



An
Bord
Pleanála

Inspector's Report ABP-304553-19

Development	Construction of a free range poultry house with all ancillary structures and works.
Location	Brownhall Demesne, Balla, Castlebar, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	18627
Applicant(s)	Noel & Ann Mulhern.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Noel & Ann Mulhern.
Observer(s)	Michael O'Connor.
Date of Site Inspection	12 th August.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located within the rural townland of Brownhill which is located c. 3km south west of Balla town. The site is located in an area identified as structurally weak within the Mayo County Development Plan 2014-2020 and is within an area identified as the East-Central Dumlin Spine within the Landscape Character Appraisal for County Mayo. The land cover in this area is a mix of bog and poor-quality pasture.
- 1.2. The site is c. 1.677 hectares and is located to the rear of an existing farm complex. The existing access lane to the site is from the adjacent local road and passes between an existing disused dwelling and the existing farm buildings. The lands are open and visible from the public road. The topography gently slopes away from the public road towards Curryaphreanghaun Lough in a westerly direction.

2.0 Proposed Development

- 2.1. It is proposed to construct the following development:
 - Construct 1 free range poultry house.
 - Ancillary manure / general purpose store.
 - Meal bins.
 - Soiled water tanks.

3.0 Planning Authority Decision

3.1. Decision

Roscommon County Council determined to refuse permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The final planners report was consistent with the decision of the planning authority, however further information was requested at the outset as follows:
 - The provision of an archaeological assessment.

- Up to date land registry map and associated folios.
- Evidence in relation to a legal right of way over access road.
- Proposal to connect to group water scheme or public mains.
- All dwellings within 400 metres to be indicated on site plan.
- No. of staff and associated welfare facilities and parking.
- Site assessment for waste water treatment system.
- Details of traffic movements.
- Location of fuel storage.
- Details for the disposal of manure generated on site.
- Details of storm water discharge.
- Details for the storage of soiled water and details of where soiled water will be spread.
- Details in relation to the storage of dead carcasses on site,
- Noise management plan.
- Odour management plan.
- Details of any karst feature on site.
- Details of disinfectant products to be used for washing poultry house and volume and location of storage for these products.
- Details of fuel storage.
- Proposals for the protection of Curryaphreaghun Lough which borders the landholding.

The application was subsequently refused for the following reasons:

1. Impact on residential amenity.
2. Potential impacts on SAC, no NIS was submitted.

3.2.2. Other Technical Reports

- Road design – no objection, a contribution to the provision of laybys to be requested.
- Archaeology – Archaeological Assessment to be submitted.
- Environment, Climate Action and Agricultural – further information requested as set out above.

3.3. Prescribed Bodies

- Inland Fisheries Ireland – Connections to the River Moy which is a salmonid river, ground water vulnerability is high within the site and surrounding. Submission requests that Local Authority ensures the ecological status of the River Moy and associated hydrological features remains good.
- Department of Culture, Heritage and the Gaeltacht – The amount of ground to be excavated in such close proximity to Curryaphreanghaun Lough would alter the natural angle of the hillside and consequently alter the hydraulic conductivity and overland flow to the lake. The risk of siltation to the lake during construction and the nutrient loading to the aquifer (long term) would also be of concern.
 - Potential impacts would be caused by:
 - Water pollution due to surface water run off during construction and post construction.
 - Deterioration of water quality in the SAC due to poor site management.
 - An Appropriate Assessment Screening is necessary.
 - An Taisce – a response to the appeal has been received which states that there must be no adverse effluent or other discharge on the River Moy SAC.

3.4. Third Party Observations

12 no. submissions were received in relation to the proposed development. The submissions were received from local residents. The issues raised can be summarised as follows:

- Odour

- Noise
- Water contamination
- Traffic impact due to narrow width of local road and number of trips associated with the development.
- Spread of disease.
- Impact on visual amenity in terms of the proximity to houses.

4.0 Planning History

There is no recently recorded history for this site.

5.0 Policy Context

5.1. EU/National Guidance

- 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.
- 'Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs' (2017), issued following EU Directive above.
- EU Good Agricultural Practices for the Protection of Waters Regulations (2017) S.1 605, as amended by S.1. No 65 (20180, and associated Nitrates Explanatory Handbook for Good Agricultural Practice for the Protection of Waters Regulations 2018, published by Department of Agriculture, Food and Marine, and Department of Housing, Planning and Local Government.

Draft Regional and Spatial Economic Strategy for the Northern and Western Regional Assembly.

- Section 4.5.3 Agri-food

One of the bigger challenges for the region during the life of the RSES is the management and reduction of greenhouse gases (GHG) from agriculture productions. This is heightened by the production in growth planned through Foodwise 2025 and

Food Harvest 2020. Agriculture today is the biggest producer of GHG nationally and the sector which has demonstrated the smallest reductions. Agriculture, if it is to join into the low carbon economy to which the region aspires will have to radically change and manage its operational practices. Industry wide solutions have yet to emerge on a widespread basis, sustainable agriculture development means that they have to and that they incorporated into production practices systematically.

5.2. Development Plan

The Mayo County Development Plan 2014-2020

- Objective AG -01 - to support the sustainable development of agriculture.
- Objective NH-03 – To screen all plans and projects for Appropriate Assessment.

Foodwise 2025

The egg sector accounts for about €49m of agricultural output. There are about 250 egg producers and about 800 people employed in the sector including packing and ancillary activities. About 85% of eggs consumed are home produced. It is an objective of this strategy to assess the carbon footprint of egg production. Poultry complexes are mooted as a mean of improving the sustainability of this sector.

Code of Practice for the Welfare of laying hens – Dept of Agriculture, Fisheries and Food, 2011.

- Health and Welfare Inspections - must take place at least once a day and such inspections should be made independently of any automatic surveillance equipment.
- Building should be kept clean and records kept of all daily inspections.

6.0 Natural Heritage Designations

The River Moy SAC is located c. 1.3km to the south west of the appeal site.

6.1. EIA Screening

With regard to the issue of Environmental Impact Assessment, the relevant threshold of development in this instance is class 1(e)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). This class relates to installations for intensive rearing of poultry which would have more than 40,000 places. Since the proposal relates to a capacity of 12,000 birds, the development is sub-threshold and does not require a mandatory EIS.

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

7.0 The Appeal

7.1. Grounds of Appeal

- The proposed development is a traditional farming enterprise.
- The proposed farming activity will be similar to other free-range layer houses in Mayo.
- The development will be carried out to ensure compliance with Nitrates directive.
- Proposal will significantly improve the economic viability of the farm.
- Proposal will replace the existing bovine livestock and will ensure an income stream.
- The topography of the site, the vegetation and proposed landscaping will ensure that the proposal is not visually obtrusive within the landscape.
- The capacity of the farm is 12,000 hens which is significantly below the EIA and licensing threshold.

- The proposed development will provide a sustainable diversification of activities on the farm.
- Soiled waters will be collected in dedicated collections tanks.
- Manure will be collected in a 480m³ tank.
- Deliveries will be between 06.00 and 20.00 hours.
- Only essential activities will be carried out outside of these hours.
- Modest amount of energy is required for the facility.
- Water is to be sourced from a private well and / or public mains.
- The birds remain on the farm for 56-60 weeks and all are removed at the same time.
- Dead carcasses will be stored appropriately and removed to a facility such as College Proteins Ltd.
- Manure will be allocated to a farmer as fertiliser to be spread on lands.
- Noise Impact Assessment has been submitted with the appeal, Mayo County Council sought a noise management plan which is significantly different.
- Mayo County Council did not refer to any AA issues in their further information request. The applicant was therefore not given an opportunity to address same.
- An NIS has been submitted with this application.
- The application site is part of the applicants homestead and is farmed by a brother.
- Proposal is for an agricultural activity in a rural area, the principle of which should be accepted. The applicants have located the shed as far from existing housing as possible within their landholding, the presence of one-off housing in rural areas should not act as a barrier to progressive improvements of farmlands.
- There are no traffic or visual issues with proposal.

7.2. Planning Authority Response

- None

7.3. Observations

Martech Design Solutions have prepared an observation on behalf of Michael O'Connor, whom is a resident of the area. The issues can be summarised as follows:

- This is a commercial business run by Noel and Ann Mulhern who are directors of a commercial company Mulhern Brothers (EGG Merchants) Limited, this company currently trades as West Awake Eggs.
- The fee submitted for the appeal is incorrect as an NIS has been submitted.
- The size of the poultry house can accommodate up to and above 36,000 hens.
- Lands included within the application site are not within the applicants' ownership, the application should have been deemed invalid.
- Michael O'Connor is using a well for drinking water which located less than 200 metres from the appeal site, there are concerns that the proposed poultry house will pollute and contaminate the ground water.
- The development is too close to habitable dwellings.
- The development is too close to the salmonid Moy river.
- The existing road is too narrow and will result in disruption to road users.
- Use of existing gravel track is a change of use.
- A site investigation by a hydrologist should be carried out.
- Depreciation of residential property.
- Impact on residential amenities.
- Impact on visual amenities.
- Noise and odour impacts and spread of disease are concerns raised by the observer.

- The observer has also included a number of submissions which were made to the planning application by local residents, no new issues within these documents.

8.0 Assessment

8.1. This is a first party appeal against the decision of Mayo County Council to refuse permission for a poultry shed and associated development. The appeal site is located in a rural area identified as the East-Central Dumlin Spine within the Landscape Character Appraisal for County Mayo. The lands are not subject to any land use zoning objective. I consider that the proposed development is acceptable in principle at this rural location, by reference to the policies and objectives of the Mayo County Development Plan and subject to the assessment of the relevant planning issues identified below. It is important to note at the outset that the applicant has submitted a NIS and a Noise Impact Assessment with the appeal. Further advertisement of the development was therefore required and complied with. Whilst the first party grounds of appeal pertain to the reasons for refusal, the assessment of the appeal shall not be restricted to these items, the following issues are of relevance to the assessment:

- Residential Amenity
- Visual Amenity
- Water Pollution
- Roads & Traffic
- Appropriate Assessment

Residential Amenity

- 8.2. The proposed development will be located within 200 metres of the nearest dwelling. The lands in this area slope downwards away from the public road towards Curryaphreanghaun Lough in a westerly direction. The lands are open pasture and can be seen from both the public road and the dwellings along it.
- 8.3. The Council notes the proximity of the surrounding dwellings to the proposed development and cites the potential for noise and other associated impacts on these properties as a reason for refusal. Noise and associated disturbances such as odour

and traffic are concerns which have also been raised by residents within the observation made on the appeal. It is also contended that the size of the proposed shed has the capacity to cater for a number of birds significantly in excess of that proposed. The observer refers to similarly sized poultry sheds which have been approved by the Board and cater for nearly 40,000 birds. Concerns have been raised by the observer in relation to the size of the shed relative to the number of birds proposed and it is contended that the applicant may increase the number of birds over time.

- 8.4. I have reviewed the relevant appeals referenced by the observer in this regard and note that these facilities relate to the rearing of poultry and not to free range laying hens. Per bird space requirements for free range laying birds are larger than that required for rearing of birds for consumption, and range between 10-13 birds per square metre. The proposed facility therefore has an approximate capacity to cater for 18,560 – 24,128 birds. No detailed explanation or justification has been provided in relation to the low number of birds proposed. The applicant refers to the low density and infers that the reason for this over provision of space is because the birds are free range, no other justification is provided as to why the applicant is providing such a significant overprovision of area for this flock. As such, given the apparent latent capacity within the proposed shed, I consider there to be merit in the concerns raised by the observer in this regard. However, if the Board is of a mind to grant permission a condition restricting the number of birds to 12,000 and the recording of same would suffice to ensure that the numbers do not rise above that permitted.
- 8.5. By way of addressing the concerns raised by the Council in relation to impact on residential amenity, the applicants argue within the grounds of appeal that poultry farming is a traditional farming activity and the proposed development will be located in an existing active farm. The applicants state that they are replacing one form of livestock (bovine) with another (poultry). It is further stated that the proposal will provide part time employment to the applicants' brother and is a necessary farm diversification required to keep the farm operating for future generations.
- 8.6. In order to address the issues raised in relation to noise disturbance in particular, CLV Consulting have prepared a noise impact assessment on behalf of the applicants and

submitted it with the appeal. This assessment considers the noise impact of both the construction works and ambient operational noise. It is stated within Section 5.0 of this report that construction noise will be in accordance with BS 5228-1:2009: Code of practice for noise and vibration control on construction and open sites. I consider this to be acceptable and acknowledge that construction noise is of a temporary nature and given the scale of the development would not be unduly prolonged in this instance.

- 8.7. However, operational noise will be persistent for neighbouring dwellings. In order to properly assess the operational noise of such a facility, the noise consultants, as stated within Section 6.1 of the noise impact statement, visited a similar facility. As a result of this visit the consultants concluded that noise levels from the hens would be inaudible from the proposed developed shed.
- 8.8. However, I note within this Section of the assessment, that the consultants specifically state that all livestock were contained internally at the facility visited. It is important to note at this juncture that the proposed development, unlike the farm visited by the consultant, is for a free-range facility in which hens will be afforded access to the outside via a number of pop-holes along the façade of the building. I further note that no detailed analysis of potential noise from animals within or outside of the proposed facility has been provided. Whilst it is briefly acknowledged within Section 6.1 of the report, that the proposed developed will provide outdoor access to hens, it is merely stated that given the hens minimal output of noise and the lack of direct view to existing dwellings, emissions would be expected to be inaudible.
- 8.9. I do not consider this to be a satisfactory assessment of the potential for noise impact. In the absence of any specific details pertaining to the type of use proposed and potential for noise at different times of the day I am unable to properly assess the potential for impact on residential amenity in terms of noise disturbance. Given the proximity of the proposed development to a number of residential properties I would have serious concerns in relation to the potential for noise disturbance to these properties. In order to properly determine the potential for such an impact a detailed noise impact assessment is required which specifies the noise levels anticipated over

a 24-hour period. There are numerous free-range facilities within the Country which can be investigated as a reference to assist with such an assessment.

- 8.10. The Noise Impact Assessment submitted also assesses the potential for noise generation in relation to other operations such as manure removal, feed delivery trucks and ventilation fans. The findings of the assessment in relation to these factors is that the overall noise generated from the development will be imperceptible and as such would not have any serious impact on neighbouring dwellings. It is of note that each noise generator is detailed in isolation and no cumulative assessment has been provided within the assessment. Operations do not occur in isolation of each other and as such a proper assessment of noise generators cumulatively should be provided in order to outline the overall noise generated from the development.
- 8.11. Overall, I consider the information provided within the noise impact assessment to be inadequate and is not of sufficient detail to permit a proper assessment of the potential for impacts on residential properties in this regard. The proposed development, therefore, by virtue of the proximity of existing residential development in the vicinity has a significant potential for noise disturbance which would have an unacceptable impact on the residential amenity of surrounding dwellings.
- 8.12. Concerns were also raised by the observers to the appeal in relation to odour. The applicant has within the information submitted in response to the Council's further information request, stated that the proposed development will cause no adverse impact due to odour. This assertion is based on a number of factors which include the following:
- Cleanliness of bird house.
 - Low stocking rate.
 - Quality ventilation.
 - Quality insulation.
 - Minimisation of carcasses.
 - Feed will be kept to lowest crude protein levels to reduce nitrogen excretion.
 - Water and feed waste will be kept to minimum.

8.13. Whilst the information provided in relation to odour is generic in nature, I consider that concerns in relation to odour can be controlled by way of condition and if the Board is of a mind to grant permission, I recommend that appropriate conditions are imposed to ensure that the development is constructed and operated in a manner to ensure the adequate control of odours,

Visual Amenity

8.14. The proposed development is located to the rear of the existing landholding. I noted at the time of site inspection that the lands dip to the rear of the first field which is visible from the public road and the proposed shed will be positioned within the lower area beyond the boundary of this field. It is of note that there is a sparse row of vegetation present at the front of the appeal site which separates the first field from the appeal site. It is proposed to construct a 2.5 m clay berm and reinforce the existing screening in order to mitigate against any visual impacts created by the development.

8.15. The proposed structure is of typical agricultural design and the appeal site is not located in any protected landscape. I therefore consider that the design of the proposed development is acceptable given the rural setting and the established farming complex already present. I do not consider that the proposed development would have any impact upon the visual amenity of the area and is therefore acceptable in this regard.

Water Pollution

8.16. The proposed development comprises the introduction of new agricultural activities on agricultural land and gives rise to the potential for water pollution. The water pollution risk can be considered under the following headings:

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

Disposal of Poultry and Poultry Manure

- 8.17. It is stated that the estimated manure production as a result of the proposed development will be a total of 505.44m³, 444.78m³ will be retained within the manure store and will be removed off site by a contractor with the remaining 12% deposited on the range area by birds. I note that there is a letter from College Proteins stating that they will collect and dispose of dead carcasses from the site.
- 8.18. Having regard to these arrangements, I do not consider that a risk of water pollution arises from this source, subject to an appropriate arrangement for the storage of manure within the poultry house. This requirement can be addressed by way of condition.

Disposal of Soiled Water

- 8.19. Soiled waters will be collected in dedicated soiled water collection tanks, located at the end of the house. This soiled water will then be spread on adjacent farm land. It is stated within the application that soiled water will amount to c.25-30m³ per annum. It is further stated that the proposed nutrient loadings will be significantly less than than the current bovine herd. The applicant argues within the application documentation that the proposed development will have less of an overall impact on the receiving environment than this existing bovine herd.
- 8.20. It is proposed to direct surface water from the site to an open drain on the site, thus minimising the volume of soiled water arising. There is a lack of clarity in relation to the treatment of run-off in the vicinity of the poultry house. I consider that run-off from paved areas at either end of the poultry house should be directed to the soiled water tank (s) due to the potential for contamination, and that only uncontaminated run-off from roofs and hard standing areas should drain to the local ditch, given the sensitivity of the site in terms of its hydrological link to the River Moy SAC. I am not satisfied that the applicant has adequately addresses the issue of surface water within the documents submitted. This issue will be revisited in relation to Appropriate Assessment below.

Pollution of Groundwater from Poultry Manure in Range Area

- 8.21. On the date of my site inspection the ground was soft and wet underfoot, indicating relatively poor drainage. I would note that the details submitted with the application do not include information in relation to groundwater vulnerability or the aquifer classification or the water catchment within which the site is located. Having reviewed the GSI website I note that the lands are located in an area underlain by a regionally important karstified aquifer of high vulnerability.
- 8.22. The information submitted with the planning application outlines the nutrient loading on the range area arising from poultry manure. The application states that as per information received from DAFM, 88% of manure will be retained within the poultry house, with 12% (c.172.8kg) being deposited in the range area. It also states that no additional fertilisers will be applied in this area. The calculations provided demonstrate that the organic nitrogen and phosphorous deposited will be compliant with the Nitrates Directive requirements.
- 8.23. As mentioned above, the appeal site and range area are currently utilised for grazing cattle. This activity will be replaced by the proposed poultry operation. Having regard to the relative low stocking level proposed and the current use of the agricultural lands for cattle grazing, I do not consider that there is a significant risk of groundwater pollution from the range areas.
- 8.24. As mentioned above, further assessment of surface water collection, treatment and discharge will be assessed within the context of the NIS below.

Roads & Traffic

- 8.25. The site is located on the western side of a local road which connects with the N60 to the north east. The applicant proposes to construct a new access road from the public road to the poultry house, which is set back within the site.
- 8.26. The traffic movements associated with the development include the delivery of birds to the site in a lorry once every c.14 months, the removal of birds from the site once every c.14 months, the delivery of meal by lorry on a fortnightly basis and egg

collection 3 times a week. Staff movements will be twice daily and other associated visitors such as vets will be on an adhoc basis.

- 8.27. Having regard to the relatively small number of vehicle movements associated with the development, with three weekly egg collections being the most frequent for larger vehicles, I consider that the volume of traffic generated is unlikely to be significant and could be accommodated on the local road network. I do not consider that this traffic would detract from residential amenity or give rise to traffic hazard on the local road network, provided a contribution is made to the Council as requested, for the provision of pull in areas along this route.

Appropriate Assessment

- 8.28. The application was accompanied by an NIS prepared by Whitehill Environmental Consultants which described the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required for one site, River Moy SAC. The NIS outlined the methodology used for assessing potential impacts of the development on the habitats and species within this SAC. It predicted the potential impacts for this site and its conservation objectives, set out proposed mitigation measures, assessed in-combination effects with other plans and projects and identified any residual effects on the European site and its conservation objectives. The NIS was informed by a desk top study and maps, ecological and water quality data from a range of sources (Section 2.2 of the NIS), it is of note that no reference was made to any visits to the site or survey work in relation to the proposed development. The report concluded that, with the implementation of mitigation measures identified in the NIS, the integrity of the River Moy SAC and the species that it supports would not be adversely affected by the proposed development.
- 8.29. Having reviewed the NIS and the supporting documentation, I am generally satisfied that it provides adequate information in respect of the baseline conditions, identifies the potential impacts, uses best scientific information and knowledge and provides details of mitigation measures. Whilst I have concerns that the NIS underestimates the potential risk to the River Moy from water pollution, as a consequence of the

development, I am satisfied, that the information provided is generally sufficient to allow for appropriate assessment of the development.

Screening

8.30. The proposed development site is not directly connected to the River Moy SAC but has a hydrological link via land drains which discharge to Curryaphreaghun Lough. The proposed development comprises a c. 1856sqm poultry shed and associated infrastructure and range area for hens.

8.31. Impacts arising from the development are likely, arising from the construction phase of the development (i.e. risk of water pollution) and from its operation (i.e. risk of water pollution from discharge of surface water and from land spreading of manure and soiled waters).

8.32. The following table is a list of Natura 2000 sites located within a 15km radius of the appeal site and identifies any potential source-pathway receptor relationship with the appeal site and therefore any potential for impact to same:

Conservation Objective/s: 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.

Table 1.

Site Code & Name & Conservation Objective	Distance	Qualifying Interest	Impacts
River Moy SAC 002298	935m south west	<ul style="list-style-type: none"> Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] 	There is a potential source-pathway-receptor from the appeal site which is at risk of contaminated surface water runoff from construction and operational stages

		<ul style="list-style-type: none"> • Alkaline fens [7230] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] 	of the development.
Ballinacorney SAC 002081	1.8km west	<ul style="list-style-type: none"> • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] 	No source-pathway-receptor to this site. Impacts are unlikely.
Balla Turlough SAC 000463	3.1km north-east	<ul style="list-style-type: none"> • Turloughs 	No source-pathway-receptor to this site. No groundwater hydrological link.

			Impacts are unlikely.
Towerhill House SAC 002179	6km south west	<ul style="list-style-type: none"> Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] 	No source-pathway-receptor to this site. Impacts are unlikely.
Lough Carra/Mask Complex SAC 001774	7.5km southwest	<ul style="list-style-type: none"> Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] European dry heaths [4030] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Calcareous fens with Cladium mariscus and species of the 	No source-pathway-receptor to this site. Impacts are unlikely.

		<p>Caricion davalliana [7210]</p> <ul style="list-style-type: none"> Alkaline fens [7230] Limestone pavements [8240] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnus incana</i>, <i>Salix alba</i>) [91E0] <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] <i>Lutra lutra</i> (Otter) [1355] <i>Drepanocladus vernicosus</i> (Slender Green Feather-moss) [1393] 	
Lough Carra SPA 004051	7.5km south west	Common Gull (<i>Larus Canus</i>)	No source-pathway-receptor to this site. Impacts are unlikely.

8.33. The NIS screens out all except one of the above Natura 2000 sites on the grounds that they are removed from the development, and will not be affected by disturbance, and lack any hydrological linkages (i.e. they are located in a different groundwater body), precluding any impacts on water quality. This approach seems reasonable and I would consider that AA is not required for these sites.

- 8.34. The screening assessment identifies that there is potential for impact on the River Moy SAC due to the hydrological link from surface water to Curryaphreaghau Lough which is directly upstream of the Manulla River which is within the River Moy SAC. It is stated within the screening assessment that impacts arising from construction and operation of the proposed development, inclusive of land-spreading of wash water, cannot be ruled out. A stage II assessment was therefore recommended within the screening document in order to assess the potential for significant effects on the River Moy SAC.
- 8.35. I am satisfied that all but 1 of these sites can be screened out of any further assessment because of the distance of these sites from the proposed development and the lack of any source-pathway-receptor relationship from the appeal site to these sites.
- 8.36. In conclusion, having regard to the nature and scale of the proposed development, to the separation distance of the application site from the European sites, to the nature of the qualifying interests and conservation objectives of the European sites and to the available information as presented in the application regarding ground and surface water pathways between the application site and the European sites and other information available, it is my opinion that the proposed development is unlikely to have any significant impacts upon the integrity of the following Natura 2000 sites; 002081, 000463, 002179, 001774, 004051.
- 8.37. However, based on my examination of the NIS report and supporting information, the scale of the proposed development, its likely effects by way of disturbance and impacts on water quality, the very close proximity of the development to Curryaphreaghau Lough and the specific conservation objectives of the River Moy SAC as a Salmonid river, I would conclude that a Stage 2 Appropriate Assessment is required for River Moy SAC.

Stage II Appropriate Assessment

- 8.38. The proposed development is located c. 100 metres north east of Curryaphreaghau Lough which is directly upstream of the Manulla River which is within the River Moy SAC. Water quality within the river channels is good and is classified as unpolluted. The River Moy SAC is described by the NPWS within the site synopsis as comprising almost the entire freshwater element of the River Moy and its tributaries including both Loughs Conn and Cullin. The site supports numerous habitats and species as listed

below and is one of Ireland's premier salmon waters, it also encompasses two of Ireland's best lake trout fisheries in Loughs Conn and Cullin and is an internationally renowned fishery.

8.39. Relevant details of the River Moy SAC:

European Site	Qualifying Interest	Conservation Objectives	Attributes & Targets
River Moy SAC 002298	<ul style="list-style-type: none"> • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150] • Alkaline fens [7230] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] 	To maintain favourable conservation condition of these habitats as defined by the Attributes & Targets	Habitat area & restore area As above Habitat area & stable As above Habitat area & restore area Distribution & no reduction from baseline Distribution & 75% main stem length of river accessible from estuary

	<ul style="list-style-type: none"> • Lampetra planeri (Brook Lamprey) [1096] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] 		<p>Distribution & Access to all watercourses down to first order stream</p> <p>Distribution: extent of anadromy & 100% of river channels down to second order accessible from estuary</p> <p>Distribution & no significant decline.</p>
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8.40. In 2016 the NPWS published Site Specific Conservation Objectives for the River Moy SAC. These specific conservation objectives aim to define the favourable conservation condition for the particular habitats or species at that site. The maintenance of habitats and species within the Natura 2000 sites at favourable condition will contribute to the overall maintenance of favourable conservation status of those species at a national level.

8.41. The NIS submitted, states that any potential threats to the attributes and targets as defined in these site-specific conservation objectives were assessed and where necessary mitigated for. These attributes and targets are set out in table 2 above. As seen from this table the main attributes are population trend and distribution, whilst targets aim to ensure that long term population trends of the species are stable or increasing.

Potential Direct and indirect effects

8.42. It is important to note at the outset that not all of the qualifying interests of the River Moy are at risk of impact as they are not impacted upon by changes in water quality. As such these qualifying interests can be discounted from the assessment. The following is a list of the qualifying interests which have the potential to be impacted on due to their sensitivity and dependence upon water quality deterioration.

- White Clawed Crayfish

- Sea Lamprey
- Brook Lamprey
- Salmon
- Otter

8.43. Potential Impacts in relation to Construction works

8.44. Construction activities could give rise to accidental spillages of oils, cement or other potential pollutants and silt laden runoff, all of which could impact on water quality of Curryphreaghaun Lough which flows to the SAC. This type of pollution would directly affect the habitat of protected species by reducing the water quality of the river. Pollution can affect food sources and be toxic to life in the river. Increases in siltation can directly affect fish life and aquatic invertebrates, in particular the life cycle of salmon which is a qualifying interest of this SAC.

8.45. Potential impacts in relation to the operation of the development.

8.46. The most likely source of pollution during the operational stage is from oil, poultry slurry or contaminated water runoff. Structural weakness in the slurry store could lead to ground water contamination and inappropriate land spreading of manure and wash water can lead to pollution of the lough. Mitigation measure are detailed below, however in the absence of specific detailed mitigation measures being implement I would have concerns regarding the potential for run off to cause pollution of the Lough and thereafter to the waters of the River Moy.

8.47. Changes in Hydrology of the area.

8.48. Excavation of the site and movement of soil may alter existing hydraulic conductivity of the terrain surrounding Curryphreaghaun Lough. Changes in water levels may have an impact downstream within the SAC.

8.49. I note that the NIS refers to the diversion of water from upgradient lands to undeveloped lands via land drains. It is stated that this diversion of surface water would not affect the hydrological conductivity of the lands. No details of these drains have been provided nor has a detailed hydrological assessment been carried out in order to validate this assertion. Based on the limited information submitted in this regard and in the absence of any details in relation to drainage I have concerns in relation to the

potential impacts of the proposed development on the hydrological conductivity of the Lough and the resultant potential for impact on the River Moy SAC in relation to water quality fluctuations.

8.50. Potential in-combination effects.

8.51. In combination effects are likely to arise if the proposed development is constructed in conjunction with other developments, giving rise to greater levels of disturbance. An assessment of other developments granted in the last 5 years was carried out and referenced within the NIS. It was found that 2 no. dwellings have been permitted and no other new or pending development was recorded. The NIS takes into account the current low density of development in the area and also takes into account the scale and nature of agricultural development within the area when determining any cumulative effect. In considering the cumulative effects on the SAC it was noted within the NIS that all agricultural operations are required to comply with S.I.605 of 2017 (as amended). Thus, it was concluded that the cumulative impacts arising from the combined operation of these activities with the operation of the proposed poultry farm will be negligible.

8.52. Having regard to the foregoing, policies of the Mayo County Development Plan 2014-2020 and that any future development in the area will be screening for AA I do not consider there to be any potential for in combination effects upon the SAC.

8.53. As mentioned above, mitigation measures are proposed within the NIS and will be discussed further below, however, given the hydrological linkages from the appeal site to the River Moy SAC and the potential for siltation and water pollution to occur at both construction and operational stages I have a concerns that the proposed development could lead to impacts on the integrity of the River Moy SAC with regard to water quality and siltation.

8.54. Mitigation Measures

8.55. Key mitigation measures include the following (set out in the NIS)

- The construction and operation of development will comply with European Communities (Good Agriculture practice for the protection of waters) Regulations 2017 and guidelines.

- It is proposed to divert upgradient surface water to undeveloped agricultural lands downstream of the site via surface water interceptor drains, so as not to alter the hydrological regime of the area.
- Buildings and manure/slurry tanks will adhere to Department of Agriculture specifications.
- Site preparation and construction will be confined to development site only.
- Measures such as soil bunds, silt fences and curtains shall be used to prevent the mobilisation of sediment.
- Development shall conform to all guidance documents and additional measure requested by Inland Fisheries Ireland.
- Post construction surface water from hard core/tarmac areas will be directed into a soakpit. If this is not possible then water shall be treated via serviced sediment and oil interceptor traps, prior to discharge to any watercourse. All surface water discharge will be in accordance with the departments 'Minimum specification for farmyard drainage concrete yards and road'.
- Any excavated material must be used responsibly within the site or disposed of by a licenced contractor.
- Fuels, greases etc should be stored well away from water courses. Re-fueling should be carried out in bunded areas and gravel and materials should be kept away from watercourses.
- Concrete and aggregate management measures will follow best practice.
- Storage of materials should be kept to a minimum size and away from watercourses.
- Readymix concrete wagons should be washed off site.
- Cement dust will be controlled by dampening down the area.
- Manure to be spread in accordance with a nutrient plan, only on improved grassland habitats and not in any areas of exposed rock, a buffer zone of 10 metres from any main river and 5 metres from smaller watercourses. These

buffers should be increased depending on the gradient of the land and distance from SAC.

- Manure not to be spread within 3 metres of open field drains or ditches.
- Landspreading to occur only at appropriate times and not close to hedgerows or field margins.
- New technologies for manure that improve efficiency and minimise emissions.

8.56. It is concluded within the NIS that strict mitigation measures must be enforced in order to ensure that impacts on the SAC will not occur.

Residual effects/Further analysis

8.57. Whilst I note the above mitigation measures, no specific details have been submitted to allow for further assessment of these measures. In order to properly assess these mitigation measures details in relation to the location and specification of silt fences and curtains are required, as are the location and construction details of surface water drains, the location and type of silt traps, the location of the undeveloped lands to which the diverted surface water is to be discharged to, details of land spreading and a detailed construction management plan are required. In the absence of such information I cannot properly determine if these mitigation measures are reasonable, practical or enforceable. As such, I have serious concerns, given the hydrological sensitivities of the site, to the potential for impacts on the integrity of River Moy SAC.

8.58. Having regard to the significant lacuna that exists with regard to details of the proposed mitigation measures I consider that the NIS submitted along with the information submitted with the application and appeal does not adequately demonstrate that the proposed development would not adversely affect the integrity of the River Moy SAC in view of the site's Conservation Objectives.

Other Matters.

8.59. It is of note that the applicants state that there will be one employee to the site and as such there is no requirement for welfare facilities in terms of a toilet, kitchen facility or changing facility. However, 12,000 birds will require inspection at least once a day. Internal egg collection will be carried out daily as will cleaning and feeding. The site will also be visited by welfare professionals such as Vets and inspectors etc. Whilst

the proposal is located adjacent to an existing established farm complex, the applicant has not referred to the availability of any existing welfare facilities which can be utilised by visitors and employees to the site. A derelict dwelling is located at the entrance to the site which would have been originally associated with the existing farm yard but is not in use.

8.60. Whilst the provision of welfare facilities is not a planning requirement it is a requirement of the Safety, Health and Welfare at Work Regulations 2007 (as amended) to provide adequate sanitary and washing facilities and where a person is required to wear special works clothes, a changing room. None of these have been provided. The provision of sanitary facilities would require the preparation of a site suitability assessment for the disposal of waste water to ground. The provision of same cannot be requested by way of condition and should be adequately addresses in any subsequent application.

8.61. I note that concerns have been raised by the observer to the appeal in relation to the legal status of the access road. This is largely a legal matter and is not one that the Board can finally determine. Section 34 (13) of the Planning and Development Act, states that the granting of permission does not entitle a person to carry out development and covers the eventuality that the development cannot be implemented for legal reasons.

8.62. Additional concerns have been raised within the observation submitted which relate to the spread of disease to the human population which reside in the area. Whilst I acknowledge these concerns it is important to state that the control of disease is not a matter that the Board can adjudicate on.

Conclusion

8.63. In conclusion and having regard to the foregoing assessment, I have serious concerns in relation to the potential for both noise disturbance to neighbouring properties given the inadequacies outlined in relation to the noise impact assessment and for adverse impacts upon the integrity of the River Moy SAC given the lack of details provided in relation to the proposed mitigation measures within the NIS.

9.0 Recommendation

9.1. I recommend that permission is refused for the following reasons:

10.0 Reasons and Considerations

1. Having regard to the location of the proposed development in close proximity to residential dwellings, the Board is not satisfied on the basis of the information submitted with the application and the appeal, that the proposed development would not seriously injure the amenities of properties in the vicinity by reason of noise and general disturbance, and depreciate the value of properties in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied on the basis of the information provided with the application and appeal that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant adverse effect on European Site No. 002298 River Moy SAC, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Sarah Lynch
Planning Inspector

2nd September 2019