
- 9.1.8. With regard to the potential for indirect effects arising from the landspreading of organic fertilisers, I note that the landholdings identified in the EIS include lands in the vicinity of the River Boyne and other watercourses. However, there is a requirement for the use of this fertiliser to be compliant with the provisions of the Good Agricultural Practice for the Protection of Waters Regulations 2017, as amended, which are prescriptive with regard to spreading rates, times, prohibited area etc. I also note that the lands in question are in tillage use and that the organic fertilisers will replace the current use of chemical fertilisers. The AA Screening Report sets out a series of best practice measures for both the poultry facility and the subsequent landspreading of organic fertilisers. Having reviewed these measures, I am satisfied that they can be considered relatively standard best practice measures for construction and agricultural activities that are compatible with Department of Agricultural specifications and the Good Agricultural Practice for the Protection of Waters Regulations.
- 9.1.9. In conclusion, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SPA and SAC (Site Codes 004232 and 002299, respectively), the River Nanny Estuary and Shore SPA (Site Code 004158), or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 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 consideration as set out below.

11.0 Reasons and Considerations

11.1. Having regard to:

- the agricultural nature of the proposed development in a rural location, where such a use is appropriate;
- the pattern of development in the area;
- the fact that the proposed development will be subject to a licence from the Environmental Protection Agency,
- the requirements of the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2017 (SI 605 of 2017), as amended; and
- the provision of the Meath County Development Plan 2013-2019;

it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would generally be acceptable in terms of traffic safety and 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 on the 15th day of December 2017, 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. The best practice methods, mitigation measures and monitoring commitments identified in the Environmental Impact Statement, Noise Impact Assessment, Odour Impact Assessment, Odour Management Plan, Appropriate Assessment Screening Report and other plans and particulars submitted with the planning application, as amended by the further plans and particulars submitted on the 27th day of October 2016, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and protection of the environment.

3. Details of the finishes of the poultry houses and feed silos 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 and in the interest of orderly development.

4. The poultry houses shall be used only in strict accordance with a management schedule which shall 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, 2017, as amended, and shall provide at least for the following:

- (1) Details of the number of birds to be housed.
- (2) The arrangements for the collection, storage and disposal of manure, effluent, dead animals and waste products.
- (3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: In order to avoid pollution and to protect residential amenity.

5. All liquid effluent and any other contaminated run-off generated by the proposed development 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.

6. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to the proposed swale and soakaway system and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent tanks or to the public road.

Reason: In order to ensure that the capacity of effluent storage tanks is reserved for their specific purposes.

7. Poultry manure 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, 2017, as amended.

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

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

(a) A plan to scale of not less than 1:500 showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs.
- (ii) Details of screen planting.
- (iii) Hard landscaping works.

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be

replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. 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.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

11. 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.

12. a) The proposed effluent treatment and disposal system serving the proposed office building shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the office building, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

13. 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.

Niall Haverty
Planning Inspector

16th November 2018