



An  
Bord  
Pleanála

## Inspector's Report ABP-304038-19

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<b>Development</b>	Construction of a free-range poultry shed and ancillary structures, vehicular access and services
<b>Location</b>	Ardardagh, Stradone, County Cavan
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	18/402
<b>Applicant(s)</b>	Gary Smith
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Party
<b>Appellant(s)</b>	Seán & Siobhán O'Connell Richard & Triona Graham
<b>Observer(s)</b>	An Taisce Peter Sweetman
<b>Date of Site Inspection</b>	23 <sup>rd</sup> October 2019
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

- 1.1.** The appeal site is located in the rural townland of Ardardagh, centrally within County Cavan, approximately 11.5km southeast of Cavan town and 650m west of Clifferna village. The surrounding area is characterised by a patchwork of fields separated by hedges and trees and situated on undulating drumlin terrain that is interspersed with a mix of one-off houses and agricultural farmyards.
- 1.2.** Measuring a stated 0.96ha, the site comprises hillside agricultural fields understood to have been most recently used for cattle grazing. The entrance to the site is situated on the northern boundary off a single-lane local road (L-7500-0). Adjacent to the east of this entrance is a bungalow including gardens enclosed by a timber rail fence adjoining the site. An open drain intersects the south eastern corner of the site, flowing northeast towards the Larah River.
- 1.3.** The local road serving the site connects with the R165 regional road approximately 750m to the southwest of the site, which connects with the N3 national road 2km from the appeal site. Land levels vary by approximately 14m across the site, dropping steadily north towards the local road.

## **2.0 Proposed Development**

- 2.1.** The proposed development would comprise the following:
  - construction of a poultry slatted shed with a stated gross floor area (GFA) of c.1,636sq.m to accommodate 8,000 free-range egg-laying hens;
  - two 9.1m-high feed silos and two feed bins adjoining the shed;
  - a concrete apron to the front of the proposed shed;
  - wastewater tank and silt trap;
  - landscaping and associated works.
- 2.2.** In addition to the standard planning application documentation and drawings, the application was accompanied by a report providing operational details of the proposed facility and a report addressing the noise and odour impacts of the proposed development, as well as correspondence from both waste facility and

veterinary services operators. A supplementary planning application form for agricultural development was also submitted.

- 2.3.** As part of the applicant's response to the Planning Authority's further information request, the proposed vehicular entrance to serve the facility was repositioned 100m to the west of the originally proposed service track entrance.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority recommended a grant of planning permission for the proposed development, subject to 25 conditions, the majority of which relate to restrictions on the operation of the facility, including waste management.

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

#### **3.2.1. Planning Report**

The initial report of the Planning Authority (November 2018) requested further information in relation to the following:

- rationale for the development location on the applicant's landholding;
- details of the spread lands (nitrogen loading);
- a map of poultry units within a 2km radius of the site;
- details of proposals to minimise poultry manure and reduce nutrient excretion;
- qualify the proposed odour control measures;
- clarify the finished-floor level of the proposed shed;
- consider an alternative access location;
- revised access arrangements at the entrance off the local road;
- details of the turning area for heavy goods vehicles (HGVs) on site.

The second report of the Planning Authority (February 2019) stated that the response to the further information request was significant and following submission

of revised advertisements, the Planning Officer concluded that the response was satisfactory, while noting the following:

- conditions can be attached to the permission to ensure proper waste management on site and the use of the revised proposed entrance as the sole entrance to serve the facility.

### 3.2.2. Other Technical Reports

- Municipal District Engineer – refusal initially recommended and conditions subsequently recommended to be attached;
- Environment Section – further information initially requested and conditions subsequently recommended to be attached.

### 3.3. Prescribed Bodies

- Inland Fisheries Ireland – outline matters to be considered.

### 3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the Planning Authority, four submissions stated to be from residents of the Ardardagh townland, were initially received. Additional submissions were received from these residents following receipt of significant further information by the Planning Authority, and submissions were also received from two additional parties at this juncture. The issues raised in these submissions are similar to those also raised within the grounds of appeal and the observations and are summarised under these headings below.

## 4.0 Planning History

### 4.1. Appeal Site

- 4.1.1. I am not aware of recent planning applications relating to the appeal site.

## **4.2. Surrounding Sites**

4.2.1. Reflective of the rural location, recent relevant planning applications in the immediate vicinity primarily relate to agricultural developments, one-off housing and alterations to existing developments. The following recent applications relate to the applicant's adjacent landholding:

- Cavan County Council (CCC) Ref. 09/515 – permission granted in February 2010 for a free-range poultry house to accommodate 10,200 birds, a manure store and screen planting on a site 300m to the north of the appeal site;
- CCC Ref. 12/284 – retention permission granted in December 2012 for amendments to development granted under CCC Ref. 09/515;
- CCC Ref. 15/43 – permission granted in August 2015 for a holding tank and extensions to the front and rear of the poultry farm shed permitted under CCC Refs. 09/515 and 12/284 to accommodate a total of 16,000 birds.

## **4.3. Similar Applications**

4.3.1. There have been numerous recent applications granted permission for poultry shed developments in the Stradone area of Cavan, including CCC Refs. 18/306, 18/563, 19/57 and 19/58, and the following appeal granted by An Bord Pleanála:

- ABP Ref. PL02.247060 (CCC Ref. 16/161) – permission granted in December 2016 for an additional poultry house to accommodate 22,000 birds to the existing 14,000 bird poultry farm, including associated site works, underground holding tank, concrete apron and a meal silo in Feaugh, Poles, County Cavan, approximately 5.2km to the northwest of the appeal site.

## **5.0 Policy & Context**

### **5.1. Cavan County Development Plan 2014-2020**

5.1.1. The policies and objectives of the Cavan County Development Plan 2014-2020 are relevant. County Cavan is recognised in the Plan for its intensive agricultural activities, including poultry houses. Section 3 of the Plan addresses economic development and includes planning policies and objectives for the County, including

those aimed at supporting the sustainable development of agriculture in the County, subject to various environmental constraints.

5.1.2. Chapter 8 of the Plan includes policies and objectives, and those listed under the following headings are considered relevant to this appeal:

- Natural Heritage;
- Sites Designated in County Cavan;
- Water Resources and Quality;
- Air, Noise and Climatic Factors.

5.1.3. Chapter 10 of the Development Plan includes guidance and standards with respect to various development categories, including roadside boundaries.

## **5.2. National Guidelines and Legislation**

5.2.1. The following guidelines and legislation are relevant:

- Food Wise 2025 – A 10-year Vision for the Irish Agri-Food Industry (Department of Agriculture, Food and the Marine, 2017);
- EU Good Agricultural Practices for the Protection of Waters Regulations (2017) Statutory Instrument (SI) No.605 of 2017, as amended by SI No.65 of 2018.

## **5.3. Natural Heritage Designations**

5.3.1. The nearest designated sites to the appeal site, comprise the Lough Oughter and Associated Loughs Special Area of Conservation (SAC) (Side Code: 000007), which is located c.13.5km to the northwest, and the Lough Oughter Special Protection Areas (SPA) (Side Code: 004049), which is located c.15km to the northwest.

## **5.4. Environmental Impact Assessment - Preliminary Examination**

5.4.1. Having regard to the limited nature and scale of the proposed development, including the quantum of poultry to be intensively reared and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. 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**

- 6.1.1. A request for an oral hearing was included in the grounds of appeal and the Board concluded that the appeal could be dealt with adequately through written procedures.
- 6.1.2. The grounds of appeal from four neighbouring residents were accompanied by maps, photographs, land registry documentation, scientific extracts and correspondence from medical practitioners, and can be summarised as follows:

#### Residential Amenities

- inappropriate use in a residential area and within 600m of a school;
- other lands are available in the applicant's landholding that are a greater distance from houses and can be accessed off an existing road;
- undue impacts on the amenities of residents within the wind-shed area would arise, as a result of the changing farm practise from cattle grazing to intensive poultry rearing;
- nuisance – traffic movements, noise, air, dust emissions and odour;
- Environmental Protection Agency (EPA) guidance stipulates that such facilities should be a minimum of 400m from houses;
- the applicant operates a neighbouring poultry farm that does not operate within the conditions of the permission (odour - CCC Planning Ref. 15/43);

#### Environmental & Human Health Impacts

- proposals would result in fly infestation, spread of disease and attraction of rodents;
- the cumulative impact of the proposed poultry farm and the ten existing poultry farms within a 2km radius of the site, including the applicant's neighbouring poultry farm to the north, has not been accurately considered;



- a local authority water well is within the range area;
- measures to address disease transmission within the facility can only be reactive, therefore the proactive approach contained in the correspondence from the veterinary services should be discounted;
- stringent operational measures would not address the impacts arising;
- waste management measures proposed are not specific to this development and details of the spread lands, the removal of dead carcasses and the waste removal operator have been omitted;
- reserve spread lands may be required;
- screening for appropriate assessment has not been undertaken;
- pollution to groundwater would arise from associated waste;
- high concentrations of bio-aerosols, dust and micro-organisms are associated with poultry houses;

#### Road Safety

- road safety concerns arise given the restricted sight visibility at the entrance, the damage that would occur to the local road surface, the impact of construction traffic, 'children at play' signs along the local road and the associated HGV movements;
- limited road capacity to cater for the expected traffic increase;

#### Visual Amenities

- negative visual impact on the area arising from the siting of structures, including fencing and roads, on elevated ground proximate to housing and without any screening or landscaping;
- proposals are contrary to objectives ED06 of the Development Plan, which aims to ensure that development does not impinge on the visual amenity of the countryside;
- loss of over 100m hedgerow in both directions to facilitate the revised access;

## Other Matters

- devaluation of local property;
- details of the perimeter fence are required;
- biosecurity concerns;
- absence of noise and odour surveys and lack of robust assessments regarding same;
- conditions attached by the planning authority are inappropriate and should be revisited;
- lack of consultation with the Health Service Executive (HSE);
- additional financial contributions should be attached;
- would set precedent for similar development.

## **6.2. Applicant's Response**

6.2.1. The applicant's response to the grounds of appeal can be summarised as follows:

### Planning Policy

- the location of the facility is appropriate in the context of the rural area, planning policy, other consents processes, ownership constraints and the existing agricultural operations on the landholding;
- a 400m separation distance to the nearest house relates to facilities accommodating over 40,000 birds and is not an absolute requirement based on the Commission Implementing Decision (EU) 2017/302 and previous An Bord Pleanála decisions;

### Residential Amenity

- the proximity of the proposed development to houses has been considered and the applicant has addressed the rationale for the location, including the regulatory need for 8 hectares of an immediate range area (1,000 birds per hectare);

- no significant nuisance would arise from the proposed development, particularly when considering the existing agricultural operations taking place on site;

#### Visual Impact

- the proposed development would be similar to existing developments in this rural area and the landscape has capacity to absorb the development;
- a landscape belt has already been planted between the proposed building area and the closest houses to the north;

#### Traffic & Access

- the access and associated route was agreed in response to a further information request from the planning authority and the applicant would be willing to revert to the access initially sought, should the Board require;
- aspects of the traffic associated with the proposed facility would be undertaken in conjunction with the applicant's existing poultry facility, resulting in an overall increase of 6 additional loads every 14 months;
- HGV traffic would be minimal;

#### Environmental Impacts

- the proposed egg production operation would have less of an environmental impact as the existing beef farming operation;
- pest management (flies etc.) would be essential to the safe and ongoing operation of the facility and would be overseen by the Department of Agriculture, Food and the Marine and Bord Bia;
- Cavan County Council inspected the applicant's existing facility and advised that there are no activities taking place of environmental concern with a copy of correspondence appended. The appellants' concerns regarding flies are not as a result of the existing operation;
- the proposed facility is a form of agricultural diversification and can effectively operate separate from the applicant's existing facility, therefore, cumulative impacts would not arise;

- there would be a reduced risk to groundwater based on the proposed alterations to the stocking rate for the lands;
- an appropriate assessment screening report of the proposed development was carried out and was included as part of the planning application.

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

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

- the Planning Officer's report duly considered the previous submissions by the appellants;
- the Planning Authority is satisfied that the locations of similar facilities within 2km of the site have been accurately identified and that these are sufficiently separated to avoid the likelihood of any significant environmental effects and an EIA is not required;
- EPA guidance referring to a 400m separation distance between poultry farms and houses, relates to facilities requiring an Integrated Pollution Control License (IPPC), which the proposed facility does not require;
- concerns regarding nuisance can be addressed via planning conditions or other means outside of the planning process;
- the proposed access was repositioned away from neighbouring residents and the proposed hedgerow to be removed would be replaced;
- manure would be removed from the site by a registered contractor and the nitrogen loading levels would be below statutory limits;
- the two wells identified are between 280m and 300m from the applicant's landholding and given the nature of the facility, the impact of the proposed development would be no different than other forms of agricultural operations. Condition 7 of the planning authority's decision addressing separation distances to wells from slurry or waste water would also address this.

## **6.4. Observations**

6.4.1. Two observations were received and these can be summarised as follows:

- the planning authority assessment of the proposed development does not comply with legislative requirements;
- a decision on the proposed development can only be made in compliance with legislative requirements and the consideration of judgements of the Court of Justice of the European Union (CJEU);
- cumulative impacts of the industrial agricultural operations needs to be considered;
- impacts on residential amenities and a local school need to be considered;
- EIA screening is necessary;
- the proposed development would add to increasing ammonia concentrations from the agricultural sector, which are not being adequately addressed by the State.

## **6.5. Further Submissions**

6.5.1. The Heritage Council and the Minister for Agriculture, Food and the Marine did not respond to notice of the appeal. A submission from the HSE can be summarised as follows:

- a site visit to the area was carried out in May 2019;
- similar existing facilities do not generally create any public health nuisance, as a result of foraging birds, the positioning and use of a wash water tank, odour and noise;
- dust monitoring and pest control measures must be maintained for the facility;
- proper storage and removal of bird carcasses would address fly infestation;
- manure must not be stored on site and a licensed contractor must remove same after every cycle of birds. At this stage a short term increase in odour emissions would occur;
- public health concerns do not arise.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The proposed development would comprise the replacement of an existing bovine livestock rearing and associated farming operations and the construction of a slatted poultry shed to accommodate 8,000 hens, using an 8 hectare free range area. Intensive large-scale rearing of poultry requires registration with the Department of Agriculture, Food and the Marine with guidelines available regarding spreading of litter, egg production, biosecurity, control of disease and marketing. The Department of Agriculture, Food and the Marine have developed a ten-year plan for the agri-food sector titled 'Food Wise 2025', which outlines that there are opportunities in the poultry sector to reduce costs and increase efficiency through increased modern housing facilities. Cavan County Development Plan 2014-2020 includes policies and objectives aimed at supporting the sustainable development of agriculture in the County, subject to various environmental constraints. In light of this context, I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Location of the Development;
- Residential Amenities;
- Visual Amenities;
- Traffic & Access;
- Waste Management & Water Quality.

### **7.2. Location of the Development**

7.2.1. The grounds of appeal assert that the area would not be a suitable location for the proposed development. As part of the application, both the appellants and the applicant outlined the locations of similar poultry farming operations within the surrounding area. The applicant operates an existing poultry farm, which accommodates a total of 16,000 birds on their landholding, 300m to the north of the appeal site. Farming by its nature is a commercial operation that has specific location dependencies more suited to a rural area. The operational requirements

relating to the need for an associated livestock range area based on poultry numbers immediately surrounding the shed structure, inhibit the scope to locate the facility on other lands within the applicant's landholding. In conclusion, considering the context for the proposed site, including the existence of numerous other buildings of similar scale and separation distances from the proposed shed to the nearest houses, and the stated nature and scale of the proposed commercial poultry operations, I am satisfied that the principle of locating a poultry farm, including associated structures and range area, at this location would be satisfactory, subject to more detailed consideration of planning and environmental matters addressed below.

### **7.3. Residential Amenities**

- 7.3.1. The existing poultry unit on the applicant's landholding to the north, permitted to house 16,000 birds, did not give rise to any notable odour issues during my visit to the area. The nearest house to the proposed shed structure would be located approximately 150m to the north. There are other houses in the vicinity located within c.160 metres and 200 metres from the proposed poultry unit and the applicant's existing poultry unit. Information submitted with the application sets out a number of proposed mitigation measures in order to minimise odour. These include proper manure and carcass management, flock and feed management, qualitative house design with appropriate ventilation and cleaning. Having visited the area and having regard to the nature of rural activities, I do not consider that odour generation from the proposed facility would be significant. Furthermore, any odour generation would be characteristic of odour associated with other farming and livestock management activities in the surrounding area.
- 7.3.2. At the time of my visit, noise generation in the vicinity of the applicant's existing unit was not significant. Documentation submitted with the application to the planning authority sets out a number of mitigation measures to be employed so as to minimise noise generation. The main sources of noise identified would be the ventilation system and the feed deliveries. It is stated that ventilation rates would be lower than in conventional houses as the free range house will have a lower stock rate due to the fact that birds are allowed outside during daylight hours. Insulation within the houses would also contain noise generation. The applicant notes that in similar albeit larger agricultural facilities of this nature, that noise measures undertaken were

fully in accordance with EPA limits of 55 dB(A) daytime and 45 dB(A) night-time. Consequent to my site visit and noting the nature of the activities proposed, together with the separation distances between the proposed poultry unit and the nearest noise-sensitive receptors, the proposed development would not be likely to give rise to noise levels that would adversely affect the residential amenities of the area.

- 7.3.3. The grounds of appeal assert that fly infestation is problematic in the area, as a result of ongoing commercial poultry operations, including the applicant's existing facility and further poultry operations would add to this problem. The submission from the HSE outlined that they had no public health concerns regarding the proposed facility and that with the appropriate storage and the removal of bird carcasses, potential for fly infestation would be addressed. Appropriate management including the collection and disposal of dead carcasses, as indicated in the documentation submitted with the application, should ensure that vermin would be kept to a minimum. Furthermore, it is not likely that any vermin associated with the proposed development would impact on the amenity of surrounding residents having particular regard to the separation distances involved between the poultry unit and the surrounding residences.

#### **7.4. Visual Amenities**

- 7.4.1. The grounds of appeal assert that the proposed development should be refused permission, as it would be visually obtrusive on elevated ground when viewed from neighbouring residences. In response to the appeal, the applicant asserts that the proposed shed would be screened by the thickening of mature hedgerows. Policy EDP3 of the Development Plan promotes sustainable agricultural development whilst requiring that development does not have an undue negative impact on the visual amenity of the countryside. The Development Plan does not identify any specific views to be preserved or protected in the immediate area of the appeal site and it is not within a sensitive landscape.
- 7.4.2. The proposed unit would comprise an elongated shed structure similar in size and scale to the existing poultry units in the surrounding area. The proposed shed would have a ridge height of 7.6m and would be visible from the immediate catchment, including the residences, the local road and the lower-lying areas to the north. As part of the proposed development, the stone wall and mature hedgerow forming the



northern boundary of the site would be removed for two 95m-long stretches either side of the proposed entrance. This hedgerow would be replanted outside of the sight visibility splays, as part of the proposed development, as provided for under objective NHEO21 of the Development Plan.

- 7.4.3. The proposed shed would have an appearance and scale typical of other agricultural buildings in the immediate vicinity and would not appear as an obtrusive addition into this rural landscape. While the proposed shed would have a finished-floor level 14m above the level of the local road, the 175m set back from the local road and additional screening via planting would ensure that the proposed shed would not be overly-intrusive where visible from the surrounding area. The additional landscaping proposed and the use of green cladding for the shed and silos would also help to blend the structures into the rural landscape and this can be addressed via conditions.
- 7.4.4. In conclusion, I am satisfied that the proposed development would not serve as an obtrusive visual addition to the rural landscape. Accordingly, permission for the proposed development should not be refused for this reason.

## **7.5. Traffic & Access**

- 7.5.1. The grounds of appeal assert that the proposed development would impact on the safety of road users along the local road serving the site, including children, and that the road network does not have sufficient capacity to absorb the development. The appeal site is situated off a single lane local road where traffic speeds and visibility are restricted and with pull-in areas offering opportunities for drivers to pass intermittently along the road. The road is relatively well surfaced and it is noted that the applicant operates an existing poultry house on their landholding adjacent to the north, therefore, this road network currently caters for large vehicles, including HGVs. According to the information contained on file, the proposal would result in on average four to five deliveries and collections per week, including feed delivery, egg collection, stock transport and removal of litter. In response to the grounds of appeal, the applicant has clarified that the facility has potential to operate deliveries and collections in tandem with their existing neighbouring facility, therefore, some element of cross-visitation would be possible. The operations therefore would have a negligible impact on traffic generation and would give rise to trip generation levels

that would be expected for a typical agricultural enterprise in a rural area. The Council's Roads Engineers did not object to the development following the repositioning of the proposed entrance.

- 7.5.2. While I recognise that the local roads serving the site have low carrying capacity, traffic volumes and vehicles associated with the operation of the proposed facility, including visits by employees, the trips between the poultry units and the anticipated deliveries and collections, would be very much akin to that historically and presently associated with agricultural activity in the immediate area. The expected additional number of traffic movements along the road network associated with the proposed development would be relatively low. In conclusion, given the scale of the operation and the potential for cross-visitation, the proposed development should not be refused for reasons relating to the impact of the development on local roads and traffic safety.

## **7.6. Waste Management & Water Quality**

- 7.6.1. All soiled water from the proposed poultry house would be discharged to an on-site fully contained underground tank. This soiled water would be periodically emptied by a licensed contractor and transferred to an appropriate treatment facility. As a consequence, effluent from the proposed development would not give rise to any groundwater or surface water pollution. All surface water discharge collected on site from the roofs and hard surfaced areas would be discharged to silt traps, prior to discharging to existing open watercourses. The submission from IFI does not object to the proposed development, but does recommend that regulations and national guidelines be adhered to in the design and operation of the proposed development, including the need for only clean uncontaminated water to discharge to the soakaway system. Proposals to address wastewater treatment, removal of manure off site and the estimated nitrogen loading would ensure that the proposed development would not impact on wells stated to be located between 280m to 300m from the range area.
- 7.6.2. Any spreading of poultry manure would be required to be in accordance with the provisions of SI No.605 of 2017 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI 65 of 2018, in order to ensure that surface water and groundwater resources in the wider area are not

polluted as a result of the land spreading activities. In conclusion, the proposed development should not be refused for reasons relating to the impact on water quality.

## 8.0 Appropriate Assessment

- 8.1. A report Screening for Appropriate Assessment was not submitted as part of the planning application.
- 8.2. The nearest designated sites to the appeal site, comprise the Lough Oughter and Associated Loughs Special Area of Conservation (SAC) (Side Code: 000007), which is located c.13.5km to the northwest, and the Lough Oughter Special Protection Area (SPA) (Side Code: 004049), which is located c.15km to the northwest. The conservation objectives for these sites are listed in Tables 1 and 2 below.

**Table 1. Lough Oughter and Associated Loughs SAC**

Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:

**Code Description**

3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation

91D0 Bog woodland\* (denotes a priority habitat)

**Code Common Name Scientific Name**

1355 Otter Lutra Lutra

**Table 2. Conservation Objectives – Lough Oughter SPA**

Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

**Bird Code Common Name Scientific Name**

A005 Great Crested Grebe Podiceps cristatus

A038	Whooper Swan	Cygnus cygnus
A050	Wigeon	Anas penelope

- 8.3. The proposed development is not directly connected with or necessary to the management of a European Site.
- 8.4. The nearest pathway to the aforementioned designated sites from the appeal site is a land drain along the north side of the site along the proposed entrance, and the land drain on the south eastern boundary, which the surface water from the proposed shed and hard surface areas would ultimately discharge to.
- 8.5. Having regard to the fact that foul effluent generated in the proposed slatted shed is to be fully contained and transported off-site by a licensed contractor, the surface water discharge arrangements and the drainage details provided, including those illustrated on drawing no.P02 and to the significant separation distances between the appeal site and the nearest European sites, I am satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Lough Oughter and Associated Loughs SAC (Site Code 000007), the Lough Oughter SPA (Side Code: 004049) or any other European site in view of the sites' conservation objectives and, therefore, a Stage 2 Appropriate Assessment and submission of an Natura Impact Statement is not required.

## 9.0 Recommendation

- 9.1.1. I recommend that planning permission should be granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

- 10.1.1. Having regard to the nature, scale and appearance of the proposed development, the nature of the receiving environment, the pattern of development in the vicinity and the provisions of the Cavan County Development Plan 2014-2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of

property in the vicinity, would not be prejudicial to public health, would not be likely to cause a deterioration in the quality of waters in the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 to the planning authority on the 25<sup>th</sup> day of January 2019 and the 31<sup>st</sup> day of January 2019, 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. Details of the finishes of the poultry shed and the design, scale and finishes of the proposed feed silos shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The poultry house and feed silos shall be finished in green and the roofing material shall be dark green or black in colour.

**Reason:** In the interest of orderly development and the visual amenities of the area.

3. Prior to commencement of development the developer shall submit to, and agree in writing with, the planning authority details for the treatment of the vehicular entrance into the site, which shall be used as the only vehicular entrance and exit for construction and operational traffic for the proposed development.

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

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 the 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) Regulations 2017, as amended by SI 65 of 2018, and shall provide at least for the following:
- a) Details of the number and types of birds to be housed.
  - b) The arrangements for the collection, storage and disposal of slurry.
  - c) Arrangements for the cleansing of the buildings and structures.

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

6. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed 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) Regulations 2017, as amended by SI 65 of 2018.  
**Reason:** To ensure the satisfactory disposal of water 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. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:  
(a) details of all proposed hard surface finishes;  
(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;  
(c) details of proposed boundary treatments at the perimeter of the site and the range lands, including heights, materials and finishes.  
The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.  
**Reason:** In order to screen the development, in the interest of visual amenity.
11. 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.

12. The developer shall pay to the planning authority a financial contribution of €6,680 (six thousand, six hundred and eighty euros) 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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Colm McLoughlin  
Planning Inspector

12<sup>th</sup> November 2019