



An
Bord
Pleanála

Inspector's Report ABP-305970-19.

Development	Construct poultry house for 38,000 broiler chickens, storage shed, silo, toilet facilities, effluent treatment system and all site works.
Location	Cloongawnagh, Claremorris, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	181061.
Applicant	Thomas Kirrane.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Thomas Kirrane.
Observer	1. Luke and Ann Hunt 2. Declan and Lorraine Kirrane. 3. Michael and Anne Jordan.
Date of Site Inspection	23 rd January 2020.
Inspector	Mairead Kenny.

1.0 Site Location and Description

The site is located in a rural and sparsely populated area. The nearest town of significance is Claremorris which is approximately 7 km to the south-west.

Ballyhaunis town is under 10 km away and about 3 km to the south-east is the village of Brickeens. There is a poultry facility at Ballyhaunis. At a location to the east of the site in the direction of Ballyhaunis is an existing poultry rearing facility at Bekan townland. The lands in this area are generally low lying and agriculture and forestry are significant land uses.

The site is close to two national roads the N17 to the west and the N60 to the south. The site adjoins a very narrow local road the L-35033-0. To the north-west is the junction of that road with the L1503. The L-35033-0 serves a few one-off houses and provides access to a fairly significant equestrian facility and to forestry. Beyond the site (to the south) the road deteriorates to a poor quality lane and then emerges close to a wind farm, which is accessed from the south.

The site is of stated area of 1.316 hectares and is surrounded on three sides by mainly coniferous plantations. The south-west boundary adjoins the access road. The stated depth of the site from the access road is 168 m. The site is flat with a stated variation in levels of just over 2m. The habitat can be described as improved agricultural grassland. The land however is boggy and water logged in places. At the boundaries drainage channels have been dug adjacent the commercial forest.

Photographs which were taken by me at the time of inspection are attached.

2.0 Proposed Development

Permission is sought to construct the following for the purposes of operating a poultry farm at the site:

- a poultry house of stated area of 1839.77 m²
- a storage shed of stated area of 198.36 m²
- a new silo
- toilet facilities and effluent treatment system
- water supply by way of connection to mains

- all ancillary site works and services.

The **poultry shed building** is a single storey structure with a concrete floor and concrete windowed walls topped with vented cladding of spruce green colour.

The subject development would provide for **38,000 broiler chickens in 6 to 7 batches** per annum. The operation of the facility would involve the importation of live chicks in one vehicle. These would be reared **on site for 42 days** and then exported in 5 no. vehicle movements to a **processing factory 8.4 km away**. The rearing system would employ a **loose deep litter system with forced ventilation** and wood shavings used as bedding. Food supply on the site would be stored in 2 no. silos attached to the production area. For each 42 day cycle there would be a requirement for 4 no. deliveries. Drinking water will be controlled to ensure unnecessary spillage is avoided minimising odours. Ventilation will be by way of an active/passive ventilation system with passive expulsion through vents over 7 m above ground.

40 tons of chicken litter will be produced per crop and the selected contractor in Kells will send 2 no. lorries to collect and **remove litter for processing** at their licensed facility. Loading will take place in the shed minimising potential for spillage on the yard and all spills will be swept clean of as much litter as possible. The production area would then be further cleaned using high-pressure steam thereby minimising the amount of water used in the process and reducing its microbial loading. Soiled water egress would be to a **watertight underground tank with capacity to store soiled water for up to a year**. Soiled water will be **spread on lands** which are owned by the operator during specified times and to comply with DAFM specifications. The location of the lands is a few kilometers to the east of the facility. After steam cleaning further disinfectant will take place to reduce the presence of microorganisms in a manner which ensures no excess residue is produced which would then enter the soiled water tank – it is a contact swabbing rather than wash down process.

When occupied by chicks the shed would be warmed to 30°C using a **gas boiler** system similar to that used in a domestic dwelling. No hydrocarbons will be used or stored on the site.

Naturally occurring mortalities will be stored prior to collection by College Protein and transport to Nobber, Co. Meath for processing on a weekly basis. **Odour control** will

be through good litter and water management and maintenance of high levels of dry matter content in litter. Rodent control is mandatory and will be undertaken.

On-site wastewater produced by on-site sanitary facilities will be treated in a tertiary proprietary treatment unit prior to discharge to distribution gravel pad. Compliance with EPA Code of Practice 2009 will be ensured.

If necessary an **Environmental Management System** could be agreed with the planning authority to cater for monitoring, recording and tracking of waste streams.

In the construction period which is expected to last 2 months in total **Construction and Demolition Waste Plan** can be implemented if necessary. The documentation references a 4 month construction period also.

The **Environment Report** received by the planning authority on the 21st of December 2018 on foot of a request for further information is a reasonably substantial document and it provides a level of detail regarding the likely environmental impacts and the nature of the proposed development. It was superseded by a report entitled **Environmental Impact Assessment Screening Report**, which was received by the planning authority on the 30th of September 2019.

Other documentation on file addresses issues raised in the consideration of the application by the planning authority including in relation to sightlines.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to refuse permission for 3 no. reasons which are summarised below:

- Road network in the area in terms of capacity, width and alignment is unsuitable to carry increased road traffic likely to result. Applicant has not submitted sufficient legal interest in the land he proposes to acquire in order to improve the road network leading to the site. The development would therefore endanger public safety by reason of traffic hazard and obstruction of road users.

- Proposed development would endanger public safety by reason of traffic hazard because of increased traffic movements at the junction of two local roads where visibility is substandard.
- Potential cumulative impact of the development at this location has not been properly assessed. In addition the long-term sustainability of the waste disposal option has not been considered. It has not been established that it is reasonable to conclude that there is no real likelihood of significant effects on the environment as a result of the development proposed in the proposed development would therefore be prejudicial to public health.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final planner's report states as follows:

- Council supports sustainable development of agriculture with emphasis on local food supply and diversification of agriculture where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of the Natura 2000 network, residential amenity or visual amenity.
- The Environment Section has concerns with regard to cumulative effect as there are a number of such developments in the area and secondly concern with respect to long-term sustainability of proposals for chicken litter disposal in the absence of alternatives.
- The building is almost of an industrial scale.
- Regarding the use of setback areas to the front of two dwelling houses as laybys and the junction sightlines of the two local roads, Road Design is not satisfied. There is insufficient capacity in the road for use by HGVs.
- The development would have a significant impact on residential amenities and the rural character of the area. Permission should be refused.

- The information provided is not in accordance with Schedule 7A of the PDR and therefore Mayo County Council cannot conclude that there is no real likelihood of significant effects on the environment.
- As the recommendation is to refuse permission from a roads network perspective it would be unreasonable to request a full EIAR or clarification.

3.2.2. Other Technical Reports

Environment, Climate Change and Agriculture Section

The report dated the 21st of October 2019 includes the following points:

- The site is within the Corrib – Mask catchment and the Robe_010 waterbody, which is of moderate ecological status and ‘at risk’ under the WFD.
- In the EIA Screening Report no reference is made to cumulative effects.
- Poultry units should preferably be situated in close proximity to either mushroom compost production areas or to lands which are suitable for land spreading, to facilitate utilisation of manure for mushroom compost or otherwise, to avoid regional surplus of manure and reduce costs and impacts.
- The sustainability of export of 280,000 tonnes per annum of chicken litter to Kells Co Meath for recycling to mushroom compost was not considered.

Environment Section

The report dated 13th of February 2019 notes the nature and scale of the proposed development. Groundwater vulnerability on this site could range from low to high vulnerability. The development should not alter the state of the waterbody. Further information is required including in relation to further phases given the location of the development at the eastern side of the site, a copy of the Nutrition Management Plan and associated maps, the chemical and ecological status of rivers/streams in close proximity to land spreading area, source of bedding material and method of transport to the site and long-term alternative methods for the recovery/disposal of manure from the development and the proposal to use a facility in Kells in Co Meath.

Road Design Section

The report dated the 15th of October 2019 includes the following points:

- Regarding the use of the front of 2no. houses as laybys it is queried if permission from the relevant house owners can be provided.
- Sight visibility at this junction shall comply with section 38.3 and table 9 of the development plan and shall be measured a minimum of 3m from the nearside of the road for a local road. It is reasonable to assume an 85 percentile speed of 80 km/h requiring a minimum sight distance of 120m.

The earlier report dated the 19th of February 2019 indicated that the local road servicing the site is insufficient in terms of capacity, width and structural strength and queried how the applicant would propose to improve the local roads to cater for the increased levels of HGV which will use the road. Visibility at the junction of the L1503 and L-35033-0 is substandard in both directions.

Environmental Health Service

The report of the 23rd of January 2019 sets out recommendations relating to:

- Effective management of odour particularly during destocking and cleaning.
- Wash water storage capacity, construction, suitability, leak detection facilities, requirements relating to oil storage tanks and storage of carcasses.
- Nutrition Management Plan including location of land spreading areas, all environmentally sensitive features and relevant agreements.
- Noise control in accordance with relevant standards for a rural area. A condition should be attached relating to effective noise management.
- Pest control measures to be adequate and to be recorded.
- All site office and staff facilities to be identified. Protection of ground and surface water from silting and spillage to be detailed.
- Construction Environmental Management Plan to be agreed.

Senior Archaeologist

The final report dated 20th of May 2019 notes the pre-development testing report. No archaeological site / monument will be affected by the proposed development. No further archaeological work is required.

3.3. **Third party submissions**

The issues raised in third party submissions relate to:

- road safety
- potential for watercourse drainage leading to ecological impacts
- odours
- traffic and construction related noise
- visual amenity
- residential amenity
- risk to human and animal health
- devaluation of property
- construction phase impacts.

4.0 **Planning History**

Under PL246323 in 2017, the Board refused permission for development of a similar facility at the same scale as a site at Greenwood, Bekan, an established poultry facility. The refusal of permission related to the nature and scale of the facility, its proximity to residential development and noise and odour impacts and secondly to Appropriate Assessment. That application was accompanied by an EIAR and comments had been received from the EPA.

Reg. ref. P16/209 - proposed poultry unit at this site. It was deemed withdrawn.

5.0 **Policy and Regulatory Context**

5.1. **Development Plan**

Mayo County Development Plan 2014-2020

Objective AG-01 is to support the sustainable development of agriculture, with emphasis on local food supply and diversification where can be demonstrated that

the development will not have significant adverse effects on the environment, including the integrity of Natura 2000 network, residential amenity or visual amenity.

Objective E-04 is to facilitate agri-industry and other rural enterprise activities that are dependent on their locality in rural locations, where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of the Natura 2000 network, residential amenity or visual amenity.

Volume 2 sets out specific planning guidance and standards. Section 56.3 outlines the criteria for considering proposals for large-scale agricultural development and/or agricultural related industry which will generally be permitted subject to proper planning and sustainable development. The matters which will be taken into account when considering such proposals are:

- availability of existing structures/buildings on the farm holding for the development
- traffic safety
- pollution and waste control
- satisfactory treatment of effluents
- odour
- noise
- size and form of the structure and integration into the landscape
- visual amenity of the area.

Appendix 1 sets out access visibility requirements specifically in Table 3 which sets a requirement for 120 kph speed limit measured at a point 3m back from the road edge.

5.2. **Commission Implementing Decision (EU) 2017 / 302**

This sets out principles with respect to establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU for the intensive rearing of poultry. It is relevant to licensable facilities, an activity with more than 40,000 places for poultry.

Under the Industrial Emissions Directive BAT are mandatory in the permitting process. The subject development is marginally below the threshold for IED licence.

BAT includes adherence to an EMS.

BAT2a refers to proper locational of the plant / farm and spatial arrangements of the activities in order to

- • reduce transport of animals and materials (including manure),
- • ensure adequate distances from sensitive receptors requiring protection,
- • take into account prevailing climatic conditions (e.g. wind and precipitation),
- • consider the potential future development capacity of the farm,
- • prevent the contamination of water.

Measures to ensure efficient use of water, control emissions from waste water including by land spreading, to reduce ammonia emissions, are described. Section 4.4 outlines techniques for reducing odour emissions including ensuring adequate distances between the plant/firm and sensitive receptors by at planning stage ensuring adequate separation by the application of minimum standard distances or the performance of dispersion modelling.

5.3. EPA Guidance Note for the Poultry Production Sector (licensable facilities)

The EPA Integrated Pollution Control Licensing, Batneec, Guidance Note for the Poultry Production Sector, (1998) in section 4.3 includes the following hierarchy/recommendations in relation to siting of facilities:

- Take into account a mass balance of nutrients within the control area, involving siting in close proximity to mushroom compost production/suitable land spreading areas such as tillage croplands.
- Protection of surface and groundwater resources in the vicinity of the site and land spreading area. Site investigation requirements should provide information on depth to water table, depth to bedrock, subsoil and bedrock type and presence or absence of karst features as well as aquifer classification, groundwater vulnerability and presence of wells.

- Avoidance of nuisance due to mal-odours. A minimum separation distance of 400m to the nearest house. Appropriate operation to minimise odours.
- Presence of an appropriate site for the disposal of carcasses in the event of a disease outbreak. This does not explicitly refer to ownership of the lands or to proximity to the development.

5.4. **SI 31 of 2014 the European Union (Good Agricultural Practices for Protection of Waters) Regulations 2014, Statutory Instruments, SI No. 31 of 2014**

This requires that storage for livestock manure produced by poultry shall equal or exceed the capacity required to store all such livestock manure produced on the holding during a period of 26 weeks, with certain exceptions and variations. Other arrangements which are acceptable under A14 include where the occupier has a contract providing exclusive access to adequate alternative storage capacity outside the holding, a contract for access to a treatment facility for livestock manure, or a contract for the transfer of the manure to a person registered to undertake the transport of manure. Article 17 prescribes distances from water bodies for the spreading of organic fertiliser or soiled water, including 20m from a lake shore line and 200m from the abstraction point of any surface waters and 15m from exposed Karstified limestone.

5.5. **Natural Heritage Designations**

The nearest Natura sites are listed below.

Carrowkeel Turlough SAC – Site Code 000475 – 12.5 km to south-west.

Lough Corrib SAC – Site Code 00297 – 9.2km to the south-east.

River Moy SAC – Site Code 002298 – 4.5km to the north north-west.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points of the first party appeal are:

- Procedures were not appropriate – for example matters which were not raised in the request for further information were raised in the clarification.

- The Roads Design report does not include a recommendation to refuse or indicate concerns relating to capacity, width and alignment of the network.
- The development is of a scale and nature which will present an infrequent and exceptionally low traffic impact on the local road network. Detailed comments are provided to support the position that the sightlines are suitable.
- The L-35033-0 is sufficient in terms of capacity and structural strength to cater for the proposed development. Improvement / modification should not be necessary as it is proposed to use existing layby located between site and junction with L1503 as a passing place and a letter of consent is attached.
- The third reason for refusal relates to cumulative impact, long-term sustainability of waste disposal and likelihood of significant effects on the environment. A letter from our environmental consultant is attached in appendix 4.
- Regarding the long-term sustainability of the proposed waste disposal option we enclose a letter from a firm in Ballaghaderreen. Collection at the end of each cycle will require 2x20 ton vehicles to transport it to their facility 42 km from the proposed development where it will be recycled into mushroom compost. Given the proximity of the facility this should address any concerns relating to long-term sustainability of waste disposal
- The report of the Environmental, Climate Change and Agricultural Section dated 21st of October 2019 is incorrect in terms of the amount of chicken litter which would be generated. The planner was not provided with accurate data on which to make a decision.
- The decision of the planning authority should be overturned.

6.2. Planning Authority Response

No detailed response received.

6.3. Observations

Due to the level of overlap I have grouped the comments made by the observers.

Regarding the impact on roads / recreational amenity:

- The use of this road for recreational activities including cycling and walking by children would become untenable due to safety concerns and noise and odour from the facility.
- The narrow lane is not intended to cater for large vehicles and recently with the development of a forest road and extraction of timber it has deteriorated.
- The entry to the development has poor visibility from both sides.
- The bog land nature of the under-structure of the road is noted.
- There is no permission to use laybys which are private property. Consent has not been given in by the landowner at the junction of the two local roads.
- Enclosed are photographs of the condition of the road and of damage to boundary walls and the letter of complaint to the County Council.

Regarding waste and environmental impacts:

- The planner's final report dated 22nd of October 2019 reports the correct amounts of litter namely 40 tons of litter per crop with six crops per year which equates to 240 tons of chicken litter per year. There is no realistic plan in place for this disposal of this waste. Chicken litter may be stored at the site which may impact on animal health in the area.
- Dust and odour which would be generated at various stages of production will include odours related to cleaning out of the house and carrying of poultry manure. This will be unpleasant no matter how well-managed the poultry firm is. Odour from a similar development reaches our house regularly.
- Increased noise.
- The development would affect the health of residents.

Regarding site characteristics and water impacts:

- The site is unsuitable due to its reclaimed bog land and waterlogged nature with poor drainage from it directly to the adjoining stream.
- The development would pose a risk to the local water system including having a disastrous impact on fish stocks and the environment. By reason of the bog

land nature of the site and the streams adjacent the proposed development it would impact on the river Robe which is part of the Corrib catchment.

Other matters:

- The site layout allows for a second poultry house which would further exacerbate the situation.
- The applicant lives 5 km away where he and his family own farms.

7.0 **Assessment**

I propose to consider the matters arising in this case under the following headings:

- principal
- roads and traffic
- waste, noise and odour
- landscape and visual impacts and cultural heritage
- cumulative impacts
- ecology
- EIA
- Appropriate Assessment.

In the foregoing I have relied largely on the applicant's submissions including the EIA Screening Report which was received by the planning authority on the 30th of September 2019, which supersedes the earlier Environmental Report. I have also had regard to prevailing policy including guidance published on the EPA website. I have referenced documents which relate to licensable facilities - the subject development is marginally below the 40,000 threshold for such activities but the principles outlined are considered relevant nevertheless.

7.1. **Principal**

I consider that there are two particular issues which warrant some comment in terms of the proper planning and sustainable development of the area. These relate to:

- Compliance with the development plan policy and other guidance.
- The scale of the facility and the possibility of future phases.

7.1.1. **Development Plan Policy**

The support set out in the development plan for agri-industry and for large-scale agricultural development in general is qualified by the need to ensure that there are no significant adverse effects on the environment. Regarding the criteria and matters which shall be taken into account in the assessment of such proposals in rural areas is the availability of existing structures/buildings on the farm holding, traffic safety, pollution and waste control, satisfactory treatment of effluents, odour, noise, size and form of the structure and integration into the landscape and the visual amenity of the area. Relevant EPA guidance summarised above sets other requirements.

The first party submission says that the proposed development is agricultural in nature and not suitable for location in an urban setting. In the consideration of alternative sites the applicant also makes references to bio security and the suitability of the site in this context. The low density of dwellings in the area and accessibility to the regional road network are noted. At a wider geographic level the development is intended to supply a local processing plant and thus to support that plant ensuring its economic viability and consolidating its position in the local economy. I will consider these factors as well as matters identified in EPA guidance.

At a wider scale I accept that in principle the development would support the local chicken processing industry. Furthermore, consider that it is acceptable in the context of its rural location.

I agree also with the applicant's submission that in the context of the development plan policy regarding landscape considerations there would be no objection to the development.

Furthermore this is an accessible site in the context of the wider road network.

Regarding the location of the site in terms of the dwelling houses in the area, the applicant has not provided any information which would explicitly address the EPA 400 m separation from residential dwellings, which is recommended in guidance. Again I emphasise that that guidance would be relevant only to licensable and the subject development is marginally below the threshold. The nearest house is stated

to be 135 m. The Board has previously refused permission for reason of adverse impacts on houses at similar distances from similar facilities (PL 247354). I consider that the matter of proximity to residential dwellings (albeit a low density and small number of houses) warranted further consideration and justification.

The requirements of EPA guidance include that account be undertaken of a mass balance of nutrients within the control area. As such it is stated that this is likely to involve siting in close proximity to mushroom compost production/suitable land spreading areas such as tillage croplands. This issue was identified during the course of consideration of the application by the planning authority and appears to be at the heart of the concern relating to consideration of cumulative impacts. Again, I consider it would have been desirable to justify the site selection in this context.

A further critical matter which is outlined in EPA guidance relates to the requirements for site investigations including depth to bedrock and to water table, subsoil and bedrock type and presence or absence of karst features as well as aquifer classification, groundwater vulnerability and presence of wells. The Environment Section reports touch on these issues also but no specific matter is highlighted. Based on the available information nothing suggests that the site is inherently unsuitable in terms of hydrogeology.

Regarding the issue of bio security there are objections from a farmer who owns land across from the site and has a nearby farmyard. The appellant's submissions do not provide a detailed response to these concerns. The limited size of the site and absence of significant buffers from other enterprises is noted.

While there is no explicit requirement in the development plan to justify a selected site or to locate major agricultural facilities in association with farmyards or compatible activities, there are references to use of agricultural buildings. The nature of this development would not lend itself to re-use of old buildings. Nevertheless, I would question the selection of an isolated site, which is apparently separate from much of the applicant's landholding and at a location where there is no history of development.

The Board's conclusion regarding compliance or otherwise with the development plan policy must rely on its conclusions in relation to the environmental effects. There

is no objection in principle based on the development plan policy and the EPA guidance document while useful would not be strictly applicable to this development.

7.1.2. **Scale and possible phasing**

The scale of the development is very slightly below the threshold for requirement for EIA and as such the development can reasonably be described as large-scale. The planning authority queried the position of the buildings within this site and whether it was intended to provide for a further phase. The explanation which is given by the applicant for this is that the subsoil is better at this location and construction costs will be more economical. There are stated to be no plans for further phases of development at this stage and the remainder of the land would be used for hay meadow and/or grazing. The issues raised by the planning authority further reinforce my conclusion that the siting of this development is questionable. The proposal leads to further fragmentation of the agricultural plot. The siting would not appear to provide for future expansion or associated or compatible activities.

7.2. **Conclusion**

In conclusion in relation to the principle of the development I have significant reservations about the site selected, which matters are reinforced and / or supported by the environmental effects arising as further considered below. In my opinion the location at this site of a large-scale development of this nature gives rise to a haphazard form of development which is not in keeping with the character of the lands in the vicinity and which does not contribute to the proper planning and sustainable development of the immediate area.

7.3. **Roads and traffic**

The relevant issues relate to the width and strength of the local road and secondly to junction sightlines. All of these matters are identified as being of concern in the Roads Design reports, but there is no explicit recommendation to refuse permission.

The applicant's submission is that local roads serving the site are sufficient in terms of capacity, width and structural strength to cater for the proposed development. The traffic related to the development is described as being comparable with that of a

two-bay double slatted shed. The development would give rise to 16 HGV movements to and from the site per 42 day cycle and only 6 no. of such movements are stated to be by articulated lorries. Other movements would be by smaller ridge lorries, which will be transporting feed, gas and waste collection.

In terms of the **width of the road network** (and its structural strength) my only concern relates to the section of road between the site and the junction of the local roads, which is a stated stretch of local road of 544 m length and which is the place of residence of observers. The width of the road is in my opinion a very significant constraint to the proposed development. The forestry entrance is a generous space which is designed to accommodate large vehicles but it is located close to the subject site, which diminishes its value. Taking into account the revised proposed use of a forestry layby at the location identified on map PA006A, there would be no apparent suitable and available pull-in for a distance of about 430m metres along the local road where three houses are positioned. There is, in my opinion, significant potential for conflict between walkers and cyclists as identified by local residents. There would be no place of refuge for such road users and for this reason I consider that the development would pose safety issues which cannot be mitigated. There is unlikely to be conflicts with an equestrian facility to the south-east as the quieter section of local road to the south would be available. I conclude that the planning authority was correct in identifying the matter of road width in its reasons for refusal.

Regarding the **structural suitability** of the stated 544 m length of road between the site and the junction with the L1503, this matter is in my opinion of concern in relation to both the construction and operation phases. The subject section of the local road does appear to have suffered recent damage, which local residents attribute to forestry -related traffic. In the event that the Board is disposed to a grant of permission it might be appropriate to secure information for the purposes of attaching a special contribution requiring payment for damage.

Regarding the **visibility at the junction of the L1503 and L35033 – 0** in relation to which the posted speed limit of 80 kph applies, the desirable minimum stopping distance would be 120m according to the applicant. That figure appears to be based on Table 1.3 of TD9 and 'one stop below desirable minimum'. The applicant's submission is that visibility to the south-west is limited to 75m as a result of the crest in the road but that 120m is achievable to the north-east, both being measured 3.0m

back and based on a private vehicle/car. However, the applicant refers specifically to the typical driver eye-height associated with a HGV of 2.2 – 3.0 m above ground. On that basis the applicant's position is that HGV operators will have a full clear field of vision within the full visibility envelope. Furthermore it is noted that as HGV operators move closer to the edge of the road from a setback of 1.5 m the crest no longer infringes on the south-west visibility envelope and a sight distance of 120 m to the south-west is achievable.

Having regard to the applicant's submissions my considerations are as follows. Firstly there is an acknowledged sight line issue at the junction of the two local roads. Secondly, the development plan does not distinguish between sightlines for cars or HGVs. Regarding section 2.2 of TD9 to which the appellant refers this does not differentiate between eye height for different vehicle types and I am not aware of any policy basis for making such distinction. Thirdly, the applicant's submissions rely on the maintenance of sightlines at third party's lands in relation to which there is no evidence of consent. Having regard to these factors, I do not accept that a proposal involving increased traffic movements by a range of different vehicles at a substandard junction of two local roads can reasonably be described as being in accordance with the proper planning and sustainable development of the area.

In view of the deficiencies in the road network, which I consider cannot be readily addressed, and my overall conclusion that the road network is unsuitable in terms of junction sightlines and its width in particular, but also in terms of structural strength and that permission should be refused.

7.4. **Waste, Noise and Odour**

The significant wastes generated are chicken litter, soiled / process water and wastewater from the on-site treatment facility. As set out below I consider the applicant's proposals in relation to these wastes are largely satisfactory in terms of the proper planning and sustainable development of the area.

Regarding the collection of **chicken litter** this will take place at the end of each cycle and will require 2 no. 20 ton vehicles. I note the appeal comments regarding inaccuracies in an internal report in terms of the volume of chicken litter which would be generated. The further information request by the planning authority specifically

referenced 240 tons of manure per year which indicates that the matter was properly assessed by the planning authority. The initial proposal to deal with chicken litter was to export it to Kells in Co Meath but as part of the appeal submission and in response to the concerns of the planning authority relating to long term sustainability, a revised proposal is made. This involves the export of chicken litter waste to a firm 42 km from the site, at which location it will be treated to produce mushroom compost. I consider that the arrangements for disposal of solid waste from the facility are acceptable.

Potential **water quality impacts** are addressed in part through minimisation of water usage in the cleaning process and in feeding. Soiled water is to be collected in an underground tank with capacity for one-year storage. The proposed land spreading of soiled waters associated with the project was described in the submission received by the planning authority on 20 May 2019. On inspection of that plot of land I noted that parts of it are quite steep but I also note and accept that proposal is intended to comply with all regulatory standards. Section 3.2 of the environmental report submitted also refers. Regarding the use of chemicals for washing and disinfecting of broiler houses information on this matter is provided in the submission to the planning authority on 20 May 2019. Safety data sheets are also provided which show the volumes of product to be stored on site and used per cycle. These substances can be appropriately managed.

The development is to be served by a group water scheme and a letter of agreement in principle was included with the application. Regarding the adequacy of **proposals for wastewater treatment** the applicant proposes to install a tertiary treatment system and on that basis states that only 300 mm of free draining unsaturated material is required under the EPA Code of Practice clarification of February 2012, table 10.4. It is also necessary to provide a minimum of 900mm of free draining unsaturated soil or subsoil between the point of infiltration of the effluent on the top of the filter and the water table or bedrock. The submissions include calculations showing the area of subsoil required for discharge to address the hydraulic issue.

The area in which the site is located is a **quiet rural area where background noise** levels would be low. The baseline surveys indicate that the existing noise environment at the nearest houses is between 37 dB(A) and 41 dB(A) L_{A90}. Figure 8.1 of the EIA screening report identifies some (but not all) of the houses within a few

hundred metres of the site, the nearest of which is 135 m away and further dwellings are at 118 m, 215 m and approximately 350 m.

The analysis presented is that at the nearest two houses H1 and H2 in the construction phase the daytime noise levels experienced will be an increase of 2dB, which would be a negligible impact. The noise would be related to traffic for the most part. Having regard to the short-term nature of the construction phase and the applicant submissions, this is acceptable. The EIA screening report contains a similar level of assessment for the operational phase during which the predicted noise levels due to the proposed development in day-time and night-time will result in extremely low level additional noise. Separate consideration is given to operational traffic noise in section 8.4.5 of the report, which concludes also that there would be a negligibly low level of traffic noise and no detectable increase in total traffic noise. I consider that for the purposes of the nature of the development, the assessment undertaken is sufficient and its conclusions appear reasonable. I am satisfied that the development would be acceptable in terms of noise impacts and that its impact on the residential amenities of the area would not support a reason for refusal.

Regarding air emissions, I consider that construction phase dust and vehicle -related emissions would give rise to slight short-term impacts on a very small number of sensitive receptors. The plant will be maintained at an appropriate temperature by use of a gas boiler which is described as being of domestic type. Therefore, I consider that the only likely significant air emissions are odours / ammonia.

The results of modelling are reported by the applicant. This involved a dispersion modelling program using meteorological data for Knock and an emission factor of 0.47 OU/s/bird and an assumed ventilation rate of 20 air changes per hour. The conclusions presented in table 7.2 show extremely low odour levels would be experienced at the nearest houses (less than 1 OU). This is described as resulting in occasional perceptible odours, adjacent the site not allowing for mitigation incorporated in the design and operation. It is acknowledged by the applicant that odour could occasionally be perceptible off-site but it is considered that this would not occur at the nearest dwelling houses. I accept the applicant's submission in this regard in relation to mid-cycle times / normal operational periods, but consider that observers' concerns relating to odours during cleaning or other processing at the changeover of cycles has not been adequately addressed. Such events would be

frequent given the short (42 day) cycle. Having regard to the proximity of the dwelling houses I am not satisfied that there would not be significant odour impacts in the context of the proper planning and sustainable development of the area.

7.5. **Landscape and visual impacts and cultural heritage**

Due to the secluded nature of the site, which is surrounded by forestry, on low-lying ground and in an area where there are no designated landscapes or views or prospects, landscape and visual impacts are not significant. In terms of local views there will be a significant landscape change. In particular the silos and the industrial nature of the facility will be evident to passers-by. There will be no direct views from residential properties.

Cultural heritage impacts are limited to archaeological impacts. The request for further information issued on 19 February 2019 identified a need to provide an archaeological assessment to consist of a site visit and desktop study on photo for which further investigation might be required including geophysical and/or other invasive surveys, licensed predevelopment testing, licensed archaeological excavation, archaeological monitoring of ground works. The submitted report responded to the satisfaction of the Senior Archaeologist of the planning authority has confirmed that no further requirements are appropriate.

I conclude that the development is acceptable in terms of landscape and visual impacts and cultural heritage impacts.

7.6. **Cumulative impacts**

Regarding the matter of **cumulative effects** of the proposed development which is referenced in reason 3 of the decision of the planning authority I note the planners report references that there are a number of similar developments in the general area and that this should have been considered. That reasoning, which is based on the Environment Section report would be in line with the EPA guidance regarding the location of intensive poultry enterprises. I comment below on the potential for cumulative effects with reference to the most likely significant issues namely odours and water quality impacts. I agree with the appeal submission in relation to waste, which I consider is adequately addressed in terms of long-term cumulative impacts.

I note that the Environmental Consultant's appeal submission (Appendix 4) references the closest similar poultry enterprise which is located 1 km from the proposed site. The report addresses the **potential for cumulative impact related to odours** which it is stated can be discounted as emissions from the other enterprise would not be detectable within the proposed development site. Odours of this nature would be deemed to be moderately offensive in the setting of thresholds for sensitive receptors. Residents state that odours from the existing facility are relevant at their houses. My opinion is that such effects are likely to be infrequent and that there is limited likelihood of significant cumulative effects.

Regarding the potential for **cumulative impact from land spread of organic minerals on both groundwater and surface water** with respect to microbial and nutrient loadings, the Environmental Consultant's appeal submission notes the export of poultry litter to a licensed facility for treatment and that this is the best option as it removes associated environmental technicalities, uncertainties and constraints associated with composting of the litter on site and subsequent land spread. The development will require soil water spreading, which has not been explicitly considered in terms of cumulative impacts. However, with appropriate management and compliance with regulatory requirements no significant cumulative effect is likely in terms of the Water Framework Directive.

7.7. Ecology

Potential ecological impacts have been raised as an issue in the third party submissions including in relation to wildfowl and mammals. The applicant submission report that no suitable bat roosts were located on site, no badger setts or spraints were found and that mobile species are likely to be present including Hare and Fox. The on-site flora is common locally and no annexed or Redbook species noted. Mitigation measures which are set out include construction during daylight hours only, use of low intensity external lighting and limited use of chemicals.

Apart from a single issue, I consider that the applicant submission provide sufficient information for the purposes of assessment of the ecological impacts. The issue on which I have reservations is the potential for bat roosts within the adjacent forest lands. There is no evidence that a specialist bat survey was undertaken. Such a survey might identify the need for further mitigation and inform such measures. The

Board could request such a report by way of further information if it was disposed to granting permission. The Board may otherwise conclude based on the above that there would be no significant ecological impacts as a result of the development.

7.8. EIA Screening

On foot of my earlier report the applicant was advised by way of letter dated the 30th of January 2020, that there is no requirement for EIA in this case.

7.9. Appropriate assessment

The application has not been accompanied by a Screening report or a Natura Impact Statement and none of the reports of the planning authority provide any detailed information regarding Appropriate Assessment. The Environmental Consultant's appeal submission states that 'in essence the Environmental Report submitted is an NIS in all but name'. Given the content of the referenced report I have concluded that there may be an error in that statement and that it intended to refer to an EIS.

The nearest Natura sites are listed below.

River Moy SAC – Site Code 002298 – 4.5km to the north north-west.

Lough Corrib SAC – Site Code 00297 – 9.2km to the south-east.

Carrowkeel Turlough SAC – Site Code 000475 – 12.5 km to south-west.

The site is close to a stream 176m away and has a high water table. The site is not located within or adjacent any Natura 2000 site. The River Moy SAC is the nearest Natura site and is over 4 km to the north. The site is within the catchment of the river Robe, which connects to Lough Corrib.

The proposed development is of significant scale and gives rise to certain air emissions. I consider that the most likely potential impact pathways of relevance is related to water quality. Air / odour emission should also be assessed. Furthermore there is a potential for cumulative impacts which although not of particular significance in planning / EIA terms, may warrant consideration under AA.

The deficit in baseline information in this case on this topic is such that I do not propose to further address Appropriate Assessment and if the Board is minded to grant permission an AA Screening Report should be requested and if necessary a

Natura Impact Assessment provided. There is insufficient information available to satisfactorily complete an Appropriate Assessment screening in this case.

I have drafted a reason for refusal on this matter. This would constitute a new issue in this case.

8.0 Recommendation

I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The site is located on a minor road which is seriously substandard in terms of width and structural strength and close to a junction where sightlines are deficient. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.
2. Having regard to the scale of the proposed development, its location on a small plot of land isolated from related or compatible uses, to the proximity to residential development and the potential for odour impacts, it is considered that the proposed development constitutes a form of development, which is out of keeping with the pattern of development in the area, which would be likely to adversely affect the amenities of the area and would not be in accordance with proper planning and sustainable development of the area.
3. On the basis of the information provided with the application and the appeal, and in the absence of an Appropriate Assessment Screening Report and, if necessary, a Natura Impact Statement the Board cannot be satisfied that the proposed development, individually, or in combination with other plans or projects would not be likely to have a significant effect on European sites.

Mairead Kenny
Senior Planning Inspector

24th April 2020