



An  
Bord  
Pleanála

## Inspector's Report 302293-18.

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<b>Development</b>	Construction of 1 no. poultry house and ancillary works.
<b>Location</b>	Cressil & Killymarran, Ballinode, Co. Monaghan.
<b>Planning Authority</b>	Monaghan County Council.
<b>Planning Authority Reg. Ref.</b>	18/25.
<b>Applicant(s)</b>	Mark Mc Kenna.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Philip & Anita Mc Nally & Others.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	23 <sup>rd</sup> of January 2019.
<b>Inspector</b>	Karen Hamilton.

## 1.0 Site Location and Description

- 1.1. The subject site is part of a rural field (1.057 ha) located along the east of a local road within the townlands of Cressil and Kilmarran, north of County Monaghan.
- 1.2. The site is accessed from the local road via an existing agricultural access and there is a row of 6 no. detached dwellings on the opposite side of the road from the proposed site.
- 1.3. A stream runs parallel to the site and the public road, along the west of the site, which has been culverted at the entrance. The boundary along the road includes mature trees, on either side of the stream.
- 1.4. The site forms part of a larger farm holding owned by the applicant's father. An existing farm complex, to the North West visible from the subject site, is in separate ownership.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
  - Construction of 1 no. poultry slatted shed (c.1,746m<sup>2</sup>),
  - c. 9.1m high feed silo at the front, west of the site,
  - Additional soil bank with integrated landscaping along the south of the proposed shed,
  - Additional landscaping along the west of the shed, adjoining the local road,
  - Upgrade of existing agricultural access and new service road and turning area with concrete apron around the circumference of the proposed shed,
  - All other associated works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 6 no conditions of which the following are of note:

C 1- Section 48 contribution.

C 2- Compliance with a range of water protection measures related to the proposed agricultural activity including organic fertilizer spreading:

- Compliance with the Inland Fisheries Guidelines (IFI),
- Restriction of the number and type of poultry,
- Collection of surface run-off from soiled areas in tanks and land spread,
- Compliance with European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017,
- Compliance with the requirements of the Department of Agriculture and the Marine.

C 3- External materials:

- Roofing material shall be dark green, dark grey, dark blue or black in colour.
- No unpainted metal sheeting used for roofing or on external finished of the structure.

C 4- Compliance with landscaping scheme submitted to the planning authority and additional planting at the recessed entrance.

C 5- Access and surface water treatment requirements including the provision of visibility splays of 50m in each direction.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information as summarised below:

- Cross section drawings through the site where submitted (west to east and north to south) to indicate the grounds levels, proposed grounds levels, the finished floor level and the finished ridge height of the proposed development.
- Response from an agent, on behalf of the applicant, addressing a wide range of issues raised within the objection letters.

The report of the area planner referred to the policies of the development plan in particular AFP 1 and AFP 3.

Having regard to the mandatory requirement in Part 1 and Part 2 of the Planning and Development Regulations 2001, as amended, and the requirements of Schedule 7, the planning authority did not consider an Environmental Impact Assessment was required.

#### 3.2.2. Other Technical Reports

Roads Department- No objection to proposal.

Environment Section- No objection subject to conditions.

### 3.3. Prescribed Bodies

Inland Fisheries Ireland (IFI) - Reference is provided to the EPA Pollution Impact Potential Maps and Article 5 of the EC Environmental Objectives (Surface Waters) Regulations 2009.

Health Service Executive (HSE) - No observation to the proposed development.

### 3.4. Third Party Observations

A number of third party submissions (10 no.) were made by the residents in the vicinity of the site to the initial applicant and a combined submission was made on the further information. The issues raised are similar to the grounds of appeal and additional issues are summarised below:

- The development will cause noxious odours.
- Slurry spread on slopes will cause runoff into the stream on adjoining lands.
- The proposal will devalue property in the vicinity.

- There is no indication of the location of the soil tests.
- An Environmental Impact Assessment (2014/52/EU Directive) is requested.
- Even though the 30,170 is under the EPA mandatory 40,000 for chickens the hens are more noxious.
- Duck excrement is different to chickens.
- The development will expose adjoining residents to ammonia, dust emissions and aerosols.
- The development will lead to vermin and flies.
- The poultry manure will have a severe negative impact on the surrounding environment and health of the residents in the vicinity.
- The noise and activity associated with the proposed development is outside normal hours of operation.

#### 4.0 Planning History

None relevant on the site.

##### Similar development in the vicinity

##### **Reg Ref PL18.245129**

Permission granted for one poultry house located c. 3.5km southwest of the subject site within the townlands of Ballinode.

##### **Reg Ref PL18.249166**

Permission refused for one no. poultry house on a site located c. 6.6km to the south west of the site within the townland of Smithborough for reasons relating to impact on the landscape and visual amenity.

##### **Reg Ref PL18.248569**

Permission refused for five bay double slatted shed on a site located c. 8.7km south of the site within the townland of Smithborough for reasons of insufficient storage capacity therefore leading to a threat to water pollution.

## 5.0 Policy Context

5.1. EU Good Agricultural Practices for the Protection of Waters Regulations (2017) S.1 605, as amended (2018) S.1. No 65 of 2018.

### 5.2. Monaghan County Development Plan 2013-2019

The appeal site is located in a rural area outside of a designated settlement and is not zoned.

#### Agriculture

**AFP 2:** Give favourable consideration to agricultural, horticultural and forestry development where the development:-

- Is necessary for the running of the enterprise.
- Is appropriate in terms of scale, location, design and nature.
- Does not seriously impact on the visual amenity of the area or on the natural or man-made environment.
- Is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.
- Is sited so as to benefit from any screening provided by topography or existing landscaping.
- Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property.
- Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance, etc.
- Will not result in a traffic hazard.
- Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.

**AFP 3:** Facilitate the process of farm diversification and intensification by giving favourable consideration to appropriate new and existing, rural based farm enterprises

**AFP 4:** Facilitate, where appropriate, specialist farming practices, e.g. Poultry rearing, mushroom growing, stud farms, etc.

**AFP 9:** Ensure agricultural developments dispose of agricultural waste in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the Good Agricultural Practices for the Protection of Waters Regulations (S.I 101 of 2009).

### 5.3. **Natural Heritage Designations**

The Slieve Beagh SPA is located c. 6km to the north and North West of the site. The Kilroosky Lough Cluster SAC is located c. 17km south west of the site.

### 5.4. **Environmental Impact Assessment**

The proposed development for one poultry house will accommodate 19,000 ducks. The applicant states they current operate a poultry house in the vicinity of the site with 11,700 ducks, therefore the cumulative amount of ducks will be 30,700. The amount of ducks is below the mandatory requirement of 40,000 place for the intensive rearing of poultry listed in Class 1 (e) (i) of Part 2 of the Planning and Development Regulations, 2001, as amended, therefore the proposal is sub-threshold.

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 the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted from the residents within the vicinity and along the adjoining local road to the west of the site and the issues raised are summarised below:

#### Necessity of the development

- Policy AFP2 of the development plan supports new agricultural development where it is necessary for the running of the farm enterprise or other similar operations.
- There has been no satisfactory evidence submitted to justify the need for the unit to be built on a greenfield site detached from any existing farm buildings.
- The applicant is not a farmer and the duck house is not necessary for the running of the farm enterprise.
- The site is owned by the applicant's father and who is engaged in rearing dry cattle and horse and not poultry.
- The Planning Authority places too much weight on the location of the applicants existing duck house, located to the north west of the site which is rented.
- There is no specific reason to locate the duck house on a greenfield site rather than beside the existing building is based on biosecurity issues.
- It is common practice in Ireland for different agricultural uses to be located beside each other without any contamination issues.
- The location beside a lack will increase the spread of disease, migrating birds.
- If the poultry house was located closer to the family farm there would be no traffic issues.

#### Scale, Location, Design & Nature

- The proposed poultry shed is 97m long and out of proportion with all the buildings in the vicinity.



- There is inadequate biosecurity reasons for choosing this site.
- The landbanks shown on the enclosed satellite photographs are not within ownership of the applicant, therefore the applicant is able to spread on the landbanks.

#### Visual Amenity

- The planning assessments state that the views are restricted to the immediate area although the appellant's dwellings are located in this area and the duck house will change the character of the area.

#### Residential Amenity

- The site is located closer to 70m from one of the appellant's dwellings.
- In many EU countries the minimum proximity is 400m from a poultry house and dwelling.
- There is current experience of unacceptable odours from the existing duck house.
- Various studies on the health issues radiating from the proximity of a poultry house from residential properties include chronic respiratory conditions.

#### Traffic Hazard

- The planning authority accepts that sightlines of 50m can be achieved within the ownership of the applicant and the width of the road needs to be addressed.
- The road used to accommodate the development, Cressil Road, is an extremely minor road which is insufficient to accommodate additional traffic (photos submitted)
- The verges were upgraded by the Council some years ago and there is no space for pedestrians to step off the side of the road anymore, which is hazardous for pedestrians.
- There is more waste from ducks than other poultry which requires a lot more traffic movement.

- The life cycle of a duck is 42 days which requires the transport of ducks for slaughter etc., all which adds up to thousands per annum and the stated 3-5 per week is not accurate.
- The applicant states that there will be 3,135,000 litres of slurry, this would require over 750 trips.
- The inspector stated that no traffic passed within the 15mins on site. There are other busy periods.
- The road is clean during the summer although frequently dirty in wetter periods and slurry spreading will add to the dirt on the roads.
- Photos submitted indicate clear subsidence along the side of the road, there is evidence of pavement cracking on the bend of the entrance and the shrubs and trees are bent.

#### Water pollution

- The IFI stated that there is moderate risk of diffuse phosphorous entering surface waters, which means that it is more likely to flow overland than be retained in the soil and subsoil. The report requires the control of land spreading to protect surface waters.
- There is no evidence on the file to indicate how the surface water Regulations will be met.
- A laboratory report of (11<sup>th</sup> of June 2018) is included to show the level of phosphorous and potash as Level 4, high, from the existing leased duck house.
- The residents noted a slurry tank along the road during snow, which is a contravention of the Regulations.
- The lands are drumlin in nature, surrounded by waterways and not suitable for liquid.
- The Planning Authority did not state how there would be compliance with EU Directive 2014/52/EU (Sections 22 & 34), the assessment of the whole project and the need to substantiate the decision to grant development consent.

- The planning authority did not give any reasoned response to the issues raised by a number of objectors which is inadequate.
- A leaflet “ *The Transport and Use of Poultry Manure. Best Practice and Water Quality Protection*” is included with the appeal. A section highlighted relates to the avoidance of poultry spreading on steeply sloped lands, fields adjacent to lakes, water supply catchments and areas of shallow soils with karst features or rock outcrop.

## 6.2. Applicant Response

An agent on behalf of the applicant submitted a response in relation to the grounds of appeal which is summarised below:

- A number of the issues raised by the appellants have been addressed in correspondence to the council in relation to further information.

### Nature of development

- The proposal complies with policy AFP 2 of the development plan.
- The proposed location of the poultry house is away from the existing farm buildings, bovine and other operations and any other potential site would interfere with the farm.
- The applicant has an existing duck house close to the proposed building although is not within the applicants ownership.
- The design of the building is agricultural in nature and in keeping with the landscape.
- The farmer provides information annually to the Department of Agriculture, Food and The Marine including a fertiliser plan, ownership etc.
- The applicant has submitted sufficient information in relation to the disposal of organic fertiliser.
- The applicant demonstrated 180% capacity for organic fertiliser and even if c. 45% of the total area was to become unavailable there is still capacity to deal with it.

### Visual Impact & screening

- The development includes for additional landscaping along the southern elevation of the proposed development.
- The building will be sufficiently set back from the public road and any dwellings.
- Should the Board consider necessary, the applicant is prepared to finish the exterior in green rather than the traditional galvanised finish.

### Location

- Bio-security is necessary for farm health and to prevent cross-contamination.
- The applicant does not own the site.
- The site is not located within 100m of any residential property (Policy RDP 16 of the development plan, where a person seeks permission for a dwelling besides an agricultural building).
- The EPA guidance refers to the preferable location of (> 40,000 birds) from the nearest dwelling, superseded by the Commission Implementing Decision (EU) 2017/302 in February 2017. These new guidelines (BREF Guidance) changes the necessity for a separation distance to a more holistic approach.
- Reference is provided for best available techniques (BAT) conclusions under Directive 2010/75/EU.
- The housing of one poultry house will have a minimal impact on the area.

### Residential Amenity

- The local authority assessment the application.
- There is long standing poultry production within the County.
- The application will not increase the organic fertiliser permitted on the applicant's fathers land and additional fertiliser will be transported to lands outside the area.

### Traffic Hazard

- The site is agricultural.

- The applicant resides and works along the road.
- The local authority roads engineer has assessed the application and is satisfied the site is suitable.
- The grounds of appeal have incorrectly stated the traffic flows.
- 3,135,000 litres of organic fertiliser is equivalent to c. 195-200 tractor and tanker loads (c.15.9m<sup>3</sup> tanker) about c. 115 loads or c. 2.2 per week which is 15-25% of the traffic flow stated in the appellant's submission.
- The details in the application are over-estimated.

#### Water pollution

- S.I 605 of 2017 includes restrictions and requirements on the storage and application of organic fertiliser, which the applicant complies with.
- The use of appropriate phosphorous as a fertiliser is not a contaminant to water.
- Lands not suitable for fertiliser will be excluded as per S.I 605 of 2017.
- The submission of soil samples by the appellant is noted. The use of samples from June is not an appropriate time of the year. The samples do not indicate excessive quantities of slurry.

Maps of the lands in ownership by the applicant's father are included.

#### **6.3. Planning Authority Response**

None received.

#### **6.4. Observations**

None received.

## 7.0 Assessment

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

- Principle of Development.
- Impact on Residential and Visual Amenity.
- Water Pollution.
- Roads and traffic.
- Appropriate Assessment.

### Principle of Development

7.2. The proposed development is for the construction of 1 no. poultry shed within a rural area north of Ballinode village, County Monaghan. Policies AFP 2, 3 & 4 contained in Chapter 15 of the development plan, give favourable consideration to agricultural development and facilitate farm diversification and specialist farming such as poultry rearing subject to certain criteria.

7.3. The grounds of appeal are submitted from residents of property in the vicinity of the site who note the current lands are within the ownership of the applicant's father and are not directly related to the existing farm as they are located in isolation. Therefore, it is argued the proposal cannot be considered in the context of the policies of the development plan.

7.4. I note the list of criteria within policy AFP 2 of the development plan, in relation to acceptance of new agricultural buildings which shall be located "*within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.*". A response from the agent on behalf of the applicant states that the existing farm activity, owned by the applicant's father, relates to bovine and other activities and in the interest of bio-security it is necessary to locate the poultry shed away from current activity.

7.5. The plans and particulars submitted with the application do not include exact details of the existing farm activity although the supporting information with the application states that the father's landholding is 47.59ha and included c. 200 bovine, a limited number of sheep and 50 horses. The site plan and the data for the Department of

Agriculture, Food and the Marine (DAFM) in the applicant's response to the grounds of appeal, illustrates the applicant's father's land holding. Having regard to this information, I consider it reasonable that the proposed development complies with policy AFP 2 subject to further assessment criteria discussed below.

### **Impact on Residential and Visual Amenity**

- 7.6. The proposed development is a new agricultural structure located in isolation from other farm buildings and located on the opposite side of a public road from a number of dwellings. The appellants, residents of existing dwellings along the adjoining public road, are concerned the intensification of agriculture and the use of the building for rearing of ducks will cause a serious negative impact on their residential amenity, which I have assessed under separate headings below.
- 7.7. Location and Design: The existing field rises gently in the centre and falls north towards the existing boundary. The poultry building is located at the north of the site, adjacent to the existing field boundary, is c. 100m from the nearest dwelling and is c.97.5m in length by c.18.3m in width (c. 1,746m<sup>2</sup>). The height of the building is c. 5.5m and cross section drawings submitted as part of the further information request indicate a small increase in the height of the existing ground level to accommodate the storage tanks. The feed silo is c. 9.1m tall and the applicant's response to the grounds of appeal states that the external materials could be changed from the traditional galvanised finish to green, on request from the Board. Having regard to the height of the feed silo, I consider this reasonable. I do not consider the subject site is excessively elevated in comparison to main approaches or adjoining lands and having regard to the existing mature trees along the west of the site, further discussed below, I do not consider the proposed development would lead to an obstructive feature on the landscape at this location.
- 7.8. Landscaping: The existing mature trees and hedging along the public road, to the west of the stream, and the north of the site, is to be retained. Additional planting is proposed along the south of building and west of the internal service road. The landscaping along the south of the building incorporates a 4m by 2.5m soil bank along the entire length, integrating a mix of semi-mature, native trees and hedgerow. The landscaping along the west does not include a soil bank although similar

planting is included which I consider will allow the appropriate assimilation of the building into the surrounding area.

- 7.9. Odour: The poultry operation is restricted to the interior of the building and no foraging is proposed. The manure will be stored in underground tanks and removed on a continuous basis. The buildings include air ventilation, insulation and vapour barriers. In response to the further information request the applicant has stated that there are no excessive odours produced from the existing poultry house and no objections have previously been received. The spreading of manure is proposed at various locations in accordance with good agricultural regulations, which I consider normal practice on agricultural lands, further discussed below.

### **Water Pollution**

- 7.10. The proposed development includes the construction of 1 no. slatted poultry house for 19,000 ducks which comprises the intensification of agricultural activities on an existing farm, and gives rise to the potential for water pollution. The water pollution risk can be considered under the following heading:

- Proximity of range area to watercourses and pollution of groundwater.
- Treatment of poultry manure

#### Proximity of range area to watercourse and pollution of ground water

- 7.11. The subject site is located to the south west of a wetland and a small stream runs along the north and west of the site, draining south to the River Blackwater (c. 1km south). The poultry house is a sealed unit with reinforced concrete slab floor and sealed storage tanks.
- 7.12. The surface water from the building is directed along both sides, via a 150mm perforated storm line, to a silt trap to the west to discharge into the existing open drain along the public road. Condition No 5 requires the inclusion of additional gullies and drains including a French drain along the full site frontage and a cattle grid at the entrance, which I consider reasonable to prevent the flow of surface water run-off onto the public road and adjoining lands.
- 7.13. The proposed development does not include any free range activities and there is no discharge proposed to the groundwater. This aside, it is of note the River Blackwater



is not at risk and in between 2010-2015 the water quality status was good<sup>1</sup>. A letter from College Proteins confirms collection and disposal of the poultry in line with the EPA requirements.

#### Treatment of Poultry Manure

- 7.14. The proposed development produces 3,135,000 litres (3,135m<sup>3</sup>) of organic fertiliser per year collected from the building and used for spreading on the applicant's father's lands (47.59ha) with the remainder transported to a farm in Co. Louth. The fertiliser plan for 2018 accompanied the application and is managed by the DAFM in compliance with the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2017, as amended (2018).
- 7.15. The proposed development does not include any free range element, therefore the manure and soiled waters are contained within the poultry house. Article 11 of the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2017, as amended (2018), requires the capacity of the slurry storage facilities to be equal to or exceed the expected effluent from the stock proposed to be housed in the development.
- 7.16. The submission from the IFI requires the competent authority to ensure the compliance with these regulations, which in this instance is the Board. Condition No 2 requires compliance with the IFI guidelines and the requirements of the good agricultural regulations (treatment of runoff, design of building and operations).
- 7.17. Table 2 of the Schedule 2 of the Regulations requires a storage capacity of 0.81 (m<sup>3</sup>/per week) for 1,000 poultry. The proposed development for 19,000 ducks requires slurry storage of 15.39m<sup>3</sup> per week. The proposed building is 1,813m<sup>3</sup>, the drawings indicate the total underground storage capacity area is 2,379m<sup>3</sup>. Having regard to the requirements in the Regulations the storage of slurry can be accommodated on site.
- 7.18. Having regard to the proposed operation of the poultry house, the amount of storage capacity provided in the poultry house, the landholding linked to the poultry farm and compliance with the good agriculture guidelines I do not consider the proposed development would have a negative impact on the quality of the surface or groundwater on the site or surrounding area.

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<sup>1</sup> <https://www.catchments.ie/maps/> ( accessed Jan 2019)

## **Roads and Traffic**

- 7.19. The subject site has an existing agricultural access, onto a local road, shared with the appellant's, and the proposal includes the upgrade of the entrance. The grounds of appeal, residents along the road, are concerned the road is not of a sufficient size or condition to accommodate the traffic movements proposed with the poultry house.
- 7.20. The traffic movements associated with the development include the removal of the poultry and poultry manure off site. The applicant states the use of Lorries to transport would be c. 115 loads c. 2.2/ week. The required storage capacity in the good agricultural regulations for 19, 000 ducks is 15.93m<sup>3</sup> per week, which the applicant states is the size of a tanker load. I do not consider the vehicle movement associated with the development is excessive.
- 7.21. The site distance proposed at either side of the entrance is 70m and the existing hedge to the south of the site will be trimmed to accommodate the site distance. These lands are within the control of the applicant's father. I note the site distance has been provided from the edge of the site onto the public road, rather than the entrance gate into the site, which I consider reasonable to allow the appropriate movement of Lorries off the public road.
- 7.22. The report of the Roads Department noted the condition of the road as satisfactory and had no objection to the overall proposal. Condition No 5 requires the provision of 50m for visibility splays, removal of roadside hedging to accommodate appropriate clearance in the visibility splays and appropriate treatment of the entrance. As stated above the visibility splays are above the standards specified in condition no. 2 although no details of the entrance into the site have been provided and I consider a condition requesting these is reasonable.
- 7.23. Having regard to the design and location of the proposed entrance and the restricted movement and flow of traffic to the size I do not consider the traffic would detract from the residential amenity or give rise to traffic hazard on the local road network.

## **Appropriate Assessment**

- 7.23.1. The Slieve Beagh SPA is located c. 6km to the north and North West of the site and the Kilroosky Lough Cluster SAC is located c. 17km south west of the site.
- 7.23.2. The Hen Harrier is listed as a feature of interest of the Slieve Beagh SPA which requires a mix of forestry and open area for optimum habitat. 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 is a small stream along the west of the site which flows to the River Blackwater which is not connected to any European Sites in the vicinity of the site 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 conservation objectives of these sites
- 7.23.3. 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 granted, subject to conditions as set out below.

## **9.0 Reasons and Considerations**

Having regard to the rural location of the proposed development and Policy AFP 2, AFP 3 & AFP 4 of the Monaghan Development Plan 2013-2019 which seeks to promote agricultural development and facilitate, where appropriate, specialist farming practices including poultry rearing, it is considered that subject to conditions set out below the proposed development would not seriously injure the residential or visual amenity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development

would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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 residential amenities of property in the vicinity.

3. Prior to commencement of development the applicant shall confirm the details and treatment of the entrance into the site as required by the planning authority and all visibility splays (as indicated in the lodged documentation) shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

**Reason:** In the interest of traffic safety and to prevent the development of this area prior to its use for future road improvements.

4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
  - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
  - (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

5. The slatted shed 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2018, and shall provide at least for the following:
  - (1) Details of the number and types of animals to be housed.
  - (2) The arrangements for the collection, storage and disposal of slurry.
  - (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

6. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry 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

7. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

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

8. Slurry 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2018.

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

9. A minimum of 22 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

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

10. Details of the finishes of the poultry house, the location of fencing and the design, scale and finishes of the proposed feed silo shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The feed silo shall be finished in green and the roofing material shall be dark green or black in colour.

**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.

11. Prior to the operation of the building the landscaping on the site shall be completed and in compliance with the scheme submitted. The trees shall comprise of native species such as mountain ash, birch, willow, sycamore, oak, hawthorn, holly, hazel, beech or alder and shall be protected from grazing animals by stock-proof fencing. Any trees 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 species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development, in the interest of visual amenity

12. 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

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Karen Hamilton  
Planning Inspector

25<sup>th</sup> of January 2019