



An
Bord
Pleanála

Inspector's Report ABP-306612-20

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| Development | Construction of 1no. organic poultry house, (to include meal storage bin(s) and soiled water tank(s)) and associated site works |
| Location | Clontycasta , Tydavnet , Co. Monaghan |
| Planning Authority | Monaghan County Council |
| Planning Authority Reg. Ref. | 19186 |
| Applicant(s) | Paddy Campbell |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Paula Campbell |
| Observer(s) | None |
| Date of Site Inspection | 11 th of June 2020 |
| Inspector | Angela Brereton |

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1.0 Site Location and Description

- 1.1. The site is accessed via the R186 from the local road network and the proposed vehicular access is located along the narrow local secondary road LS5050 and is within the townland of Clontycasta, less than 4km north west of Tydavnet and c.5kms south of Scotstown. The surrounding area is characterised by agricultural land and sporadic development; however, the vicinity of the site is rural in nature.
- 1.2. The site comprises a green field site with an area of 2.515 hectares in size. It is set back from the public road and is well defined by existing vegetation along all site boundaries. The site is set in undulating landscape and falls from south east to north west. A long-range view of the site is visible from the adjoining local road to the north which is on a higher level.
- 1.3. There is an unsurfaced overgrown lane with gated access to the lands to the east of the site. This also adjoins the site to the south. This lane is also accessed via an unsurfaced track from the local road to the south. There is an old derelict house and sheds at the bend in the lane to the south of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - To construction 1no. Organic Poultry House, together with all ancillary structures to include organic meal storage bin(s) and soiled water tank(s) and associated site works and:
 - A new/upgraded site entrance, all at Clontycasta, Tydavnet, Co. Monaghan.
- 2.2. Documentation submitted with the application includes the following:
 - Application Form & Agricultural Development Application Form.
 - Drawings including Site Location, Site Layout Plans, Floor Plans and Elevations.
 - 'Description of the Location, Operation and Management of the Proposed Development of 1no. Free Range Layer House (to accommodate c.6000 birds)' Report by C.L.W Environmental Planners Ltd.

- Letters regarding organic poultry collection litter/waste.
- A Habitats Directive Screening Report for the proposed development by Whitehall Environmental.

3.0 Planning Authority Decision

3.1. Decision

On the 15th of January 2020, Monaghan County Council granted permission for the proposed development subject to 6no.conditions. These are relatively detailed with a number of sub-sections and in general concern: Development Contributions, Landscaping, External Finishes, Surface Water Drainage, Construction Measures, Waste and Manure Management Measures (compliance with current standards and good agricultural practices), Formation of Vehicular Access, Cash Bond, Development to be carried out in accordance with the Plans and Particulars submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report has regard to the locational context of the site, planning history and policy and to the submissions made and interdepartmental reports. Their Assessment included the following:

- They had regard to The Monaghan CDP 2019-2025 and to Agricultural Policies AGP 1 and AGP 2. They noted that the Applicant did not submit a completed application form for Agricultural Development.
- The number of birds proposed on site is below the threshold for where an E.I.A.R is required. An Environmental Impact Assessment (EIA) is not required to accompany this application.
- They have regard to the proximity of the site to Slieve Beagh SPA and provide a summary of the AA Screening Report submitted and conclude that in view of the information submitted the application does not need to proceed to Stage II (NIS).

- They conclude that they have no objections to the erection of the poultry unit at this location. However, a number of issues require clarification prior to a final decision being granted with respect to the proposed development.

Further Information request

In summary this included the following:

- They note that planning permission has been granted for a third party dwelling within 100m of the proposed site (Reg.Ref. 18/504). Regard is had to Policy AGP1(d) of the Monaghan CDP 2019-2025 and the applicant is requested to submit information to ensure the application is in compliance with this Policy.
- The Applicant was advised to submit revised plans/documentation to address the concerns of the PA relative to the impact of the proposed development on the long range view of the site.
- Policy AGP 2 (i) of the MCDP requires a statement outlining why the location of the landholding was deemed more appropriate than others. They ask as to why alternatives have not been considered.
- They request that details be submitted relative to the removal of hedgerows and replanting to facilitate the access to the proposed poultry unit within the site area.

Further Information response:

CLW Environmental Planner's Ltd response on behalf of the Applicant includes the following:

- They include revised plans locating the proposed development in excess of 100m from the dwelling referred to.
- The proposed development has been reduced by c.2m in height due to the lower FFL and will not appear prominent in the landscape.
- They provide details of the proposed revision to the location of the poultry unit. Also, noting the proposal can be accommodated while still satisfying DAFM and Bord Bia requirements.
- They refer to the revised site plan relative to the removal and replanting of the hedgerows to provide for the entrance and sightlines along the road frontage.

- Revised Public Notices were submitted.

Planner's response:

The Planner had regard to the revised plans and F.I submitted and concluded that the issues raised had been satisfactorily addressed and that the applicant has provided justification for the proposed development. They noted the rural location of the proposed development and policies AGP1 and AGP2 of the Monaghan CDP 2019-2025 which seek to promote agricultural development and facilitate where appropriate specialist farming practices, including poultry rearing. They consider that the imposition of specific conditions will ensure that the development will be in accordance with the proper planning and sustainable development of the area.

3.3. **Other Technical Reports**

Monaghan Municipal District Office

They have provided a Road Condition Report and have no objection subject to detailed conditions (sub-sections (a) to (j)) including relative to the access, set back and visibility splays, measures relative to surface water drainage at the entrance, replacement hedging along the roadside frontage, and submission of a cash deposit of €2250 to ensure completion of the works.

In response to the F.I submitted, they provide they have no objections subject to conditions.

Environment Report

This notes the status of the water body/aquifer in the area, to the proposed development/scale of operations and to the details submitted relative to dealing with soiled water, manure and the disposal of waste. They did not object to the proposal and recommended detailed conditions that seek to ensure compliance with good agricultural practices, with the relevant standards and to prevent discharge of polluting matter to waters. This includes compliance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (as amended).

They had regard to the Further Information and to the Unsolicited Information submitted. The latter being relative to the lands available for soiled water application. They recommended conditions.

3.4. Prescribed Bodies

The Planner's Report noted that the Dept. of Culture, Heritage and the Gaeltacht was consulted and that no report was received.

3.5. Third Party Observations

Submissions have been made raising concerns about the proposed development. These concerns were noted in the Planner's Report and are considered further in the context of the Grounds of Appeal and in the Assessment below.

4.0 Planning History

The Planner's Report provides that there is no planning history relating to the site area. Permissions referred to in the documents submitted relative to the Appellant (outside but adjacent to the landholding) include the following:

- Reg.Ref.18/504 – Permission granted subject to conditions by the Council to Paula Campbell for the construction of a single storey style dwelling house with attic accommodation, single storey domestic garage, effluent treatment system and percolation area, new domestic site entrance and all associated site works. Significant F.I relates to revised development description to include the proposed dwelling and garage has been relocated to sit 10m from the existing northern boundary. An AA report has been submitted.

5.0 Policy Context

5.1. National Guidelines and Legislation

The following guidelines and legislation are relevant to the development sought:

- Food Wise 2025 – A 10-year Vision for the Irish Agri-Food Industry (Department of Agriculture, Food and the Marine, 2017);
- EU Good Agricultural Practices for the Protection of Waters Regulations (2017) Statutory Instrument (SI) No.605 of 2017, as amended by SI No.65 of 2018 and S.I No. 40/2020.

5.2. Monaghan County Development Plan 2019-2025

The appeal site is not zoned under the Monaghan County Development Plan, 2019 to 2025, and there are no local objectives, road proposals or other designations affecting the site.

Agricultural Policies and Objectives

Section 4.6 refers to Agriculture & Forestry and notes the importance of agricultural in the county.

Agricultural Policies AGRP 1 – AGRP 5 apply and seek to promote sustainable agricultural rural development and best practice in accordance with current standards and regulations.

AGRP 4: To require sufficient provision for the collection, storage and disposal of effluent produced from agricultural developments. Developers are required to comply with relevant Department of Agriculture Guidelines and the Nitrates Regulations in this regard.

Section 8.7 refers to Intensive Agriculture and Land Spreading of Manures and Sludge. This includes: *County Monaghan is noted for its intensive agricultural activities and it benefits significantly from its successful poultry and mushroom industries. Substantial quantities of broiler litter, layer manure, spent mushroom compost and other intensive agricultural manures are dependent on off-site disposal. Grasslands Counties, such as Monaghan, have limited spreading opportunities; have many sensitive water bodies, substantial areas of wet soils and soils with high runoff risk. In addition, the demand for nitrogen and phosphorus in many grassland farming situations can largely be met by on-farm bovine manures.*

Figure 8.1 shows a legend relative to County Monaghan Groundwater Vulnerability.

Section 8.11 provides Water Protection Policies WWP 1 – 19 are of note.

WWP 8 seeks: To ensure that industrial or intensive agricultural developments generating manure, organic fertilisers or sludge, that are dependent on off-site recovery or disposal take account of sensitive area mapping including lands with impaired drainage/percolation properties, steeply sloping topography and lands where rock outcrop and extreme vulnerability of groundwater is present. The EPA

guidance document 'Land spreading of Organic Waste' shall be consulted when assessing land suitability.

Landscape and Conservation

Section 6.4 refers to Landscape Character Assessment and includes regard to the impact of agriculture. As shown on Figure 6.1 *Landscape Character Types* the subject site is located to the north west of Monaghan town in *Drumlin Farmland*.

Section 6.9 refers to Sliabh Beagh Conservation Actions and Section 6.10 to the Draft Sliabh Masterplan. Policies HLP 13 to HLP 23 refer to Heritage, Conservation and Landscape Policies. These include HLP15: *To ensure that all proposed developments comply with the DoECLG publication "Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities 2010"*.

Section 6.15 refers to Trees and Woodlands and notes that in the rural area these are under pressure from modern agricultural practices and the development of one-off housing in the countryside. Policy TWP 1 refers and seeks to minimise the loss of trees and hedgerows. Section 15.16.1 provides the Policies for Rural Accesses. Policy RCP 3 seeks: *To require that access to new developments in the countryside are positioned to minimise loss of hedgerow/tree, where possible follow alongside existing boundaries/hedgerows, follow the natural contours of the site and use existing lanes where practical.* Appendix 14 provides for a Hedgerow Agreement relative to Visibility Splays.

Development Management – Agricultural Development

Section 15.15 refers to Agricultural Development and recognises the importance of agriculture in the County. This includes:

All planning applications shall be required to be accompanied by a completed supplementary planning application form for agricultural developments.

Note is had of detailed criteria for Agricultural development in the Assessment below including in summary:

Policy AGP 1 seeks to permit development on new and established agricultural or forestry holdings and lists a number of relevant criteria relative to the efficient use of the agricultural holding or enterprise. This includes in sub-sections (a) to (l) regard to design and layout, must not be detrimental to residential amenity or represent a

pollution threat to water sources, provision for disposal of liquid and solid waste is provided, must not result in traffic hazard. Criteria are also provided as to the information that should be provided with a new application.

Policy AGP 2 refers to Intensive Agriculture, Poultry and Pig Farming and provides that in addition to the criteria required in Policy AGP 1 that additional information will be required (a) – (j) and details are given of these criteria relative to the scale of operations proposed. These include relative to new build and to impact on visual and residential amenity, landscaping, traffic management and measures to prevent environmental pollution.

These Policies are noted in full the Planner's Report and copies are included in the Appendix of this Report.

5.3. Natural Heritage Designations

The proposed development is located within 500m of the Slieve Beagh SPA.

5.4. EIA Screening

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

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 scale and extent of the development, the proposals for managing waste and mitigating pollution and nuisances, the location of the site in an area which is not environmentally sensitive and the resultant lack of potential significant effects on the environment, I consider that an EIA of the proposed development is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by Campbell & Carolan on behalf of Paula Campbell. In summary this appeal is based on the following:

- The proximity and invasive layout of the proposed development relative to Ms Campbell's primary residence.
- The siting, design and scale of the proposed development.
- The inclusion of the existing lane in the free range area of the proposed poultry farm and only access to Ms Campbell's home.
- The site selection.
- Environmental issues – odour, noise, dust, ammonia, soiled water, surface water and cumulative impact.
- The increase of HGV and Machinery Traffic.
- The lack of satisfactory entrance design.
- The failure to design proper surface water drainage system.
- The failure of the local authority to assess the emissions of ammonia from the proposed development and similar developments in proximity.

Location

- This proposal will impact adversely on the construction of the Appellant's house (Reg.Ref. 18/504 refers). Appendix A contains their letter of mortgage approval but this proposal has left the construction of the development in jeopardy.
- In response to the Council's F.I request the revised plans showed the proposal moved 100.5m away to circumvent the regulation and requirement to gain written consent. Ms Campbell was never approached by the Applicant and no consent for this type of development was given.
- They refer to the 100m distance and note that the proposed unit is only 75m away from the Appellant's property (i.e site boundaries). The field in which the

poultry are to be farmed is adjacent to the site, so a person in the garden of the house will be no more than 15m from the birds at any given time.

- They refer to the EPA Batneec Guidance Note for the Poultry Production Sector which recommends a distance of 400m from the nearest neighbouring dwelling for poultry units.
- They also refer to Best Available techniques (BAT) reference document for the intensive rearing of poultry or pigs and to Industrial emissions directive 2010/75/EU (Integrated Pollution Prevention and Control).
- Had the Council granted permission for this invasive proposal prior to Ms Campbell's dwelling it is unlikely the latter would have received permission.

Design

- Taking account of the field length and area the proposed unit is excessive.
- It will damage the visual amenity and promote pollution, particularly in the sensitive area near the Natura 2000, Slieve Beagh SPA.
- They note that the Applicant was not required to submit 3D images to ensure the development integrates into the landscape and have submitted some images to show the intrusive nature of the proposed development.
- There is no evidence that the NPWS, the DoAHG and the Heritage Council and An Taisce were consulted about this development.
- They consider that due to the proximity of the Natura 2000 site, a Natura Impact Statement should have been provided.
- Detailed drawings and photomontages should have been part of the application. These were not submitted in order to underplay the scale and impact of the natural landscape.

Site Area/Closing Existing Lane

- The application form states that the area included within the application site is 2.515ha. This does not correspond to the 6ha necessary for such an operation as referred to at F.I stage. This 6ha should have been included in the red line boundary relevant to the site.

- The area proposed for an organic free range house is not one continuous body of land available contiguous with the poultry unit. There is a lane to the east which entirely splits the 6ha body of land into two parcels of completely separated fields.
- This lane is the only access to Ms Campbell's proposed home and was included as part of her application including an entrance design onto the LS5050.
- The Applicant was aware that the lane was to be used for residential access, as he signed a hedgerows/visual splay agreement prior to her planning submission (Appendix A refers).
- They refer to unsolicited information submitted providing that the applicant proposes to install tunnels beneath the laneway to allow poultry to pass through unobstructed. They are concerned about the workability of this.
- The design has the consequence of forcing the Appellant and her family to pass through the poultry farm to gain access to their dwelling and the area where 6000 chickens are to be allowed to free roam is adjacent to her house.
- The current poultry unit is too big for the range area adjoining it; therefore there is absolutely no potential future development capability. This is against the EPA Batneec Guidelines for site selection.

Site Selection

- The proposal does not comply with agricultural policies and objectives relative to site selection and scale of the operations in the Monaghan CDP 2019/2025.
- They enclose a drawing showing an alternative location closer to the Applicant's Farm which they consider to be more desirable.
- If the applicant is not willing to have the poultry unit in close proximity to his own house, then it should not be acceptable to force it on Ms Campbell's dwelling.
- The proposed location of the development is located with 3 elevations to site boundaries and does not provide the birds with unobstructed access to the paddock area to satisfy the DOA requirements.

- The applicants have not demonstrated why other areas of their landholding are not deemed more suitable for the proposed development.

Odour

- They have regard to the EPA and BAT Guidelines and consider that the odour associated with the proposed development will not be in accordance with these and the odours/emissions will be extremely unpleasant.

Noise

- They are concerned that the proposal will result in noise which will be detrimental to their residential amenities.
- They consider that in accordance with the EPA and BAT Guidelines the proposed development should be located 400m from a residential property.

Dust

- They note Best available techniques (BAT) document relative to dust and are concerned about the impact on the nearest sensitive receptor – the Appellants house. They note that concentrations fall at a distance from the emitting source.

Ammonia

- They are concerned about the impact of Ammonia concentrations from the proposed development (noting errors in the SCAIL Report) and provide that the cumulative impact of other poultry houses in the area has not been taken into account. They provide that this is detrimental to public health.

Soiled Water

- The proposed spreading of soiled water is contrary to S.I 607 of 2017 and to BAT reference document for the intensive rearing of poultry or pigs. Industrial emissions directive 2010/75/EU (Integrated Pollution Prevention and Control). They also consider it is contrary to Policy AGP 1 (e) of the Monaghan CDP.
- Ms Campbell intends to sink a well in accordance with planning permission. This will be no more than 20m from the lands which are to be contaminated.

Surface Water

- The proposed poultry shed and its roadway, inhabit an area of approx. 262sq.m and this is all hardstanding area and is a substantial increase in impermeable area.
- The applicant has not supplied any SUDs mechanisms and there is no proposal for a soakaway, or any other means to ensure the Greenfield runoff rate of the site is unaffected.
- As currently granted permission the proposed attenuation does not in any way satisfy SUDs guidelines given the nature of the development, the lack of treatment of surface water is not acceptable.
- There is an existing ditch between the applicant's site and the proposed dwelling which means that all soiled water which is deposited on this field will flow naturally towards Ms Campbell's dwelling.
- This shared ditch between the properties feeds directly into a tributary of the Blackwater River and there is concern that the lack of surface water treatment from the proposed development will lead to pollution.
- They are also concerned that the carcass disposal from the site be appropriately constructed in order to avoid any detrimental impacts on both surfacewater and groundwater.

Spread of Disease

- They provide a list of a number of diseases that can be transmitted from animals to humans.

Cumulative Impact

- They have included a map showing poultry houses in the vicinity of the site and some which are in close proximity. They note that Co. Monaghan has the highest number of poultry producers in Ireland.
- The cumulative impact in the border region of any additional production units must be factored into any planning assessment.

- They consider that the cumulative impacts on the environment, on local residents including the Appellant, and relative to potential to cause pollution have not been taken into account.

Site Entrance/Road Infrastructure

- They submit that the proposed entrance and route to the site is via substandard narrow local roads, will lead to an increase in vehicular traffic including HGVs and cause traffic hazard.
- They provide that sightlines are substandard and that the proposed entrance, including junction design is not adequate or in accordance with standards for such a commercial enterprise.
- The proposed entrance does not comply with the TII design guidelines. A swept path analysis was not supplied and none of the design parameters were met. They have included a swept path analysis drawing to show this.

Conclusion

- They conclude that the proposed development is entirely inappropriate.
- Had this proposal been permitted prior to the Appellant's house, the latter would not have been granted.
- The separation distance of 100.5m does not protect Ms. Campbell's primary residence and is inadequate.
- The proposal will have an adverse impact on the appellant's house and de-value her property.
- They are concerned that the closing of the lane will impact on the permitted access and be in direct conflict with permission Reg.Ref. 18/504.
- The scale of the development should never have been considered due to the lack of free-range area not available continuous with the house.
- The location of the proposed development is entirely inappropriate and questionable given the lack of sequential justification for alternatives.

- Concerns that environmental issues such as odour, noise, dust, ammonia, surface water and the cumulative impact will have a substantial detrimental impact on the environment and neighbouring properties.
- Concern that additional transport including HGV traffic cannot be accommodated on the existing road network or by the proposed entrance.
- The proposed development poses a danger to the environment and the natural heritage of the area as there is insufficient design for the soiled and surface water drainage system.
- They note that no update of the AA screening Report, was submitted at F.I stage considering the proposed development as shown on the revised plans has been moved closer to the Natura 2000 Slieve Beagh SPA.
- The proposed development is not in accordance with the proper planning or sustainable development of the area and should be denied permission.

6.2. Applicant Response

CLW Environmental has submitted a First Party response to the Grounds of Appeal on behalf of the Applicant which includes the following:

Context and Description

- The proposed agricultural development is particularly suited to the rural area.
- Agriculture and Poultry houses are traditional and appropriate to the area.
- They do not consider that the proposal would seriously injure the amenities of the area or of property in the vicinity.
- They consider that the Council was correct in deciding to grant permission.
- They provide a detailed description of the proposed development for the organic poultry house.
- It is noted that the area of the site is 2.515ha, but that 6ha of adjoining lands is required for 6000 poultry to satisfy Board Bia requirements and to meet the DAFM standards and European Standards for organic egg production.

- Site selection for the purposes of organic free range poultry also must take into account the 6ha of land required to facilitate same and the access of birds to and from same without significant obstruction or hindrance.
- This will provide for farm diversification and help to secure the financial viability of the farm.
- The applicant believes that this is the most suitable site that satisfies all requirements including those of the Council and the board.

Agricultural Development and Policy

- The proposal for an agricultural development in an agricultural area complies with Departmental strategy for agriculture in *Food Harvest 2020* and in 2015 updated with *Foodwise 2025* both of which support poultry farming in Ireland.
- It represents an opportunity to secure a reliable supply of organic eggs in an appropriately designed facility to meet the high standards set by Bord Bia and the organic certification agencies.
- It complies with policies and objectives in the Monaghan CDP 2019-2025 and in particular agricultural Policies AGP 1 and AGP 2.
- The proposed development was given appropriate consideration given its agricultural nature, form and function in an agricultural area.

Access and Traffic issues

- This will result in some additional traffic on the public road relative to the proposed agricultural development and details are provided.
- They note that visits to/from the proposed development will be co-ordinated with other activities in the area to minimise any potential adverse impacts.
- They include a drawing showing Sight Lines at the Existing entrance.
- It is submitted that these issues have been appropriately addressed to the satisfaction of the Council.
- The applicant has sufficient lands to complete the entrance in line with MCDP requirements.

Impact on Residential Amenity

- The proposed poultry house will not impact on the residential amenity of any dwelling within the vicinity of this house.
- The revised plans show that the poultry house is located within sufficient distance (100.5m) from the appellants dwelling and surrounded by an agricultural field which will provide the range area. This satisfies the 100m separation requirements of the MCDP.
- The EPA guidance of 400m (in respect of units >40,000 birds) from the nearest dwelling is effectively out of date and they provide details of this relative to more recent guidelines.
- They refer to Policy RHP 4 relative to the criteria to be followed when permitting a dwelling house in proximity to an agricultural unit. They consider it is only appropriate to apply the rules proportionately and evenly in both scenarios.

Site Area/Existing Lane

- They provide that the red line boundary relates to the area for the proposed works required in the planning application, the range area will be partly within the blue line landholding.
- The applicant is in full ownership of the lane that bisects the landholding and this has been part of his farm for decades.
- Reference is made to Ms. Campbells permission, right of way and to the compliance with conditions therein. Note is also had to legal issues concerning right of way to use the lane.
- The appellants have not demonstrated what the authorised/legally permitted use of the lane is and in any event the applicant's proposals will facilitate the appropriate use of same.
- The permission granted by the Council is for 6,000 birds. It is the applicant's discretion to work at a lower stocking density if he deems appropriate.

Site Selection

- There is a need to be aware of the full extent of the applicant's site selection criteria and/or potential limitations of any other site.
- The applicant has demonstrated that the proposed site is acceptable to the Council and satisfies the requirements of the CDP.

Environmental Impact

- They provide an Assessment relevant to Environmental Impact and details are given under the separate headings of Odour, Noise, Dust, Ammonia, Soiled Water, Surface Water, Disease Outbreak, Spread of Disease.
- They note that the potential of the proposed development to contribute to increase in ammonia has been addressed in the Screening Report via the SCAIL Model which also detailed the background level.
- They refer to details relating to a site specific noise assessment carried out on a 10,000 – 12,000 bird free range farm addressing the noise in the house.
- They note that any potential impact will be offset by reductions in other livestock.
- Soiled water will be collected managed and utilised in accordance with S.I 605 of 2017 (as amended) and will not be applied to the range area or near the proposed dwelling.
- They note that the proposed development will comply with current standards relative to organic poultry farming and Best Agricultural Practices.

Screening for AA

- An AA screening carried out by an appropriately qualified ecologist was submitted with this application.
- The site boundaries remain unchanged and the revised location of the poultry house is still 500m from the Natura 2000 site, Slieve Beagh SPA.

Conclusion

- They ask the Board to concur with the decision of the Monaghan County Council and to grant permission.

- They conclude that the proposed development is appropriate to the site and will have a positive impact economically, is in accordance with planning policy and the requirements of the DoAFM, Bord Bia and MCDP.

6.3. Planning Authority Response

There is no response from the Council noted on file.

7.0 Assessment

7.1. Policy Considerations

- 7.1.1. The Monaghan CDP is supportive of sustainable use of agricultural land and farm diversification practices appropriate to the rural area. This includes (Section 8.7): *County Monaghan is noted for its intensive agricultural activities and it benefits significantly from its successful poultry and mushroom industries. As referred to in the Policy Section above note is had relative to modern farming practices and intensive farming. Reference is had to Section 15.15 which concerns the impact of Agricultural Development and regard is had to compliance with the criteria of the detailed policies including: AGP 1 – Policy for Agricultural Development and AGP 2 - Policy for Intensive Agricultural/Poultry and Pig Farming.* Therefore, it is considered that the principle of the proposed development is acceptable subject to sustainability and to compliance with the relevant criteria.
- 7.1.2. In relation to regional and national policy context again the importance of agricultural industry is also strongly supported. The Department of Agriculture, Food and the Marine have a 10-year plan titled 'Food Wise 2025'. This document acknowledges that there are opportunities in the poultry sector to increase efficiencies through increased scale and modern production facilities. As such the applicants desire to increase the scale of his agricultural activities is in general supported subject to standard safeguards. It is noted that Poultry farming is traditional in Monaghan and the First Party consider the proposed development is in keeping with the agricultural character of the county and is actively supported by agricultural policies in the Development Plan, will provide sustainable farm diversification and integrate with existing farm activities.

7.1.3. Regard is had to the documentation submitted and to the Third Party concerns, including relative to the locational proximity and the scale and nature of the proposed development and the impact relative to her adjoining permitted residential property (Reg. Ref. 18/504 refers – not yet constructed), the extent of the site, the impact on access/right of way and the local road network, concerns about pollution of watercourses, health and safety, environmental issues including visual impact on the character and amenities of the area and screening for AA in this Assessment below.

7.2. Regard to Proposed Operations

7.2.1. A Report has been submitted entitled: 'Description of the Location, Operation and Management of the Proposed Development of 1no. Free Range Layer House (to accommodate c.6000 birds)' by C.L.W Environmental Planners Ltd. This includes a description of development and regard to the background and rationale for the proposed development. This notes that the existing farm complex comprises a drystock farming enterprise operated on c. 29.98ha currently farmed and managed by the applicant. The existing farming activities include bovine livestock and associated activities such as fertiliser spreading, silage harvesting etc., on these lands. The proposed development of an organic free range production is to replace the existing farming activities on 6.5 -7 ha. It is provided that this farm diversification is to be carried out in a sustainable manner and will replace the existing farming activities.

7.2.2. As this farming practice requires ancillary land referred to as a range area, at a stocking rate of 1000 birds/ha, this requirement makes the land area unavailable for the existing bovine activities. It is provided that the proposed poultry site is set within a range area comprising of 6 ha on which the existing activity of grazing by bovine livestock will be replaced by poultry foraging with removal of excess grass by mowing and baling for silage/hay. It is submitted that no additional nutrients, either artificial or organic will be applied to this land area.

7.2.3. The operations on this farm are to be along similar lines to other free range/organic poultry farms elsewhere in the county/country. While production on the site will be continuous, the presence of staff and deliveries/collections are normally between 06.00 and 20.00 hours. Ventilation and feeding operations will be continuous on site.

The farm is to be operated in such a way that only essential activities will be carried out outside of these hours. While there are additional poultry houses in the area, they provide that the proposed development will not interact with any of these. They contend that this is the most suitable site for the proposed development which is a sustainable farm diversification and will be operated to the highest standards in accordance with the requirements of the DoAFM and Bord Bia.

7.3. Regard to Site Location Concerns

- 7.3.1. It is noted that there is an overgrown gated access lane to the east of the site. There is an existing vacant derelict house and outbuildings located on the bend of the lane to the south of the site. The Appellant's dwelling (Reg.Ref.18/504) was permitted subject to conditions by the Council and is on the site immediately to the south of the application site. To date this has not been constructed.
- 7.3.2. As shown on the plans originally submitted the proposed poultry house was proposed in a central location on site. The poultry unit was then proposed c. 26m away from Ms Campbell's permitted dwelling which was contrary to Policy AGP 1 (d) of the Monaghan CDP 2019-2025. As part of their F.I request the P.A noted that permission has been granted for a third party dwelling within 100m of the proposed site (Reg.Ref. 18/504). Reference was had to Policy AGP1(d) of the Monaghan CDP 2019-2025, relative to the 100m distance from the property.
- 7.3.3. The Applicant's response provides that the original location (which was within the 100m) chosen was the preferred option for the operation and management of the free range enterprise as it was located centrally in the 6ha range area to be allocated to the birds. Notwithstanding this the proposed development can be accommodated at the location as now proposed, while still satisfying DAFM and Bord Bia requirements. Revised plans have been submitted in response to the Council's F.I request to show a relocation of the proposed poultry house, further to the west, as stated 100.5m from the dwelling permitted to the Appellant (Reg.Ref.18/504 refers).
- 7.3.4. They note that the essential criteria for the development to operate as an organic free range house is that the required 6ha is available contiguous with the house. Having regard to Policy AGP 2(i) they note that while there may be other options

available to the applicant to accommodate the physical structure, there are none better that can also provide the associated 6 ha range area required.

- 7.3.5. In this respect, while within the same landholding the adjacent land to be used as a range area is on the eastern side of the lane. This is not shown within the red line boundary of the subject site. It is shown on the Site Location Map within the landholding shown in blue. The First Party provide that the site area as indicated on the plans and drawings is appropriate to any works requiring planning permission are to be completed within the redline boundary. No works are to be carried out within the range area, which along with the lane to the east of the site is within the applicant's land holding.
- 7.3.6. The Third Party are concerned that as shown on the revised plans the proposal will be within 75m of their site boundaries and within 100.5m of the footprint of their permitted (but not yet constructed dwelling) and that it will be too close, detrimental to their health and to the character and amenities of their property and of the area. They also consider that in accordance with Policy AGP 1(d) the proposal should be in excess of 100m from their site boundary (property) rather than their house. In this respect it is noted that Policy AGP 2 (f) specifies *100m from a dwelling within a rural area*. They are concerned that the proximity to the free range poultry farm will adversely affect their entrance and their property. Also, that the closing of the lane which is the main entrance to the dwelling in order to gain the required free-range area for the amount of chicken's proposed is in direct conflict with the already granted permission for the Appellant's dwelling.
- 7.3.7. They suggest what they consider a more desirable alternative in accordance with Policy AGP 2 (i) would be to locate the proposed poultry house adjacent to the Applicant's Farm to the east (a drawing is included with their appeal). They note that unlike the current proposed location, this location has 5.2ha free range area available; without the requirement to close or underpass the existing lane. It is closer to the applicant's farm and the only residential property within 100m is the applicants. The First Party response provides that while the appellant may consider that the applicant can go elsewhere, they are not aware of the full extent of the applicant's site selection criteria/or potential limitations of any other site.

7.3.8. These issues are taken into consideration, and there appears to be some lack of clarity in particular relative to the accommodation of the access to the permitted dwelling. However, if there are any issues that would impact on the permitted access or comprise unauthorised development this is not within the remit of the Board rather a matter for the Council's Planning Enforcement Section. However, also of note here are the provisions of s.34(13) of the Planning and Development Act: "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*"

7.4. Design and Layout

- 7.4.1. Section 15.16 of the Development Plan provides that any new buildings being proposed within the countryside should not further erode the rural character of the area or have a detrimental impact to the rural character. It also states that: "*the assessment of the impact of new buildings on the rural character will be considered from critical views along the public roads*"; and, that: "*the impact of ancillary works associated with a new building will also be assessed*". In addition, Policy RCP 1 of the said Plan states that the Planning Authority shall: "*only grant planning permission for a building in the countryside where it is demonstrated that the development will not cause a detrimental impact or further erode the rural character of the area*".
- 7.4.2. The poultry house was originally shown in a central location and to be c. 87m long by c. 20m wide and 7.2m in height. Floor Plans show scratch areas on either side and a central slatted area. A store area is to be located on the northern side of the unit with a feed silo either side. These are shown 9m in height. The Floor Plans also show that a wash tank is to be located underground at the rear.
- 7.4.3. As has been noted in response to the Council's F.I request the revised location of poultry house is shown sited 100.5m away from the permitted dwelling house, closer to the western site boundary. It is also to be reduced in height by c. 2m due to the lower FFL so as not to appear prominent in the landscape. It includes an integrated

egg/general purpose store. There are ancillary manure storage facilities to be provided underneath the slatted section of the proposed house. The building is to be constructed in accordance with the Department of Agricultural and Food and Marine Specifications. It is provided that the proposed building is of a form, design and colour and materials, that are sympathetic to their surroundings.

- 7.4.4. Details submitted provide that the proposed development is not located within 100m of any third party dwelling and will not adversely impact on any other residential location. It is provided that the proposed development is low intensity and extensive in nature, relative to other types of poultry farming and will not cause an adverse impact on the local area. It is considered that the design and layout is standard relative to the proposed operational uses and it is recommended if the Board decides to permit that a condition relative to external finishes be included.

7.5. Impact on the Character and Amenities of the Area

- 7.5.1. There is concern that the proposed development i.e the scale and height of the poultry house, will be visually prominent in long range views from the public road to the north and west. Also, that the proposed field at the revised location is c.130m wide and the length of the proposed development at 87m will appear excessive on this field area. The Third Party have submitted 3D images to show the extent of the proposal relative to the permitted dwelling. They consider, that it would damage the visual amenity, particularly in the sensitive area near the Natura 2000, Slieve Beagh SPA and that an inadequate assessment of the impact upon landscape was made.
- 7.5.2. It is of importance that the proposed development be well integrated into the site and surrounding landscaping and be in accordance with Policy AGP 1 (b) *The proposal visually integrates into the local landscape and additional landscaping is provided.* It is noted that the revised siting of the poultry house is at a lower level than that originally proposed and at a lower level than the permitted house. It is considered that the revised siting closer to the western site boundary and the set back from the road, along with the reduced height and landscaping/retention and augmentation of boundary planting will reduce visibility and will result in a more integrated development.

7.5.3. There is also concern that existing hedgerows along the road frontage will have to be removed to facilitate the proposed vehicular access and sightlines. The Revised Site Layout Plan submitted as part of F.I shows that 71m of existing hedgerow along the road frontage is to be removed. This shows proposed set back and replacement planting to allow for the entrance and visibility splays. It is recommended if the Board decides to permit that a Landscaping condition be included and any such hedgerow removed to achieve visibility splays in accordance with current guidelines be set back and replaced.

7.6. Environmental Concerns

- 7.6.1. The Third Party is concerned that the infrastructure required in the management of this development will create light and noise pollution e.g. from flood lights, fans, livestock and feeders. They consider that this (6,000) is a large scale poultry unit and is on an industrial level. Also, about smells/odour and potential to attract vermin from the operations and that it will be damaging to their health. They believe that their house will be prone to infestation as it is close to the poultry house (100.5m). They have regard to current Guidelines and consider that this proposal will not be in compliance and their residence will no longer be a desirable place to live and have fears for their health and safety.
- 7.6.2. They consider that having regard to the odour and noise nuisance and potential for pollution that in accordance with EPA guidelines for the Poultry Production Sector the poultry unit should be sited 400m away from a residential property. That excessive noise levels will be generated from shed ventilator fans, feed delivery blowers, bird noise, shed maintenance, site machinery and increased heavy vehicle traffic. They are also concerned about associated HGV traffic noise. They have regard to Best available techniques (BAT) document relative to Dust emissions and note that such fall off relevant to distance. They consider the proximity to the Appellant's house (permitted but not yet constructed) to be an issue.
- 7.6.3. The Third Party include a map showing the number of poultry houses in the area, and note the prominence of County Monaghan and the border region as poultry producers in Ireland. They consider that the cumulative impact in the border region of any additional production units must be factored into the planning assessment.

They submit that the Council's permission for this proposal has failed to consider the impact and cumulative impact of this proposal on the Health and Safety of local residents including the Appellant. They also consider that it will lead to pollution of local water sources and be detrimental to flora and fauna and the environment.

- 7.6.4. The First Party response includes (Section 3.4.4) regard to Environmental Impact. Their assessment includes regard to issues of Odour, Noise, Dust, Ammonia, Soiled Water, Surface Water, Disease Outbreak and Spread of Disease. They note that this is not a broiler chicken operation. It is noted that the main emissions from the poultry farm will include poultry litter, clean surface water, soiled water and atmospheric emissions (nitrogen and ammonia). They provide the operations for the proposed development are to be carried out in accordance with Best Agricultural Practices in compliance with current standards and guidelines for organic poultry farming. The operation of the farm and all its associated activities are to be in accordance with S.I 605 of 2017 (as amended). They also note that the potential of the proposed development to contribute to increase in ammonia has been addressed in the Screening Report via the SCAIL Model which also detailed the background level. They provide that the scale of the proposed development is limited for 6,000 birds, which is relatively small given the typical range of poultry farm sizes in the area/county and only 15% of the scale that requires an EPA licence.

7.7. Access and Traffic

- 7.7.1. The proposed development is to be accessed by a proposed new/upgraded entrance from the secondary local road LS5050. This is to be located to the north west of the existing field gated access and the laneway. It is provided that while there will be some associated traffic on the public road network that the required site distances can be provided at this new entrance and that there will be no threat to road safety as a result of the proposed development. The revised Site Layout Plan shows that 71m of hedgerow will have to be removed along the road frontage to facilitate sightlines. The applicant provides that this area is within his landholding.
- 7.7.2. The Third Party are concerned that the operation of this poultry house will result in additional traffic including an increase of HGV & machinery traffic. They consider that overtime this will cause a deterioration of the narrow secondary road LS5050 with

many bends and that this was not intended to accommodate this increase in HGV traffic. They are also concerned about the impact on the narrow access road with substandard horizontal and vertical alignment. That additional transport cannot be accommodated for on the existing road due to the width and there is unsatisfactory entrance design submitted with the application. That HGV machinery could not enter and exit the development as proposed and that this proposal with inadequate access and sightlines will lead to traffic hazard and will not adhere to the TII design guidelines. They note that a swept path analysis was not supplied with the application and they have included a drawing to show that a HGV cannot enter or exit the site in a safe manner.

- 7.7.3. They are also concerned that the proposed access to the Appellant's property from the laneway to the south of and adjoining the subject landholding will be closed and that the proposal will be very invasive and intrusive relative to the proposed chicken farm operations in proximity. Regard is had to Policy AGP 1(g) *The proposal will not result in traffic hazard* and (j) *The proposal is located within or adjacent to existing farm buildings, unless it has been clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.*
- 7.7.4. The First Party response provides that the proposed development will only involve the transport of stock to/from the farm once in a 15 month cycle. They provide details of transportation of stock and feed relevant to the operations for 6,000 birds. Feed deliveries will be typically once per fortnight and will be during the working day. It is submitted that this organic free-range development will have minimal additional traffic. Therefore, the Applicants did not consider that a traffic management plan/traffic assessment was deemed to be necessary.
- 7.7.5. I would have some concerns about the narrow and undulating nature of the accommodation road and adjoining local road network to accommodate particularly HGV type vehicles, and the Board may wish to refuse on this basis. However, regard is had to the proposed nature and scale of the agricultural operations as described and to the relatively low usage of the road network. Also, to the Report of Monaghan Co.Co. Municipal Engineer who does not object to the proposed development subject to a number of recommended detailed conditions, including a security bond relative to the completion of the works. If the Board decides to permit, I would recommend, the inclusion of appropriate conditions relative to the proposed access.

7.8. Water Pollution

7.8.1. The proposed development comprises the intensification of agricultural activities on an existing farm and gives rise to the potential for water pollution. The water pollution risk can be considered under the following heading:

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

7.9. Proximity to Aquifers and Watercourses

7.9.1. The application site is within the Lough Neagh and Lower Bann Hydrometric Area and Catchment, the Blackwater (Monaghan sub-catchment) and the Scotstown Sub-Basin. It is located in the Blackwater/Scotstown River Catchment in an area of low groundwater vulnerability on a locally important aquifer. The Scotstown_020 is classified as high status under the Water Framework Directive.

7.9.2. The Council's Environment Section recommended that the site be managed in a manner which prevents the discharge of polluting matter to any waters. Also, that a buffer zone of at least 5m from any drain or watercourse within/adjacent the paddock areas be maintained.

7.9.3. It is recommended that all structures be designed and constructed to the relevant Department of Agriculture specifications and operations be to prevent run-off in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (as amended).

7.10. Pollution of groundwater from poultry manure in range area

7.10.1. Details submitted provide that ancillary manure storage facilities are to be provided underneath the slatted section of the proposed poultry house. The manure will be stored in the house and will be moved off site for use as a fertiliser on outside tillage farms in accordance with S.I. 605 of 2017 (as amended). The First Party provide that

the removal of all manure from within the poultry house off-site will be by an approved and registered contractor.

- 7.10.2. It is provided that the stocking rate on the paddock areas shall not exceed 1000 birds per ha. It is also noted that this proposal will replace the existing bovine livestock grazing with hens at a stocking rate well within the 170kg. organic N/Ha permitted. Also, that the birds deposit c. 12% of the total manure production outside as per correspondence from the DoAFM, which is significantly below the stocking rate permitted by S.I 605 of 2017 (as amended).
- 7.10.3. It is noted that unsolicited information submitted from CLW Environmental Planners at F.I stage confirms that there is c. 7.85ha of land available to the applicant (they include details and maps), and note that should there be any issue with access across the lane, Bord Bia will limit the stocking density in the proposed development commensurate to the land area available. They note that currently there is c. 4.5 – 4.6 ha available (excluding the areas of the house and the access road).
- 7.10.4. It is of note that the Council's Environment Section recommended detailed conditions including relative to the protection of groundwater in the vicinity of the application site. These provided for measures including that a buffer zone from any drain of watercourse within/adjacent to the paddock areas be provided and maintained.
- 7.10.5. I also note that the appeal site and range area are currently utilised for grazing cattle, and that this activity will be replaced by the proposed poultry operation. Since cattle currently defecate in these areas and bearing in mind low stocking level as a result of the free-range classification, I do not consider that there is a significant risk of groundwater pollution from the range areas.

7.11. Disposal of soiled water

- 7.11.1. The Council's Environment Section noted that the site layout plan indicates that it is proposed to install 2x soiled water tanks on each of the concrete aprons. The Supplementary Planning Application Form for Agricultural Development details only one soiled water tank. They recommended that a condition be included that adequately sized wash water tanks be installed on each concrete apron. It is noted that two-way sluice systems are to be provided to cater for soiled water generation on the concrete aprons and it is also proposed to install soil polishing filters.

- 7.11.2. It is provided that clean roof water will be discharged to a soak pit and soiled water will be directed to storage tanks prior to its application on suitable landholdings. That hygiene routines will be carefully planned and monitored and that the house will be sub-divided internally between two flocks. Also, that the houses will be carefully cleaned down between flocks.
- 7.11.3. The First Party response provides that the proposal will not lead to contamination of lands. As detailed in the application all soiled water is to be collected, sorted, managed and utilised in accordance with S.I 605 of 2017 as amended. Details submitted with the application have regard to the Management of Organic Fertiliser and to Range/Paddock Area Management. They provide that no additional fertiliser is to be applied to these lands. Therefore, this will eliminate any existing slurry spreading on these lands, rather than increasing any perceived risk.
- 7.11.4. Storm water from the concrete aprons is to be directed to soak pits and/or soiled water storage water tanks as necessary. They provide that this is to be done in accordance with the Council's requirements. Also, that should any increased attenuation facilities be deemed to be required the applicant has the area available to complete same. They provide that the drain runs away from the appellant's dwelling and provide that no soiled water is to be applied to the range area, thus no soiled water will be spread near their proposed dwelling.
- 7.11.5. It is important that this proposal complies with Policy AGP 1 (e) *The proposal will not result in a pollution treat to sources of potable water, water courses, aquifers or ground water.* The Third Party concerns have been noted as has the First Party response. The disposal of soiled water is to comply with current standards, guidelines and best practice and if the Board decides to permit it is recommended that appropriate conditions be included.

7.12. Disposal of poultry manure and waste management

- 7.12.1. It is provided that cleaning/manure removal occurs at the end of each cycle, c. every 14-15 months. The proposed development will have >15 months storage and all manure is to be emptied out of the house at the end of each cycle. Some (c. 8 loads) are to be removed off site by a registered contractor. They submit that there are no

odour and/or sensitive locations in such close proximity so as to be adversely impacted by gaseous emissions from the proposed development.

7.12.2. It is noted that the only waste to be generated by the proposed development will be:

- Dead birds/Broken eggs which will be collected by College Proteins on a regular basis;
- A small amount of cardboard trays/general waste which will be disposed of to landfill/recycling as appropriate.

7.12.3. A letter from the proposed haulier CLR Co Op Ltd has been submitted with the application stating that the manure will be delivered to farmers in Co.Laois, Co. Offaly and Co. Westmeath. A letter from College Groups states that they will remove dead birds if requested to do so.

7.12.4. It is noted that it is policy to minimise waste accumulation and to recycle as much as possible, which is to be supported. Having regard to these arrangements, I do not consider that a risk of water pollution arises from this source.

7.13. Screening for Appropriate Assessment

7.13.1. A Screening for Appropriate Assessment Report by Whitehall Environmental has been submitted with the application. This includes a description of the site and surrounding area and notes the species and habitats therein. It also has regard to Water Features and Quality and to the area catchment. It is noted that there are no mapped surface water features within or adjacent to the application site. The closest watercourse to the site is a stream which is 47m west of the application site. This stream flows south towards the Stracrunion Stream, which is 339m south of the site. This stream flows in a southerly direction until it flows into the Scotstown River, which is 3.6km south of the application site. The Scotstown River is a tributary of the Ulster Blackwater. The EPA have defined the ecological status of the Stracrunion Stream and the other watercourses within this particular sub-basin as high. Under the recommendations of the Water Framework Directive, this is satisfactory and this status must be maintained.

7.13.2. The location of the proposed development is within 15km of sites designated under European Law. Table 2 of the Screening Report notes the Natura 2000 sites within

10km of the proposed site. The most proximate (508m to the west) is the Slieve Beagh SPA (site code: 004167). The qualifying interest is the Hen Harrier. The Conservation Objective of these sites seeks: *To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) or bird species and/or Annex II species for which the SAC/SPA has been selected.* Figure 5 shows the location of the site relative to the SPA.

- 7.13.3. It is provided that the proposed development will not lead to any impact on the main threats and pressures on the qualifying species. There will be no habitat loss or habitat alteration within the SPA that could lead to negative impacts upon the hen harrier. Also, that there will be no changes in land-use within the SPA or modification of farming practices within the SPA arising from the development. It is noted that the proposed development is to be carried out in accordance with the European Union (Good Agricultural Practice for the Protection of Waters) Regulation 2017 (S.I 605 of 2017 (as amended)). There will be no land taken from the subject site and that given the scale and nature of the development in relation to the Natura 2000 sites identified, that the likelihood of any direct, indirect or cumulative impacts upon these designated sites is low. Also, that the distance from the Slieve Beagh SPA (508m west of the site) is sufficient to ensure that no significant impacts will arise.
- 7.13.4. It is provided that there are no existing poultry houses on the farm and no reason to believe that the proposed development accessed individually and/or cumulatively with other existing poultry houses in the area will cause an significant adverse cumulative impact. No other developments other than a domestic dwelling (Reg.Ref.18/504) have been permitted in the Clontycasta area in the last 5 years. In the neighbouring townland of Caldavnet, a separate poultry development has recently been granted permission (Reg.Ref. 17/563 refers). That application was accompanied by an AA Screening Report. The Stage 1 Screening Report relevant to the current application includes a: *Finding of No Significant Effects*. It provides that the application does not need to proceed to Stage II Appropriate Assessment process.
- 7.13.5. The Screening Report for AA includes regard to the SCAIL Model (6,000 birds) which concluded that the proposed development will not lead to significant impacts upon any European site (Appendix 1 refers). They note that this Model prepared as part of this assessment included current emissions from all existing farms within the

background data. The Third Party concerns about the site specific nature (facility at Lisinan) of the SCAIL Data and Assessment submitted are also noted. The First Party response (section 3.4.4.4.) appreciates that there was a typographical error in the Screening Report, but confirms that the Scail Model was completed specific to this site and the development. They also provide that this is a conservative model and that the proposed development will not have an adverse impact.

7.13.6. The Third Party note that no updated AA screening report has been included with the F.I submission. They are concerned that the proposed development was moved in response to the F.I request to over 100m closer to the Natura 2000 Slieve Beagh SPA. They provide that the AA screening report should have been updated to account for possible impacts. The revised Site Layout Plan shows that while the site area is the same the proposed poultry house been moved c.75m to the west so as to allow for the 100m distance to the permitted dwelling house. However, while the proposed poultry house is closer than shown on the original plans the site including the revised location of the poultry house remains located c. 500m to the Natura 2000 Slieve Beagh SPA.

7.13.7. It is reasonable to conclude that on the basis of the information on the file, which I consider 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 European Site No.004167 Slieve Beagh SPA, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below:

9.0 Reasons and Considerations

Having regard to the rural location of the proposed development and Policies AGP1 and AGP2 in the current Monaghan County Development Plan 2019-2025, 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 by way of vermin, odour or noise nuisance, would not be prejudicial to public health

and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 21st day of November 2019, 13th of December 2019 and the 6th of January 2020 and by the further plans and particulars received by An Bord Pleanála on the 16th day of March, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The vehicular entrance and associated sightlines and on-site turning area shall comply with the requirements of the planning authority for such works. Details of the proposed access arrangements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
 - (b) The proposed new entrance shall be carried out prior to the commencement of construction of the proposed poultry house.
 - (c) Access to the poultry house and associated operations shall be via the proposed new access only.

The planning authority shall be notified in writing when the above works have been carried out. No construction shall commence on the proposed poultry house until the planning authority confirms in writing that the entrance has been provided to its satisfaction.

Reason: In the interest of traffic safety.

3. Water Supply and Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
- (a) uncontaminated surface water run-off from the roof of the poultry house shall be disposed of directly in a sealed system to existing drains, streams or adequate soakpits, and
 - (b) run-off from the concrete yard areas and all soiled waters shall be directed to a storage tank.

Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. All poultry manure generated in the poultry house shall be disposed of off-site. The arrangements for the collection, storage and disposal of poultry manure shall comply with the requirements of the Department of Agriculture, Food and the Marine, Animal By-Products legislative requirements and all planning authority guidance on the protection of sensitive waters including water supply sources.

Reason: In the interest of public health.

5. Poultry litter movements off-site shall be recorded. Records shall be maintained on-site and made available to the planning authority on request.

Reason: In the interest of orderly development.

6. There shall be no change/increase in poultry type or numbers of poultry being accommodated at the proposed development without the prior written agreement of the planning authority.

Reason: In the interest of orderly development.

7. Details of the finishes of the poultry house and feed silos and fencing arrangements for a five metre wide buffer zones around drains and watercourses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof cladding of the poultry house and the finishes of the feed silo shall be dark green in colour.

Reason: In the interest of visual amenity and environmental protection.

8. (a) With the exception of the trees and hedgerows to be removed to facilitate the construction of the poultry house and site entrance, all existing trees and hedgerows on the site and in the range areas shall be retained and shall be reinforced with additional planting and protected from damage at all times particularly during building operations.
- (b) In the first planting season following the commencement of development, the site shall be landscaped in accordance with a landscaping scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Any failures within the planting scheme shall be replaced in the subsequent planting season.
- (c) The line of the recess entrance shall be planted with a double staggered row of trees (at maximum three metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly.

Reason: In the interests of visual amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Angela Brereton
Planning Inspector

24th of June 2020