



An
Bord
Pleanála

Inspector's Report ABP-305862-19

Development	Construction of poultry house.
Location	Blindwell, Cloghans Hill, Tuam, Co Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19110
Applicant(s)	Padriac Dunleavy
Type of Application	Permission
Planning Authority Decision	
Type of Appeal	Third Party
Appellant(s)	Kevin Murphy
Observer(s)	None
Date of Site Inspection	30 th December 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The site is located within the rural townland of Blindwel, 2.5km north of Kilconly, 12.2km northwest of Tuam.
- 1.2. The site is c. 1.649 hectares and forms part of a larger agricultural field enclosed by existing hedgerows. The site is currently in use for pasture and is removed for any existing farm buildings. The site is accessed via a private road which access onto the L2211 to the northwest of the site and the R332 to the south of the site. The lands are open and visible from the access road. The topography is relatively flat.
- 1.3. There are no dwellings in the immediate vicinity of the site, the closest dwelling is located 430m to the south of the site. To the immediate southeast of the site on the opposite side of the private road there is an agricultural shed.

2.0 Proposed Development

- 2.1. It is proposed to construct the following development:
 - Construct 1 free range poultry house.
 - Ancillary structures to include
 - Meal storage bins.
 - Soiled water tanks
 - Associated site works to include site entrance.
- 2.1.1. The floor area of the proposed works is 1522sqm (80.84m long by c. 20.5m wide, height 6m) . The capacity of the poultry house is stated as 6,000 birds. The birds have access to 6 ha. of adjoining lands. The applicant will run and operate the facility. There will be no other additional staff.

3.0 Planning Authority Decision

- 3.1.1. The planning authority granted permission subject to 19 conditions. The following conditions are of note:

Condition no. 4 refers to satisfactory yield test results for water supply

Condition no. 6 refers to implementation of measures to control noise as per planning submission received on 20th September 2019.

Condition no. 7 refers to the implementation of the recommendations set out in the Flood Risk Assessment

Condition no. 8 refers to surface water disposal on site.

Condition no. 13 refers to land spreading

Condition no. 14 stipulates that waste shall not be land spread during or immediately after periods of unusually heavy rainfall, on frozen grounds or on lands subject to flooding.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The final planners report (signed 16th October 2019) was consistent with the decision of the planning authority, however further information was requested at the outset as follows:

- A site-specific Flood Risk Assessment and details of surface water disposal
- Confirmation of right of way over access road
- Transport Statement
- Details regarding anticipated quantity of water required and yield test for the proposed well on site
- Landscaping plan
- Measures to address concerns with respect to odour and noise

The application was subsequently granted in accordance with the planning officer's recommendation.

3.2.2. **Other Technical Reports**

Roads and Transportation Section – Report dated 21/03/2019 requested further information regarding right of way and traffic movements. It is noted that the planner's report notes consultation with the Roads Dept on 16/10/2019 following receipt of further information expressing no objection to the development.

Environment Section – Report dated 21st March 2019 set out no objection to the development.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

4.0 A total of two submissions were made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- Noise, Odour, dust, soil, air and water pollution
- Increased risk of vermin
- Access, Traffic safety and Road Maintenance.
- Requirement to provide a Roads Safety Audit
- Devaluation of property
- Visual impact assessment
- Flooding
- Disposal of waste
- Water supply
- Surface water
- Ecology concerns
- Management Plan for the facility

5.0 **Planning History**

Site

None

6.0 **Policy Context**

6.1. **EU/National Guidance**

6.1.1. 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.

6.2. **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.

6.3. **Development Plan**

Galway County Development Plan 2015-2021

6.3.1. Chapter 11 - Agriculture, Fishing, Marine Resources & Forestry.

This chapter promotes the sustainable development potential of the County on land and sea. It acknowledges the importance of our indigenous agri-food, fisheries, marine resources and forestry industry and the role they play as key enablers in rural development/diversification and within the rural economy at a County and regional level.

Objective AFF1 – Sustainable Agriculture

Objective AFF2 – Rural Diversification

Objective AFF4 – Intensive Agriculture Developments

Objective AFF5 – Compliance with EU Habitats Directive

6.3.2. Section 13.10 Guidelines for Agriculture, Mariculture, Forestry and Extractive Development includes

DM Standard 33: Agricultural Buildings

DM Standard 34: Agricultural Effluent

6.3.3. Landscape Classification

Class 1 – Low landscape sensitivity

6.4. Natural Heritage Designations

6.4.1. The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 4.8km southeast of Greaghans Turlough SAC (Site Code 000503), 5.1km west of Lough Corrib SAC (Site Code 000297), 5.8km southeast of Kilglassan/Cahevavoostia Turlough complex SAC (Site Code 0005040), 6.5km east of Ardkill Turlough SAC (Site Code 000461), 8.5km southeast of Carrowkeel Turlough SAC (Site Code 000475), 8.8km northeast of Shrulle Turlough SAC (site code 000525), 9km east of Skelaghan Turlough SAC (Site Code 000541) and 10.3km west of Clyard Kettle-Holes SAC (Site Code 000480).

6.5. EIA Screening

6.5.1. With regard to the issue of Environmental Impact Assessment, the relevant threshold of development in this instance is class 1(e)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). This class relates to installations for intensive rearing of poultry which would have more than 40,000 places. Since the proposal relates to a capacity of 6,0000 birds, the development is sub-threshold and does not require a mandatory EIS.

6.5.2. 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

Access Road

- It is set out that the sight distance of 50m is inadequate
- The access road is not a public road and is maintained by the local road users. The road was upgraded in 1999 under the Local Improvement Scheme. The planning authority did not condition that applicant to maintain the road and the development will result in the deterioration of the road and it will no longer be fit for use by cars and walkers.
- The development will intensify the use of the road, the road is narrow with no passing bays provided. The suggestion to use the entrance serving adjacent lands for passing purposes is not acceptable.
- It is set out that the junction where the local road joins the R332 has poor sightlines and there are no proposals to improve the sight distance availability.
- It is set out that the applicant has underestimated the number of staff and the traffic movements associated with the development and the impact of the increased traffic movements within 1m of the appellants parents dwelling.
- No road safety audit has been carried out.

Disposal of Waste

- It is set out that there is a significant odour from the poultry manure operations of loading, spreading and cleaning houses.
- It is also set out that the transport of manure to other identified spread lands will mean that the manure will be transported passed the appellants parents dwelling making his parents dwelling impossible to live in requiring them to keeps their windows and doors closed.
- It is set out that the nearest dwelling is 320m from the site with two others within 350m.
- The applicant has not identified that method of spreading the wash water or identified the spread lands for wash water and the associated separation distances from adjoining properties, roads, watercourses etc.

- No details for the storage of manure have been provided.
- It is set out that the remaining lands are located in an area of high to extreme groundwater vulnerability within a regionally important aquifer. The applicant has failed to demonstrate a minimum soil thickness of 2.0m of soil and subsoil to spread wash water. The percolation tests submitted were excavated to depths of 1.0m to 1.4m and indicate a gravel sand layer at a depth of 400mm below surface level indicating great percolation qualities. It is set out that the planning authority should have appropriately conditioned compliance be demonstrated.
- It is set out that the water supply quality and yield should have been provided before planning permission was granted.

Odour/Noise

- No assessment of odour levels has been submitted.
- The planning authority did not condition times for the injection to wash water.
- No noise levels for passing vehicles in proximity to the appellants parents dwelling not addressed.
- No proposals for the monitoring of noise and odour submitted.

Code of Practice

- The planning authority has failed to include a condition in relation to compliance with the code of Good Practice for End-Users of Poultry Litter (March 2019)

Visual Assessment

- No visual impact assessment of the development has been provided.
- The landscaping plan is inadequate.

Appropriate Assessment Screening

- It is set out that the AA screening report did not take account of the percolation tests and Flood Risk Assessment submitted in response to further information and therefore the screening report is invalid.

Housekeeping

- It is set out that the applicant has in the past imported, stored and disposed of poultry litter on adjoining lands within approval resulting in a number of the appellants animals getting sick.

Ecology

- The applicant has not carried out a survey of the existing wildlife within the site, grazing lands or spread lands.

Facility Management Plan

- No Facility Management Plan has been submitted.

7.2. Applicant Response

- The proposed development provides for the diversification of the applicants farming activities in response to changing environments, consumer, environmental , animal welfare and other demands.
- The range area proposed is six hectare. The existing grazing by bovine livestock will be replaced by poultry foraging. No additional nutrients, either artificial or organic will be applied to this lands area.
- It is set out that the capacity at 6000 birds is low in comparison to other free-range houses having capacities of 16,000-60,000 birds.
- It is set out that the development has been sited to make maximum use of the natural topography and landscape, while at the same times satisfying Department of Agriculture, Food and The Marine and An Bord Bia requirements.
- The proposed development is a significant distance c. 400m from the nearest dwelling and will not impact on residential amenity.

Access and Traffic

- It is set out that sightlines, access and traffic issues have been appropriately addressed to the satisfaction of Galway County Council.
- The access road serves the local community but also the agricultural needs of the applicant. The proposed development will result in minimal traffic and will not have an undue impact on the access road.

- It is set out that the applicant has identified his landholding along this road along which there are a number of points where traffic can pass.
- It is set out that the traffic generated will be minimal and will not have an undue impact on the road network and/or either the appellants dwelling or his parents' dwellings and will be inconsequential in comparison to the existing traffic passing the dwelling houses on the adjoining regional road.
- The development does not warrant a Road Safety Audit.

Disposal of Waste

- It is set out that there will be no spreading of any waste from the development on any lands whether adjacent to the site and/or remote of the site.
- The application of organic fertilizer to land is an existing activity, governed by S.I. 605 of 2017, and carried out by the applicant has alluded to by the appellant. It is noted that this can give rise to odours but that this is temporary for a few days and is an activity associated with general farming practices.
- The development will not increase the amount of poultry manure permitted to be used by the applicant as dictated by S.I. 605 of 2017
- It is set out that the volume wash water will be low relative to the volume of poultry manure and the applicants existing bovine slurry. It is set out that it is likely that the soiled water will be mixed with the slurry in the applicant's bovine shed and spread with the slurry and will be imperceptible from the existing activities on the farm.
- The storage of animal manure will be in accordance with S.I. 605 of 2017
- It is set out that the 12% referred to is that portion of the manure excreted by the birds that is excreted directly onto the range area and is not collected in the house. No storage facility is therefore required.
- It is set out that the water requirements for the development are low and as detailed by the hydrologist should be easily met by the local aquifer.

Odour/Noise

- The proposed development is located 400m from the nearest sensitive receptor. It is noted that while updated EPA guidance does not stipulate

minimum separation distance from dwellings the previous guidelines recommended a setback of 400m.

- In terms of feed deliveries (one per fortnight) the noise level is in the order of 87dB LAeq,30mins , with the fans operating c. 73dB LAeq,30mins when at full capacity. Taking account of attenuation due to distance, the predicated noise levels at 200-250m is <50dB LAeq,30mins. This is further reduced at a distance of 400m and is considered within acceptable limits.

Visual Assessment

- It is set out that the proposed development is appropriately located, designed, landscape and represents a sustainable form of farm diversification and is not a commercial development.
- The meal bins are commonplace on all farms.

Landscaping

- It is set out that the purpose of landscaping is to integrate the development into the landscape and not to screen the proposed development.

Appropriate Assessment Screening

- It is set out that here were no percolation tests were carried out on site. There was an infiltration test completed for the appropriate assimilation of stormwater runoff to ensure that this will not impact flooding in the area. It is set out that as the proposed stormwater is the same as rain the falls in the field currently, this will not pose any adverse risk to any Natura 2000 site.

Housekeeping

- The activity will be carried out in compliance with S.I. 605 of 2017, as amended.
- Correspondence from a specialist vet has been submitted with the application addressing disease risk issues

Ecology

- It is set out that the site is an existing managed and farmed environment and the development will have no significant adverse impact on wildlife.

7.3. **Planning Authority Response**

None

8.0 **Assessment**

8.1. The appeal site is located in a rural area identified as Class 1 – Low Landscape sensitivity in the Galway County Development Plan 2015-2021. The lands are not subject to any land use zoning objective. The Board will note that farming by its nature is a commercial operation which is obviously suited to a rural area. The current development comprises a poultry farm which is a suitable commercial operation to be located in an agricultural rural area. I consider that the proposed development is acceptable in principle at this rural location, by reference to the policies and objectives of the Galway County Development Plan and subject to the assessment of the relevant planning issues identified below.

8.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Traffic and Road Safety concerns
- Flood Risk and Potential for Water Pollution
- Residential Amenity – Air Quality (particularly odour), Noise Impact, Increase in Vermin.
- Visual Impact and Landscaping
- Ecology
- Other Matters
- Appropriate Assessment

8.2. **Traffic and Road Safety concerns**

8.2.1. In terms of traffic and road safety, I acknowledge that the access road serving the site is narrow. However, it is relatively well surfaced and there are a number of vehicular entrances that provide appropriate passing bays located along the roadway. The Board will also note that there is an existing farm complex opposite the

appeal site and therefore the site and the road network serving the site have been catering for large vehicles to date. According to the information contained on file, the proposal will result in one load of birds in and out every 14-15 months, approx. seven loads of HGV movements/annum, fortnightly rigid truck feed deliveries, twice per week rigid truck egg collection. Staff movements will be twice daily and other associated visitors such as vets will be on an adhoc basis.

- 8.2.2. The local road fronting the site is a private road approx. 2.8m in width, and the site is located on a straight stretch of road and save for the farmyard to the southeast of the site and the farm complex and two no. houses to the south at the junction with the R 332 there are no other farm buildings or dwelling houses accessed via this road. I note the site layout plan indicates the removal of approx. 100m of mature roadside boundary to accommodate 50m sightlines at the entrance. This in my opinion is not justified in the context of the carrying capacity of the road, the limited traffic generated and the nature of the traffic. The access road is not under pressure for development and subject to the provision of an appropriately sized splayed vehicular entrance the remaining hedgerow can be retained and help to integrate that development into the rural landscape.
- 8.2.3. The appellant has also expressed concern with regards to sightline availability at the junction with the regional road R 332 to the south of the site. No sightlines have been established at this junction. However, access from the R332 is located between two dwelling houses and I am satisfied that the recessed front boundaries of both sites provide for the optimum sightline availability at this junction. I further note that the Roads and Transportation Section expressed no concerns regarding access/egress to the site at this location.
- 8.2.4. The appellant contends that the development requires a Road Safety Audit. Owing to the relatively small-scale nature of the development and the expected traffic generated by the development, a Road Safety Audit is not warranted in this instance.
- 8.2.5. The operations therefore will have a negligible impact on traffic generation and will give rise to trip generation levels which could be expected for a typical agricultural enterprise in a rural area. I consider the proposed development therefore to be acceptable in terms of traffic generation and road safety.

8.3. **Flood Risk and Potential for Water Pollution**

Flood Risk

- 8.3.1. The site-specific Flood Risk Assessment was carried out. The site is identified within the contributing Catchment Area of Rathbaun Turlough (pNHA). The source of flood risk for the site is determined to be pluvial from a small local depression area to the north of the site and groundwater flooding from the Rathbaun Turlough located 373m northeast of the appeal site.
- 8.3.2. The report states that the local road 100m north of the site flooded to c. 37.4m O.D during winter flooding 2015/2016. It is set out that this depression area is free to spill at elevations of less than 38m OD to the northeast and the northwest directions away from the proposed site. It is stated that the ground levels at the proposed poultry shed are 38.5 to 39m and will not be subject to pluvial flooding.
- 8.3.3. The report determines that all lands below 37.37m OD Malin are located in the high-Risk Zone A, lands between 37.37m OD to 38.08m OD are located in the moderate Flood Risk Zone B and all lands above 3.038m OD are located in Flood Zone C. It is set out that the existing ground elevation at the proposed poultry shed is typically at 38.8m OD placing the site in Flood Zone C.
- 8.3.4. The Flood Risk Management Guidelines 2009 require a precautionary approach in respect to Climate Change and uncertainty. To meet the guidelines that design approach is based on the estimated 100-year flood level with mid-range 20% increase climate change allowance and a 1 m freeboard allowance. In this regard the minimum finished floor level for the concrete base of the poultry shed where dung is stored is 38.84m OD. The application of a higher freeboard is considered appropriate given the nature of karst groundwater flooding in turloughs and the potential changes to the underground karst conduit system in the future.
- 8.3.5. It is noted that the Planning Authority raised no concerns regarding the proposed development. I have reviewed all the submitted relevant documentation and I would conclude that the proposed development would adequately satisfy the flood risk concern.

Stormwater Disposal

8.3.6. Stormwater will be collected and disposed of in four soakaway locations located at the four corners of the shed. The soakaway design is in accordance with BRE Digest 365 and supported by trial hole infiltration tests.

Disposal of poultry manure

8.3.7. It is stated that the estimated manure production as a result of the proposed development will be a total of 252.72m³/annum, 222.4m³ (c. 88%) will be retained within the manure store in the slatted tank under the house and will be removed off site by a contractor with the remaining 12% deposited on the range area by birds. The poultry manure will be removed off site by an authorised contractor.

8.3.8. 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.

Disposal of soiled water

8.3.9. Soiled waters will be collected in dedicated soiled water collection tanks, located under the house. This soiled water will then be spread on adjacent farm land. The proposal to direct surface water from the site to soakaways will minimise the volume of soiled water arising.

8.3.10. It is stated within the application that soiled water will amount to c. 15m³ per annum. It is further stated that the proposed nutrient loadings will be significantly less 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.

Pollution of groundwater from poultry manure in range area.

8.3.11. On the date of my site inspection the ground was dry underfoot, indicating relatively good drainage. The site is currently used as grasslands for livestock. The Flood Risk Assessment sets out that the overburden comprises a free draining limestone till as a subsoil and deep well drained grey brown podzolics. The GSI Vulnerability rating is extreme. The underlying bedrock aquifer is classified as a regionally important bedrock aquifer with conduit flow. The groundwater protection response is R₃ and there are no traced underground connections within the zone of influence for the Rathbaun Turlough and the appeal site and its spread lands. Wash waters can

only be spread on lands with a consistent minimum thickness of 2m of soil and subsoil. The landholding in question is in excess of 55ha. and subject to a nutrient management plan including baseline assessment of soil. The documentation on file states that the applicant is aware of this constraint and will only spread on areas that can achieve this requirement as determined by the NMP.

8.3.12. The information submitted with the planning application outlines the nutrient loading on the range area arising from poultry manure. The application states that 88% of manure will be retained within the poultry house, with 12% 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.

8.3.13. 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.

8.4. Residential Amenity – Air Quality (particularly odour), Noise Impact, Increase in Vermin.

8.4.1. In relation to the issue of Air Quality I note from my site inspection that the nearest dwelling to the subject site is located approximately 430metre to the south of the site. Other dwellings in the vicinity are located to the south and south-east of the subject site and are located c.450 metres from the proposed poultry unit.

8.4.2. Information submitted with the application sets out a number of mitigation measures in order to minimise odour. These include proper manure management together with qualitative house design with appropriate ventilation.

8.4.3. Having visited the site in question and having regard to the nature of rural activities, I do not consider that odour generation from the proposed facility will be significant. Furthermore, any odour generation will be characteristic of odour associated with other farming and livestock management activities in the surrounding area.

8.4.4. In terms of noise impacts, the applicant states that feed deliveries (one per fortnight) will result in noise level is in the order of 87dB $L_{Aeq,30mins}$, with the fans operating c.

73dB LAeq,30mins when at full capacity. Taking account of attenuation due to distance, the predicated noise levels at 200-250m is <50dB LAeq,30mins. This is further reduced at a distance of 400m and is considered within acceptable limits. I am satisfied that the noise levels at the closest residential units will be within acceptable limits.

- 8.4.5. With regard to vermin, appropriate management including the collection and disposal of dead carcasses and as indicated in the documentation submitted with the application should ensure that vermin will be kept to a minimum. Furthermore, it is not likely that any vermin associated with the proposed development will impact on the amenity of surrounding residents having particular regard to the separation distances involved between the poultry unit and surrounding residences.

8.5. Visual Amenity and Landscaping

- 8.5.1. In terms of visual impact, the proposed unit will comprise of an elongated shed c. 80.84m long by 20.5m wide, with an integrated egg/general purpose store. The site is located on relatively flat lands and accessed via a private road some 440m from the closest public road. The development will not be visible from any vantage points along the public road. The proposed shed rises to a ridge height of approx..6 metres. It is typically characteristic of large agricultural storage buildings which are ubiquitous throughout the rural environment and for this reason the proposed structure cannot be considered incongruous or inappropriate for a rural environment. In this regard the proposed poultry unit is acceptable in my opinion in terms of visual impact and visual amenity
- 8.5.2. I have set out in section 8.2.1 above that the proposal to remove 100m of roadside boundary hedgerow justified in this instance. Should the Board be minded to grant planning permission, I would recommend a revised landscaping plan be submitted providing for the retention of the roadside boundary save at the vehicular entrance and the provision of additional landscape screening to all site boundaries to mitigate against any visual impacts created by the development. The appeal site is not located in any protected landscape. It is not considered, therefore, that the proposed development would unduly interfere with the character of the landscape.

8.6. Ecology

- 8.6.1. The appellant expresses concern with respect to the impact of the development on the local ecology. The site forms part of a large agricultural field, in the vicinity of

active farming activities including agricultural sheds. The site is not located in immediate proximity to ecologically sensitive receptors. I am satisfied that proposal will not result in adverse impact on the ecology in the local or wider environment. This matter will be addressed further in section 8.8 Appropriate Assessment below.

8.7. Other Matters

- 8.7.1. Additional concerns have been raised within the observation submitted which relate to the **spread of disease** to other animals in the immediate 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.
- 8.7.2. The appellant has expressed concern regarding **water quality and yield**. I note no yield test was carried out on site, however owing to the proximity to Rathbaun Turlough (pNHA 000215) the well yield is expected to be medium to high. I would agree and I am satisfied that this matter can be addressed by way of condition, should be Board by minded to grant.

8.8. Appropriate Assessment

- 8.8.1. The site is not located within or directly adjacent to any Natura 2000 sites.

8.8.2. Stage 1 AA Screening Report

The applicants Stage 1 AA Screening report described the site, the location and the proposed development, it summarised the regulatory context, it carried out a desk top surveys and identified the European sites considered to fall within the zone of influence of the works. All sites within 10km of the site were identified. The site is located 4.8km southeast of Greaghans Turlough SAC (Site Code 000503), 5.1km west of Lough Corrib SAC (Site Code 000297), 5.8km southeast of Kilglassan/Cahevavoostia Turlough complex SAC (Site Code 000504), 6.5km east of Ardkill Turlough SAC (Site Code 000461), 8.5km southeast of Carrowkeel Turlough SAC (Site Code 000475), 8.8km northeast of Shrule Turlough SAC (site code 000525), 9km east of Skelaghan Turlough SAC (Site Code 000541) and 10.3km west of Clyard Kettle-Holes SAC (Site Code 000480). It described these sites and their respective qualifying habitats and species, it listed their conservation objectives and targets and attributes.

8.8.3. Appropriate Assessment Screening Assessment

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA'S have been selected.

European Site	Site Code	Relevant QI's and CI's	Distance
Greaghans Turlough SAC	000503	Turlough	c.4.8km
Lough Corrib SAC	000297	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae), Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea ,Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. .Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation ,Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) ,Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) ,Active raised bogs, Degraded raised bogs still capable of natural regeneration, Depressions on	c.5.1km

		<p>peat substrates of the Rhynchosporion, Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davalliana, Petrifying springs with tufa formation (Cratoneurion) , Alkaline fens</p> <p>Limestone pavements, Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles, Bog woodland, Margaritifera (Freshwater Pearl Mussel), <i>Austropotamobius pallipes</i> (White-clawed Crayfish), <i>Petromyzon marinus</i> (Sea Lamprey), <i>Lampetra planeri</i> (Brook Lamprey), <i>Salmo salar</i> (Salmon), <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat), <i>Lutra lutra</i> (Otter), <i>Drepanocladus vernicosus</i> (Slender Green Feather-moss), <i>Najas flexilis</i> (Slender Naiad).</p>	
Kilgassan/Caheravoostia Turlough Complex SAC	000461	Turlough	c.5.8km
Ardkill Turlough SAC	000461	Turlough	c.6.5km
Carrowkeel Turlough SAC	000475	Turlough	c. 8.6km
Shrule Turlough SAC	000525	Turlough	c. 8.8km
Skeloghan Turlough SAC	000541	Turlough	c. 9km

Turlough SAC		Turlough Calcaerous fens with Cladium mariscus and species of Caricion davalliana	10.3km
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- 8.8.11. The Stage 1 AA screening report concluded that because of the significant distance separating the development site and Natura sites there is no pathway for loss or disturbance of habitats.
- 8.8.12. The facility will be required to operate within the legislation defined under S.I. 605 of 2017 (as amended) regarding manure storage, minimisation of soiled water and general good agricultural practice. The operation of those codes would render any significant indirect impact on any Natura 2000 site unlikely. The submitted details are sufficient to demonstrate that the spreading of effluent from the proposed development would not place an additional demand on the capacity of that land to accommodate that could cause a deterioration in the quality of waters.
- 8.8.13. Having regard to the nature and scale of the development and nature of the receiving environment, the proximity to the nearest European Site and the absence of a pathway, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European Site.
- 8.8.14. It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

9.0 Recommendation

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the size, scale and agricultural nature of the proposed development in an established farming area in a rural location, and to the policies and objectives of the Galway County Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse visual impact, would not seriously injure the amenities of the area or of property in the vicinity by way of odour or noise nuisance, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 received by the planning authority on the 20th September 2019, except as may otherwise to 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall provide no more than 6,000 places for poultry hens.

Reason: In the interest of clarity

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

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area before development commences and in the interest of orderly development

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

5. Water supply arrangements for the site shall comply with the requirements of the planning authority for such works and services. In this regard-

- (a) Satisfactory yield test results for the site shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

6. Manure generated by the proposed development shall be disposed of by spreading on land or by other means acceptable in writing to the planning authority. The location, time and rate of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2017(as amended).

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

7. 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

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

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

- (i) The retention of the roadside boundary saves at the vehicular entrance
 - (ii) Details of screen planting along all site boundaries and the vehicular entrance splay
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. Casualty birds and dead carcasses shall be disposed of by an approved waste contractor and in accordance with Department of Agriculture Regulations.

Reason: In the interest of public health and amenity.

10. The temporary on-site storage of carcasses shall be in sealed containers and shall be regularly transported off-site in accordance with the requirements of the planning authority.

Reason: In the interest of public health and amenity.

11. The applicant shall operate the facility in a manner such that air emission and odours do not result in significant impairment of or significant interference with amenities or the environment beyond the site boundary.

Reason: In the interest of residential amenity.

Irene McCormack
Planning Inspector

2nd March 2020