



An
Bord
Pleanála

Inspector's Report

ABP-308616-20

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| Development | Broiler type poultry house together with ancillary structures, associated ancillary works and new site entrance from the public road. |
| Location | Lisdrumdoagh, Monaghan, Co. Monaghan |
| Planning Authority | Monaghan County Council |
| Planning Authority Reg. Ref. | 20185 |
| Applicant(s) | Christopher Lovett |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Ultan & Una Bannon |
| Observer(s) | None |
| Date of Site Inspection | 22 nd of February 2021 |
| Inspector | Angela Brereton |

Contents

| | |
|--|----|
| 1.0 Site Location and Description | 4 |
| 2.0 Proposed Development | 4 |
| 3.0 Planning Authority Decision | 5 |
| 3.1. Decision | 5 |
| 3.2. Planning Authority Reports | 6 |
| 3.3. Other Technical Reports | 8 |
| 3.4. Prescribed Bodies | 9 |
| 3.5. Third Party Observations | 9 |
| 4.0 Planning History..... | 9 |
| 5.0 Policy Context..... | 11 |
| 5.1. National Guidelines and Legislation | 11 |
| 5.2. Monaghan County Development Plan 2019-2025..... | 13 |
| 5.3. Natural Heritage Designations | 15 |
| 5.4. EIA Screening | 16 |
| 6.0 The Appeal | 16 |
| 6.1. Grounds of Appeal | 16 |
| 6.2. Applicant Response | 19 |
| 6.3. Planning Authority Response | 23 |
| 6.4. Observations | 23 |
| 7.0 Assessment..... | 23 |
| 7.1. Introduction | 23 |
| 7.2. Policy Considerations..... | 24 |
| 7.3. Site Location and Context | 26 |

| | |
|--|----|
| 7.4. Investigation of Alternatives | 27 |
| 7.5. Design and Layout and Proposed Operations..... | 28 |
| 7.6. Disposal of Wastewaters and Waste..... | 29 |
| 7.7. Impacts on Residential and Visual Amenity | 31 |
| 7.8. Access and Roads | 32 |
| 7.9. Cumulative Effects | 34 |
| 7.10. Flood Risk Assessment | 35 |
| 8.0 Environmental Impact Assessment Screening | 37 |
| 9.0 Screening for Appropriate Assessment | 39 |
| 10.0 Recommendation | 42 |
| 11.0 Reasons and Considerations | 42 |

1.0 Site Location and Description

- 1.1. The application site is located in the townland of Lisdrumdoagh, c4km to the east of Monaghan town. It is in the rural area and is accessed via the local road network (L5410-0) and is to the north east of the N2. The accommodation road is narrow, too narrow for two cars to pass. There is an existing field gate located on the side of the hill and visibility is somewhat restricted in a northerly direction.
- 1.2. The site is greenfield and undulating, it falls from the roadside boundary towards the rear boundary of the site. The roadside boundary is defined by an existing grass verge and low hedge and fence. The rear boundary is defined by further hedgerows. The site for the proposed broiler house is low lying, well below the level of the road. The proposed entrance, which is on a higher level, is visible in the wider area and the site from a number of roads in the surrounding area, which are at a higher level.
- 1.3. The site is bordered by agricultural land to the north, south and east with a local road running adjacent to the western boundary of the site. There is a drainage ditch running along the eastern site boundary which was water filled on the day of the site visit. There are a number of houses located in relative proximity to the site, including the appellant's house to the south, with access to the local road.

2.0 Proposed Development

- 2.1. Permission is sought to include the following:
 - To construct a broiler type poultry house, together with all ancillary structures including vertical meal bin & underground washings tank;
 - Together with associated ancillary site works and new site access from public road.
- 2.2. Moffett Architectural have submitted a Schedule of Contents for the application and this includes the following:
 - A description and rationale for the proposed development;
 - A Compliance Statement for Policies AGP 1 & 2 of the Monaghan CDP 2019-2025.

- A Site Specific Flood Risk Assessment Report as prepared by Hydrec Environmental Consulting;
- A Site Layout Landscaping and Drainage Plan;
- Drawings including Floor plans, Sections and Elevations of the proposed broiler house;
- Letters regarding the removal of poultry litter, from McCartney Contractors Ltd., and of dead poultry from College Group.

3.0 Planning Authority Decision

3.1. Decision

On the 13th of October 2020, Monaghan County Council granted permission for the proposed development subject to 16no. detailed conditions. In summary these conditions generally concern the following:

No. 1 - Development contributions;

No. 2 - Landscaping;

No. 3 - External finishes;

No. 4 - Development to be operated in accordance with EU (Good Agricultural Practices for Protection of Waters) Regulations 2017;

No. 5 - Drainage arrangements for the site including the disposal of surface and soiled water;

No. 6 - Drainage of uncontaminated waters;

Nos. 7 & 8 - Storage and disposal of organic fertiliser generated by the proposed development in accordance with the aforementioned Regulations 2017;

No. 9 - Restriction on poultry nos.to that submitted;

No.10 - Construction and demolition waste;

Nos.11 & 12 - Requirement to inform the Inland Fisheries Board of any spillages/occurrences which may threaten the quality of any watercourse or groundwater body;

No.13 – Removal of organic fertiliser from the site by the contractor/haulier as stated in the planning application;

No.14 – Provision for an ammonia management programme outlining ammonia reduction measures;

No.15 – Sight distances of 70m to be provided in each direction from the entrance and entrance details, including provision for a cash deposit for security;

No.16 – The development to be carried out in accordance with plans and particulars submitted on the 27/05/2020 and as amended 16/09/20, except as may otherwise be required in order to comply with the above conditions.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This had regard to the locational context, planning history and policy and to the inter departmental reports and the submissions made. Their Assessment included the following:

- The proposal is considered in the context of Section 15.15 Agricultural Development and Policies AGP 1 and 2 of the Monaghan CDP 2019-2025.
- Section 15.35 and policies FLP1-3 apply relative to flooding.
- As shown on the Flood Maps the site is vulnerable to pluvial flooding.
- A Flood Risk Assessment carried out by Hydrec Environmental consulting has been submitted with the application. They note details of this and that the site can be described as within Flood Zone C the development can be deemed appropriate and can proceed without a justification test.
- As bird numbers are under the threshold, and it is not considered that it will have a significant impact on the environment, and EIA Report is not required to accompany this application.
- As the site is located within 15kms of the Slieve Beagh SPA, a Natura 2000 site, they recommend that an AA Screening Report by a qualified ecologist, be submitted.

- They concluded that in principle this poultry unit can be accommodated on the subject site. However, they consider that F.I is required with regard to AA screening, environmental protection, drawing discrepancies and response to third party submissions.

Further Information Request

In summary this included the following:

- The subject site is located within 15km of Slieve Beagh Natura 2000 site. They request that an AA screening Report be submitted from a suitably qualified and indemnified ecologist.
- In the interest of environmental protection, the applicant is requested to submit – A Water Protection Plan checklist; Details of soiled water disposal including landbanks for same. Stocking densities for these lands to be demonstrated.
- The Applicant is requested to provide clarity regarding the discrepancy between the height of the proposed poultry unit as shown on the plans and elevations.
- The Applicant is requested to review the content of the third party representatives and to respond to the issues raised.

Further Information Response

Moffett Architectural has submitted an F.I response on behalf of the Applicant. This includes the following:

- Revised Public Notices to include note of the AA Screening Report
- AA Screening Report, prepared by Hydrec Environmental Consulting
- Letter from Agricultural Consultant, with associated maps & nitrates information
- Water Protection Plan Checklist
- Waterbody Report
- Clarification is given as to the height of the proposed poultry unit.

- They provide that the poultry unit would be operated entirely within the law and within the strict DAFM & EPA guidelines.
- There will be an average of considerably less than one HGV accessing the site per day.
- They refer to a youtube video 'Sedgefield Poultry Farm Case Study' and provide that this debunks the smell claim.
- They submit that the 'Compliance Statement for Policy AGP1 & AGP 2, specifically relating to part (i) of AGP 2, outlines the rationale for selection of the proposed site.
- Any existing legitimate business has the right to expand in the future as they wish, subject to approval etc.
- Claims of effect on property value is speculative.
- Any issue of the potential for flooding has been comprehensively dealt with/addressed in the previously submitted 'Site Specific Flood Risk Assessment.'

Planner's Response

The Planner had regard to the F.I submitted and provided an Assessment of this. They concluded:

- The PA is satisfied that concerns raised in the submissions have been addressed through the detail submitted as part of the application and F.I.
- The proposed development accords with the Monaghan CDP 2019 – 2025 and the proper planning and development of the area.
- A conditional grant of permission is recommended.
- In addition, a *community, recreation and amenity* development contribution is due as per their separately attached calculation sheet.

3.3. Other Technical Reports

Environment Services

They note that the proposed development is for 39,900 broilers and provide the following:

- All surface and foul drainage and storage details and designs are adequate.
- The additional information submitted is adequate and they refer to details.
- The concerns raised over cross contamination risk are noted and they refer to details to minimise this.
- The development/facility hereby approved shall be operated in accordance with the EU (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- They recommend a number of conditions relevant to environment protection and public health.

3.4. Prescribed Bodies

Transport Infrastructure Ireland

Their comments are in relation to development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

3.5. Third Party Observations

Submissions received from local residents and a local representative expressing concerns about the proposed development are noted. These have been summarised in the Planner's Report. These include the subsequent Third Party Appellants and their concerns are considered further in the context of the grounds of appeal below.

4.0 Planning History

The Planner's Report notes two previous planning histories relating to the site area;

- Reg.Ref.07/1286 – Permission granted subject to conditions by the Council to construct a roofed walled poultry litter manure pit and all associated site works. This was not constructed.

- Reg.Ref.19/201 – Application submitted for the construction a broiler type poultry house, together with associated ancillary site works and new site access from public road. Significant further information relates to the submission of a flood risk assessment – withdrawn.

In the vicinity

- Reg.Ref. P10/406 – Permission was refused by the Council to Christopher Lovett to construct a dwelling on the landholding to the north of the subject site for reasons including in summary would endanger public safety by reason of traffic hazard.
- Reg.Ref.11/247 – Permission granted subject to conditions to Christopher Lovett for a change of house and garage design from previous permission Ref.no. 11/99, to construct a storey and a half/dormer type dwelling house with attached dormer garage and pwwts, together with associated ancillary works. This included a 7 year occupancy condition. This dwelling has been constructed and is on the subject landholding to the north of the site.

Further to the north

- Reg.Ref.P20/161 – Permission granted subject to conditions to Liam Sherry for to construct 2no. poultry units within existing farm complex together with underground washing tanks, vertical meal bins, use of existing agricultural entrance and all ancillary site works at Lisdrumdoagh TD., Monaghan.

Significant F.I related to the submission of an AA screening report, an updated EIAR and a Nutrient Management Assessment Report.

It is noted that this application details the addition of 86,000 broiler places to an existing 25,000 bird place unit. It is provided that this total of 111,000 birds puts the applicant within the threshold for IED licencing.

The access is also off the same local road in the same townland further to the north of the landholding of the subject site.

This has not been the subject of an appeal to the Board.

To the south (Third Party property)

- Reg.Ref.03/517 – Permission granted subject to conditions by the Council to Ultan Bannon and Una McPhilips to erect one no. dormer dwelling attached car-port and single domestic garage, new entrance, pwwts and all associated site works.

5.0 Policy Context

5.1. National Guidelines and Legislation

There are various Guidelines and Legislation which are relevant to the Agricultural Sector, and the poultry industry, many of which are dealt with under separate remit. These include the following of note:

Project Ireland 2040 - National Planning Framework 2018 (NPF).

This includes regard to the importance of Agriculture and support for the agri-food sector. It notes that much of the economic benefits in the agri-food sector are dispersed throughout the country making it particularly vital to rural areas and economic development generally. National Policy Objective 25 refers to and seeks investment in Rural Ireland. Continued development and investment of the agri-food sector will be supported through the implementation of Food Wise 2025.

Food Wise 2025 – A 10-year Vision for the Irish Agri-Food Industry (Department of Agriculture, Food and the Marine, 2017). This has five cross-cutting themes: sustainability, human capital, market development, competitiveness and innovation. Sustainability is key to the strategy, which states that: “environmental protection and economic competitiveness are equal and complementary – one cannot be achieved at the expense of the other.” Food Wise also supports technology and processes that result in more efficient use of resources.

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 and associated Nitrates Explanatory Handbook for Good Agricultural Practice for the Protection of Waters Regulations 2018, published by the Department of Agriculture, Food and Marine, and Department of Housing Planning and Local

Government. This deals with requirements as to manner of application of fertilisers, soiled water etc.

European Union (National Emission Ceilings) Regulations 2018. SI. No. 232/2018

These are regulations to limit emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x), non-methane volatile organic compounds (NMVOC), ammonia (NH₃), and fine particulate matter (PM_{2.5}) in accordance with the emission reduction commitments specified for each pollutant in tables A and B of Schedule 2, in accordance with the timeframe specified in those tables.

In order to give effect to Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants.

Dead Birds and Poultry Litter:

5.7.1. Legal Obligations and Good Practice Guidelines for Poultry Farmers, Department of Agriculture, Food and the Marine, 2014, includes:

Water used for cleaning poultry houses should be captured and disposed of in accordance with environmental and nitrates legislation. Water used for cleaning poultry houses should not be spread on land used for grazing livestock or on land adjacent to water courses or to grazing animals.

Commission Implementing Decision (EU) 2017 / 302, February 2017

Establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs, includes a number of criteria relevant to the control of operations to prevent environmental impact/pollution. BAT 10 &13 - ensure adequate distances between the plant/farm and the sensitive receptors, to prevent / reduce noise and odour emissions.

Integrated Pollution Control Licensing, Batneec, Guidance Note for the Poultry Production Sector, EPA 1998

A guidance note for poultry rearing installations, where the capacity exceeds 100,000 units (whether within the same complex or within 100 metres of that complex), which includes:

BATNEEC for the siting of poultry units is based on the following hierarchy:

- A mass balance of nutrients within a control area.
- Protection of both surface and groundwater resources in the vicinity of the site and landspreading areas.
- Avoidance of nuisance due to malodours for dwellings in the vicinity of the site.
- Protection of the environment in the event of the de-stocking of the unit due to an emergency, e.g. an outbreak of a Class A disease.

5.2. Monaghan County Development Plan 2019-2025

The appeal site is in the rural area 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.

WPP 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 east 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 and notes that they can have a significant visual impact on the country. 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 Agricultural Policies are noted in full the Planner's Report and copies are included in the Report.

Flooding

Section 15.34 notes that it is essential that flooding issues are properly considered.

Flood Risk Policies FLP 1 - 3 apply. They also refer to compliance with the Planning System and Flood Risk Management Guidelines 2009.

5.3. Natural Heritage Designations

The site is c.15kms from the Slieve Beagh Natura 2000 site.

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 marginally below the EIA threshold. Since the proposal relates to a capacity of 39,990 birds, the development is sub-threshold and does not require a mandatory EIS.

This issue is discussed further relative to the issue of sub-threshold development in the context of the Assessment below.

6.0 The Appeal

6.1. Grounds of Appeal

Ultan & Una Bannon have submitted a Third Party Appeal. They are local residents who previously made Submissions concerning the Application and their Grounds of Appeal include the following:

Site Selection and Compliance with Planning Policy

- They are concerned about the proximity of their dwelling house located c.102m from the proposed poultry house and their curtilage is located closer. They enclose an aerial photo showing this. They consider that the proposed siting will have a detrimental impact on their residential amenities.
- They note that a land registry search indicated that the landholding consists of 13.96ha (c. 34.5 acres) and they include a table to show folios. They note that the Planner's Report states that the landholding contains 38acres, and while this is marginally above that contained in the folios, they suggest that alternative sites exist within the landholding where an increased separation distance from the appellant's dwelling could be achieved.

- The Planning Authority assessed the principle of development of the proposed development against section 15.15 and policies AGP1 and AGP2 of the Monaghan CDP 2019-2025 (extracts are included in Appendix 2).
- They suggest that the issue of cross-contamination with the existing farm complex should be excluded as a material planning consideration in respect of site selection.
- The site selection would appear to be predicated on ease of access and topography without considering design solutions to achieve siting adjacent to existing farm complex i.e use of passing bays, semi-mature landscaping schemes etc.
- They are concerned that the proposed development is contrary to CDP agricultural policies AGP1 and AGP2 relative to proximity and the impact on their residential property. They also consider that alternative sites have not been considered.
- They ask the Board to overturn the Council's decision on the basis of the applicant's failure to comply with the aforementioned planning policies with regards to site selection and impacts on residential amenity.

Environmental Impact Assessment

- They have regard to Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations (2001) as amended. They consider that the proposed development for 39,990 places is deliberately just below the 40,000 places threshold and that a mandatory EIA is not required.
- They also note that it has been put forward that the proposal, is not likely to have a significant effect on the environment relative to sub-threshold development as outlined in Schedule 7 of the said Regulations.
- They consider that this 'preliminary examination' is somewhat perfunctory and that a reasoned screening determination for such a conclusion has not been stated which is contrary to the advice outlined in the EIA Planning Guidelines.

- In light of the precautionary principle, they request the Board as competent authority to seek the required Schedule 7A information to assist with a formal screening determination as to whether an EIAR is required.

Conclusion

- They suggest that the application is fundamentally flawed relative to the two grounds as mentioned above and that it be overturned by the Board on this basis.
- The applicants are not opposed to agricultural development, albeit of an intensive and commercial nature on agricultural lands subject to appropriate siting in the interests of their residential amenity and proper regard being had to the stated policies of the CDP, and wider environmental and public health precautions.
- They draw the Board's attention to the role of the EPA as competent authority for granting and enforcing Integrated Pollution Control (IPC) and Industrial Emissions Directive (IED) licences and refer to the EPA BATNEEC guidance note (Revision 1 – February 1998). These refer to 400m distance between intensive poultry installations and the nearest dwelling.
- The application of proper planning and sustainable development should direct the proposed development to the existing farm complex where it could reasonably expand in the coming years as opposed to being constrained at the current location where a relatively high concentration of rural housing exists.

Contingency

- Should the Board be mindful to grant they request that the separation distance from the applicant's dwelling to the proposed unit be maximised by re-siting it to the northeast corner of the subject field as outlined in blue in accordance with section 34(4)(a) of the PDA 2000.
- That the revised siting will require a semi-mature landscaping scheme to mitigate visual impacts.
- As the proposal falls just below the IED licence, the appellants will be fully reliant on the use of planning conditions to mitigate, insofar as possible, the

impacts on their residential amenity by reason of noise, smell, fumes, dust or grit. The appellants consider the best available technology should be used to ensure compliance with conditions of an environmental or public health nature.

- While they note the requirements of an ammonia management programme in accordance with the PA condition no.14 they suggest that such a condition should be amended to include use of air scrubbers (as detailed in Appendix 3), or similar technology, to ensure ammonia, dust and particulate matters emissions are kept to a minimum.

6.2. Applicant Response

CLW Environmental Planner's Ltd, have submitted a First Party Response to the Third Party Grounds of Appeal. They refer to the development context and provide a description and outline proposed of the development. They note the statutory content and demand for this type of development. They refer to the decision of Monaghan County Council to grant subject to conditions and consider that the proposal complies with policies in the County Development Plan 2019-2025. Their response is summarised under the following headings:

Overview

- The proposed development represents an opportunity to secure a reliable supply of chicken in an appropriately designed facility to meet the high standards set by Bord Bia, DAFM and the processor.
- It has made the best use of available land and is appropriate in terms of scale, location, design and nature maximising available resources.
- It is located removed from any existing farmyard, but this is necessary to achieve the strict bio-security requirements.
- The most appropriate site has been selected and it is considered that there will be limited visual impact as a result of the proposed development.
- The site is sufficiently removed from all existing residences including the appellants and will not result in a loss of residential amenity.

- Poultry farming is a traditional and widely practiced farming activity in the local area and county at large.

Site Selection and Compliance with Planning Policy

- The proposed development comprises an agricultural use on agriculturally zoned lands, which is consistent with local, regional and national policy and will assist in diversifying the applicant's agricultural activities as well as the local rural economy.
- Poultry farming is a widely practiced agricultural enterprise in the country and operates without significant adverse impact on the local environment.
- One-off housing should not be to the detriment of appropriate agricultural activities and the proposed development will have no significant adverse impact on local residents.
- The proposed development of an agricultural building which is agricultural in form, nature and operation, in an area where such farming practices are traditional and appropriate. It is set well back, and low, in the landscape and this will ensure that it does not have an adverse impact on the local area.
- The proposed development location satisfies the criteria as set out in the Monaghan CDP and will have no adverse impact on the local area.
- The applicant has taken into account, issues of road access; potential visual impact; location of sensitive receptors (environmental and human); bio-security and the tradition of poultry farming in the area.
- They submit that they have arrived at the most suitable site taking a balanced approach and assessment of all of the criteria informing the site selection process. That alternatives have been investigated and a comprehensive site selection has been supported by the Council.
- A separation distance of more than 100m to the nearest dwelling complies with the Planning and Development Regulations 2001 and planning policies in the Monaghan CDP 2019-2026.

Environmental Impact Assessment

- The development represents a proposed poultry house that is below both the EPA Licence (>40,000 birds). and EIAR thresholds and is therefore considered small in the context of current farming practices.
- They note the project is sub-threshold and refer to Schedule 7 of the Planning and Development Regulations 2001 (as amended) and consider that the proposal is of a relatively modest scale and extent.
- They refer to the proposals for managing waste/by products and mitigating pollution and nuisances and note that the location is not environmentally sensitive, and the resultant lack of potential significant effects on the environment. It is their opinion (similar to that concluded by the Council) that the need for EIA can, therefore be excluded at preliminary examination and a screening determination is not required.
- They have regard to planning policies in the Monaghan CDP 2019-2025 and consider that there are no factors specific to this proposed development that would warrant the submission of an E.I.A.R and that the Council have made the appropriate decision in this case.
- The BATNEEC guidance (1998) referred to is out of date and has in effect been replaced by the updated BREF guidance 2017. The latter were considered extensively in the preparation and consideration of the proposed development.
- They contend that a comprehensive planning application has been provided, proportionate to the development at hand, and that subject to further information that was submitted was appropriate to the scale, location and nature of the development and its surroundings.

Contingency

- Reference is had to the Council's permission, and it is provided that the applicant will ensure that the proposed farm development is operated to the highest standards.

- The applicant has looked at all possibilities for re-locating the proposed development, however, is constrained by the land topography and restricted by a right of way across his land.
- They note that the appellants specifically refer to Best Available Technology, ammonia mitigation, and air scrubbers to address same. The applicant believes that air-scrubbers, are not/may not be, the optimum ammonia mitigation strategy to employ in this instance and there are other approved options available.
- They refer to the ammonia management plan required by the Council and provide they can review ammonia mitigation methodologies in the construction of the house and in the infrastructure to reduce emissions.

Conclusion

- The proposed development would provide for an appropriately located, designed and sustainable farm diversification, suitable to the site, scale of the adjoining landholding and completed to the highest welfare and environmental standards, on an existing agricultural area where such use (i.e livestock/agriculture) is predominant, traditional and appropriate.
- They note that operational practices will be employed on the farm including relative to bio-security and site management that will ensure that there is no adverse impact on the local area.
- CLW Environmental Planners Ltd, recently retained CLV Consulting Ltd to complete a noise compliance assessment on an existing poultry farm. They provide details of this and note that it can be concluded that the proposed development will not cause an adverse impact on residential amenities due to noise.
- The provision of shelter belts/landscaping will also minimise the potential impacts from the proposed development.
- The proposed development site has been suitably selected. The proposal would not cause significant injury to the character of the area or the amenities of property in the vicinity and would not give rise to an undue risk of water pollution nor impact on road safety.

- It will have a positive impact economically and is in accordance with the requirements of the Department of Agriculture, Food and the Marine, Bord Bia and Monaghan County Council as outlined in the CDP and as represented in the grant of permission.
- They note its location within an established rural agricultural area, the existence of pollution controls under other legislation, the landscape of this rural area and the pattern of development in the vicinity.
- They consider that the proposed development would not be prejudicial to the rural environment, would not be prejudicial to public health or be visually obtrusive, would not seriously injure the amenities of the area.
- They will review details re: low emission housing in the ammonia management plan to be submitted to the Council.
- The proposed development is in keeping with the nature and scale of agricultural developments in this rural agricultural area. It would be in accordance with the proper planning and sustainable development of the area and will result in a sustainable and viable poultry farming activity.

6.3. **Planning Authority Response**

There is no response from the Planning Authority on file.

6.4. **Observations**

None

7.0 **Assessment**

7.1. **Introduction**

- 7.1.1. This is an appeal against the decision of Monaghan County Council to grant planning permission subject to conditions for the construction of a broiler house and all associated works on a greenfield site in an agricultural area in the Townland of 'Lisdrumdoagh', in the rural area c.4km to the east of Monaghan town. The proposal consists of the construction of a broiler type poultry house to accommodate c.39,990

places together with all associated site works including a new access. It is agricultural in its nature and would be in keeping with the predominant land use in this locality which is also agricultural. It is noted that poultry farming is well established as intensive farming operations in County Monaghan.

7.1.2. As noted in their Grounds of Appeal the Third Party Appellants, who are the adjacent local residents to the south west, are seeking that this decision be overturned primarily due to their concerns that it would have an adverse impact on their established residential amenities alongside visual amenity and public health concerns.

7.1.3. Based on the above and having regard to the documentation on file alongside an inspection of the site and its immediate context I consider that the substantive planning issues that arise are:

- Policy Considerations
- Site Location and Context
- Investigation of Alternatives
- Design and Layout and Proposed Operations
- Disposal of Wastewaters and Waste
- Impacts on Residential and Visual Amenity
- Access and Roads
- Cumulative Effects
- Flood Risk Assessment
- EIA Screening
- Screening for Appropriate Assessment

7.2. Policy Considerations

7.2.1. 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*. It is noted that the Planner’s Report contains an assessment of the proposed development under each of the criteria set out in relative to Agricultural Policies AGP 1 and AGP 2 of the Monaghan CDP. Therefore, it is considered that the principle of the proposed development is acceptable subject to sustainability and to compliance with the relevant criteria.

- 7.2.2. In relation to regional and national policy context, 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 diversification and scale of his agricultural activities is in general supported subject to standard safeguards. It is noted that Poultry farming is traditional in Monaghan.
- 7.2.3. The First Party contend that 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. They submit that it would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience of road users and would not be prejudicial to public health or pose a threat of environmental pollution, either on the site of the proposed development and/or remote from same.
- 7.2.4. 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 their adjoining permitted residential property, 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.

7.3. Site Location and Context

- 7.3.1. The Third Party, who are the adjacent local residents to the south west of the appeal site suggest that the proposed development is contrary to CDP policy AGP 1 (d) in that it is within 100m of the curtilage of the appellants' residential property and they have not provided their written consent stating there is no objection to the proposal. They consider that the proposal is contrary to CDP policy AGP 1 (d),(j) and (l) and CDP policy AGP 2 (f) and (i) if permitted and will adversely impact upon their residential amenity which is of particular significance given the lack of investigation as to the availability of alternative and more suitable sites on the landholding.
- 7.3.2. Policy AGP1(d) includes the necessity for witnessed written consent from the adjoining landholder: *Where a development is proposed within 100m of any residential property not located on the holding within the rural area.* In this case the curtilage of the site would be closer than 100m but the Appellant's house is located in excess (c.102m distant of the proposed broiler house) of 100m.
- 7.3.3. They refer to the "Integrated Pollution Control Licensing, BATNEEC, Guidance Note for the Poultry Production Sector, EPA 1998", which includes that Poultry units should be sited a distance of preferably not less than 400 metres from the nearest neighbouring dwelling and all operations on site shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment of or significant interference with amenities or the environment beyond the site boundary.
- 7.3.4. The First Party response by CLW Environmental Planner's Ltd, provides that the 1998 guidance referred to is out of date and has in effect been replaced by the updated BREF guidance 2017. Also, that the latter were considered extensively in the preparation and consideration of the proposed development. They provide that the more up to date guidance makes no reference to a 400m distance, but instead takes a more encompassing overview of the proposed site, with a view to a change from set separation distances to a more holistic approach taking into account spatial planning, local conditions (including topography, aspect, climate weather, advances in farm design, layout and management) etc. They also considered sensitive receptors such as the prevailing weather conditions etc. That the current BREF guidance which replaces the c. 20 year old BATNEEC Guidance, takes into account

significant changes in construction/operation which ensure that modern poultry farming has minimal impact on the surrounding areas.

- 7.3.5. Note is also had of the Planning and Development Regulations 2001 (as amended), Part 3 *Exempted Development – Rural*. The Section relevant to *Agricultural Structures* includes Class 7. This refers to exempted development provisions including relative to poultry and limitation no.6 includes: *No such structure shall be situated and effluent from such structures shall be stored within 100 metres of any house (other than the house of the person providing the structures)*. While in view of its large scale, the current proposal would not constitute exempted development, and requires planning permission, nevertheless this also mentions the 100 metre distance from a house.
- 7.3.6. It appears that the applicants dwelling is to the north of the site on the subject landholding and is in an elevated position within c.100m of the proposed siting of the broiler house, although clarification has not been given. There are also a number of one-off houses with access to the local road that would be in excess of 100m but less than 400m from the site. However, in view of current policy and guidelines and as noted above it would appear that the proposed siting for the broiler house unit is just outside the 100m distance from the third party dwelling as specified in Policies AGP 1(d) and AGP 2(f) of the Monaghan CDP 2014-2020. Therefore, while these minimum standards are met, regard is had to investigation of alternatives and the proposed operations below.

7.4. Investigation of Alternatives

- 7.4.1. The Appellants are concerned about the proximity of the proposed development and poultry operations to their dwelling and consider that there has not been an investigation of alternatives, for example siting closer to other agricultural buildings or within the Applicant's farmyard complex. They consider that there was a lack of consideration of alternative sites within the existing farm complex, or a detailed consideration of the merits of the proposal.
- 7.4.2. CLW Environmental Planners Ltd. response to the grounds of appeal provides that the site is suitable taking into account a wide range of parameters such as road access, potential visual impact, location of sensitive receptors (environment and

human), bio-security and the tradition of poultry farming in the area. In addition, that while it is correct to state that the Applicant has other lands available to him within his landholding this ignores the bio-security concern. It is located removed from any existing farmyard but this is necessary to achieve the strict bio-security requirements. They provide that the applicant may not receive a contract from the processor if they are not satisfied with the bio-security of the site, thus meaning that permission at such an alternative location which maybe suitable to the appellants is of no use to the applicant. That the issue of cross-contamination also needs to be avoided.

- 7.4.3. They submit that the applicant has arrived at the most suitable site taking a balanced approach and assessment of all the criteria informing the site selection process. In addition, it is put forward that the applicants site strikes a balance between the key requirements for sustainable farming practices, regard to proximity to neighbouring residences and potential impacts. They provide that the applicant carried out a robust site selection procedure, within the limitation of the sites available/potentially available. However, having regard to the documentation submitted, it is noted that all of the applicant's land holding has not been shown. I would not consider that it has been demonstrated that a thorough investigation of alternatives has taken place or been presented.

7.5. Design and Layout and Proposed Operations

- 7.5.1. The gross floor area of the proposed broiler house is given as 1,967.9sq.m, with a net floor area of 1,951,13sq.m, with concrete aprons, underground wash water tank and access laneway at this greenfield site. The drawing showing Plans and Elevations provides that this is for 39,998 bird places @ 20.5 birds/sq.m. The overall length externally is 92.615sq.m and width externally is 22.61sq.m. The height is c.5.87m. The poultry unit is to be constructed with a timber or steel portal frame structure on steel reinforced concrete foundations, with timber or prefabricated panels with dark coloured cladding on the roof. External finishes are to comprise dark green corrugated metal cladding and concrete panel. It includes shuttered windows. The proposal is to include one no. meal bin which measures 12.015m in height. In addition, a concrete apron.

- 7.5.2. Details of the operational practices to be employed on the farm including manure removal off site by an approved contractor after each flock (every 6-8 weeks), appropriate storage and removal of all wastes/fallen stock, complete wash down between flock, high levels of cleanliness, bio-security and site management (which are essential for the health of stock on the farm and the economic performance and efficiency of same). It is provided that these measures will ensure that there is no adverse impact on the local area.
- 7.5.3. They provide that the poultry will be in the house 100% of the time and that cleaning is carried out thoroughly using a power-hose and water with disinfectant every 7 weeks. Ventilation is controlled precisely by computer controlled ceiling fans, with air emitted above ridge height. Heating is provided by 4no. gas powered 80kv heaters, mounted externally on the side walls of the house.

7.6. Disposal of Wastewaters and Waste

- 7.6.1. It is provided that the applicant as operator of the unit will be subject to and bound by all relevant EPA and Board Bia guidelines and inspections relating to pollution and production standards. All litter (which is dry) will be removed from the site by a licensed and regulated contractor. All washings water will be stored on site and then land spread on the applicant's own silage and grazing land in accordance with DAFM guidelines. This would likely be done twice a year. There is some discrepancy as to the size of the landholding, in the information given. A map showing the full extent of the landholding and area for spreading has not been included. However, they provide that there will be strict adherence to good land spreading practice.
- 7.6.2. Dead bird carcasses are stored in enclosed bins and removed from the site for incineration as required by a licensed haulier/disposal contractor, such as College Proteins.
- 7.6.3. The development is located alongside an open drain. On site I noted that there is a water filled ditch to the rear of the site along the eastern boundary. I note that the Site Layout, Landscaping and Drainage Plan includes a drainage outfall point to the existing open drain.
- 7.6.4. All wash waters are to be contained in a watertight precast reinforced concrete underground tank and details are given of this relative to the operations within the

poultry house. This is the only water/waste entering the washings tank, therefore there is no need for the tank to be within the concrete yard area. All rain-water from the roof passes through a soak pit prior to discharge to the drain, and from the concrete apron passes through an interceptor prior to discharge. Details are provided of a silt trap for yard run-off, noting that the water is then discharged through a polishing filter, and a soakpit constructed in accordance with current guidelines and finally exiting to the perimeter drain. They provide that any impact on water courses will be negligible.

- 7.6.5. They also note the inclusion of a bypass separator, through which surface waters are diverted. It is noted that all rain-water is to be piped to discharge point in non-perforated and sealed piping, in order to fully protect the well to the rear of the proposed house (the location is not shown). It is provided that the discharge point of the rainwater is kept at a distance of 65m from the said well. Also, that it is worth noting that the applicant regularly spreads cattle slurry on the ground around the well and provides that this has no effect on the water quality. In addition, that all watercourses, sources, aquifers and ground water will remain entirely unaffected by the proposed development.
- 7.6.6. The Council's Environment Section recommends a number of detailed conditions including relative to the disposal of contaminated and soiled water, pollution control and Ammonia Abatement. These are in the interests of environmental protection and public health. It is noted that the Nitrates Information submitted with the F.I response provides a Statement of organic nitrogen and phosphorus produced by cattle only. This notes that if there are other livestock on the farm (such as sheep, pigs, poultry, horses etc) that the figure for nitrogen and phosphorous will need to be worked out and added to the figure for cattle to get the total figure. This calculation does not appear to have been included in the current application.
- 7.6.7. I note that the proposed development is marginally below the threshold (40,000 places) for both E.P.A Licence and E.I.A.R thresholds, and that it will need to be monitored to ensure that there will be no adverse impact on the environment. I note the Council have included detailed conditions. I would consider that there is a lack of detail provided on file, to demonstrate that there will be no impact including from drainage outfall or land spreading operations on water quality.

7.7. Impacts on Residential and Visual Amenity

- 7.7.1. The site is located in the Drumlin Landscape Character Area. This is an area of undulating terrain, and the site falls from the public road towards the rear site boundary which is defined by mature vegetation. In addition to the slight variation in the number of bird places mentioned in the documentation submitted the area of the site referred to varies from 1.3237ha to 0.85ha (the latter does not include the entrance driveway) and is moderately sloped in nature falling in a north-western to south-eastern direction towards a drainage channel on the eastern boundary of the site. A number of houses are located in relatively close proximity to the site, with the nearest located directly to the north and southwest.
- 7.7.2. Although the site is visible from the road, and the proposed entrance and driveway (on the more elevated part) will be more visible, the proposed broiler house is shown set back c. 163m from the public road and the ridge level of the house is almost 14m below the level of the road at the point of access. Therefore, while a Visual Impact Assessment has not been submitted, I would consider that the proposed broiler house in view of the set back from the road, lower level and retention of hedgerows at the rear will integrate into the landscape. However, it will be visible in the landscape from the Third Party property which is to the south and is set at a lower level. Therefore, if the Board decide to permit it is important that as shown on the Site Layout, Landscape and Drainage Plan a hedgerow to include trees and planting of species native to the area be established at this lower level to screen the broiler house.
- 7.7.3. As part of their response to the grounds of appeal CLW Environmental Planners Ltd retained CLV Consulting Ltd to complete a noise assessment on an existing poultry farm. They note that this was for a substantially larger farm (4 houses and c. 5 times the size of the proposed development), however the type and nature of activity is similar. As part of this survey two site locations were monitored. Tables relative to Boundary 1 and Boundary 2 have been provided. They conclude that as can be seen from these tables the noise readings at the site boundary (which is substantially closer to the farm than the 100m setback distance detailed in the CDP requirements) and which were taken at full operating capacity, are significantly below the typical EPA Licence requirements as shown in Table 1.

- 7.7.4. They provide that good practice will ensure little of no impact from air-pollution on the surrounding environment. Good Practice measures include poultry house temperature control; carcass storage and removal from the site; thorough cleaning out of the poultry house between batches; regular yard cleaning; strict adherence to good land spreading practice.
- 7.7.5. Also, that as part of the ammonia management plan, required by the Council, the applicants can review ammonia mitigation methodologies in the construction of the house and in the infrastructure (particularly heating and ventilation systems) to minimise ammonia emissions. Such alternative methods are approved in other EU countries and have been approved by the EPA in this country for larger licensable sites to reduce emissions.
- 7.7.6. However, I would consider, that the information relative to noise and odour emissions is lacking in that it is not specific to and does not take into account, the topography or characteristics of the subject site and the location of the third party dwelling relative to the siting of the proposed broiler house. It is also noted that details relative to odour emissions from the proposed broiler unit and impact on the surrounding environment including on the third party property have not been submitted. Nor have details of intended hours of operation (it is assumed 24/7), lighting impact, traffic assessment etc. Therefore, I would consider that there is a dearth of information submitted relative to the impact of the proposed operations on proximate residential properties and the environment.

7.8. Access and Roads

- 7.8.1. The proposal includes the provision of an access off the existing local road to facilitate the proposed development. As shown on the Site Layout Plan this to be centrally located, along the road frontage. It is noted that there is existing agriculture field gate to the site. On my site visit, I noted that the accommodation road is narrow, too narrow for 2no. vehicles to pass. It also appears poorly surfaced and not well maintained. The entrance is mid-way on a steep incline, and the road has poor vertical and horizontal alignment.
- 7.8.2. Details submitted with the application note that the local road network is exceptionally narrow in places. This provides that the road cannot accommodate a

delivery truck and is around 2m wide in places. There are two farmyards located on the local road which receive deliveries. For these deliveries it is provided that the truck must park at the end of the road and goods must be transported to the site using a forklift or similar. The road safety implications relative to the use of this type of transportation have not been given. Nor is it clear whether this method will be used in the current application.

- 7.8.3. The Site Layout Plan submitted includes a drawing showing a HGV at the proposed entrance leaving the site. Having seen the site, and accommodation road, I would not consider that it has been demonstrated that the local road network is robust enough to accommodate such traffic. It is noted that the proposed entrance will need to be widened and set back significantly to accommodate such vehicles and that sightlines are restricted in both directions. The Planner's Report provides that 70m can be achieved in either direction, but this has not been adequately demonstrated. It would also, appear that a large amount of boundary hedge and roadside grass verge will be removed to facilitate the proposal, which would detract from the rural area and not be in accordance with Policy RCP 3 of the Monaghan CDP.
- 7.8.4. The driveway shown from the proposed access to the site of the broiler house is lengthy and will be on the more elevated northern part of the site, so it will be more visible in the landscape. A turning area for HGVs is also shown on the site to the south of the proposed broiler unit. Therefore, the Site Layout Plan does not refer to forklift trucks. It must also be noted that it appears that this road is also used to access the poultry units in separate ownership on the adjoining lands to the north. The road is not in an isolated rural area in that there are several one-off houses in the vicinity also accessing this road.
- 7.8.5. An assessment of the impact of the proposed development on the local road network including the route from the N2 has not been submitted. There is no Report from the Council's Road Section on file. The cumulative/in-combination impact of the use of this narrow road network from the N2 has not been described in the documentation submitted. Having regard to these issues, I would be concerned that the proposal has the potential to lead to traffic hazard. Therefore, I would not be convinced that the proposal would comply with Policy AGP 1 (g) i.e: *The proposal will not result in traffic hazard*. Relative to in-combination effects details have not been submitted in accordance with Policy AGP 2(j): *Traffic management plans and traffic assessment*

associated with the proposed development may be required for large proposals. The Board may wish to refuse relative to these concerns about traffic safety and potential for traffic hazard, including relative to lack of consideration of in-combination effects, on this narrow substandard road network.

7.9. Cumulative Effects

- 7.9.1. Details submitted with the application provide that the proposed site is surrounded by grazing land for dairy and beef cattle farms. The nearest farmyard to the site is c.309m away, towards the South East. There is another poultry unit owned in third party ownership c.247m to the north of the site. In addition, it is provided, that there is another separate poultry unit situated c. 1.12km North of the site.
- 7.9.2. The application submitted is for a single broiler poultry house for 39,990 places/birds. This will be the only poultry unit on the subject site, which is currently undeveloped and greenfield. However as noted in the Planning History Section above, permission has recently been granted by the Council - Reg.Ref. P20/161 refers, to the adjoining landholder to the north for the construction 2no. poultry units within the existing farm complex together with underground washing tanks, vertical meal bins, use of existing agricultural entrance and all ancillary site works, for the addition of 86,000 broiler places to an existing 25,000 bird place unit. It was provided that this total of 111,000 birds puts the applicant within the threshold for IED licencing. An E.I.A.R was submitted with that application. It is noted that the cumulative impact of the current proposal albeit for a single unit on the adjoining landholding, taking this extant permission into account has not been taken into consideration. The current application is presented as a stand-alone application on the subject site in this rural area. In addition, the existing poultry operations to the North, also use the same narrow road network and substandard accommodation road.
- 7.9.3. I would consider that the cumulative effects on the environment should have been considered as part of the current application. In this regard It is noted that the EIA Directive requires that the cumulative effects of the proposed project with other existing or permitted development must be considered both when screening for the need to carry out EIA and the carrying out EIA.

7.10. Flood Risk Assessment

- 7.10.1. Hydrec Environmental Consulting have submitted a 'Site Specific Flood Risk Assessment Report', with the application. This has regard to the site context including location and proposed development, hydrology, and geology. It is noted that site is located within the Lough Neagh WFD Catchment and Hydrometric Area and the site is located within the Clontibret Stream Sub-catchment.
- 7.10.2. There are two surface bodies in relative proximity to the site. The Liscarney Stream is located approx. 270m to the west, while the Agabrick Stream is located approx. 410m to the east. Both waterbodies flow in a general south to north orientation and are tributaries of the Clontibret Stream. A drainage channel which flows into the Aghabrick Stream further downstream is located on the eastern boundary of the site.
- 7.10.3. The Flood Risk Assessment Report includes a Review of Available Data Sets and Potential of Flooding. No fluvial flooding was predicted to occur within the site or within proximity to the site as part of 'The Preliminary Flood Risk Assessment (PFRA)'. Regard was also had to the OPW National Flood Hazard Mapping website (www.floodmaps.ie) and no flood events were recorded in the locality of the site.
- 7.10.4. According to the PRFA two small areas in the vicinity of the stream to the east of the site are mapped as being potentially susceptible to pluvial flooding (Fig. 2 refers). It is noted that these are in the low lying area of the proposed siting of the broiler house.
- 7.10.5. The site is located approx. 42.3km from the coast and therefore coastal flooding is not deemed to be an issue at the site.
- 7.10.6. The Stage 1 Conclusion provides that fluvial and coastal flooding are not anticipated to occur onsite and therefore no further assessment in terms of risk from either is required. However, based on the PFRA the potential for pluvial flooding on the site, does exist and it is therefore concluded that the assessment should proceed to Stage 2 (Scoping Stage) and concentrate on the potential of the site being subject to pluvial flooding. This notes that the PFRA map is not deemed to be sufficient to allow a definitive conclusion to be made at this stage of the assessment process. Therefore, they provide that the flood risk assessment advance to a Stage 3 Detailed Site-Specific Flood Risk Assessment.

- 7.10.7. Reference is had to Section 2.18 of 'The Planning System and Flood Risk Management Guidelines' 2009 relative to Source – Pathway – Receptor. In order to conceptualise the risk of flooding to the site, a site visit to observe flow paths was undertaken. Details are given of this site surveys carried out. Based on the S-P-R model produced for the site it is concluded that pluvial flooding will not occur should the drainage channel bordering the site have sufficient capacity to receive the 1-1000 year flood flows draining this channel. Therefore, it was deemed that a hydraulic assessment of this drainage channel was required.
- 7.10.8. It is provided that a full topographical survey of the proposed development site and water channel cross section was carried out (Appendix 1). Details are given of peak flow estimation. Tables 1 and 2 provide a Determination of flood flows for selected return periods. Details are given of Hydraulic Modelling Assessment to assess the extent of fluvial flooding in relation to both the 1 in 100year and 1 in 1000 year flood events – Table 3 refers. Each of the cross-sectional profiles including flood flows are presented in Appendix 2 with the model data outputs included in Appendix 3.
- 7.10.9. It is noted that the extent of flooding associated with a particular flood level is dependent on the level of surrounding lands relative to the flood level. It is provided having regard to the details/modelling submitted that the flood extent is not predicted to encroach onto the proposed development site (Fig.3 refers).
- 7.10.10. Table 3.1 of 'The Planning System and Flood Risk Management Guidelines' provides three vulnerability categories, based on the type of development that may be appropriate to each flood zone. Table 3.2 of the guidelines illustrates those types of development that would be required to meet the Justification Test. It is provided that as no flooding is predicted to occur within the confines of the proposed development site, the site can be described as being located within 'Flood Zone C'. Therefore, the proposed development can be deemed appropriate from a flood risk perspective and can proceed without the need for a Justification Test.
- 7.10.11. Section 9.0 of the Site Specific Flood Risk Assessment, has regard to Precautionary Mitigation. Notwithstanding that the proposed development is not at risk from pluvial/fluvial flooding, it is proposed to implement a degree of mitigation through the establishment of additional storage. They stress that no loss of floodplain is

predicted as a consequence of this infilling and such measures are proposed as an additional safeguard.

- 7.10.12. The proposed finished floor level of the development is 63.0m AOD, this represents a freeboard of 400mm above the 1 in 1000 year flood event (i.e. 0.1% AEP) modelled to occur at cross-section 1. Based on a level for level compensatory storage approach, a total of 106.3m³ of additional flood water storage is to be located adjacent to the modelled flood zone (i.e added safeguard). The FRA concludes that the development as proposed will not be at risk from flooding nor will it exacerbate flooding in the immediate vicinity or wider area. Based on the information submitted, I would conclude that provided these mitigation measures are included that flooding will not be an issue on this site.

8.0 Environmental Impact Assessment Screening

- 8.1.1. The proposed development provides for the construction of a broiler type poultry house (39,990 birds/places) together with all ancillary structures including vertical meal bin & underground washings tank, associated ancillary site works & new site access from public road, all on a 1.32 ha site (part of a larger landholding) at Lisdrumdoagh, Monaghan, Co. Monaghan. It is noted that while there is a slight variation in the no. of birds mentioned in the documentation submitted from 39,900 – 39,998, in any event all under the threshold (40,000) for mandatory EIA.
- 8.1.2. Under Schedule 5, Part 1, 17(a) of the Planning and Development Regulations 2001 (as amended), the following class of development is subject to Part X, Section 176 of the Planning and Development Act 2000 (as amended) which requires a mandatory Environmental Impact Assessment;

Installations for intensive rearing of poultry or pigs with more than -

(a) 85,000 places for broilers, 60,000 places for hens,

Part 2 relates to Agriculture, Silviculture and Aquaculture

Class 1(e)(i) Installations for intensive rearing of poultry not included in Part 1 of the Schedule which would have more than 40,000 places for poultry.

- 8.1.3. However, it must be noted that these classes referred to in Parts 1 and 2 do not exclude each other and this Class in Part 2 is the relevant one that would apply to

this case as the proposal is just marginally below the stipulated threshold for a mandatory EIA for the installations for intensive rearing of poultry (40,000 places).

8.1.4. It is noted that the First Party response to the appeal by CLW Environmental Planners Ltd provides that the applicant has not existing poultry therefore the cumulative amount of birds will be 39,900. They note that the amount is below the requirement of 40,000 places for intensive rearing of poultry listed in Class 1(e) (i) of Part 2 of the Planning and Development Regulations 2001, as amended, therefore the proposal is subthreshold.

8.1.5. In considering criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA (Schedule 7), one must have regard to the following:

1. *Characteristics of proposed development*
2. *Location of Proposed Development*
3. *Types and characteristics of potential impacts*

Schedule 7A notes Information to be provided by the Applicant or Developer for the Purposes of Screening Sub-Threshold Development for EIA. The First Party provide that considering the relatively modest scale and extent of the development, the proposals for managing waste/by-products 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, that it is their opinion (similar to that concluded by Monaghan Co.Co. – Planner’s Report refers) that the need for an EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.1.6. With regards sub-threshold development, guidance is provided in the Government’s ‘Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’, published in August 2018. Section 3.4 of the Guidelines state that ‘for all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment’, as required under Section 172(1)(b)(ii) of the

Act and articles 103(1)(b) and 109(2)(b)(i) of the Regulations. Section 3.5 of the Guidelines states that the preliminary examination should have regard to the criteria set out in Schedule 7 of the 2001 Regulations, which sets out criteria for determining whether a development would or would not be likely to have significant effects on the environment.

8.1.7. Schedule 7A information is the information that needs to be submitted by the applicant to inform the Board in deciding whether an EIAR is required i.e: for the purposes of screening sub-threshold development for EIA. In summary it comprises the following:

a) A description of the proposed development

b) A description of the aspects of the environment likely to be significantly affected by the proposed development.

c) A description of any likely significant effects of the proposed development on the environment.

8.1.8. I would consider that not all the information required under Schedule 7A has been submitted with the application and appeal. Therefore, there is not sufficient information at preliminary examination stage, to make a screening determination as to whether or not a sub-threshold EIA is required.

8.1.9. While the Board may decide to seek the submission of a sub-threshold EIAR, it is considered that there are substantial reasons for refusal regarding the suitability of the site location and context, the substandard road network to facilitate the development, the potential for impact on residential amenity, the lack of environmental documentation submitted including relative to the cumulative impact (in combination with adjacent poultry farms) and consideration of alternatives, that make this project unsustainable for this site. It is considered that the project as submitted would set an undesirable precedent and would not be in the interest of the proper planning and sustainable development of the area.

9.0 Screening for Appropriate Assessment

9.1.1. A Screening for Appropriate Assessment Report (Stage 1) by Hydrec Environmental Consulting has been submitted in response to the Council's further information

request. This includes a description of the site and surrounding area and notes the species and habitats therein. It also has regard to hydrology, water quality and to the water catchment. These issues in particular relative to watercourses in the area have also been referred to in the 'Site Specific Flood Risk Assessment' as has been noted above.

- 9.1.2. The AA Screening Report provides details of the Hydrology, Soils, Geology and Hydrogeology. This notes that a poor aquifer comprising of bedrock is found underlying the site. The development site is classified as low vulnerability. The groundwater underneath the site is within the Keady Groundwater Body and is classified as being of 'Good' status. Under the recommendations of the Water Framework Directive, this is satisfactory and this status must be maintained. It is also noted as per the Council's Environment Report that the site is located within the Corr River Catchment in waterbody NB_03_385. This waterbody is currently classified as poor and its Water Framework Directive objective is 'improve 2021'.
- 9.1.3. The location of the proposed development is within 15km of sites designated under European Law. Table 1 of the Screening Report notes the Natura 2000 sites within 15km of the proposed site. The most proximate (13.5km) 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 2 shows the location of the site relative to the SPA and SAC.
- 9.1.4. It is provided that the Slieve Beagh SAC is 18kms away from the site (Site Code: UK0016622). The qualifying Annex 1 habitats are: Natural dystrophic lakes and ponds; Blanket bogs and European dry heaths. Table 2 provides the Distance of NHA and pNHA Sites from the proposed development. A Brief description of the Natura 2000 sites is given.
- 9.1.5. The Ammonia and Nitrogen Impact Assessment noted that Ammonia/Nitrogen emissions and subsequent deposition of these pollutants can result in eutrophication of waterbodies and acidification of soils within sensitive ecosystems. Reference is had to the SCAIL model (Simple Calculation of Atmospheric Impact Limits) developed to assess the impacts from agricultural developments on sensitive sites,

to include the Natura 2000 sites. Tables 3, 4 and Appendix 3 of the AA Screening Report refer. In summary they provide that the impact is considered insignificant.

- 9.1.6. A summary of any likely direct, indirect or secondary impacts of the proposed facility on the Slieve Beagh SPA/SAC is presented in Table 5. This includes that the proposed development is located a considerable distance from the Natura 2000 sites. That there will be no emissions of soiled water from the site. All soiled water will be disposed of in accordance with the EU (Good Agricultural Practice for Protection of Waters) Regulations 2017 S.I No. 605 of 2017, Ammonia/nitrogen emissions are not modelled to impact upon the Slieve Beagh SPA/SAC.
- 9.1.7. Regard is had to Cumulative Effects and it is provided that the SCAIL modelling assessment completed confirms that the development will not cause a deterioration in air quality in respect of the Slieve Beagh SPA/SAC. It was concluded that the cumulative impacts are negligible and insignificant.
- 9.1.8. Table 6 provides the Likely Effects on Natura 2000 sites. 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 insignificant. Also, that the distance from the Slieve Beagh SPA is sufficient to ensure that no significant impacts will arise. On the basis of the findings of this AA screening exercise it is concluded that the proposed development on its own or in combination with other developments will not have a significant effect on the Natura 2000 network and a Stage 2 AA is not required.
- 9.1.9. 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.

10.0 Recommendation

10.1. I recommend that permission be refused for the Reasons and Considerations below.

11.0 Reasons and Considerations

1. Having regard to its scale and nature, and the HGV traffic which would be generated, and the inadequacy in width and alignment of the local road, the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development in close proximity to residential dwellings, the Board is not satisfied on the basis of the information submitted with the planning application and appeal, that the proposed development would not seriously injure the amenities of properties in the vicinity by reason of noise, odours and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the nature and scale of the proposed development and taking into consideration the close proximity of other poultry units on adjoining lands including accessed via the same road network, it is considered that there is not adequate information before the Board to determine whether there is a real likelihood of significant effects on the environment or whether an EIA is required. To permit the proposed development would be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

5th of March 2021